

MAINE STATE LEGISLATURE

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L.D. 39

Date: 3/30/21

MINORITY

(Filing No. S-42)

ENVIRONMENT AND NATURAL RESOURCES

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

130TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 47, L.D. 39, "An Act To Remove the Plastic Bag Ban"

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

'An Act To Provide for Local Control with Respect to the Regulation of Plastic Bags'

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

'Sec. 1. 38 MRSA §1611, sub-§2, ¶A, as enacted by PL 2019, c. 346, §2, is amended to read:

A. Except as otherwise provided in this subsection or subsection 5, beginning April 22, 2020, a retail establishment may not provide a single-use carry-out bag to a customer at the point of sale or otherwise make single-use carry-out bags available to customers.

Sec. 2. 38 MRSA §1611, sub-§3, ¶A, as amended by PL 2019, c. 617, Pt. J, §1, is further amended to read:

A. ~~Beginning~~ Except as provided in subsection 5, beginning January 15, 2021 a retail establishment may use a recycled paper bag or a reusable bag made of plastic to bag products at the point of sale as long as the retail establishment charges a fee of at least 5¢ per bag.

(1) All amounts collected pursuant to this paragraph are retained by the retail establishment and may be used for any lawful purpose.

(2) A retail establishment may not rebate or otherwise reimburse a customer any portion of the fee charged pursuant to this paragraph.

Sec. 3. 38 MRSA §1611, sub-§5, as amended by PL 2019, c. 617, Pt. J, §2, is repealed and the following enacted in its place:

5. Preemption; local opt-out. Except as provided in paragraph B, to ensure maximum effectiveness through uniform statewide application, the State intends to occupy the whole

COMMITTEE AMENDMENT

1 field of regulation of single-use carry-out bags at retail establishments beginning January
2 15, 2021.

3 A. Except as provided in paragraph B, a local government may not adopt an ordinance
4 regulating single-use carry-out bags at retail establishments and, beginning January 15,
5 2021, any ordinance or regulation that violates this subsection is void and has no force
6 or effect.

7 B. A local government may adopt an ordinance to exempt from all requirements of
8 this section the use and provision of single-use carry-out bags and recycled paper bags
9 by retail establishments, except that such an ordinance may not otherwise regulate the
10 use and provision of such bags by retail establishments.'

11 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
12 number to read consecutively.

13 **SUMMARY**

14 This amendment, which is the minority report of the committee, changes the title of
15 and replaces the bill. It amends the law regulating single-use carry-out bags at retail
16 establishments to authorize local governments to adopt ordinances exempting from all
17 requirements of that law the use and provision of single-use carry-out bags and recycled
18 paper bags by retail establishments as long as those ordinances do not otherwise regulate
19 the use and provision of such bags by retail establishments.

FISCAL NOTE REQUIRED
(See attached)



130th MAINE LEGISLATURE

LD 39

LR 539(02)

An Act To Remove the Plastic Bag Ban

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-42)
Committee: Environment and Natural Resources
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Any additional costs to the Department of Environmental Protection as a result of authorizing local governments to adopt ordinances regarding single-use carry-out bags made of plastic are anticipated to be minor and can be absorbed within existing budgeted resources.