

MAINE STATE LEGISLATURE

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L.D. 1431

(Filing No. H-503)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1063, L.D. 1431, Bill, "An Act to Improve Markets for Chlorine-free Paper Products"

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. 5 MRSA §1812-B, as enacted by PL 1989, c. 585, Pt. C, §3, is amended to read:

§1812-B. Purchasing of paper and paper products

1. **Purchase of paper and paper products with recycled material content.** Subject to subsection 3, the State Purchasing Agent shall provide that of the total dollar amount spent in each fiscal year on paper and paper products purchased by the State:

A. On or after October 1, 1989, not less than 15% shall-be is spent on paper and paper products with recycled material content;

B. On or after October 1, 1991, not less than 30% shall-be is spent on paper and paper products with recycled material content; and

C. On or after October 1, 1993, not less than 50% shall-be is spent on paper and paper products with recycled material content.

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

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2 A. "Chlorinated bleaching compounds" means elemental
chlorine, chlorine dioxide and sodium hypochlorite.

4 B. "Chlorine-free paper" means totally chlorine-free
recycled paper, secondarily chlorine-free recycled paper and
6 totally chlorine-free virgin paper.

8 C. "Paper and paper products" includes but is not limited
to newsprint, uncoated printing and writing paper, coated
10 printing and writing paper, tissue and toweling paper,
facial paper, uncoated boxboard, coated boxboard, corrugated
12 paper, construction paper and kraft bags.

14 D. "Secondarily chlorine-free fiber" means recycled fiber
that has not been further treated with chlorinated bleaching
16 compounds in the recycling process.

18 E. "Secondarily chlorine-free recycled paper" means paper
or paper products made from secondarily chlorine-free fiber
20 and may include totally chlorine-free fiber.

22 F. "Totally chlorine-free fiber" means any fiber produced
without the use of chlorinated bleaching compounds.

24 G. "Totally chlorine-free recycled paper" means paper or
paper products made from secondarily chlorine-free fiber
26 that is made from virgin fiber produced without chlorinated
28 bleaching compounds.

30 H. "Totally chlorine-free virgin paper" means a paper or
paper product made from virgin pulp using no chlorinated
32 bleaching compounds.

34 I. "Unbleached" means not lightened by chemical means.

36 J. "Virgin paper" means paper or paper products that do not
meet the recycled-content standards of this section.

38 **2. Federal guidelines and cooperative purchases.** To
40 qualify as having recycled material content, paper or paper
42 products must have recycled material content which that meets or
44 exceeds the standards established for that paper or paper product
46 category in Table 1 of the Guideline for Federal Procurement of
48 Paper and Paper Products, 40 Code of Federal Regulations, Part
50 250. The State Purchasing Agent shall determine whether a paper
or paper product qualifies. The State Purchasing Agent may join
with other states in making cooperative requests for bids to
supply paper and paper products. The State Purchasing Agent
shall review these standards every 2 years and may submit
legislation to the joint standing committee of the Legislature
having jurisdiction over natural resources matters to change,

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strengthen or expand these standards to reflect new technology or product developments when necessary.

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4 **3. Bids; price preference.** A person who submits a bid for
6 a contract to supply paper or paper products shall certify the
8 chlorine-free status of and the percentage and nature of any
10 recycled materials content in the product subject to bid. Bids
12 offering paper or paper products with recycled material content
14 that are within 10% of the lowest bid that meets all other
16 specifications may receive up to a 10% price preference. Bids
18 offering chlorine-free paper or paper products that meet all
20 other specifications receive up to a 10% preference. Any bids to
22 supply paper or paper products with recycled material content
that exceed by more than 10% the low bid which that meets all
other specifications shall may not be considered. Any bids to
supply chlorine-free paper that exceed by more than 10% the low
bid that meets all other specifications may not be considered.
If no bids are received on a request for bids which that offer
paper or paper products with recycled material content, the State
Purchasing Agent may award the contract to a bidder whose paper
or paper product has substandard percentages of or no recycled
materials content.

24 **4. Priorities.** Contracts must be awarded with the
26 following priorities for the composition of all paper and paper
products:

- 28 A. Totally chlorine-free recycled paper;
- 30 B. Secondarily chlorine-free recycled paper;
- 32 C. Recycled material content paper;
- 34 D. Totally chlorine-free virgin paper; and
- 36 F. Virgin paper.

38 **5. Tie bids.** When there is a tie for the lowest bid among
40 suppliers offering a comparable chlorine-free recycled paper or
42 paper product, the State Purchasing Agent shall give preference
44 to the bid for paper with the higher weight of post-consumer
46 waste material. If a chlorine-free, recycled paper or paper
48 product is not offered and there is a tie for the lowest
responsive and responsible bid among suppliers offering only
recycled paper, the State Purchasing Agent shall give preference
to the bid for paper with the higher weight of post-consumer
waste material.

50 **6. Invitations to bid not unnecessarily limited.**
52 Invitations to bid may not contain terms, requirements or
specifications prohibiting or discouraging the purchase of paper
and paper products made from recycled or chlorine-free materials

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unless an agency provides the State Purchasing Agent with satisfactory evidence that, for technical reasons and for a particular end-use, a paper product containing those materials does not meet reasonable performance standards.

7. Exemptions. Provisions in this section may not be construed to:

A. Preclude the State Purchasing Agent from establishing minimum percentage recycled-content standards for additional products or establishing standards that exceed or broaden the specifications of subsection 2;

B. Preclude an agency from requiring recycled or chlorine-free material content as a bid specification; or

C. Require an agency to procure paper or paper products that do not meet established standards for their intended end-use.

Sec. 2. Effective date. This Act takes effect on July 1, 1998.

FISCAL NOTE

Any future costs related to preferences for the State's purchase of chlorine-free paper and any associated cost differentials would be insignificant and could be absorbed by the affected state agencies.

STATEMENT OF FACT

This amendment defers the effective date of the preference for state purchases of chlorine-free paper until July 1, 1998 in order to allow time for the conversion of pulp and paper-making processes and to coordinate with ongoing changes in federal regulatory requirements. The amendment also makes a number of minor changes to the definitions and a grammatical correction. The amendment also provides a clearer hierarchy of purchase preferences.

Reported by the Majority of the Committee on Energy and Natural Resources
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6/1/93 (Filing No. H-503)