

Committee: ENR
Drafter: DCT
File Name: G:\COMMITTEES\ENR\AMENDMENTS\128th 1st\020102.docx
LR (item)#: 0201(02)
New Title?: YES
Add Emergency?: NO
Date: 3/2/17

LD 57
MAJORITY REPORT AMENDMENT
(MINORITY ONTP)

Amending the bill by striking the title and inserting the following in its place:

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

Amend the bill by striking everything after the title and before the summary and inserting the following in its place:

Sec. 1. 38 MRSA §1605 is repealed.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, composed in whole or in part of polystyrene foam, 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.

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

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

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

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

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

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

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

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

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

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

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

5. Status report. Beginning February 15, 2020 and every year thereafter, the department shall submit to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters a status report on the State's progress toward meeting the goals specified in subsection 3 and shall include in the report any recommendations

for legislation or other action to support the achievement of these goals, including the amendment of the goals in subsection 3 if the goals have been exceeded and recommendations for educational efforts or other actions that the State, municipalities or retailers may undertake to further promote the use of reusable bags and locally recyclable alternatives to disposable polystyrene foam food service containers and to further reduce waste caused by disposable plastic bags and disposable polystyrene foam food service containers. The report required under this section may be included in the report required pursuant to section 1772, subsection 1.

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

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

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

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

SUMMARY

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

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

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

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

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