

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

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OF THE

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confusion which otherwise may end up in litigation.

Thereupon, the Bill was passed to be engrossed in concurrence.

The Chair laid before the House the fifth tabled and today assigned matter:

Bill "An Act to Provide for more Effective Debt Management and for more Effective Administration of the State's Development Financing Capability" (H. P. 1816) (L. D. 1974)

Tabled — March 24 by Mrs. Najarian of Portland.

Pending — Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: The reason that this bill has been tabled for so long is that we have been working hard with some people interested in the measure on trying to develop an alternative proposal which would get away from the Industrial Finance Bank, which would have the power to issue \$100 million worth of bonds and many people had reservations about the credit risk to the state. We have developed a different approach to this and have provided for some limits on the Maine Guarantee Authority and the maintenance of the Debt Management Committee. The amendment was finally drafted and finished today and has gone to the Research Office and it should be ready by tomorrow. I will have it for you then if this could be tabled until then.

On motion of Mr. Rolde of York, tabled pending passage to be engrossed and tomorrow assigned.

On request of Mr. Dam of Skowhegan, the following matter was taken up out of order by unanimous consent:

Bill "An Act to Strengthen Litter Laws and Improve Solid Waste Management in this State" (H. P. 2225) (L. D. 2315) which was tabled earlier in the day and later today assigned, pending passage to be engrossed as amended by House Amendment "A".

Mr. Dam of Skowhegan offered House Amendment "B" to and moved its adoption.

House Amendment "B" (H-1093) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I see there are some smiles on some of the members faces when they see this and they see the title, "Newspaper Litter Control." I can assure you today that there is nothing frivolous in offering this amendment to this house. It just so happens that the bill itself, "An Act to Strengthen Litter Laws and Improve Solid Waste Management in this State" deals directly with this problem.

Secondly, it so happens that this very same amendment is before the Kentucky State Legislature right now, so it is nothing that is originated in the State of Maine. It is nothing that Everett Dam has originated, going along with the supplement bill which you are all aware of. This deals directly with the problem of newspaper and newspaper waste and recycling of newspapers. It was changed over by Legislative Research to move the various sections into conformity with the law of the State of Maine and not the way it was written for the State of Kentucky.

What it primarily does is set a deposit on newspapers. It allows for the refund to be made when the newspapers are delivered to a redemption center, it creates within the Department of Environmental Protection a litter fund. This would be funded by these papers that are not redeemed. It also allows for payment for a partial return of newspapers, including supplements. And the main thing of this is, what it would do, by recycling newspaper

wastes or old newspapers, it would save thousands upon thousands of cords of wood from being cut from our forests and going into paper manufacturing in this state.

The day is coming, contrary to what we are told, that the forests are increasing 2 percent a year faster than we can cut them, the day is going to come with the increased usage of wood, not only by this country but from what we are shipping abroad, that we will find our forests in Maine will not be adequate to support our industry.

Also, there has been an increased usage of burning of wood to heat homes, there is also talk now of methane gas being made from wood, there is talk of maybe industrial steam generation being done by wood, so we are cutting trees down faster and somebody might think we are cutting them a little too fast. I am sure that if you go over the areas where they have been clearcut, you will find that this is true, so something has to be done to start recycling, something has to be done to control litter. If you go into your public dumps, you will see newspapers being dumped, and while newspapers will decay in time, when they are dumped into a pack or a bundle or any amount at all, they tend to compact and they don't decompose quite as readily as they do if they were separated. With separation, you would have a problem, especially if you did not cover immediately in a sanitary landfill, of the wind blowing them away and blowing them all over the place.

What this does, this speaks very well to that problem. Another thing that this would do by reclaiming, it would get this newsprint back, and I realize that all of it cannot go back into the manufacturing of newsprint because you can only recycle only so much to go back in and the rest has to have raw material to supplement the recycle. There are industries in this state that use recycled paper. One of those industries being located in the City of Waterville and partly in the town of Fairfield, Keyes Fiber, another one, they make a molded paper product, a plate. You will recall just recently that the gentleman from Waterville, Mr. Carey, presented the good Speaker, Mr. Martin, with a bundle of bicentennial plates.

This stuff can be used when you make fiberboard, egg cartons, which are nothing more than a pulp paper carton. Also, in Gardiner there is a mill that uses recycled paper in paper board manufacture. We also have an industry in this state, that uses newspapers, they grind them up, fireproof them and burn proof them and package them up and it is sold for pouring insulation to insulate homes for those people who will pour that insulation in their own buildings. There is a need for this.

Also, it would take a big burden off the dumps in the municipalities. That is the reason for introducing this, because if we have concern for litter, then we should look at all areas of litter and I am sure that if we really have a true concern, come the next session, we will be expanding the so-called bottle bill.

I don't think bottles are the only litter we have to deal with or the only recyclable thing that we are going to have in the state. I think the time has come that we have to look at our natural resources and we have to start thinking of how many times can we recycle in order to save our natural resources and not get to the day when we will find that we don't have the natural resources to do with.

