

Committee: ENR
Drafter: DCT
File name:
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New Title?: YES
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LD 39
PROPOSED AMENDMENT, REP. JOHANSEN

Amend the bill by striking the title and inserting the following title:

‘An Act To Provide for Local Control With Respect to the Regulation of Plastic Bags’

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

Sec. 1. 38 MRSA §1611, sub-§2, ¶A is amended to read:

A. Except as otherwise provided in this subsection or in 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 is 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.

Sec. 3. 38 MRSA §1611, sub-§5 is repealed and the following enacted in its place: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 field of regulation of single-use carry-out bags at retail establishments beginning January 15, 2021.

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

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

SUMMARY

This amendment changes the title of and replaces the bill. It amends the law regulating single-use carry-out bags at retail establishments to authorize local governments to adopt ordinances exempting from all requirements of that law the use and provision of single-use carry-out bags and recycled paper bags by retail establishments as long as those ordinances do not otherwise regulate the use and provision of such bags by retail establishments.