



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 959

H.P. 606

House of Representatives, March 2, 2023

An Act to Prohibit Food Waste by Grocery Stores

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 MILLIKEN of Blue Hill.

Cosponsored by Representatives: EATON of Deer Isle, JAUCH of Topsham, LOOKNER of Portland, OSHER of Orono, PLUECKER of Warren, WARREN of Scarborough, ZEIGLER of Montville.

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

2 **Sec. 1. 38 MRSA §2147** is enacted to read:

3 **§2147. Food waste at grocery stores**

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

6 A. “Composting facility” means a solid waste processing facility where organic
7 materials are processed using a method of accelerated biological decomposition of
8 organic material under controlled aerobic or anaerobic conditions.

9 B. “Food waste” means food material produced from human or animal food
10 production, preparation and consumption activities and that consists of, but is not
11 limited to, fruits, vegetables and other vegetative material, grains and fish and animal
12 products and by-products. “Food waste” does not include hazardous waste, biomedical
13 waste, sewage or septage.

14 C. “Grocery store” means a store primarily engaged in the retail sale of canned food,
15 dry goods, fresh fruits and vegetables, fresh meats, fish and poultry.

16 **2. Prohibition.** Beginning January 1, 2024, a grocery store may not dispose of or
17 facilitate the disposal of food waste or surplus food acquired for retail sale by or generated
18 at the grocery store at a waste-to-energy facility or landfill. The grocery store shall ensure
19 that such food waste or surplus food is:

20 A. Donated to food banks, soup kitchens, shelters and other entities for feeding people;

21 B. Diverted for use as animal feed; or

22 C. Delivered to a composting facility for energy recovery through digestion, as input
23 for other waste utilization technologies or for the creation of soil amendments through
24 composting.

25 **3. Administration and enforcement; rules.** The department shall administer and
26 enforce this section and may adopt rules as necessary to implement the provisions of this
27 section. Rules adopted pursuant to this subsection are routine technical rules as defined in
28 Title 5, chapter 375, subchapter 2-A.

29 **SUMMARY**

30 This bill provides that, beginning January 1, 2024, a grocery store may not dispose of
31 or facilitate the disposal of food waste or surplus food acquired for retail sale by or
32 generated at the grocery store at a waste-to-energy facility or landfill. Instead, the bill
33 requires that a grocery store ensure that such food waste or surplus food is donated to food
34 banks, soup kitchens, shelters and other entities for feeding people; diverted for use as
35 animal feed; or delivered to a composting facility for energy recovery through digestion,
36 as input for other waste utilization technologies or for the creation of soil amendments
37 through composting.