Only a few years ago, we thought that we would never run out of oil but now we are down to the point where it is crucial or down to the point where we have even heard bills in this session to put a gas guzzler tax on, and unless we do something in the area of our woods and recycling paper, you will come — and I say very shortly and I strongly believe this — that we will have to start thinking of enacting legisla-

tion to curtail the use of wood in this state. I would not want to see this because we have so many industries that do rely on wood in order to keep going and especially those that burn wood to keep their houses warm. If they were denied this because of an acute shortage at a future date, and I am sure the oil situation will stay with us, this would put a tremendous burden on them. That is the reason for offering this amendment today, that is the sole reason.

If I had wanted to talk about supplements, I would have said, let's put a cent apiece more there and give it to the newspaper boy and let him pick up the newspapers and return them, but that I am not interested in. I am interested in only one thing — recycling, recycling the newspapers and getting them used up and not having them wasted. For that reason, I offer this amendment and I hope you will support it. I request a roll call when the vote is taken.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. McKernan.

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: What can I say? It is imaginative.

I would move the indefinite postponement of this amendment, I would also ask for a roll call.

I think you really just have to look at the committee report and see that the gentleman from Skowhegan was opposed to the bill and I think this is an obvious attempt to kill the bill, so I really can't add anything else and I hope you vote against it.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, I would like to pose an inquiry through the Chair. I notice that each newspaper has to have a refund value of 5 cents, yet, each partial newspaper has to have a refund value of 2 cents. I also notice that a partial newspaper is a quarter of a newspaper, so that it would appear to me that you would get 8 cents if you took back your newspaper in four parts, whereas you would only get 5 cents if you took your newspaper back in one part. I would ask the gentleman from Skowhegan whether this would not result in additional litter as people were separating all the pages of their newspapers in attempting to drive them back to the redemption centers?

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: First off, if the good gentleman would read first, it says that a partial newspaper shall consist of less than three quarters of pages produced for a particular edition, including the advertising inserts distributed as part of that edition, but shall include at least one fourth of the pages comprising that edition.

That answers the question. Now I would like to pose a question through the Chair to the good gentleman. Have all bills that have been presented from other state legislators before this committee been perfect in their first draft?

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, have all bills passed by other legislatures presented by this legislature relating to the subject matter of this bill been passed by this legislature the first time around?

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Farley.

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would only ask the gentleman from Standish, Mr. Spencer, and the gentleman from Bangor, Mr. McKernan, to read the original order that implemented this bill here.

I am going to support the amendment of Mr. Dam. I am not stupid enough to think that it is going to get anywhere or I am not going to fight the bottle bill today, I am not going to object

against it, but I will ask you one thing, all of you here today, to read the original order, what it asks for, and if you think that this little bottle bill is going to solve the problem of solid waste, energy conservation or the huge problems that we have coming down the road, you are grossly mistaken.

The people who are going to get the bottle bill are going to run away and we are not going to hear from them for a few years and the total energy problem of a solid waste form of landfill, we are going to keep making exceptions for the lady from Brunswick, the lady from Casco Bay, have what you want, we are just going to keep making exceptions. You know, it is a copout we have here.

The order said, let's work on solid waste and conserve the energy out of that solid waste. As I said, I am not naive enough to think we are going to get anywhere with this, but if you want to delay a program and support this bill and let it go through this House and the other body, we will be 10 years before we get back to the real issue of what this order asks for.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Bachrach.

Mrs. BACHRACH: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to say that recycling newsprint is not that much of a problem but it has a certain value on the market and if the municipality which is to collect papers, it will be at least a self-sustaining project.

Brunswick has baskets under all of the trash trucks. The citizens tie up their papers and they are put in the baskets and are taken to the town public works department and collected there. Mr. Goodman from Portland picks them up and we just about break even on the operation, and there is no addition of a large amount of paper to the landfill. We have tried a lot of ways to reduce our trash.

The SPEAKER: A roll call has been requested. In order for the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: This is not to debate the bill but this is to set the record straight as far as Mr. McKernan's statement. Now, Mr. McKernan, I think you said to the House that I had voted against the bill, and this was the method I was using to kill the bill. Well, I would like to assure the good gentleman from Bangor that yesterday, when I voted, I made an error in voting, because I thought I would have to vote the "ought not to pass" in order to offer the amendment which I signed as one member. Immediately after voting, I knew this was wrong. I sent a note to the Speaker of the House and also the Clerk trying to straighten this out, but there was no way because the vote had been announced. Also, both of my seatmates well understand this.

There was no move on Everett Dam's part, from Skowhegan, to kill the bill at all. It was strictly an error.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Bangor, Mr. McKernan, that House Amendment "B" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS: Bachrach, Bagley, Bennett, Berry, P.P.; Berube, Birt, Blodgett, Bowie, Bustin, Carter, Churchill, Clark, Conners, Cooney, Curran, P.; Curran, R.; Davies, DeVane, Dow, Drigotas, Durgin, Dyer, Farnham, Fenlason, Flanagan, Fraser, Garsoe, Gould, Greenlaw, Hall, Henderson, Hennessey, Hewes, Hinds, Hughes, Ingegneri, Jackson, Jalbert, Jensen, Kany, Laverty, Leonard, Lewin, Lewis, MacEachern, Mackel, MacLeod, Martin, A.; Martin, R.; McKernan, McMahon, Miskavage, Mitchell, Morton, Mulkern, Palmer, Peakes, Pelosi, Perkins, T.; Peterson, T.; Pierce, Quinn, Raymond, Rolde, Rollins, Shute, Snow, Snowe, Spencer, Sprowl, Stubbs, Susi, Talbot, Teague, Theriault, Tyndale, Wagner, Wilfong.

