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Date: (Filing No. S- )

**ENVIRONMENT AND NATURAL RESOURCES**

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE**

**SENATE**

**130TH LEGISLATURE**

**FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 241, L.D. 602, “An Act To Prevent Pollution from Single-use Plastic Straws, Splash Sticks and Beverage Lid Plugs”

Amend the bill in section 1 in §1612 in subsection 1 by striking out all of paragraph E (page 1, lines 15 to 19 in L.D.) and inserting the following:

'E. "Plastic" means a synthetic material made from linking monomers through a chemical reaction to create a polymer chain that can be molded or extruded at high heat into various solid forms that retain their defined shapes during their life cycle and after disposal. "Plastic" includes material derived from either petroleum or a biologically based polymer, such as corn or other plant sources, regardless of whether such polymers are marketed or sold as marine-degradable, compostable or biodegradable.'

Amend the bill in section 1 in §1612 by striking out all of subsection 3 (page 1, lines 26 to 35 in L.D.) and inserting the following:

**'3. Provision of single-use beverageware by food establishments and eating establishments.** This subsection governs the provision of single-use beverageware by food establishments and eating establishments.

A. Beginning January 1, 2023 and ending December 31, 2023, a food establishment or eating establishment may provide single-use beverageware, regardless of whether the single-use beverageware is made wholly or partly of plastic, to a customer only at a point of sale or service and only upon the customer’s request. A food establishment or eating establishment may not otherwise make such single-use beverageware available to customers within the establishment, including, but not limited to, through the use of a self-service station.

B. Beginning January 1, 2024, a food establishment or eating establishment may not provide single-use beverageware made wholly or partly of plastic to a customer at a point of sale or service or otherwise make such single-use beverageware available to customers within the establishment.

C. Beginning January 1, 2024, a food establishment or eating establishment may provide single-use beverageware made of a material that is not plastic, including, but

**COMMITTEE AMENDMENT**

1 not limited to, single-use beverageware made of hay, bamboo or paper, to a customer  
2 only at a point of sale or service and only upon the customer's request. A food  
3 establishment or eating establishment may not otherwise make such single-use  
4 beverageware available to customers within the establishment, including, but not  
5 limited to, through the use of a self-service station.

6 D. This subsection does not apply to the provision of single-use beverageware to  
7 residents or patients by a licensed nursing home, medical facility or hospital.

8 E. Nothing in this subsection prevents a customer of a food establishment or eating  
9 establishment from bringing single-use beverageware to the establishment for the  
10 customer's own use.'

11 Amend the bill in section 1 in §1612 by striking out all of subsection 4 (page 1, lines  
12 36 to 41 and page 2, lines 1 to 3 in L.D.).

13 Amend the bill in section 1 in §1612 by striking out all of subsection 5 (page 2, lines 4  
14 to 16 in L.D.).

15 Amend the bill in section 1 in §1612 by inserting after subsection 6 the following:

16 '7. **Preemption.** To ensure maximum effectiveness through uniform statewide  
17 application, beginning January 1, 2024, the State intends to occupy the whole field of  
18 regulation of the provision by food establishments and eating establishments of single-use  
19 beverageware. A local government may not adopt an ordinance regulating the provision  
20 by food establishments and eating establishments of single-use beverageware and,  
21 beginning January 1, 2024, any ordinance or regulation that violates this subsection is void  
22 and has no force or effect.'

23 Amend the bill in section 1 in §1612 by renumbering the subsections to read  
24 consecutively.

25 Amend the bill by inserting after section 1 the following:

26 **'Sec. 2. Appropriations and allocations.** The following appropriations and  
27 allocations are made.

28 **ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

29 **Remediation and Waste Management 0247**

30 Initiative: Provides appropriations for one Environmental Specialist III position and  
31 associated costs. The position will transition from full-time to part-time on January 1, 2024.

32 <b>GENERAL FUND</b>	<b>2021-22</b>	<b>2022-23</b>
33 POSITIONS - FTE COUNT	1.000	1.000
34 Personal Services	\$84,002	\$88,000
35 All Other	\$4,878	\$4,878
36		
37 GENERAL FUND TOTAL	\$88,880	\$92,878

38 '  
39 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
40 number to read consecutively.

**SUMMARY**

This amendment, which is the minority report of the committee, amends the bill as follows.

1. It incorporates into the bill a new definition for the term "plastic."

2. It removes from the bill the prohibition on the sale and distribution of single-use drinking straws, splash sticks and beverage lid plugs made of plastic, referred to in the bill as "single-use beverageware."

3. It removes from the bill the requirement that, beginning January 1, 2022, a food or eating establishment collect a fee from a customer of not less than 5 cents for each item of single-use beverageware not made of plastic that is provided to the customer.

4. It provides that, beginning January 1, 2023 and ending December 31, 2023, a food establishment or eating establishment may provide single-use beverageware, whether made of plastic or not, to a customer only at a point of sale or service and only upon the customer’s request and may not otherwise make such items available to customers within the establishment.

5. It provides that, beginning January 1, 2024, a food establishment or eating establishment:

A. May not provide single-use beverageware made of plastic to customers at a point of sale or service or otherwise make such items available to customers within the establishment; and

B. May provide single-use beverageware made of a material that is not plastic to customers only at a point of sale or service and only upon a customer's request and may not otherwise make such items available to customers within the establishment.

6. It provides for the preemption of local ordinances regulating the provision by food establishments and eating establishments of single-use beverageware beginning January 1, 2024.

The amendment also adds an appropriations and allocations section.

**FISCAL NOTE REQUIRED**

**(See attached)**