

**TOWN of TOPSHAM**  
**PETITION FOR**  
**BAG FEE TO REDUCE WASTE & PROTECT THE ENVIRONMENT ACT**  
 DATE OF ISSUANCE: *July 14, 2016*

**Freedom of Citizen Information:** Before a registered voter signs any initiative petition, circulators must offer the voter the opportunity to read the full text of the proposed “Bag Fee to Reduce Waste & Protect the Environment Act” on the reverse side of this sheet.

To the Municipal Officers of the Town of Topsham: We, the undersigned, being registered voters in the Town of Topsham, Maine hereby petition under Maine law 30-A M.R.S.A., Section 2522 to have the following article put before the voters for their consideration at the next general election *or* on the warrant of the 2017 Special Town Meeting if the deadline for the general election has passed:

Do you favor the “Bag Fee to Reduce Waste Act & Protect the Environment Act” ordinance, amending the Topsham Town Code, which places a 5-cent fee on single-use plastic and paper bags at check-out at all stores with greater than 2 percent food sales?

Registrar use only	SIGNATURE	DATE SIGNED	ACTUAL STREET ADDRESS (Not P.O. Box or R.F.D.)	MUNICIPALITY (Where Registered)	NAME PRINTED
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**CIRCULATOR'S OATH**

I hereby make oath that I am the Circulator of this petition; that I personally witnessed all the signatures to this petition; and, to the best of my knowledge and belief, each signature is that of the person whose name it purports to be and each signer has signed no more than once. Each signer had an opportunity to read the petition before signing.

Signature of circulator \_\_\_\_\_ Printed name \_\_\_\_\_

STATE OF MAINE, County of \_\_\_\_\_ Date: \_\_\_\_\_, 2016

The above name circulator appeared before me and made oath that the foregoing statements are true to the best of his/her personal knowledge, information and belief, and where based upon information and belief, he/she believes the information to be true.

Signature of Notary \_\_\_\_\_ Printed name \_\_\_\_\_

Subscribed to and sworn before me on this date: \_\_\_\_\_ [←Notary notes date] Date my commission expires: \_\_\_\_\_

# TOWN OF TOPSHAM, MAINE AMENDMENT TO MUNICIPAL CODE OF ORDINANCES: "BAG FEE TO REDUCE WASTE & PROTECT THE ENVIRONMENT ACT"

Whereas, the use of single-use carryout bags has severe environmental impacts on a local and global scale, including greenhouse gas emissions, litter, harm to wildlife, atmospheric acidification, water consumption and solid waste generation; and  
 Whereas, very few single-use carryout bags are recycled despite recycling and voluntary solutions to control pollution from single-use carryout bags; and  
 Whereas, numerous studies have documented the prevalence of single-use carryout bags littering the environment, blocking storm drains, and endangering wildlife; and  
 Whereas, the Town of Topsham's taxpayers must bear costs associated with the effects of single-use carryout bags on the solid waste stream, drainage, litter, and wildlife; and  
 Whereas, the Town, through its policies, programs, and laws, supports efforts to reduce the amount of waste that must be disposed of by supporting the waste management hierarchy (reduce, reuse, recycle, compost, waste-to-energy landfill) and supports efforts to achieve State recycle goals; and  
 Whereas, from an environmental and economic perspective, the best alternative to single-use carryout bags is to shift to reusable bags for shopping; and  
 Whereas, the Town of Topsham aims to conserve resources, reduce greenhouse gas emissions, waste, and litter and to protect the public health and welfare, including wildlife, all of which increase the quality of life for the Town's residents and visitors; and  
 Whereas, the evidence indicates that the vast majority of single-use carryout bags are used for the bagging and carryout of products purchased from Stores, as those businesses are defined in this Ordinance; and  
 Whereas, studies document and participating municipalities report that prohibiting the free distribution of single-use carryout bags will dramatically reduce the use of those types of bags; and  
 Whereas, the Town of Topsham believes that residents and visitors should use reusable bags and that prohibiting the free distribution of single-use carryout bags by stores is appropriate and will incentivize the use of reusable bags; and  
 Whereas, it is in the best interests of the health, safety and welfare of citizens and visitors of Topsham to reduce the cost to the Town of solid waste disposal, and to protect our environment and our natural resources by reducing the distribution  
 Now therefore, the Town of Topsham adopts the following ordinance regulating the distribution of single-use carryout bags and incentivizing the use of reusable bags at Stores, as defined in this Ordinance.

