

MAINE STATE LEGISLATURE

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L.D. 57

Date: 3-29-17

(Filing No. H-18)

MAJORITY

ENVIRONMENT AND NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 44, L.D. 57, Bill, "An Act To Phase Out the Use of Single-use Plastic Shopping Bags"

Amend the bill by striking out the title and substituting the following:

'An Act To Reduce Waste by Promoting the Use of Reusable Bags and Recyclable Food Service Containers'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 38 MRSA §1605, as repealed and replaced by PL 1991, c. 475, §1, is repealed.

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

§1605-A. Promotion of reusable bags and recyclable food service containers; recycling of plastic bags

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

A. "Plastic" means an organic or petroleum derivative synthetic or a semisynthetic organic solid that is moldable.

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

C. "Polystyrene foam" means blown polystyrene and expanded foams using a styrene monomer.

D. "Polystyrene foam food service container" means a container, bowl, plate, tray, carton, cup, lid or other item that is composed in whole or in part of polystyrene foam and that is designed for one-time use for prepared foods, including service ware for take-out foods and leftovers from partially consumed meals prepared by food vendors.

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1 E. "Polystyrene foam food service container ordinance" means an ordinance adopted
2 by a municipality to reduce waste caused by polystyrene foam food service
3 containers and promote the use of locally recyclable alternatives.

4 F. "Recyclable" means, with regard to a material that would otherwise be disposed of
5 or processed as waste, that the material can be recovered, separated, collected and
6 reprocessed for the purpose of using the reprocessed material in the manufacture of a
7 new product.

8 G. "Retailer" means a person that offers consumer goods for sale at retail in the
9 State.

10 H. "Reusable bag" means a bag with handles that is specifically designed and
11 manufactured for multiple reuse and is made of cloth, fiber or other machine-
12 washable fabric or durable plastic.

13 I. "Reusable bag ordinance" means an ordinance adopted by a municipality to
14 promote the use of reusable bags and reduce waste caused by disposable plastic bags.

15 **2. State policy.** Consistent with the State's waste management policies set forth in
16 section 1302, it is the policy of the State to promote the use of reusable bags and locally
17 recyclable alternatives to disposable polystyrene foam food service containers as a way
18 for consumers to help reduce waste caused by disposable plastic bags and disposable
19 polystyrene foam food service containers.

20 **3. Goals.** To support the policy set forth in subsection 2, the State establishes the
21 following goals.

22 A. By December 31, 2019, at least 20 municipalities in the State will have adopted a
23 reusable bag ordinance and at least 20 municipalities in the State will have adopted a
24 polystyrene foam food service container ordinance.

25 B. By December 31, 2024, at least 35 municipalities in the State will have adopted a
26 reusable bag ordinance and at least 35 municipalities in the State will have adopted a
27 polystyrene foam food service container ordinance.

28 C. By December 31, 2029, at least 50 municipalities in the State will have adopted a
29 reusable bag ordinance and at least 50 municipalities in the State will have adopted a
30 polystyrene foam food service container ordinance.

31 **4. Documentation of progress.** As a resource for municipalities and the public and
32 to assist in the achievement of the goals listed in subsection 3, the department shall make
33 available on its publicly accessible website a list of the municipalities in the State that
34 have adopted reusable bag ordinances or polystyrene foam food service container
35 ordinances and, if available, provide an electronic copy of or an electronic link to each
36 adopted ordinance.

37 **5. Status report.** Annually, beginning February 15, 2020, the department shall
38 submit to the joint standing committee of the Legislature having jurisdiction over
39 environmental and natural resources matters a status report on the State's progress toward
40 meeting the goals specified in subsection 3 and shall include in the report any
41 recommendations for legislation or other action to support the achievement of these
42 goals, including the amendment of the goals in subsection 3 if the goals have been

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1 exceeded, and recommendations for educational efforts or other actions that the State,
2 municipalities or retailers may undertake to further promote the use of reusable bags and
3 locally recyclable alternatives to disposable polystyrene foam food service containers and
4 to further reduce waste caused by disposable plastic bags and disposable polystyrene
5 foam food service containers. The report required under this subsection may be included
6 in the report required under section 1772, subsection 1.

7 **6. Recycling of plastic bags.** A retailer may use plastic bags to bag products at the
8 point of retail sale only if the retailer:

9 A. Locates inside the store or within 20 feet of the main entrance to the store a
10 clearly marked and easily accessible receptacle for collecting any used plastic bags;
11 and

12 B. Ensures that the plastic bags collected are recycled or delivered to a person
13 engaged in recycling plastics.

14 The department shall enforce this subsection in accordance with section 347-A but is not
15 required to inspect places, buildings or premises governed by this subsection and is not
16 required to track or otherwise monitor retailer compliance with this subsection.'

17 **SUMMARY**

18 This amendment, which is the majority report of the committee, replaces the bill,
19 changes the title and establishes a new state policy to promote the use of reusable bags
20 and locally recyclable alternatives to disposable polystyrene foam food service containers
21 as a way for consumers to reduce waste caused by disposable plastic bags and disposable
22 polystyrene foam food service containers. To support that policy, the amendment:

23 1. Establishes goals for municipal adoption of reusable bag ordinances and
24 polystyrene foam food service container ordinances;

25 2. Facilitates the sharing by the Department of Environmental Protection of
26 information regarding municipally adopted reusable bag ordinances and polystyrene foam
27 food service container ordinances; and

28 3. Directs the department to submit an annual report, beginning February 15, 2020,
29 to the joint standing committee of the Legislature having jurisdiction over environmental
30 and natural resources matters that details municipal progress on the goals set forth under
31 this policy and includes any recommendations to further promote the use of reusable bags
32 and locally recyclable alternatives to disposable polystyrene foam food service
33 containers.

34 The amendment also retains an existing provision of law that provides for the
35 collection and recycling of used plastic bags by retailers but clarifies the responsibilities
36 of the department under that provision.

37 **FISCAL NOTE REQUIRED**

38 **(See attached)**



Approved: 03/13/17 *MCC*

128th MAINE LEGISLATURE

LD 57

LR 201(02)

An Act To Phase Out the Use of Single-use Plastic Shopping Bags

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-18)
Committee: Environment and Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Department of Environmental Protection to develop, track and report to the legislature on the progress of municipalities in adopting reusable bag and polystyrene foam food service container ordinances are expected to be minor and can be absorbed within existing budgeted resources.