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ENVIRONMENT AND NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " " to H.P. 1115, L.D. 1532, Bill, "An Act To Eliminate Single-use Plastic Carry-out Bags"

Amend the bill by striking out all of section 1 and inserting the following:

'Sec. 1. 38 MRSA §1605, as repealed and replaced by PL 1991, c. 475, §1, is repealed.'

Amend the bill in section 2 in §1611 in subsection 1 in paragraph G in subparagraph (1) in the first line (page 1, line 29 in L.D.) by inserting after the following: "withstand" the following: 'a minimum of'

Amend the bill in section 2 in §1611 in subsection 2 by inserting at the end a new lettered paragraph to read:

'C. A retail establishment may make single-use carry-out bags made of plastic that are exempted in paragraph B available to customers to bag products within the retail establishment other than at the point of sale only if the retail establishment:

(1) Locates inside the retail establishment or within 20 feet of the main entrance to the retail establishment a receptacle for collecting any used single-use carry-out bags made of plastic; and

(2) Ensures that single-use carry-out bags made of plastic that are collected by the retail establishment are recycled or delivered to a person engaged in recycling plastics.'

Amend the bill in section 2 in §1611 by striking out all of subsections 3 to 5 (page 3, lines 4 to 31 in L.D.) and inserting the following:

'3. Recycled paper bag fees and reusable plastic bag fees; exemptions. This subsection governs fees assessed on recycled paper bags and on reusable bags made of plastic.'

COMMITTEE AMENDMENT

1 A. Beginning April 22, 2020 a retail establishment may use a recycled paper bag or a  
2 reusable bag made of plastic to bag products at the point of sale as long as the retail  
3 establishment charges a fee of at least 5¢ per bag.

4 (1) All amounts collected pursuant to this paragraph are retained by the retail  
5 establishment and may be used for any lawful purpose.

6 (2) A retail establishment may not rebate or otherwise reimburse a customer any  
7 portion of the fee charged pursuant to this paragraph.

8 B. The requirement to charge a fee under paragraph A does not apply to:

9 (1) Stores at which less than 2% of retail sales are attributed to the sale of food  
10 and that have less than 10,000 square feet of retail area;

11 (2) Restaurants; or

12 (3) Hunger relief organizations engaged in distributing food directly to  
13 consumers at no charge.

14 A retail establishment exempt from charging a fee under this paragraph may charge a  
15 fee for a recycled paper bag or a reusable bag made of plastic.

16 **4. Violations.** A retail establishment that violates a provision of this section is  
17 subject to civil penalties under section 349.

18 **5. Preemption.** To ensure maximum effectiveness through uniform statewide  
19 application, the State intends to occupy the whole field of regulation of single-use carry-  
20 out bags at retail establishments beginning April 22, 2020. A local government may not  
21 adopt an ordinance regulating single-use carry-out bags at retail establishments and,  
22 beginning April 22, 2020, any ordinance or regulation that violates this subsection is void  
23 and has no force or effect.'

## 24 SUMMARY

25 This amendment, which is the majority report of the committee, requires a retail  
26 establishment to charge at least a 5¢ fee for each reusable bag made of plastic and for  
27 each recycled paper bag used to bag products at the point of sale. It also clarifies  
28 provisions in the bill regarding the implementation of the statewide preemption on single-  
29 use carry-out bag regulation and the provision regarding violations of the bag prohibition  
30 and bag fees requirements. It makes additional technical changes to clarify the  
31 application of existing state law regarding plastic bags and removes language in the bill  
32 regarding the application of bag fees to purchasers using the federal supplemental  
33 nutrition assistance program or the Women, Infants and Children Special Supplemental  
34 Food Program of the United States Child Nutrition Act of 1996.

## 35 FISCAL NOTE REQUIRED

36 (See attached)