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ENVIRONMENT AND NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " " to H.P. 213, L.D. 289, Bill, "An Act To Prohibit the Use of Certain Disposable Food Service Containers"

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

'Sec. 1. 38 MRSA c. 15-A is enacted to read:

CHAPTER 15-A

DISPOSABLE FOOD SERVICE CONTAINERS

§1571. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Consumer. "Consumer" means an individual who purchases or accepts food or beverages for use or consumption.

2. Disposable food service container. "Disposable food service container" means service ware designed for one-time use.

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

B. "Disposable food service container" does not include polystyrene foam coolers or ice chests that are used for the processing or shipping of seafood.

3. Food establishment. "Food establishment" means a retail, wholesale or other establishment that processes, prepares, sells or provides food or beverages. "Food establishment" includes, but is not limited to:

A. Convenience stores, restaurants, grocery stores, markets, delicatessens and retailers of merchandise and dry goods that sell or provide food or beverages to consumers;

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1 B. Food pantries, churches, community organizations, catered events, seasonal or  
2 temporary businesses such as agricultural fairs or farmers' markets and events that  
3 provide food or beverages without charge; and

4 C. Any place that manufactures, processes, prepares, bottles, packages, handles or  
5 stores food or beverages for retail sale or wholesale sale.

6 "Food establishment" does not include a hospital licensed under Title 22, chapter 405 or a  
7 so-called meals on wheels establishment funded in whole or in part directly or indirectly  
8 by the Department of Health and Human Services to provide meals at dispersed locations  
9 from central kitchen facilities.

10 **4. Political subdivision.** "Political subdivision" has the same meaning as in Title 14,  
11 section 8102, subsection 3.

12 **5. Polystyrene foam.** "Polystyrene foam" means blown polystyrene and expanded  
13 or extruded foams using a styrene monomer.

14 **6. Service ware.** "Service ware" means a container, bowl, plate, tray, carton, cup,  
15 lid, sleeve, stirrer or other item designed to be used to contain, transport, serve or  
16 consume prepared foods.

17 **7. State.** "State" has the same meaning as in Title 14, section 8102, subsection 4.

18 **§1572. Prohibitions; exemptions**

19 **1. Prohibition.** Beginning January 1, 2021, a food establishment may not process,  
20 prepare, sell or provide food or beverages in or on a disposable food service container  
21 that is composed in whole or in part of polystyrene foam.

22 **2. Plastic beverage stirrers.** A food establishment providing beverages at a facility  
23 or function of the State or of a political subdivision may not provide beverage stirrers that  
24 are composed of plastic. For the purposes of this subsection, "beverage stirrer" means a  
25 device that is designed solely to mix liquids that are intended for internal human  
26 consumption and are contained in a single-serving container.

27 **3. Exemptions.** Notwithstanding subsection 1, a food establishment may:

28 A. In an emergency for the immediate preservation of the public health or safety, as  
29 determined applicable by the department, process, prepare, sell or provide food or  
30 beverages in or on a disposable food service container that is composed in whole or  
31 in part of polystyrene foam;

32 B. Sell or provide food or beverages in or on a disposable food service container that  
33 is composed in whole or in part of polystyrene foam that a consumer brings to the  
34 food establishment; and

35 C. Sell at retail food or beverages in or on a disposable food service container that is  
36 composed in whole or in part of polystyrene foam that the food establishment  
37 purchases prepackaged at wholesale.

38 **§1573. Penalty; rules**

39 **1. Penalty.** A violation of this chapter is a civil violation for which a fine of not  
40 more than \$100 may be adjudged.

