



# 132nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2025

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Legislative Document

No. 1065

S.P. 438

In Senate, March 13, 2025

### An Act Regarding the Reduction and Recycling of Food Waste

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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'.

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 seraps 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;~~ surplus the food to

27           C. Diversion of food ~~seraps 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 seraps~~  
30 ~~for digestion to recover energy, other waste utilization technologies and creation of~~  
31 ~~nutrient rich soil amendments through the composting of food seraps; 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 ~~seraps 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.

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

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

## 9 **SUMMARY**

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

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