

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 367

S.P. 131

In Senate, February 5, 2009

### **An Act To Reduce the Amount of Plastic Introduced into the Waste Stream**

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

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

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator NUTTING of Androscoggin.

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

2 **Sec. 1. 10 MRSA §1023-G, sub-§2**, as enacted by PL 1989, c. 878, Pt. A, §26, is  
3 amended to read:

4 **2. Sources of money.** The fund ~~shall consist~~ consists of the following:

5 A. All money appropriated or allocated for inclusion in the fund;

6 B. Subject to any pledge, contract or other obligation, all interest, dividends or  
7 other pecuniary gains from investment of money from the fund;

8 C. Subject to any pledge, contract or other obligations, any money that the authority  
9 receives in repayment of advances from the fund; ~~and~~

10 D. Any other money available to the authority and directed by the authority to be  
11 paid into the fund; ~~and~~

12 E. Money remitted by the Department of Environmental Protection from plastic bag  
13 fees collected pursuant to Title 38, section 1605.

14 **Sec. 2. 38 MRSA §1605**, as repealed and replaced by PL 1991, c. 475, §1, is  
15 amended to read:

16 **§1605. Plastic bags; recycling**

17 A retailer may use plastic bags to bag products at the point of retail sale only if the  
18 retailer:

19 **1. Location.** Locates inside the store or within 20 feet of the main entrance to the  
20 store a receptacle for collecting any used plastic bags; ~~and~~

21 **2. Recycles.** Ensures that the plastic bags collected are recycled or delivered to a  
22 person engaged in recycling plastics; ~~and~~

23 **3. Fee.** Charges 10¢ for each plastic bag distributed to a customer. On the 15th day  
24 of each calendar month, the retailer shall report to the department the number of plastic  
25 bags distributed for the previous month and remit to the department the fee collected for  
26 those bags under this section.

27 The department shall administer and enforce the provisions of subsection 3 and remit  
28 the amount of plastic bag charges collected to the Waste Reduction and Recycling Loan  
29 Fund under Title 10, section 1023-G, after covering reasonable department expenses  
30 incurred by the provisions of this subsection.

31 The department may adopt rules to carry out the provisions of this section. Rules  
32 adopted pursuant to this section are routine technical rules as defined in Title 5, chapter  
33 375, subchapter 2-A.

**SUMMARY**

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This bill requires retailers to charge 10¢ for each plastic bag used by customers. The funds must be remitted to the Department of Environmental Protection and deposited into the Waste Reduction and Recycling Loan Fund under the Maine Revised Statutes, Title 10, section 1023-G.