

131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 572

H.P. 367

House of Representatives, February 14, 2023

An Act to Remove the 5 Cent Fee for Bags in Retail Stores

(EMERGENCY)

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

ROBERT B. HUNT

R(+ B. Hunt

Clerk

Presented by Representative LEMELIN of Chelsea.

1 2	Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and
3 4 5	Whereas, this legislation removes the 5ϕ fee currently required to be paid by a consumer when a retail establishment provides a recycled paper bag or a reusable bag made of plastic to bag products at the point of sale; and
6 7	Whereas, this legislation needs to take effect before the expiration of the 90-day period to immediately protect Maine residents from the economic burden of the fee; and
8 9 10 11	Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,
12	Be it enacted by the People of the State of Maine as follows:
13 14	Sec. 1. 38 MRSA §1611, sub-§3, as amended by PL 2021, c. 186, §18, is further amended to read:
15 16 17	3. Recycled paper bag fees bags and reusable plastic bag fees; exemptions bags. This subsection governs fees assessed on the use of recycled paper bags and on reusable bags made of plastic.
18 19 20	A. Beginning January 15, 2021 a A retail establishment may provide a recycled paper bag or a reusable bag made of plastic to bag products at the point of sale as long as the retail establishment charges a fee of at least 5¢ per bag.
21 22	(1) All amounts collected pursuant to this paragraph are retained by the retail establishment and may be used for any lawful purpose.
23 24	(2) A retail establishment may not rebate or otherwise reimburse a customer any portion of the fee charged pursuant to this paragraph.
25	B. The requirement to charge a fee under paragraph A does not apply to:
26 27	(1) Stores at which less than 2% of retail sales are attributed to the sale of food and that have less than 10,000 square feet of retail area;
28	(2) Restaurants; or
29 30	(3) Hunger relief organizations engaged in distributing food directly to consumers at no charge.
31 32	A retail establishment exempt from charging a fee under this paragraph may charge a fee for a recycled paper bag or a reusable bag made of plastic.
33 34	Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.
35	SUMMARY
36 37	This bill removes the 5¢ fee currently required when a retail establishment provides a recycled paper bag or a reusable bag made of plastic to bag products at the point of sale.