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ENVIRONMENT AND NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " " to H.P. 219, L.D. 325, Bill, "An Act To Strengthen Recycling of Single-use Plastic Shopping Bags"

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

'An Act To Phase Out the Use of Single-use Plastic Shopping Bags'

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

'Sec. 1. 38 MRSA §1605, as repealed and replaced by PL 1991, c. 475, §1, is amended to read:

§1605. Plastic bags; recycling

A If a retailer may use makes plastic bags available to customers to bag products at the point of within the retail sale only if location, the retailer: must ensure the recycling of used plastic bags in accordance with this section.

1. Collection. Locates A retailer must locate inside the store or within 20 feet of the main entrance to the store a receptacle for collecting any used plastic bags; and.

2. Recycling. Ensures A retailer must ensure that the plastic bags collected are recycled or delivered to a person engaged in recycling plastics.

Sec. 2. 38 MRSA §1605-A is enacted to read:

§1605-A. Plastic bags; prohibition

1. Definitions. As used in this section and in section 1605, unless the context otherwise indicates, the following terms have the following meanings.

A. "Plastic" means an organic or petroleum derivative synthetic or 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.

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

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

5 **2. Prohibition.** Beginning September 1, 2020, a retailer may not use plastic bags to  
6 bag products at the point of retail sale or otherwise make plastic bags available to  
7 customers. This prohibition does not apply to:

8 A. Plastic bags used by consumers inside stores to package bulk items, such as fruit,  
9 vegetables, nuts, grains, candy or small hardware items; to contain or wrap frozen  
10 foods, meat or fish, whether prepackaged or not; to contain or wrap flowers, potted  
11 plants or other items for which dampness may be a problem; and to contain  
12 unwrapped prepared foods or bakery goods;

13 B. Plastic bags provided by pharmacists to contain prescription drugs;

14 C. Plastic newspaper bags, door-hanger bags, laundry or dry-cleaning bags or plastic  
15 bags sold in packages containing multiple bags intended for use as garbage, pet waste  
16 or yard waste bags;

17 D. Plastic bags provided by an eating establishment licensed under Title 22, chapter  
18 562 to customers to take food away from the eating establishment; or

19 E. Reusable bags.

20 **3. Paper bags; reusable bags.** A retailer may provide recyclable paper bags to bag  
21 products at the point of retail sale. A retailer shall provide reusable bags for purchase by  
22 a customer.'

23 **SUMMARY**

24 This amendment, which is the majority report of the committee, replaces the bill and  
25 changes the title. It prohibits a retailer from using plastic bags to bag products at the  
26 point of retail sale or otherwise make plastic bags available to customers, with exceptions  
27 for certain types of plastic bags. This prohibition is effective September 1, 2020. A  
28 retailer may provide recyclable paper bags to bag products at the point of sale and must  
29 provide reusable bags for purchase by a customer. The amendment also makes changes  
30 to existing law regarding retailer collection and recycling of used plastic bags to ensure  
31 consistency with the implementation of the plastic bag prohibition.

32 **FISCAL NOTE REQUIRED**

33 **(See attached)**