

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 1064

S.P. 350

In Senate, March 29, 1993

An Act Concerning Plastic Holding Devices Used in Packaging.

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BALDACCI of Penobscot.
Cosponsored by Representative ALIBERTI of Lewiston and
Senator: SUMMERS of Cumberland, Representatives: CLOUTIER of South Portland,
GREENLAW of Standish, KERR of Old Orchard Beach, POULIN of Oakland, ROBICHAUD
of Caribou, ROTONDI of Athens, RUHLIN of Brewer, STROUT of Corinth, TARDY of
Palmyra.

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

Sec. 1. 7 MRSA §18, as amended by PL 1991, c. 833, §§1 and 2, is repealed.

Sec. 2. 7 MRSA §18-A is enacted to read:

§18-A. Connectors

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Degradable" means a material that, when discarded, decomposes to components other than heavy metals or other toxic substances after exposure to bacteria, light or other outdoor elements.

B. "Holding device" means a device constructed of plastic that is made, used or designed for the purpose of packaging, transporting or carrying multipackaged cans or bottles.

2. Prohibition. A person may not sell or offer for sale containers connected to each other by a holding device, unless this device is:

A. Degradable by photodegradation, chemical degradation or biodegradation within 6 months after exposure to the natural elements;

B. Reusable; or

C. Recyclable.

3. Plan required. A manufacturer of a holding device that is or will be offered for sale shall submit to the commissioner a statement that specifies the length of time that is required for the holding device to degrade or a plan that specifies how the holding device will be reused or recycled.

4. Rule-making authority. The commissioner may adopt rules pursuant to the Maine Administrative Procedure Act that:

A. Set a schedule of administrative fines to be imposed for violation of this section;

B. Specify procedures for notice and hearing prior to the imposition of an administrative fine;

C. Regulate other matters related to the proper administration and enforcement of this section; and

D. Require each manufacturer of holding devices to register the manufacturer's trademark with the department and provide the department with a sample of the holding device. The department may require test data that demonstrate that the device is degradable, reusable or recyclable.

STATEMENT OF FACT

This bill repeals and replaces the current law regarding use of plastic rings or other plastic holding devices. The bill prohibits the sale of plastic holding devices that fail to decompose by photodegradation, chemical degradation or biodegradation within 6 months after exposure to the natural elements or are not reusable or recyclable.

The bill further provides that a manufacturer of holding devices must submit a statement to the Commissioner of Agriculture, Food and Rural Resources that specifies the time it takes for the holding device to degrade or a plan that specifies how the holding devices will be reused or recycled.