

Date: (Filing No. H-)

Reproduced and distributed under the direction of the Clerk of the House.

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

HOUSE AMENDMENT " " 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.'

HOUSE AMENDMENT

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,

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

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

3 **SPONSORED BY:** _____

4 **(Representative TUCKER, R.)**

5 **TOWN: Brunswick**