

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1292

H.P. 919

House of Representatives, April 2, 2013

An Act To Minimize the Use of Plastic Bags

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative McGOWAN of York.
Cosponsored by Representatives: BEAVERS of South Berwick, DEVIN of Newcastle and
Representatives: CASSIDY of Lubec, EVANGELOS of Friendship, HARLOW of Portland,
NOON of Sanford, WELSH of Rockport, Senator: JOHNSON of Lincoln.

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

2 **Sec. 1. 38 MRSA §1605**, as repealed and replaced by PL 1991, c. 475, §1, is
3 repealed and the following enacted in its place:

4 **§1605. Plastic bags**

5 **3. Definitions.** As used in this section, the following terms have the following
6 meanings:

7 A. "Plastic" means an organic or petroleum derivative synthetic or semisynthetic
8 organic solid that is moldable; and

9 B. "Plastic bag" means a bag made from plastic designed to carry consumer goods in
10 a retail transaction for one-time use.

11 **4. Plastic bags.** A retailer may use plastic bags to bag products at the point of retail
12 sales only if the retailer:

13 A. Locates inside the retailer's store or within 20 feet of the main entrance to the
14 store a receptacle for collecting any used plastic bags;

15 B. Ensures that the plastic bags collected are recycled or delivered to a person
16 engaged in recycling plastics; and

17 C. Collects a surcharge under subsection 5.

18 **5. Surcharge.** A retailer shall collect a surcharge of 10¢ from a person for each
19 plastic bag distributed to the person at the point of retail sale. The retailer shall post a
20 prominent sign at the point of sale regarding the surcharge required under this subsection.
21 The retailer shall include an itemized sales receipt documenting the surcharge. A retailer
22 shall document all surcharges collected under this subsection and on a monthly basis
23 submit a report and remit the surcharges collected, less 2¢, which the retailer shall retain
24 for administrative fees, to the department on a form determined by the commissioner.
25 Surcharges remitted to the department under this subsection are credited to the Plastics
26 Recycling Fund established in section 1605-A. The assessment of a surcharge under this
27 section is not the sale of tangible personal property or taxable services under Title 36,
28 section 1811.

29 **6. Paper bags; reusable bags.** A retailer may provide recyclable paper bags to bag
30 products at the point of sale. A retailer shall provide reusable bags for purchase by a
31 customer.

32 **Sec. 2. 38 MRSA §1605-A** is enacted to read:

33 **§1605-A. Plastics Recycling Fund**

34 The Plastics Recycling Fund, referred to in this section as "the fund," is established
35 within the department for the purpose of promoting recycling efforts related to plastics,
36 including establishing a statewide or county programs to promote plastics recycling and
37 to educate the public about plastics recycling and about the benefits of the alternate use of
38 reusable bags and establishing other programs that carry out the purposes of the fund as

1 determined by the commissioner. The fund is administered by the commissioner. The
2 fund is funded from surcharges collected under section 1605, subsection 5. The money
3 deposited with the Treasurer of State to the credit of the fund may be invested as provided
4 by law. Interest on these investments is credited to the fund. Any unexpended money in
5 the fund may not lapse, but must be carried forward to the next fiscal year. Money in the
6 fund must be used for carrying out the purposes of the fund after reasonable costs for the
7 administration of the fund are deducted.

8

SUMMARY

9 This bill requires a retailer to assess a 10¢ surcharge for a plastic bag designed for
10 one-time use distributed to a customer at the point of retail sale. A retailer retains 2¢
11 from the surcharge for administrative costs. The revenues from the plastic bag surcharge
12 are credited to the Plastics Recycling Fund administered by the Department of
13 Environmental Protection for the purpose of promoting recycling efforts related to
14 plastics. A retailer may provide recyclable paper bags to bag products at the point of sale.
15 A retailer must provide reusable bags for purchase by a customer.