## XX-1. Definitions.

As used in this Ordinance the following terms have the following meanings:

*Single-use Carryout Bag.* Single-use Carryout Bag means a bag other than a Reusable bag provided at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment. The term Single-Use Carryout Bag includes compostable and biodegradable bags but does not include

- (a) reusable bags;
- (b) produce bags or product bags;
- (c) bags provided by pharmacists to contain prescription drugs;
- (d) any newspaper bag or dry cleaning bag;
- (e) a bag that a restaurant gives a customer to take prepared, carryout, or leftover food or drink from the restaurant; or
- (f) a once-used or re-used bag, such as those given out at thrift and antique stores.

*Produce bag or Product bag.* The terms produce bag or product bag mean any bag without handles used exclusively to carry produce, meats, other food items or merchandise to the point of sale inside a store or to prevent such items from coming into direct contact with other purchased items.

*Reusable Bag* means a bag that is:

- (a) Designed and manufactured to withstand repeated uses over a period of time;
- (b) Is machine washable or, made from a material that can be cleaned and disinfected regularly;
- (c) That is at least 4.0 mil thick if made from plastic;
- (d) Has a minimum lifetime of 75 uses; and
- (e) Has the capability of carrying a minimum of 18 pounds.

*Store.* The term Store means any of the following retail establishments located within the Town of Topsham:

- (a) a full-line, self-service market located in a permanent building, operating year-round, and which sells at retail a line of staple foodstuffs, meats, produce, household supplies, dairy products or other perishable items.
- (b) a drug store, pharmacy, supermarket, grocery store, convenience food store, food mart, or other entity engaged in the retail sale of a limited line of goods that includes milk, bread, soda, and snack foods.

"Store" does not mean: Businesses at which foodstuffs are an incidental part of the business. Food sales will be considered to be "incidental" if such sales comprise no more than 2 percent of the business's gross sales in the Town as measured by the dollar value of food sales as a percentage of the dollar value of total sales at any single location

*Restaurant.* Restaurant means any lunchroom, café, or other establishment located in a permanent building for the accommodation of the public, equipped with a kitchen containing facilities and utensils for preparing and serving meals to the public, and outfitted with a public dining area. A restaurant does not include any area of a supermarket, department store, or other retail establishment beyond the kitchen and public dining area.

## XX-2. Single-Use Carryout Bag.

- (a) No Store shall provide a Single-Use Carryout Bag to a Customer at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment except as provided in this Section.
- (b) A Store may make available for sale to a Customer a Single-Use Carryout Bag for a minimum charge of five cents (\$0.05).
- (c) All monies collected by a Store for Single-Use Carryout Bags under this Chapter may be used by the Store for any lawful purpose.
- (d) All Stores must post signage clearly indicating the per bag charge for Single-Use Carryout Bags.
- (e) Notwithstanding this Section, no Store may make available for sale a Single-Use Carryout Bag unless the amount of the sale of the Single-Use Carryout Bag is separately itemized on the sale receipt.
- (f) No Store shall rebate or otherwise reimburse a customer any portion of the minimum charge required in Subsection (b).

## XX-3. Exemptions.

During the first year of this ordinance, a Store may provide a Single-Use Carryout Bag at no cost at point of sale to a customer who purchased the items with food instruments distributed by the Department of Health & Human Services pursuant to the Supplemental Nutrition Assistance Program of the federal Child Nutrition Act of 1966.

A Store shall be exempt from the provisions of this Article, in a situation deemed by the Town Manager to be an emergency for the immediate preservation of the public health or safety.

## XX-4. Record Keeping and Inspection.

Every Store shall keep complete and accurate records or documents of the purchase and sale of any Single-Use Carryout Bag, for a minimum period of three (3) years from the date of purchase and sale, which record shall be available for inspection at no cost to the Town during regular business hours by any Town employee authorized to enforce this Article. Unless an alternative location or method of review is mutually agreed upon, the records or documents shall be available at the Store's address. The provision of false information including incomplete records or documents to the Town shall be a violation of this Article.

