

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 1065

S.P. 438

In Senate, March 13, 2025

An Act Regarding the Reduction and Recycling of Food Waste

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

A handwritten signature in black ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BRENNER of Cumberland.

Cosponsored by Senators: BENNETT of Oxford, BLACK of Franklin, TEPLER of Sagadahoc,
Representatives: OSHER of Orono, PLUECKER of Warren, RANA of Bangor.

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

2 **Sec. 1. 38 MRSA §2101-A**, as amended by PL 2019, c. 291, Pt. B, §2, is further
3 amended to read:

4 **§2101-A. Definitions**

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

7 **1-A. Anaerobic digestion.** "Anaerobic digestion" means the breakdown of organic
8 material by microorganisms in the absence of oxygen to produce biogas.

9 **3. Bureau.** "Bureau" means the Bureau of General Services within the Department of
10 Administrative and Financial Services as authorized pursuant to Title 5, section 1742.

11 **3-A. Composting.** "Composting" means the processing of organic material, including,
12 but not limited to, food waste, for soil application using a method of accelerated biological
13 decomposition of the organic material under controlled or uncontrolled conditions.

14 **3-B. Excess edible food.** "Excess edible food" means edible food that is not sold or
15 otherwise used by a food waste generator and that is safe for human consumption. "Excess
16 edible food" does not include unpackaged raw meat, fish or poultry; food damaged by pests,
17 mold, bacteria or other contamination; food subject to a governmental or producer recall
18 for food safety reasons; or food returned to a supplier by the food waste generator.

19 **3-C. Food rescue organization.** "Food rescue organization" means an organization
20 that collects excess edible food that would otherwise be managed as waste and distributes
21 the food for free for human consumption. "Food rescue organization" includes, but is not
22 limited to, a food pantry, food bank, soup kitchen or community-based organization
23 providing similar services.

24 **3-D. Food waste.** "Food waste" means material derived from processing or discarding
25 food that is not sold or consumed. "Food waste" includes excess edible food that cannot
26 be donated to a food rescue organization but does not include:

27 A. Organic material produced or generated by a producer that is not consumable by
28 humans or animals, such as plant stems, stalks or roots, or that is culled, off-grade or
29 outside of specification. As used in this paragraph, "producer" has the same meaning
30 as in Title 7, section 320-A, subsection 1, paragraph C;

31 B. Cooking oil or yellow grease from residential sources;

32 C. Biomedical waste, hazardous waste, sludge or septage;

33 D. Nonorganic material;

34 E. Any food subject to a governmental or producer recall for food safety reasons; or

35 F. Any other material identified by the department by routine technical rule pursuant
36 to Title 5, chapter 375, subchapter 2-A.

37 **3-E. Food waste generator.** "Food waste generator" means a person that generates
38 food waste.

39 **3-F. Point of generation.** "Point of generation" means the location where waste is
40 initially produced.

1 **4. Recycling establishment.** "Recycling establishment" means an establishment
2 engaged in the marketing, brokering or purchasing of reportable recyclable materials
3 generated in the State. "Recycling establishment" does not include an establishment that
4 directs all reportable recyclable materials it markets, brokers or purchases to brokers and
5 purchasers that are located in the State.

6 **5. Reportable recyclable materials.** "Reportable recyclable materials" means any of
7 the following categories of recyclable materials that are separated from household,
8 commercial or institutional waste and that are delivered to a recycling establishment for
9 recycling: glass; cardboard, paper and paper products; plastic and plastic products; cartons,
10 laminated materials and other packaging; nonferrous and ferrous metals, including white
11 goods; textiles; and mixed streams of recyclable materials that include any combination of
12 the materials listed in this subsection.

13 **6. Soil application.** "Soil application" means the addition of material to soil to
14 improve its nutrient levels or physical properties, such as water retention, permeability,
15 water infiltration, drainage or aeration.

