

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

SJK
ROS

1

L.D. 602

2

Date: (6/2/2)

(Filing No. S-1AD)

3

MINORITY
ENVIRONMENT AND NATURAL RESOURCES

4

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

5

STATE OF MAINE

6

SENATE

7

130TH LEGISLATURE

8

FIRST SPECIAL SESSION

9

COMMITTEE AMENDMENT "A" to S.P. 241, L.D. 602, "An Act To Prevent
10 Pollution from Single-use Plastic Straws, Splash Sticks and Beverage Lid Plugs"

11

Amend the bill in section 1 in §1612 in subsection 1 by striking out all of paragraph E
12 (page 1, lines 15 to 19 in L.D.) and inserting the following:

13

'E. "Plastic" means a synthetic material made from linking monomers through a
14 chemical reaction to create a polymer chain that can be molded or extruded at high heat
15 into various solid forms that retain their defined shapes during their life cycle and after
16 disposal. "Plastic" includes material derived from either petroleum or a biologically
17 based polymer, such as corn or other plant sources, regardless of whether such
18 polymers are marketed or sold as marine-degradable, compostable or biodegradable.'

19

Amend the bill in section 1 in §1612 by striking out all of subsection 3 (page 1, lines
20 26 to 35 in L.D.) and inserting the following:

21

'3. Provision of single-use beverageware by food establishments and eating
22 establishments. This subsection governs the provision of single-use beverageware by food
23 establishments and eating establishments.

24

A. Beginning January 1, 2023 and ending December 31, 2023, a food establishment
25 or eating establishment may provide single-use beverageware, regardless of whether
26 the single-use beverageware is made wholly or partly of plastic, to a customer only at
27 a point of sale or service and only upon the customer's request. A food establishment
28 or eating establishment may not otherwise make such single-use beverageware
29 available to customers within the establishment, including, but not limited to, through
30 the use of a self-service station.

31

B. Beginning January 1, 2024, a food establishment or eating establishment may not
32 provide single-use beverageware made wholly or partly of plastic to a customer at a
33 point of sale or service or otherwise make such single-use beverageware available to
34 customers within the establishment.

35

C. Beginning January 1, 2024, a food establishment or eating establishment may
36 provide single-use beverageware made of a material that is not plastic, including, but

ROS

1 not limited to, single-use beverageware made of hay, bamboo or paper, to a customer
2 only at a point of sale or service and only upon the customer's request. A food
3 establishment or eating establishment may not otherwise make such single-use
4 beverageware available to customers within the establishment, including, but not
5 limited to, through the use of a self-service station.

6 D. This subsection does not apply to the provision of single-use beverageware to
7 residents or patients by a licensed nursing home, medical facility or hospital.

8 E. Nothing in this subsection prevents a customer of a food establishment or eating
9 establishment from bringing single-use beverageware to the establishment for the
10 customer's own use.'

11 Amend the bill in section 1 in §1612 by striking out all of subsection 4 (page 1, lines
12 36 to 41 and page 2, lines 1 to 3 in L.D.).

13 Amend the bill in section 1 in §1612 by striking out all of subsection 5 (page 2, lines 4
14 to 16 in L.D.).

15 Amend the bill in section 1 in §1612 by inserting after subsection 6 the following:

16 '7. Preemption. To ensure maximum effectiveness through uniform statewide
17 application, beginning January 1, 2024, the State intends to occupy the whole field of
18 regulation of the provision by food establishments and eating establishments of single-use
19 beverageware. A local government may not adopt an ordinance regulating the provision
20 by food establishments and eating establishments of single-use beverageware and,
21 beginning January 1, 2024, any ordinance or regulation that violates this subsection is void
22 and has no force or effect.'

23 Amend the bill in section 1 in §1612 by renumbering the subsections to read
24 consecutively.

25 Amend the bill by inserting after section 1 the following:

26 **'Sec. 2. Appropriations and allocations.** The following appropriations and
27 allocations are made.

28 **ENVIRONMENTAL PROTECTION, DEPARTMENT OF**
29 **Remediation and Waste Management 0247**

30 Initiative: Provides appropriations for one Environmental Specialist III position and
31 associated costs. The position will transition from full-time to part-time on January 1, 2024.

32	GENERAL FUND	2021-22	2022-23
33	POSITIONS - FTE COUNT	1.000	1.000
34	Personal Services	\$84,002	\$88,000
35	All Other	\$4,878	\$4,878
36			
37	GENERAL FUND TOTAL	<u>\$88,880</u>	<u>\$92,878</u>

38
39 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
40 number to read consecutively.

COMMITTEE AMENDMENT

ROS

SUMMARY

1
2 This amendment, which is the minority report of the committee, amends the bill as
3 follows.

4 1. It incorporates into the bill a new definition for the term "plastic."

5 2. It removes from the bill the prohibition on the sale and distribution of single-use
6 drinking straws, splash sticks and beverage lid plugs made of plastic, referred to in the bill
7 as "single-use beverageware."

8 3. It removes from the bill the requirement that, beginning January 1, 2022, a food or
9 eating establishment collect a fee from a customer of not less than 5 cents for each item of
10 single-use beverageware not made of plastic that is provided to the customer.

11 4. It provides that, beginning January 1, 2023 and ending December 31, 2023, a food
12 establishment or eating establishment may provide single-use beverageware, whether made
13 of plastic or not, to a customer only at a point of sale or service and only upon the
14 customer's request and may not otherwise make such items available to customers within
15 the establishment.

16 5. It provides that, beginning January 1, 2024, a food establishment or eating
17 establishment:

18 A. May not provide single-use beverageware made of plastic to customers at a point
19 of sale or service or otherwise make such items available to customers within the
20 establishment; and

21 B. May provide single-use beverageware made of a material that is not plastic to
22 customers only at a point of sale or service and only upon a customer's request and may
23 not otherwise make such items available to customers within the establishment.

24 6. It provides for the preemption of local ordinances regulating the provision by food
25 establishments and eating establishments of single-use beverageware beginning January 1,
26 2024.

27 The amendment also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

(See attached)



130th MAINE LEGISLATURE

LD 602

LR 806(02)

An Act To Prevent Pollution from Single-use Plastic Straws, Splash Sticks and Beverage Lid Plugs

Fiscal Note for Bill as Amended by Committee Amendment "A"(S-140)
 Committee: Environment and Natural Resources
 Fiscal Note Required: Yes

Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Net Cost (Savings)				
General Fund	\$88,880	\$92,878	\$76,477	\$52,492
Appropriations/Allocations				
General Fund	\$88,880	\$92,878	\$76,477	\$52,492

Correctional and Judicial Impact Statements

The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time.

The collection of additional fine and/or fee revenue will increase General Fund and dedicated revenue by minor amounts.

Fiscal Detail and Notes

This bill places restrictions on the use of single-use beverageware at food and eating establishments. Due to the number and variety of potentially regulated entities, the Department of Environmental Protection (DEP) has indicated it will need additional staff to provide education and outreach prior to the effective date of the restriction and to respond to inquiries and complaints that come from regulated entities or the general public. The bill includes appropriations of \$88,880 in fiscal year 2021-22 and \$92,878 in fiscal year 2022-23 for one full-time equivalent (FTE) Environmental Specialist III position and associated costs. The DEP has indicated that this position will continue for one year after the implementation date of January 1, 2023 and then drop to one-half FTE on January 1, 2024.