



130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

Legislative Document

No. 1631

H.P. 1214

House of Representatives, April 27, 2021

**An Act To Amend the Laws Banning Polystyrene Foam To Exclude
Packaging for Meat, Poultry, Fish, Seafood and Eggs**

(EMERGENCY)

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "R(t) B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MARTIN of Eagle Lake.
Cosponsored by Senators: President JACKSON of Aroostook, STEWART of Aroostook.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** due to the pandemic related to the novel coronavirus disease, the
4 Department of Environmental Protection has delayed until July 1, 2021 the enforcement of
5 the law prohibiting the processing, preparation, sale or provision of food or beverages by
6 certain establishments in or on a polystyrene foam disposable food service container, which
7 was set to take effect on January 1, 2021; and

8 **Whereas,** that law exempts from its prohibition the retail sale of food or beverages
9 that certain establishments purchase prepackaged at wholesale in or on a polystyrene foam
10 disposable food service container; and

11 **Whereas,** that exemption has been interpreted to allow meat, poultry, fish, seafood
12 and eggs from out-of-state producers, but not Maine-based producers, to be sold at retail in
13 Maine when purchased prepackaged at wholesale in or on a polystyrene foam disposable
14 food service container; and

15 **Whereas,** to ensure fairness in the treatment of both out-of-state and Maine-based
16 meat, poultry, fish, seafood and egg producers under that law prior to its anticipated
17 enforcement beginning July 1, 2021, immediate enactment of this legislation is necessary;
18 and

19 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
20 the meaning of the Constitution of Maine and require the following legislation as
21 immediately necessary for the preservation of the public peace, health and safety; now,
22 therefore,

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

24 **Sec. 1. 38 MRSA §1571, sub-§3,** as enacted by PL 2019, c. 62, §1, is amended to
25 read:

26 **3. Disposable food service container.** "Disposable food service container" means
27 service ware designed for one-time use.

28 A. "Disposable food service container" includes service ware for take-out foods,
29 ~~packaged meat, eggs,~~ bakery products and leftovers from partially consumed meals
30 prepared by covered establishments.

31 B. "Disposable food service container" does not include polystyrene foam coolers or
32 ice chests that are used for the processing or shipping of seafood or service ware used
33 to contain, transport or otherwise package raw, uncooked or butchered meat, poultry,
34 fish, seafood or eggs.

35 **Sec. 2. 38 MRSA §1571, sub-§6,** as enacted by PL 2019, c. 62, §1, is amended to
36 read:

37 **6. Service ware.** "Service ware" means a container, bowl, plate, tray, carton, cup, lid,
38 sleeve, stirrer or other item designed to be used to contain, transport, serve or consume
39 ~~prepared foods~~ food or beverages.

40 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
41 takes effect when approved.

1 **SUMMARY**

2 Current law prohibits the processing, preparation, sale or provision of food or
3 beverages by certain establishments in or on a polystyrene foam disposable food service
4 container. This bill, which is emergency legislation, amends the definition of "disposable
5 food service container" under that law to exclude service ware used to contain, transport or
6 otherwise package raw, uncooked or butchered meat, poultry, fish, seafood or eggs. It also
7 clarifies the meaning of "service ware" as used under that law.