NAYS: Albert, Berry, G.W.; Boudreau, Burns, Byers, Call, Carey, Carpenter, Carroll, Chonko, Connolly, Cote, Cox, Curtis, Dam, Doak, Dudley, Farley, Faucher, Goodwin, K.; Gray, Hobbins, Kaufman, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Lizotte, Lovell, Lunt, Lynch, Mahany, Maxwell, McBreairty, Mills, Morin, Nadeau, Najarian, Norris, Pearson, Peterson, P.; Post, Rideout, Saunders, Silverman, Tierney, Torrey, Tozier, Truman, Twitchell, Usher, Walker, Webber, Winship.

ABSENT: Ault, Finemore, Gauthier, Goodwin, H.; Higgins, Hunter, Hutchings, Immonen, Jacques, Joyce, LeBlanc, Littlefield, Perkins, S.; Powell, Smith, Tarr.

Yes, 78; No, 56; Absent, 16.

The SPEAKER: Seventy-eight having voted in the affirmative and fifty-six in the negative, with sixteen being absent, the motion does prevail.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the sixth tabled and today assigned matter:

JOINT ORDER Relative to study of several county jails. (H. P. 2218)

Tabled — March 24 by Mr. Rolde of York.
Pending — Motion of Mr. Farley of Biddeford to Indefinitely Postpone.

Mr. Snow of Falmouth offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1098) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mr. Snow.

Mr. SNOW: Mr. Speaker, Ladies and Gentlemen of the House: This amendment merely places the order in the hands of the Select Joint Committee on Local and County Government. This committee is working under an order which empowers it and orders it to study the structure of county government, to make recommendations for reform of county government and I believe it would be an appropriate study group for this order.

Mr. Conners of Franklin requested a vote on the adoption of House Amendment "A".

The SPEAKER: The Chair recognizes the gentlewoman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker and Members of the House: I opposed this order yesterday, and just because we are putting the study of it into a different committee, I still believe that there is no need of the order, so I would hope that when you have a division that you will think of whether there is a real need for this where the department has these studies.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: I think if we need any studies, we could consult the library, because we have made several since I have been here and they

are all basically the same. I don't think we need any more studies, just take the time to go down to the library and read the studies that have already been made.

The SPEAKER: A vote has been requested. The pending question is on the adoption of House Amendment "A". All in favor of House Amendment "A" being adopted will vote yes; those opposed will vote no.

A vote of the House was taken.

59 having voted in the affirmative and 44 having voted in the negative, the motion did prevail.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Farley.

Mr. FARLEY: Mr. Speaker, I now move the indefinite postponement of the bill and all its accompanying papers.

The SPEAKER: The Chair would advise the gentleman that we do not have a bill in front of us.

The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, I would move the indefinite postponement of this order and speak briefly.

As Mr. Dudley told you, there have been several detailed studies done on the county jail problem, and this is the latest book that is in the State Law Library, December 1974. This is a more detailed and comprehensive study than any legislative committee would have done. I think the legislature, especially this session, has really seen a need for modernizing county jails without any further study.

We did pass legislation here and we changed the wording in a bill to allow Hancock County to go ahead and build a new detention facility, which are no longer called jails, they are called detention facilities.

This legislature also allowed Washington County to build a new detention facility. We also allowed Knox County, and this will be going out to bid in two or three weeks. Waldo County, which was allowed in the previous session, is already under construction at this time.

The 106th Legislature also allowed a referendum vote in the County of York so they can build a new detention facility. Penobscot County is now winding up phase two of a three phase plan, and that will completely modernize their detention facilities. Piscataquis County meets tomorrow on the female and juvenile sections of their detention facility, so they will be up to date. Somerset County has submitted a plan and are now already in the process of updating their detention facility.

This report went down through every section of a jail. They broke down the lockup — and I won't go all through it because it is real detailed, but just to give you an example — the lockup facility, food service, the deficiencies, fire prevention, physical plant, administration, sanitation, the whole thing is broken down in this report. It is available in the State Law Library if anybody wants to read it, and the one that precedes this was December 1973, and the one that preceded that was December 1972. There should be another one coming out pretty soon to take care of December 1975. They are continually upgrading the jail system, so there is no need for this order and I would hope you would support the motion for indefinite postponement.

It is very seldom that a chairman stands up and tries to kill an order for their committee, but I feel that this has already been studied to death and it will save us some money if we don't go along with it.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Talbot.

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I am sort of surprised in one sense but very happy in another sense. I am surprised that the gentleman from that par-