

LD 39 - minority OTP-AM report (4 members)  
(Hanley, Johnson, O'Connor, Tuell)

1 ~~the~~ Majority report ONTP (9 members)  
2 Date:

L.D. 39

(Filing No. S- )

3 ENVIRONMENT AND NATURAL RESOURCES

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

5 STATE OF MAINE

6 SENATE

7 130TH LEGISLATURE

8 FIRST REGULAR SESSION

9 COMMITTEE AMENDMENT " " to S.P. 47, L.D. 39, "An Act To Remove the  
10 Plastic Bag Ban"

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

12 '**An Act To Provide for Local Control with Respect to the Regulation of Plastic Bags'**

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

15 '**Sec. 1. 38 MRSA §1611, sub-§2, ¶A**, as enacted by PL 2019, c. 346, §2, is  
16 amended to read:

17 A. Except as otherwise provided in this subsection or subsection 5, beginning April  
18 22, 2020, a retail establishment may not provide a single-use carry-out bag to a  
19 customer at the point of sale or otherwise make single-use carry-out bags available to  
20 customers.

21 **Sec. 2. 38 MRSA §1611, sub-§3, ¶A**, as amended by PL 2019, c. 617, Pt. J, §1, is  
22 further amended to read:

23 A. Beginning Except as provided in subsection 5, beginning January 15, 2021 a retail  
24 establishment may use a recycled paper bag or a reusable bag made of plastic to bag  
25 products at the point of sale as long as the retail establishment charges a fee of at least  
26 5¢ per bag.

27 (1) All amounts collected pursuant to this paragraph are retained by the retail  
28 establishment and may be used for any lawful purpose.

29 (2) A retail establishment may not rebate or otherwise reimburse a customer any  
30 portion of the fee charged pursuant to this paragraph.

31 **Sec. 3. 38 MRSA §1611, sub-§5**, as amended by PL 2019, c. 617, Pt. J, §2, is  
32 repealed and the following enacted in its place:

33 **5. Preemption; local opt-out.** Except as provided in paragraph B, to ensure maximum  
34 effectiveness through uniform statewide application, the State intends to occupy the whole

# COMMITTEE AMENDMENT

1 field of regulation of single-use carry-out bags at retail establishments beginning January  
2 15, 2021.

3 A. Except as provided in paragraph B, a local government may not adopt an ordinance  
4 regulating single-use carry-out bags at retail establishments and, beginning January 15,  
5 2021, any ordinance or regulation that violates this subsection is void and has no force  
6 or effect.

7 B. A local government may adopt an ordinance to exempt from all requirements of  
8 this section the use and provision of single-use carry-out bags and recycled paper bags  
9 by retail establishments, except that such an ordinance may not otherwise regulate the  
10 use and provision of such bags by retail establishments.'

11 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
12 number to read consecutively.

13 **SUMMARY**

14 This amendment, which is the minority report of the committee, changes the title of  
15 and replaces the bill. It amends the law regulating single-use carry-out bags at retail  
16 establishments to authorize local governments to adopt ordinances exempting from all  
17 requirements of that law the use and provision of single-use carry-out bags and recycled  
18 paper bags by retail establishments as long as those ordinances do not otherwise regulate  
19 the use and provision of such bags by retail establishments.



# 130th MAINE LEGISLATURE

LD 39

LR 539(02)

An Act To Remove the Plastic Bag Ban

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Environment and Natural Resources

Fiscal Note Required: Yes

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## Fiscal Note

Minor cost increase - General Fund  
Minor cost increase - Other Special Revenue Funds

### Fiscal Detail and Notes

Any additional costs to the Department of Environmental Protection as a result of authorizing local governments to adopt ordinances regarding single-use carry-out bags made of plastic are anticipated to be minor and can be absorbed within existing budgeted resources.

**No appropriations/allocations section required.**

Fiscal info - LD 108

Minority OTP report  
(4 members - Hanley,  
Johansen, O'Connor,  
Tuell)



Approved: 03/09/21 *MAC*

# 130th MAINE LEGISLATURE

~~to~~ majority report ONTP (9 members)

LD 108

LR 220(01)

An Act To Improve Public Safety by Repealing the Single-use Plastic Carry-out Bag Ban

## Preliminary Fiscal Impact Statement for Original Bill

Sponsor: Rep. Faulkingham of Winter Harbor

Committee: Environment and Natural Resources

Fiscal Note Required: No

## Preliminary Fiscal Impact Statement

Minor cost increase - General Fund

Minor cost increase - Other Special Revenue Funds

### Fiscal Detail and Notes

Any additional costs to the Department of Environmental Protection as a result of the repeal of restrictions on retail establishments using single-use carry-out bags made of plastic and allowing their use if certain conditions are met are anticipated to be minor and can be absorbed within existing budgeted resources.

No appropriations/allocations section required.



Approved: 03/09/21 *MAC*

# 130th MAINE LEGISLATURE

LD 108

LR 220(02)

**An Act To Improve Public Safety by Repealing the Single-use Plastic Carry-out Bag Ban**

**Fiscal Note for Bill as Amended by Committee Amendment " "**

**Committee: Environment and Natural Resources**

**Fiscal Note Required: No**

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## Fiscal Note

Fiscal Note Only Request - No Fiscal Note Required

**No appropriations/allocations section required.**



LD 244 - Fiscal into  
Minority report OTP  
(4 members - Hanley,  
Johansen, O'Connor,  
Tuell)

Approved: 03/09/21 *MAC*



## 130th MAINE LEGISLATURE

LD 244

LR 360(01)

\* majority ONTP  
report (9 members)

An Act To Repeal Maine's Single-use Plastic Bag Law

Preliminary Fiscal Impact Statement for Original Bill

Sponsor: Sen. Davis, Sr. of Piscataquis

Committee: Environment and Natural Resources

Fiscal Note Required: No

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### Preliminary Fiscal Impact Statement

Minor cost increase - General Fund

Minor cost increase - Other Special Revenue Funds

#### Fiscal Detail and Notes

Any additional costs to the Department of Environmental Protection as a result of the repeal of restrictions on retail establishments' use of single-use carry-out bags made of plastic are anticipated to be minor and can be absorbed within existing budgeted resources.

No appropriations/allocations section required.



Approved: 03/09/21 *MAC*

# 130th MAINE LEGISLATURE

LD 244

LR 360(02)

**An Act To Repeal Maine's Single-use Plastic Bag Law**

**Fiscal Note for Bill as Amended by Committee Amendment " "**

**Committee: Environment and Natural Resources**

**Fiscal Note Required: No**

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## Fiscal Note

Fiscal Note Only Request - No Fiscal Note Required

No appropriations/allocations section required.