

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2446

S.P. 967

In Senate, March 25, 1992

Reported by the Joint Standing Committee on Energy and Natural Resources pursuant to Public Law 1991, chapter 415, section 4 and ordered printed pursuant to Joint Rule 18.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-TWO

An Act Regarding Plastic Rings and Other Plastic Holding Devices.



Be it enacted by the People of the State of Maine as follows:

2 **Sec. 1.** 7 MRSA §18, sub-§2, as enacted by PL 1991, c. 415, §1,
4 is repealed.

6 **Sec. 2.** 7 MRSA §18, sub-§2-A is enacted to read:

8 2-A. Exceptions. Notwithstanding subsection 1, a person
10 may sell or offer to sell products in containers connected to
12 each other with a plastic holding device that decomposes by
photodegradation, chemical degradation or biodegradation within a
reasonable period of time upon exposure to the elements and that:

14 A. Is designed or manufactured to be broken when a
16 container is removed;

18 B. Breaks simultaneously with the removal of the container;
or

20 C. Is approved for sale by the commissioner as an
22 experimental device. The commissioner may approve a device
24 as experimental under this paragraph only if the
26 commissioner determines that the device conforms with the
28 intent of this subsection. The commissioner shall notify in
30 writing each member of the joint standing committee of the
32 Legislature having jurisdiction over energy and natural
resources matters immediately upon receiving a request for
approval of an experimental device. Such notification must
include the date the request was received, the name of the
person or business requesting approval and a brief
description of the device.

34 This subsection is repealed on October 1, 1993.

36 **Sec. 2. Legislative intent.** The purpose of this Act is to allow
38 manufacturers of plastic holding devices sufficient time to
40 develop a plastic holding device that breaks simultaneously with
42 the removal of the container. It is the intent of the
44 Legislature that, after October 1, 1993, the sale of products in
46 containers connected by plastic rings or other plastic holding
devices be prohibited or, if the Legislature determines under the
provisions of this Act that an acceptable product will be
commercially available by that date, that the sale of plastic
holding devices be limited to plastic holding devices that break
simultaneously with the removal of each container.

48 **Sec. 3. Report; manufacturers and distributors.** Those persons
who are manufacturers or distributors of products sold in

2 the State in containers connected by plastic holding devices
3 shall report to the joint standing committee of the Legislature
4 having jurisdiction over energy and natural resource matters by
5 May 1, 1993. That report must include a demonstration of a
6 plastic holding device that breaks simultaneously with the
7 removal of each container. If the device demonstrated to the
8 committee is a prototype device that is not in commercial
9 distribution, the report must indicate when the device could be
10 commercially distributed in the State.

11 **Sec. 4. Report; Maine Waste Management Agency.** The Maine
12 Waste Management Agency shall report to the joint standing
13 committee of the Legislature having jurisdiction over energy and
14 natural resource matters by May 1, 1993 on the types of devices
15 used to connect products sold in containers. The report must
16 list and describe connecting devices made of plastic, paper or
17 other materials that are produced by manufacturers based in the
18 United States and are distributed in the United States or
19 elsewhere. To the extent possible, the report must describe
20 connecting devices under development but not yet in commercial
21 distribution. In presenting its report, the agency shall clearly
22 highlight any commercially distributed or prototype plastic
23 holding devices identified by the agency that break
24 simultaneously upon the removal of a container. In preparing the
25 report, the agency may seek assistance from the University of
26 Maine System.

27 **Sec. 5. Committee legislation authorized.** After May 1, 1993, the
28 joint standing committee of the Legislature having jurisdiction
29 over energy and natural resource matters may report out
30 legislation to the First Regular Session of the 116th Legislature
31 on the subject of plastic holding devices if the committee
32 determines that a plastic holding device that breaks
33 simultaneously upon the removal of each container can be
34 commercially distributed in the State by October 1, 1993.
35

36 37 38 FISCAL NOTE

39 The Maine Waste Management Agency will incur some additional
40 administrative costs to report to the Joint Standing Committee on
41 Energy and Natural Resources by May 1, 1993 on the types of
42 products used to connect products sold in containers. These
43 costs can be absorbed within the agency's existing budgeted
44 resources.
45
46

2 The Legislature can absorb within its existing budgeted
resources the costs of the actions required of the Joint Standing
Committee on Energy and Natural Resources.

4
6 **STATEMENT OF FACT**

8 This bill is reported to the Second Regular Session of the
115th Legislature by a majority of the members of the Joint
10 Standing Committee on Energy and Natural Resources pursuant to
Public Law 1991, chapter 415, section 4.

12 This bill extends for 15 months the period of time in which
14 containers connected by plastic rings or plastic holding devices
that conform to the provisions of the Maine Revised Statutes,
16 Title 7, section 18, subsection 2 may be sold in the State. The
extension is granted to provide manufacturers of plastic holding
18 devices sufficient time to develop a plastic holding device that
breaks when the container is removed. Manufacturers and
20 distributors of plastic holding devices are required to report to
the Joint Standing Committee on Energy and Natural Resources by
22 May 1, 1993. The Maine Waste Management Agency is also required
to report to that committee by that date on the types of products
24 used to connect products sold in containers. Subsequent to
receiving those reports, the committee may report out legislation
26 on the subject of plastic holding devices to the First Regular
Session of the 116th Legislature if the committee determines that
28 a plastic holding device that breaks upon removal of the
container has been developed and can be commercially used in the
30 State by October 1, 1993.