



March 26, 2025

Senator Tepler
Representative Doudera
Environment and Natural Resources Committee
Maine Legislature
100 State House Station
Augusta, Maine 04333

RE: Testimony In Opposition to LD 56 and LD 69 + Testimony in Support of LD 1122

Dear Chair Tepler, Chair Doudera, and Members of the Joint Standing Committee on Environment and Natural Resources:

Thank you for the opportunity to provide testimony on three bills that relate to Maine's single-use plastic bag ban. Just Zero is a national environmental non-profit advocacy organization that works to implement just and equitable solutions to climate-damaging and toxic production, consumption, and waste disposal practices. We believe that all people deserve Zero Waste solutions with zero climate-damaging emissions and zero toxic exposures.

Maine's single-use plastic bag ban is an important waste reduction policy. The law has eliminated needless and unrecyclable single-use plastic bags, reduced litter and marine pollution, and helped develop a culture of reuse across the state. Any changes to the program should focus on improving it, not undermining it. Therefore:

- (1) Just Zero *opposes* LD 56: An Act to Remove the Five Cent Fee for Bags in Retail Stores
- (2) Just Zero *opposes* LD 69: An Act to Repeal the Law Restricting the Use of Certain Plastic, Paper, and Single-Use Bags
- (3) Just Zero *supports* LD 1122: An Act to Amend the Law Banning Single-Use Carryout Bags.

I. Single-Use Plastic Bag Bans Work

The average American uses 365 plastic bags per year.¹ That is an average of one per day. These bags are briefly used and then discarded, with an average lifespan of 12 minutes.² Importantly, these bags are not recyclable or biodegradable, meaning at best they're destined for a landfill or incinerator.³ At worst, they leak into the environment where they pollute communities, threaten

¹ Center for Biological Diversity, [10 Facts about Single-Use Plastic Bags](#).

² Baltimore Office of Sustainability, [Plastic Bag Ban: Information for Residents](#).

³ Matt Gutman, [We Put Dozens of Trackers in Plastic Bags for Recycling – Many Were Trashed](#), ABC News. (May 23, 2023).

wildlife, and break down into microplastics. The production and disposal of single-use plastic bags also generates air and water pollution that threatens our health and environment.⁴

To address the needless waste and pollution created by single-use plastic bags, states, cities, and towns have implemented policies banning them. Currently, twelve states have single-use plastic bag bans.⁵ Additionally, as of 2021, more than 500 cities and towns across 28 states have single-use bag bans in effect.⁶

The reason these policies are so prevalent is because they work. According to the New Jersey Plastic Advisory Council, the state's single-use plastic bag ban eliminated 5.5 billion single-use plastic bags and 110 million single-use paper bags in one year.⁷ This is not an anomaly. San Francisco experienced a 33% reduction in single use plastic bag litter on beaches after its ordinance went into effect in 2012.⁸ The plastic bag ban in Austin, Texas, had a remarkable impact, with 90% less plastic bag litter in the six months after it went into effect in 2013.⁹

Given how effective single-use plastic bag bans are, we urge the committee to oppose LD 69.

II. The Five-Cent Fee on Paper Bags Should Not be Eliminated

Maine's five-cent fee on paper and reusable bags is an important component of the law that incentivizes consumers to bring their own reusable bags. Therefore, Just Zero strongly opposes the efforts to remove the five-cent fee.

The most effective single-use plastic bag bans are designed to do more than simply eliminate needless plastic bags and replace them with paper ones. Instead, well-designed policies can encourage a shift toward reusable bags. The most effective way to do this is to impose a nominal fee on single-use paper bags.

Studies have shown that all single-use plastic bag bans increase the number of reusable bags.¹⁰ However, the largest increase in reusable bag adoption occurs in jurisdictions that impose a fee on single-use paper bags.¹¹ This fee creates an economic incentive that encourages consumers to bring their own reusable bags, rather than relying on single-use bags provided by the store.

⁴ David Azoulay et al., [Plastic & Health: The Hidden Costs of a Plastic Planet](#), Center for International Environmental Law, pp. 1-2. (Feb. 2019).

⁵ Louis Sokolow, [Plastic Bag Bans Work: Well-Designed Single-Use Plastic Bag Bans Reduce Waste and Litter](#), Frontier Group, at 4, (Jan. 2024). These states are California, Colorado, Connecticut, Delaware, Hawaii, Maine, New Jersey, New York, Oregon, Rhode Island, Vermont, and Washington.

⁶ *Id.*

⁷ New Jersey Department of Environmental Protection, [Plastic Advisory Council: First-Year Report](#), p. 7. (May 4, 2023).

⁸ Kelly O'Mara, [Are Plastic Bag Bans Actually Helping The Environment](#), KQED (May 18, 2017)

⁹ Aaron Waters, [Environmental Effects of the Single Use Bag Ordinance in Austin, Texas](#), Austin Resource Recovery, p. 10 (June 10, 2015)

¹⁰ Louis Sokolow, [Plastic Bag Bans Work: Well-Designed Single-Use Plastic Bag Bans Reduce Waste and Litter](#), Frontier Group, at 11, (Jan. 2024).