16 **Sec. 2. 38 MRSA §2101-B, sub-§1,** as enacted by PL 2015, c. 461, §1, is amended
17 to read:

18 **1. Priorities.** It is the policy of the State to support the solid waste management
19 hierarchy in section 2101 by preventing and diverting ~~surplus food and food scraps waste~~
20 from land disposal or incineration and by ensuring the management of food waste in
21 accordance with section 2147 and the following order of priority:

22 A. Reduction of the volume of ~~surplus food waste~~ generated at the ~~source point of~~
23 generation;

24 B. Donation of ~~surplus excess edible food to food banks, soup kitchens, shelters and~~
25 ~~other entities rescue organizations or similar entities~~ that will use ~~surplus the food to~~
26 feed hungry people for human consumption;

27 C. Diversion of food ~~scraps waste~~ for agricultural use as animal feed, including
28 consumption by animals;

29 D. ~~Utilization of waste oils for rendering and fuel conversion, utilization of food scraps~~
30 ~~for digestion to recover energy, other waste utilization technologies and creation of~~
31 ~~nutrient-rich soil amendments through the composting of food scraps; and~~

32 D-1. Composting or anaerobic digestion of food waste, which may include energy
33 recovery, and subsequent soil application as long as the food waste is not mixed with
34 sludge or septage during composting or anaerobic digestion and before soil application;

35 D-2. Anaerobic digestion of food waste not followed by soil application; and

36 E. Land disposal or incineration of food ~~scraps waste~~.

37 **Sec. 3. 38 MRSA §2132, sub-§1-B,** as enacted by PL 2015, c. 461, §4, is amended
38 to read:

39 **1-B. State waste disposal reduction goal.** It is the goal of the State to reduce the
40 statewide per capita disposal rate of municipal solid waste tonnage to 0.55 tons disposed
41 per capita by January 1, 2019 and to further reduce the statewide per capita disposal rate
42 by an additional 5% every 5 years thereafter. The baseline for calculating this reduction is

1 the 2014 solid waste generation and disposal capacity data gathered by the department.
2 Methods to achieve the goal under this subsection include efforts to consume or encourage
3 the consumption of fewer resources, to reduce or encourage the reduction of the waste or
4 inefficient use of resources and to increase the reuse or repurposing of solid waste.

5 **Sec. 4. 38 MRSA §2147** is enacted to read:

6 **§2147. Food waste management; diversion**

7 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
8 following terms have the following meanings.

9 A. "Designated food waste generator" means a person that:

10 (1) Beginning July 1, 2027 and until June 30, 2029, generates at a single location
11 an annual average of 2 or more tons per week of food waste and is located within
12 20 miles of an organics recycler with available capacity to accept the food waste
13 generated by the person at the location;

14 (2) Beginning July 1, 2029, generates at a single location an annual average of one
15 or more tons per week of food waste and is located within 25 miles of an organics
16 recycler with available capacity to accept the food waste generated by the person
17 at the location; and

18 (3) Not earlier than July 1, 2032 and subject to the adoption of rules by the
19 department pursuant to subsection 5, paragraph B, generates at a single location
20 the annual average per week of food waste specified by the department by rule
21 pursuant to subsection 5, paragraph B and is located within the distance specified
22 by the department by rule pursuant to subsection 5, paragraph B from an organics
23 recycler with available capacity to accept the food waste generated by the person
24 at the location.

25 B. "Organics recycler" means an agricultural operation, composting facility, anaerobic
26 digestion facility or any other facility that diverts food waste from incineration or land
27 disposal.

28 C. "Single location" means contiguous property under common ownership, which may
29 include one or more buildings.

30 **2. Designated food waste generators; prohibition.** Beginning July 1, 2027, a
31 designated food waste generator may not dispose of or facilitate the disposal of its
32 generated food waste at an incineration facility or solid waste landfill and shall:

33 A. To the maximum extent practicable, reduce the volume of the food waste it
34 generates;

35 B. To the maximum extent practicable, separate excess edible food from other food
36 waste and arrange for the donation of the excess edible food to a food rescue
37 organization; and

38 C. Except as otherwise specified in this paragraph, separate food waste from other
39 types of waste at the point of generation and transfer or facilitate the transfer of the
40 food waste to an organics recycler for management in accordance with the following
41 order of priorities:

42 (1) Agricultural use, including consumption by animals;

1 (2) Composting or anaerobic digestion, which may include energy recovery, and
2 subsequent soil application; and

3 (3) Anaerobic digestion not followed by soil application.

