

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

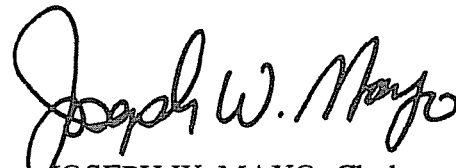
No. 1431

H.P. 1063

House of Representatives, May 4, 1993

An Act to Improve Markets for Chlorine-free Paper Products.

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



JOSEPH W. MAYO, Clerk

Presented by Representative YOUNG of Limestone.

Cosponsored by Representative LEMKE of Westbrook and

Representatives: ADAMS of Portland, ANDERSON of Woodland, BENNETT of Norway, BOWERS of Washington, BRENNAN of Portland, BRUNO of Raymond, CAMPBELL of Holden, CARLETON of Wells, CARON of Biddeford, CARROLL of Gray, COLES of Harpswell, DEXTER of Kingfield, FARNSWORTH of Hallowell, FITZPATRICK of Durham, GEAN of Alfred, GRAY of Sedgwick, GWADOSKY of Fairfield, HOLT of Bath, JACQUES of Waterville, JOSEPH of Waterville, KERR of Old Orchard Beach, KETTERER of Madison, KILKELLY of Wiscasset, KNEELAND of Easton, KONTOS of Windham, KUTASI of Bridgton, LIBBY of Buxton, LORD of Waterboro, MARSH of West Gardiner, MICHAEL of Auburn, MITCHELL of Vassalboro, MITCHELL of Freeport, NADEAU of Saco, PARADIS of Augusta, PFEIFFER of Brunswick, POULIOT of Lewiston, RAND of Portland, RICHARDSON of Portland, SIMONEAU of Thomaston, STEVENS of Orono, STROUT of Corinth, TOWNSEND of Portland, TRACY of Rome, TREAT of Gardiner, TUFTS of Stockton Springs, WENTWORTH of Arundel, Senators: BUTLAND of Cumberland, CONLEY of Cumberland, TITCOMB of Cumberland.

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

2
3 **Sec. 1. 5 MRSA §1812-B**, as enacted by PL 1989, c. 585, Pt. C,
4 §3, is amended to read:

6 **§1812-B. Purchasing of paper and paper products**

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

12 A. On or after October 1, 1989, not less than 15% shall ~~shall~~ may
13 be spent on paper and paper products with recycled material
14 content;

16 B. On or after October 1, 1991, not less than 30% shall ~~shall~~ may
17 be spent on paper and paper products with recycled material
18 content; and

20 C. On or after October 1, 1993, not less than 50% shall ~~shall~~ may
21 be spent on paper and paper products with recycled material
22 content.

24 1-A. Definitions. As used in this section, unless the
25 context otherwise indicates, the following terms have the
26 following meanings.

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

32 B. "Chlorine-free virgin paper" means a paper or paper
33 product made from virgin pulp using no chlorinated bleaching
34 compounds.

36 C. "End-product" means an item that has been completely
37 through the manufacturing or conversion process and has been
38 distributed or sold to its consumer.

40 D. "Paper and paper products" includes but is not limited
41 to newsprint, uncoated printing and writing paper, coated
42 printing and writing paper, tissue and toweling paper,
43 facial paper, uncoated boxboard, coated boxboard, corrugated
44 paper, construction paper and kraft bags.

46 E. "Practicable" means, for purposes of this section,
47 capable of being used without affecting performance or
48 intended end-use, availability within a reasonable period of
49 time and maintenance of a satisfactory level of bidding
50 competition among suppliers of paper or paper products.

2 F. "Recycled chlorine-free paper" means paper or paper
4 products made from secondarily chlorine-free fiber and
virgin fiber produced without chlorinated bleaching
compounds.

6 G. "Secondarily chlorine-free fiber" means recycled fiber
8 that has not been further treated with chlorinated bleaching
compounds in the recycling process.

10 H. "Totally chlorine-free fiber" means any paper or paper
12 product produced without recycled fiber from material using
no chlorinated bleaching compounds.

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

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

20 **2. Federal guidelines and cooperative purchases.** To
22 qualify as having recycled material content, paper or paper
24 products must have recycled material content which that meets or
26 exceeds the standards established for that paper or paper product
28 category in Table 1 of the Guideline for Federal Procurement of
30 Paper and Paper Products, 40 Code of Federal Regulations, Part
32 250. The State Purchasing Agent shall determine whether a paper
34 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 energy and natural resources matters to
change, strengthen or expand these standards to reflect new
technology or product developments when necessary.

36 **3. Bids; price preference.** A person who submits a bid for
38 a contract to supply paper or paper products shall certify the
40 percentage and nature of any recycled materials content in the
42 product subject to bid. Bids offering paper or paper products
44 with recycled material content that are within 10% of the lowest
46 bid that meets all other specifications may receive up to a 10%
48 price preference. Bids offering chlorine-free fiber paper or
paper products that meet other specifications receive up to a 10%
preference. Any bids to 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. 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.

2 4. Invitations to bid. Invitations to bid may not contain
4 terms, requirements or specifications prohibiting or discouraging
6 the purchase of paper and paper products made from recycled or
8 chlorine-free materials 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.

10 5. Tie bids. When there is a tie for the lowest bid among
12 suppliers offering a comparable chlorine-free recycled paper or
14 paper product, the State Purchasing Agent shall give preference
16 to the paper by weight of post-consumer waste material. If a
18 chlorine-free, recycled paper or paper 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 recycled paper by
weight of post-consumer waste material.

20 6. Symbol. Whenever the State Purchasing Agent purchases
22 stationery, envelopes and other printed material made from
recycled or chlorine-free material or both, the printed material
must include a statement or symbol signifying that fact.

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

- 28 A. Totally chlorine-free fiber;
- 30 B. Recycled chlorine-free paper;
- 32 C. Secondarily chlorine-free fiber;
- 34 D. Recycled fiber;
- 36 E. Chlorine-free virgin paper or paper products; and
- 38 F. Virgin paper.

40 8. Exemptions. Provisions in this section may not be
42 construed to:

- 44 A. Preclude the State Purchasing Agent's establishing
46 minimum percentage recycled content standards for additional
products or establishing standards that exceed or broaden
the specifications of subsection 2.
- 48 B. Preclude an agency's requiring recycled or chlorine-free
50 material content as a bid specification.

2 C. Require an agency's procuring paper or paper products
4 that do not meet established standards for their intended
6 end-use.

6 STATEMENT OF FACT

8 This bill establishes a hierarchy for state purchases of
10 paper products that gives preference to totally chlorine-free and
12 recycled paper products. It also allows a 10% price differential
in awarding contracts for products that are totally chlorine-free.