

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 350, L.D. 1064, Bill, "An Act Concerning Plastic Holding Devices Used in Packaging"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 7 MRSA §18, sub-§2-A, as enacted by PL 1991, c. 833, §2, is amended to read:

2-A. Exceptions. Notwithstanding subsection 1, a person may sell or offer to sell products in containers connected to 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:

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

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

C. Is approved for sale by the commissioner as an experimental device. The commissioner may approve a device as experimental under this paragraph only if the commissioner determines that the device conforms with the intent of this subsection. The commissioner shall notify in writing each member of the joint standing committee of the 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

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person or business requesting approval and a brief description of the device.

~~This subsection is repealed on October 1, 1993.~~

Sec. 2. 7 MRSA §18, sub-§3 is enacted to read:

3. Repeal. This section is repealed 90 days after the adjournment of the Second Regular Session of the 116th Legislature.

Sec. 3. 7 MRSA §18-A is enacted to read:

§18-A. Connectors

1. Prohibition. The wholesale sale of any product in containers connected by plastic rings or other plastic holding devices is prohibited.

2. Prohibition; all sales. Beginning 180 days after the adjournment of the Second Regular Session of the 116th Legislature, the sale of any product in containers connected by plastic rings or other plastic holding devices is prohibited.

3. Exception. Notwithstanding subsections 1 and 2, a person may sell pharmaceuticals, infant formula or medical food products in containers connected by plastic rings or other plastic holding devices if the plastic rings or plastic holding devices decompose by photodegradation, chemical degradation or biodegradation within a reasonable period of time on exposure to the elements. For the purposes of this subsection, the terms "pharmaceuticals," "infant formula" and "medical food" have the same meaning as in the federal Food, Drug, and Cosmetic Act, 21 United States Code, Section 321 et seq., as amended.

4. Effective date. This section takes effect 90 days after the adjournment of the Second Regular Session of the 116th Legislature.

Sec. 4. 7 MRSA §524, last ¶, as enacted by PL 1987, c. 373, §§2 and 5, is repealed.

Sec. 5. 10 MRSA §1652-A, as enacted by PL 1987, c. 373, §§3 and 5, is repealed.

Sec. 6. Report. By March 1, 1994, those persons who are manufacturers or distributors of products sold in the State in containers connected by plastic holding devices and any interested person who is developing or has developed an alternative to plastic holding devices may report, jointly or

separately, to the Joint Standing Committee on Energy and Natural Resources. Any report submitted under this section may include any materials, research or other information relevant to the product or the actual or potential use of the product in markets in the State.

Sec. 7. Committee legislation authorized. The Joint Standing Committee on Energy and Natural Resources may report out legislation to the Second Regular Session of the 116th Legislature on any matter pertaining to plastic holding devices.

STATEMENT OF FACT

This amendment replaces the bill.

Current law will prohibit the sale of products in containers connected by plastic rings or other plastic holding devices on and after October 1, 1993. This amendment strikes that provision and allows the sale of those products to continue until 90 days after adjournment of the Second Regular Session of the 116th Legislature. On that date the wholesale sale of those products is prohibited, and the sale of those products is prohibited 180 days after the adjournment of the Second Regular Session of the 116th Legislature. The amendment includes an exemption that allows pharmaceuticals, infant formula and medical food products to be sold in containers connected by plastic rings or other plastic holding devices.

The amendment also allows manufacturers and distributors of products sold in containers connected by plastic holding devices and anyone who has developed, or is developing, alternatives to plastic holding devices to report to the Joint Standing Committee on Energy and Natural Resources by March 1, 1994.

The amendment also allows the Joint Standing Committee on Energy and Natural Resources to report out legislation to the Second Regular Session of the 116th Legislature on any matter pertaining to plastic holding devices.

Reported by Senator Cianchette for the Committee on Energy and Natural Resources. Reproduced and Distributed Pursuant to Senate Rule 12.

(5/27/93)

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