4 A designated food waste generator may manage the food waste it generates at the point
5 of generation or at a different location through agricultural use, composting or
6 anaerobic digestion as long as the management of the food waste is consistent with the
7 priorities in section 2101-B, subsection 1. A designated food waste generator may
8 commingle food waste with other types of waste at the point of generation if the
9 commingled waste is to be managed by an organics recycler that can process such
10 commingled waste.

11 **3. Temporary hardship waiver.** A designated food waste generator may petition the
12 department for and the department may approve a temporary waiver from some or all of
13 the requirements of this section if the designated food waste generator demonstrates to the
14 department's satisfaction that compliance with the requirements of this section by the
15 designated food waste generator would cause or is causing undue hardship based on
16 specific factors determined by the department by rule. A temporary waiver issued by the
17 department pursuant to this subsection may be effective for a period not to exceed 3 years.

18 **4. Designated food waste generators; reporting.** Except as otherwise provided
19 pursuant to subsection 5, paragraph B, beginning March 1, 2028, and annually thereafter,
20 a designated food waste generator shall submit to the department a report, in a format
21 specified by the department, that includes the following information:

22 A. The amount, in tons, of excess edible food donated by the designated food waste
23 generator to food rescue organizations during the prior calendar year;

24 B. The amount, in tons, of food waste transferred by the designated food waste
25 generator to organics recyclers during the prior calendar year; and

26 C. Any other information required by the department.

27 **5. Administration; rules; publication of information.** The department shall
28 administer the requirements of this section and shall adopt rules as necessary for the
29 implementation, administration and enforcement of this section.

30 A. Rules adopted pursuant to this subsection are routine technical rules as defined in
31 Title 5, chapter 375, subchapter 2-A and must include, at a minimum:

32 (1) Provisions setting forth the methodology by which the department will
33 determine the persons that qualify as designated food waste generators under this
34 section; and

35 (2) Requirements for the temporary hardship waiver process under subsection 3.

36 B. Not earlier than July 1, 2032, the department may adopt rules providing that a
37 designated food waste generator under subsection 1, paragraph A, subparagraph (3)
38 includes a person that generates at a single location an annual average of less than one
39 ton but greater than 100 pounds per week of food waste or that is located farther than
40 25 miles from an organics recycler with available capacity to accept the food waste
41 generated by the person at the location.

If the department adopts rules pursuant to this paragraph, the department may by rule exempt from otherwise applicable reporting requirements of subsection 4 any designated food waste generator that generates at a single location an annual average of less than one ton but greater than 100 pounds per week of food waste.

C. By July 1, 2026, the department shall publish on its publicly accessible website and maintain and regularly update a list of all organics recyclers in the State known by the department to be authorized to accept food waste and all food rescue organizations in the State known by the department to accept excess edible food.

SUMMARY

This bill provides that, beginning July 1, 2027, a designated food waste generator may not dispose of its generated food waste at an incineration facility or solid waste landfill and must to the maximum extent practicable reduce the volume of food waste it generates, separate and arrange for the donation of excess edible food and manage the remaining food waste it generates through agricultural use, composting or anaerobic digestion at the point of generation, at a different location or by transferring the food waste to an organics recycler for management. The Department of Environmental Protection may approve a temporary waiver from these requirements for a designated food waste generator based on undue hardship for a period not to exceed 3 years.

The bill specifies that whether a person is considered a designated food waste generator is based on the average amount of food waste generated weekly by the person. Beginning July 1, 2027 and until June 30, 2029, a designated food waste generator is a person that generates an annual average of 2 or more tons per week of food waste and that is located within 20 miles of an organics recycler with available capacity. Beginning July 1, 2029, a designated food waste generator is a person that generates an annual average of one or more tons per week of food waste and that is located within 25 miles of an organics recycler with available capacity. The bill specifies that, not earlier than July 1, 2032, the department may adopt rules providing that a designated food waste generator includes a person that generates an annual average of less than one ton but greater than 100 pounds per week of food waste or that is located farther than 25 miles from an organics recycler with available capacity. The bill also makes changes to the State's food recovery hierarchy and clarifies the state waste disposal reduction goal.