

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 468

H.P. 307

House of Representatives, February 24, 2015

An Act To Prohibit the Use of Certain Disposable or Polystyrene Food Service Containers

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BURSTEIN of Lincolnville.
Cosponsored by Senator MIRAMANT of Knox and
Representatives: GIDEON of Freeport, HEAD of Bethel, HYMANSON of York,
MASTRACCIO of Sanford, STUCKEY of Portland, WELSH of Rockport.

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

2 **Sec. 1. 38 MRSA §1652-A** is enacted to read:

3 **§1652-A. Disposable food service containers**

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

6 A. "Compostable" means material that will undergo degradation by biological
7 processes during composting to yield carbon dioxide, water, inorganic compounds
8 and biomass at a rate consistent with other materials that undergo degradation by
9 biological processes and leave no visible, distinguishable or toxic residue, including
10 no adverse impact on the ability of compost to support plant growth once the compost
11 is placed in soil.

12 B. "Disposable food service container" means a container, bowl, plate, tray, carton,
13 cup, lid or other item designed for one-time use for prepared foods. "Disposable food
14 service container" includes service ware for take-out foods and leftovers from
15 partially consumed meals prepared by food vendors, but does not include items
16 composed entirely of aluminum, recyclable service ware or polystyrene foam coolers
17 and ice chests that are intended for reuse.

18 C. "Polystyrene foam" means blown polystyrene and expanded foams using a
19 styrene monomer.

20 D. "Recyclable" means material that would otherwise be disposed of or processed as
21 waste that can be recovered, separated, collected and reprocessed for the purpose of
22 using the reprocessed material in the manufacture of a new product.

23 **2. Prohibition.** Notwithstanding section 1654, beginning January 1, 2016, a person
24 may not sell or distribute, at retail or wholesale, in the State a disposable food service
25 container:

26 A. That is composed in whole or in part of polystyrene foam; or

27 B. That is not recyclable or compostable, unless there is no recyclable or
28 compostable product available at a comparable cost as determined by the department
29 in rules adopted pursuant to subsection 3.

30 **3. Rules.** The department shall adopt rules to implement the provisions of this
31 section. Rules adopted pursuant to this subsection are routine technical rules as defined
32 in Title 5, chapter 375, subchapter 2-A.

33 **SUMMARY**

34 The purpose of this bill is to protect the environment and wildlife of the State and to
35 reduce the increasing costs of litter collection and solid waste disposal by prohibiting the
36 sale or distribution of disposable polystyrene food service containers, which constitute a
37 sizable portion of nondegradable litter and solid waste in the State and which fragment

1 into smaller, nondegradable pieces that may harm marine life and other wildlife through
2 ingestion.

3 Beginning January 1, 2016, this bill prohibits the sale or distribution, at retail or
4 wholesale, in the State of disposable food service containers composed in whole or in part
5 of polystyrene foam, as well as disposable food service containers that are not recyclable
6 or compostable unless there is no recyclable or compostable product available at a
7 comparable cost. This bill requires the Department of Environmental Protection to adopt
8 rules to implement these statutory provisions.