

# MAINE STATE LEGISLATURE

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Date: 6-16-2021

(Filing No. H-714)

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
130TH LEGISLATURE  
FIRST SPECIAL SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1146,  
L.D. 1541, "An Act To Support and Improve Municipal Recycling Programs and Save  
Taxpayer Money"

Amend the amendment in section 2 in §2146 in subsection 2 in paragraph B in the last  
line (page 4, line 15 in amendment) by striking out the following: "total; or" and inserting  
the following: 'total;'

Amend the amendment in section 2 in §2146 in subsection 2 in paragraph C in the last  
line (page 4, line 18 in amendment) by striking out the following: "liquidations." and  
inserting the following: 'liquidations; or'

Amend the amendment in section 2 in §2146 in subsection 2 by inserting after  
paragraph C the following:

'D. The producer sold, offered for sale or distributed for sale in or into the State during  
the prior calendar year to retailers or direct to consumers products that were perishable  
food and that were contained, protected, delivered, presented or distributed in or using  
less than 15 tons of packaging material in total.

As used in this paragraph, "perishable food" means any food that may spoil or  
otherwise become unfit for human consumption because of its nature, type or physical  
conditions, including, but not limited to, fresh and processed meats, poultry, seafood,  
dairy products, bakery products, eggs in the shells and fresh fruits and vegetables.  
"Perishable food" does not include any such food that is sold, offered for sale or  
distributed for sale frozen except for frozen wild blueberries.'

Amend the amendment in section 2 in §2146 in subsection 4 by striking out all of  
paragraph A (page 6, lines 26 to 38 in amendment) and inserting the following:

'A. Except as provided in paragraph D, beginning one calendar year following the  
effective date of the contract entered into by the department and the stewardship  
organization pursuant to subsection 3, a producer may not sell, offer for sale or  
distribute for sale in or into the State a product contained, protected, delivered,  
presented or distributed in or using packaging material for which the producer has not  
complied with all applicable requirements of this section.'

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1 Amend the amendment in section 2 in §2146 in subsection 4 in paragraph C in the last  
2 3 lines (page 7, lines 9 to 11 in amendment) by striking out the following: "The department  
3 shall conduct outreach to retailers to provide notification of the information made available  
4 under this paragraph and any changes to that information."

5 Amend the amendment in section 2 in §2146 in subsection 9 in paragraph B in the last  
6 line (page 10, line 38 in amendment) by striking out the following: "disposal" and inserting  
7 the following: 'other management'

8 Amend the amendment in section 2 in §2146 in subsection 10 in the 10th and 11th lines  
9 (page 11, lines 10 and 11 in amendment) by striking out the following: ", and the costs  
10 associated with the disposal of packaging material that is not readily recyclable"

11 Amend the amendment in section 2 in §2146 in subsection 13 in the 7th line (page 13,  
12 line 3 in amendment) by striking out the following: "Rules" and inserting the following:  
13 'Except as provided in paragraph D, rules'

14 Amend the amendment in section 2 in §2146 in subsection 13 in paragraph A in  
15 subparagraph (4) in the 8th and 9th lines (page 14, lines 28 and 29 in amendment) by  
16 striking out the following: ", including any disposal costs for packaging material that is not  
17 readily recyclable"

18 Amend the amendment in section 2 in §2146 in subsection 13 in paragraph D by adding  
19 at the end a new blocked paragraph to read:

20 'Rules adopted pursuant to this paragraph are major substantive rules as defined in Title  
21 5, chapter 375, subchapter 2-A.'

22 Amend the amendment in section 3 in the 2nd line (page 18, line 20 in amendment) by  
23 striking out the following: **"routine technical"**

24 Amend the amendment in section 3 in the 3rd line (page 18, line 21 in amendment) by  
25 striking out the following: **"routine technical"**

26 Amend the amendment by relettering or renumbering any nonconsecutive Part letter or  
27 section number to read consecutively.

## 28 SUMMARY

29 This amendment provides that a producer is exempt from the requirements of the  
30 packaging stewardship law if the producer sold, offered for sale or distributed for sale in or  
31 into the State during the prior calendar year to retailers or direct to consumers products that  
32 were perishable food and that were contained, protected, delivered, presented or distributed  
33 in or using less than 15 tons of packaging material in total. The amendment removes  
34 language requiring reimbursement to participating municipalities for costs incurred in the  
35 disposal of packaging material that is not readily recyclable. The amendment designates  
36 as major substantive rules any rules adopted by the Department of Environmental  
37 Protection to exclude certain packaging material from the definition of "packaging  
38 material." The amendment removes the prohibition on the sale, offering for sale or  
39 distribution for sale in or into the State by a retailer of a product contained, protected,

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HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1146, L.D. 1541

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delivered, presented or distributed in or using packaging material for which its producer  
has not complied with all applicable requirements of the packaging stewardship law.

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SPONSORED BY: Ralph Tucker

(Representative TUCKER, R.)

TOWN: Brunswick

**FISCAL NOTE REQUIRED**  
(See attached)



Revised: 06/16/21 *MAC*

# 130th MAINE LEGISLATURE

LD 1541

LR 1620(05)

**An Act To Support and Improve Municipal Recycling Programs and Save Taxpayer Money**

**Fiscal Note for House Amendment "A" to Committee Amendment "A"**

**Sponsor: Rep. Tucker of Brunswick**

**Fiscal Note Required: Yes**

*(H-714)*

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## Fiscal Note

Minor savings - General Fund

### Fiscal Detail and Notes

This amendment removes the timeline of certain prohibitions regarding packaging products and removes a requirement for the Department of Environmental Protection to conduct outreach to retailers about changes to the stewardship program. The removal of the outreach requirement will result in minor savings to the department.