



# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 602

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S.P. 241

In Senate, March 1, 2021

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### **An Act To Prevent Pollution from Single-use Plastic Straws, Splash Sticks and Beverage Lid Plugs**

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Received by the Secretary of the Senate on February 25, 2021. Referred to the Committee on Environment and Natural Resources pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator MIRAMANT of Knox.

Cosponsored by Senator: BRENNER of Cumberland, Representatives: DOUDERA of Camden, DUNPHY of Old Town, GEIGER of Rockland, HEPLER of Woolwich, LOOKNER of Portland, McCREIGHT of Harpswell, TALBOT ROSS of Portland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 38 MRSA §1612** is enacted to read:

3 **§1612. Plastic beverageware reduction**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
5 following terms have the following meanings.

6 A. "Beverage lid plug or splash stick" means a device designed to prevent the escape  
7 of heat, steam or liquid from a lidded beverage cup by covering or plugging an opening  
8 or openings in the lid of the cup.

9 B. "Drinking straw" means a hollow, tube-shaped device designed for use by an  
10 individual to transfer a beverage within a container to the mouth of the individual.

11 C. "Eating establishment" has the same meaning as in Title 22, section 2491,  
12 subsection 7.

13 D. "Food establishment" has the same meaning as in Title 22, section 2152, subsection  
14 4-A.

15 E. "Plastic" means an organic or petroleum derivative synthetic or a semisynthetic  
16 organic solid that is moldable and to which additives or other substances may have  
17 been added. "Plastic" includes natural and biologically based polymers, regardless of  
18 whether such polymers have been chemically modified and regardless of whether such  
19 polymers are marketed or sold as marine-degradable, compostable or biodegradable.

20 F. "Single-use beverageware" means a drinking straw or beverage lid plug or splash  
21 stick that is designed for one-time use.

22 **2. Manufacturing prohibition.** Beginning January 1, 2022, a person may not  
23 manufacture in the State single-use beverageware made wholly or partly of plastic,  
24 regardless of whether the single-use beverageware is intended to be sold or distributed as  
25 part of or packaged with another product.

26 **3. Sales prohibition.** Beginning January 1, 2022, a person may not sell or offer for  
27 sale or distribute in the State, at wholesale or retail, single-use beverageware made wholly  
28 or partly of plastic, regardless of whether the single-use beverageware is sold, offered for  
29 sale or distributed as part of or packaged with another product.

30 This subsection does not apply to the sale, offering for sale or distribution in the State of  
31 single-use beverageware made wholly or partly of plastic:

32 A. To licensed nursing homes, medical facilities or hospitals; or

33 B. That is attached to or packaged with a juice box or pouch and sold, offered for sale  
34 or distributed to child care facilities licensed under Title 22, section 8301-A or to  
35 elementary schools as defined in Title 20-A, section 1, subsection 10.

36 **4. Food establishment and eating establishment prohibition.** Beginning January 1,  
37 2022, a food establishment or eating establishment may not provide single-use  
38 beverageware made wholly or partly of plastic to a customer at a point of sale or otherwise  
39 make such single-use beverageware available to customers within the establishment.

40 This subsection does not apply to the provision of single-use beverageware made wholly  
41 or partly of plastic by a food establishment or eating establishment that is a licensed nursing

1 home, medical facility or hospital. This subsection does not prevent a customer of a food  
2 establishment or eating establishment from bringing single-use beverageware made wholly  
3 or partly of plastic to the establishment for the customer's own use.

4 **5. Nonplastic single-use beverageware; fee.** Beginning January 1, 2022, a food  
5 establishment or eating establishment may provide single-use beverageware not made  
6 wholly or partly of plastic to a customer only at a point of sale and only upon the customer's  
7 request. A food establishment or eating establishment may not otherwise make single-use  
8 beverageware not made wholly or partly of plastic available to customers within the  
9 establishment, including, but not limited to, through the use of a self-service station for  
10 single-use beverageware.

11 A food establishment or eating establishment that provides single-use beverageware not  
12 made wholly or partly of plastic to a customer pursuant to this subsection shall require the  
13 customer to pay to the establishment a fee of not less than 5 cents for each such item of  
14 single-use beverageware provided. Fees collected by a food establishment or eating  
15 establishment pursuant to this subsection are to be retained by the establishment and may  
16 be used for any lawful purpose.

17 **6. Violations.** A person who violates any provision of this section is subject to civil  
18 penalties under section 349.

## 19 SUMMARY

20 Beginning January 1, 2022, this bill prohibits the manufacture and the sale and  
21 distribution, at retail or wholesale, of single-use drinking straws, splash sticks and beverage  
22 lid plugs made wholly or partly of plastic and prohibits food establishments and eating  
23 establishments from providing such items to customers at a point of sale or otherwise  
24 making such items available to customers. Food establishments and eating establishments  
25 are authorized under the bill to provide, only upon the request of a customer and only at a  
26 point of sale, single-use drinking straws, splash sticks or beverage lid plugs not made of  
27 plastic as long as they collect a fee from the customer of not less than 5 cents for each such  
28 item provided. Such establishments are authorized to retain and use such collected fees for  
29 any lawful purpose.