¹¹ *Id.*

For example, a 2021 study in Philadelphia, which has no paper bag fee as part of its plastic bag ban, observed a 157% increase in the proportion of supermarket customers with at least one paper bag after its single-use plastic bag ban went into effect.¹² A study in Mountain View, California, whose ordinance included a minimum 10-cent fee on paper bags at the time of the cited report, observed a 67% decline in the proportion of customers using a paper bag after the ban was implemented.¹³

While paper bags are recyclable and environmentally preferable to plastic bags, they still come with environmental impacts. Reusable bags are the most sustainable option, and Maine’s five-cent fee on paper bags is necessary to incentivize customers to use them.

III. The Law Should be Amended to Close a Loophole that Allows Retailers to Provide Thicker Single-Use Plastic Bags.

While Just Zero is extremely supportive of Maine’s single-use plastic bag ban, we understand it is not perfect. Maine’s law, like many of the initial single-use plastic bag bans passed in the U.S., has a loophole that effectively allows retailers to continue to distribute single-use plastic bags.¹⁴ That’s because the law allows stores to continue to offer plastic bags at check-out so long as they cost at least five cents, are labeled as “reusable”, and are made of thicker plastic.¹⁵

In practice, these thicker “reusable” plastic bags are not reusable at all. They look and feel like the single-use plastic bags that the state attempted to ban. The only difference is they’re slightly thicker – which means they’re more wasteful. Virtually none of these bags are reused. Rather, customers who previously relied on single-use plastic bags at grocery stores and other shops simply switched to thicker plastic bags for a small fee. Attachment A includes several examples of bags that are technically considered “reusable” in Maine.

This loophole is significantly undermining the intent of Maine’s law. Moreover, it has likely increased plastic consumption and waste. In California, an identical loophole saw the amount of plastic bags discarded per person by weight increase to the highest level on record in the years after the ban was enacted.¹⁶ To address this, the California legislature amended the state’s plastic bag ban last year to close the loophole.¹⁷ Oregon is currently considering legislation to close the loophole in its law.¹⁸

¹² Daniel Banko Ferran and Syon Bhanot, [Evaluating the Ban: Philadelphia’s Plastic Bag Ban and Changes in Bag Usage in the City](#), City of Philadelphia, p. 4 (April 2023).

¹³ Paige Bennett, [Plastic Bag Bans in the U.S. Reduced Plastic Bag Use by Billions](#), World Economic Forum. (Jan. 25, 2024).

¹⁴ Joseph Winters, [California Inspired a Wave of Plastic Bag Bans – With an Unfortunate Loophole](#), Grist (Oct. 11, 2024). Connecticut, Maine, Oregon, Rhode Island, and Washington all have laws that defined “reusable” plastic bags to include those that exceed a certain thickness – typically 4 mils.

¹⁵ *Id.*

¹⁶ Louis Sokolow, [Plastic Bag Bans Work: Well-Designed Single-Use Plastic Bag Bans Reduce Waste and Litter](#), Frontier Group, at 14, (Jan. 2024).

¹⁷ Joseph Winters, [California Inspired a Wave of Plastic Bag Bans – With an Unfortunate Loophole](#), Grist (Oct. 11, 2024).

¹⁸ [Oregon SB 551](#) (2025 Legislative Session).

LD 1122 will close this loophole in Maine’s law once and for all. The law redefines key terms to ban all single-use plastic bags while leaving room for truly reusable bags. The language is reflective of the best practices that have been adopted in states like New York, Colorado, Vermont, and New Jersey. This includes banning plastic film bags and ensuring that reusable bags must have stitched handles. Both requirements have effectively banned all single-use plastic bags – regardless of thickness – in those states.

IV. Conclusion

Maine’s single-use plastic bag ban is an important policy that is eliminating needless plastic, reducing waste, curbing litter, and fostering a culture of reuse. The state should be looking forward, not backward. We strongly urge the committee to vote ought not to pass on LD 56, and 69. Additionally, we recommend the committee vote ought to pass on LD 1122.

Respectfully submitted,

Peter Blair, Esq.
Policy and Advocacy Director
Just Zero

Attachment A:
Examples of Thicker Plastic Bags That Are Considered Reusable in Maine.



Example 1: Market Basket “Reusable” Bag
Source – Market Basket



Example 2: Shaw's Star Market "Reusable Bag"

Source - [Plastic Bag Bans Work: Well-Designed Single-Use Plastic Bag Bans Reduce Waste and Litter](#)



Example 3: Target-branded thick plastic grocery bags in Portland, Oregon.
Source AP Photo / Gilian Flaccus



Example 4: A thick plastic bag sits in a trash can in El Segundo, California.
Source - Patrick T. Fallon / AFP via Getty Images