## XX-5. Violations and Enforcement.

The Town Manager or his/her designee(s) shall have the primary responsibility for enforcement of this Article. If the Town Manager or his/her designee(s) determines that a violation of this Article has occurred, he/she shall issue a written warning notice to the Store that a violation has occurred. Subsequent violations of the Article shall be subject to the penalties set forth below.

- (a) A fine not exceeding \$250 for the first violation in a one-year period;
- (b) A fine not exceeding \$500 for the second and each subsequent violation in a one-year period.

## XX-6. Effective Date.

Notwithstanding the provisions of 1 M.R.S. § 302 or any other law to the contrary, this ordinance shall be effective at the expiration of 180 days after the date of its passage.

## XX-7. Severability.

If any part or provision of this Article or the application thereof to any person or circumstances is held invalid, the remainder of the Article, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Article are severable.

INSTRUCTIONS FOR CIRCULATION		CERTIFICATION CODE FOR VALID SIGNATURES
<b>PETITIONER - MUST:</b> <ul style="list-style-type: none"> <li>• BE A MAINE REGISTERED VOTER</li> <li>• SIGN NAME AS IT APPEARS ON THE VOTING LIST</li> <li>• SIGN ONLY ONCE &amp; <b>NOT</b> SIGN ANOTHER'S NAME</li> <li>• PRINT NAME, DATE OF SIGNING, STREET ADDRESS &amp; MUNICIPALITY OF RESIDENCE</li> </ul> <b>PETITION CIRCULATOR - MUST:</b> <ul style="list-style-type: none"> <li>• BE A MAINE RESIDENT AND REGISTERED VOTER</li> <li>• COMPLETE THE CIRCULATOR'S VERIFICATION</li> <li>• TAKE THE OATH BEFORE A NOTARY PUBLIC PRIOR TO SUBMISSION OF PETITIONS TO REGISTRAR</li> </ul> <b>WARNING: MAKING A FALSE STATEMENT BY THE CIRCULATOR, SIGNING A PETITION WITH THE NAME OF ANOTHER, OR SIGNING A NAME MORE THAN ONCE ON THESE PETITIONS IS A CLASS E CRIME.</b>	<b>REGISTRAR - MUST:</b> <ul style="list-style-type: none"> <li>• DATE AND TIME STAMP PETITION INDICATING WHEN IT IS RECEIVED</li> <li>• COMPLETE THE "REGISTRAR USE ONLY" SPACE USING THE CODES DESCRIBED IN THE BOX TO THE RIGHT</li> <li>• COMPLETE AND SIGN THE CERTIFICATION BY INDICATING WHICH NAMES ON THE PETITION APPEAR ON THAT MUNICIPALITY'S VOTING LIST</li> </ul> NOTE: IF THE SIGNATURE ALONE SUFFICIENTLY IDENTIFIES THE VOTER, IT SHOULD BE ACCEPTED.	✓ INDIVIDUAL SIGNING PETITION IS A REGISTERED VOTER  <b>THE MOST COMMON REASONS FOR REJECTION OF SIGNATURES OR PETITIONS (WITH APPLICABLE CODES) ARE AS FOLLOWS:</b> <b>OF INDIVIDUAL SIGNATURES</b> <i>DUP</i> INDIVIDUAL PREVIOUSLY SIGNED THE PETITION (DUPLICATE NAME) <i>NR</i> INDIVIDUAL IS NOT A REGISTERED VOTER <i>DATE</i> INDIVIDUAL SIGNED AFTER THE DATE OF THE CIRCULATOR'S VERIFICATION <i>ANO</i> INDIVIDUAL'S SIGNATURE MADE BY ANOTHER PERSON <i>SIG</i> INDIVIDUAL DID NOT SIGN THE PETITION (PRINTED NAME ONLY) <i>CERT</i> REGISTRAR'S CERTIFICATION IS NOT COMPLETED OR IS NOT SIGNED <i>ALT</i> INFORMATION ON THE PETITION HAS BEEN ALTERED IN A MATERIAL WAY <i>OATH</i> CIRCULATOR'S VERIFICATION IS NOT COMPLETED OR IS NOT SIGNED <i>OATH</i> CIRCULATOR DID NOT TAKE THE OATH BEFORE A VALID NOTARY PUBLIC <i>OATH</i> NOTARY DID NOT COMPLETE OR SIGN THE NOTARIZATION <i>OWN</i> NOTARY IS AN IMMEDIATE FAMILY MEMBER OF THE CIRCULATOR