



128th MAINE LEGISLATURE

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Legislative Document

No. 103

H.P. 71

House of Representatives, January 17, 2017

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

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

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

ROBERT B. HUNT
Clerk

Presented by Representative ZEIGLER of Montville.
Cosponsored by Representatives: ACKLEY of Monmouth, RYKERSON of Kittery, Senator:
MIRAMANT of Knox.

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," with regard to a material, means that the material will undergo
7 degradation by biological processes during composting to yield carbon dioxide,
8 water, inorganic compounds and biomass at a rate consistent with other materials that
9 undergo degradation by biological processes and leave no visible, distinguishable or
10 toxic residue, including no adverse impact on the ability of compost to support plant
11 growth once the compost 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," with regard to a material, means that a material that would
21 otherwise be disposed of or processed as waste can be recovered, separated, collected
22 and reprocessed for the purpose of using the reprocessed material in the manufacture
23 of a new product.

24 **2. Prohibition.** Beginning January 1, 2018, a person may not sell or distribute, at
25 retail or wholesale, in the State a disposable food service 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, 2018, 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.