

MAINE STATE LEGISLATURE

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Date: 3/14/24

(Filing No. H-825)

ENVIRONMENT AND NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 193, L.D. 295, "An Act Regarding Plastic Pollution"

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

'An Act to Incentivize Accurate Recyclability Labeling on Packaging Material'

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

Sec. 1. 38 MRSA §2146, sub-§13, ¶A, as enacted by PL 2021, c. 455, §2, is amended by amending subparagraph (1), division (c) to read:

(c) For producers other than low-volume producers, the payment schedule adopted under this subparagraph must delineate criteria to be used to adjust producer payments in a manner that incentivizes: the use of recycled content in and increased recyclability of packaging material, lower toxicity in packaging material, a reduction of the amount of packaging material used, a reduction of litter from packaging material, increased reuse of packaging material and labeling of packaging material to reduce consumer confusion including by incentivizing accuracy in recyclability claims displayed on packaging material and that creates other incentives consistent with generally accepted industry standards.

Sec. 2. 38 MRSA §2146, sub-§13, ¶E, as enacted by PL 2021, c. 455, §2, is amended by enacting a new subparagraph (2-A) to read:

(2-A) The report under this paragraph due February 15, 2028 must include:

(a) Information regarding the criteria and standards adopted by other jurisdictions to regulate recyclability claims displayed on packaging material, including, but not limited to, the recyclability criteria and standards adopted by the California Department of Resources Recycling and Recovery pursuant to the California Public Resources Code, Division 30, Part 3, Chapter 5.7; and

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(b) An evaluation of options for further incentivizing or ensuring accuracy in recyclability claims displayed on packaging material through amendments to the producer payment schedule adopted pursuant to paragraph A, subparagraph (1), through amendments to the criteria and standards for determining recyclability adopted pursuant to paragraph A, subparagraph (2) or through other amendments to this section or the rules adopted pursuant to this section.

This subparagraph applies only to the report due February 15, 2028.'

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

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SUMMARY

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This amendment replaces the bill, which is a concept draft, and changes the title. It amends the law establishing a stewardship program for packaging material to provide that the producer payment schedule adopted by the Department of Environmental Protection under that law must delineate criteria to be used to adjust producer payments in a manner that incentivizes labeling of packaging material to reduce consumer confusion including by incentivizing accuracy in recyclability claims displayed on packaging material.

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The amendment also provides that the annual report regarding the packaging material stewardship program to be submitted by the department by February 15, 2028 to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters must include information regarding the criteria and standards adopted by other jurisdictions to regulate recyclability claims displayed on packaging material and an evaluation of options for further incentivizing or ensuring accuracy in recyclability claims displayed on packaging material through amendments to the producer payment schedule, through amendments to the criteria and standards for recyclability or through other amendments to the law governing the stewardship program for packaging material or the rules adopted pursuant to that law.

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FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT



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LD 295

LR 2336(02)

An Act Regarding Plastic Pollution

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-825)
Committee: Environment and Natural Resources
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Any additional costs to the Department of Environmental Protection from the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources.