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GOVERNOR

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM  
COMMISSIONER

**TESTIMONY OF**  
**BRIAN BENESKI, SUPERVISOR, RECYCLING PROGRAMS**  
**DIVISION OF MATERIALS MANAGEMENT**  
**BUREAU OF REMEDIATION AND WASTE MANAGEMENT**  
**MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**SPEAKING IN OPPOSITION TO**

**L.D. 56**

**AN ACT TO REMOVE THE 5 CENT FEE FOR BAGS IN RETAIL STORES**

**SPONSORED BY REP. LEMELIN**

**L.D. 69**

**AN ACT TO REPEAL THE LAW RESTRICTING THE USE OF CERTAIN PLASTIC,  
PAPER AND SINGLE-USE BAGS**

**L.D. 1122**

**AN ACT TO REPEAL THE LAW RESTRICTING THE USE OF CERTAIN PLASTIC,  
PAPER AND SINGLE-USE BAGS**

**BEFORE THE JOINT STANDING COMMITTEE  
ON  
ENVIRONMENT AND NATURAL RESOURCES**

**DATE OF HEARING:**

**MARCH 26, 2025**

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L.D. 56: An Act to Remove the 5 Cent Fee for Bags in Retail Stores  
L.D. 69: An Act to Repeal the Law Restricting the Use of Certain Plastic, Paper, and Single-use Bags  
L.D. 1122: An Act to Amend the Law Banning Single-use Carry-out Bags  
Testimony of: Brian Beneski, Supervisor, Recycling Programs  
Public Hearing: March 26, 2025  
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Senator Tepler, Representative Doudera, and members of the Committee, my name is Brian Beneski and I am the Supervisor of Recycling programs, within the Division of Materials Management, in the Bureau of Remediation and Waste Management, at the Department of Environmental Protection, speaking in opposition to L.D. 56, L.D. 69, and L.D. 1122.

L.D. 56 removes the 5-cent fee that retailers charge for providing a single-use paper or reusable plastic film carry-out bag that is associated with Maine's existing single-use plastic bag reduction law, and L.D. 69 repeals the law in its entirety. This law was signed by the Governor on June 17, 2019 (PL 2019, ch. 346) after passage of L.D. 1532, An Act to Eliminate Single-Use Plastic Carry-Out Bags. The Department testified in support of L.D. 1532. The goals of this bill were to substantially reduce the use of single-use plastics and the resulting waste stream through reduction and reuse – the top rungs of Maine's solid waste management hierarchy (38 M.R.S. § 2101); and to harmonize the patchwork of differing local ordinances across Maine prohibiting various types of single-use bags or placing different types of fees or requirements around the use of carry-out bags. The Department's position on this has not changed and we believe that the law has accomplished these goals and has had the additional benefit of reducing the number of single-use plastic bags littered in Maine.

Regarding LD 69 and the repeal of the fee, it should be noted that the fee was established for two specific purposes. The first is to act as a "reminder" for consumers to bring their reusable bags back to the store. Studies have shown that a small fee per bag can lead to a successful reduction in carry-out bag use<sup>1,2,3</sup>. The second purpose

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<sup>1</sup> <https://www.vox.com/the-highlight/2019/8/20/20806651/plastic-bag-ban-straw-ban-tax>

<sup>2</sup> <https://www.sierraclub.org/sites/www.sierraclub.org/files/sce/maryland-chapter/2020LegisFactSheets/Plastic%20Bag%20Ban%20fact%20sheet%20-%202022January.pdf>

<sup>3</sup> <https://think.ing.com/articles/plastic-bags-consumer-behaviour-and-the-environment/>

for the fee is to provide an even playing field for small stores in relation to larger stores that may be able to better absorb the cost of providing the allowable paper and/or reusable bags for customers who forget their reusable bags, as the fee is kept by the store and can be used for any purpose, including towards the purchasing of these bags. It was noted in testimony for L.D. 1532 provided by the Maine Grocers and Food Producers Association in 2019 that the average cost of paper bags was 11-12 cents each, whereas single-use plastic bags cost a retailer approximately 2.5 cents each<sup>4</sup>.

The Department has concerns about some of the changes L.D. 1122 proposes to certain aspects of the law, but supports the clarification it provides in further refining the definition of a carry-out or reusable bag. The Department is concerned about the inclusion of delivery of items in the definition of "point of sale" and the raising of the fee from 5 cents to 10 cents. Inclusion of home delivery would provide a greater degree of impact to Maine citizens that are not as mobile or are unable to leave their homes, such as the elderly or disabled, as they depend more on the delivery of everyday items like food and medicines. Regarding the fee, the Department does believe that the current 5-cent fee has been an effective reminder for the public to use their reusable bags. As noted earlier, the fee that is collected is kept by the establishment and can be used to assist with the costs for providing more expensive single-use paper or reusable bags. It should also be noted that the 5-cent fee is minimum fee, not a maximum fee amount (38 M.R.S. § 1611(3)). If a retailer feels it necessary to charge greater than 5 cents to recoup their costs for providing their customers with a bag, the law gives them the ability to do so.

Thank you for the opportunity to testify before you today. I would be happy to answer any questions from the Committee, both now and at the work session.

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<sup>4</sup><https://legislature.maine.gov/bills/getTestimonyDoc.asp?id=133764>