

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 2 to April 3, 1980

THIRD SPECIAL SESSION

May 22, 1980

THIRD CONFIRMATION SESSION

July 17, 1980

FOURTH CONFIRMATION SESSION

July 24, 1980

FIFTH CONFIRMATION SESSION

September 12, 1980

**REPORT, HEARING TRANSCRIPT AND
RELATED MEMORANDA OF THE JOINT
SELECT COMMITTEE ON INDIAN LAND
CLAIMS**

Order (H. P. 1726) "Ought Not to Pass" on Bill "An Act Increasing the Minimum Handling Fee for Returnable Beverage Containers from 1¢ to 2¢" (H. P. 1973) (L. D. 2012)

Report was signed by the following members:

Mr. CHAPMAN of Sagadahoc
Ms. CLARK of Cumberland
— of the Senate.

Miss BROWN of Bethel
Mr. HOWE of South Portland
Miss ALOUPIS of Bangor
Messrs. JACKSON of Yarmouth
GWADOSKY of Fairfield
BRANNIGAN of Portland
— of the House.

Minority Report of same Committee reporting Pursuant to Joint Order (H. P. 1726) "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Mr. AULT of Kennebec
— of the Senate.

Messrs. SPROWL of Hope
DUTREMBLE of Biddeford
LIZOTTE of Biddeford
— of the House.

Reports were read.

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

Mr. HOWE: Mr. Speaker and Members of the House: I move we accept the Majority "Ought Not to Pass" Report and I would speak to my motion.

The SPEAKER: The gentleman from Portland, Mr. Howe, moves that the Majority "Ought Not to Pass" Report be accepted.

The gentleman may proceed.

Mr. HOWE: Mr. Speaker and Members of the House: I think, in speaking to several of my colleagues in the last couple of days that I was on the "ought not to pass" report, several of them seemed surprised because they apparently thought that was inconsistent with my strong, continued support of the bottle bill.

Indeed, a year ago, I probably would have thought this position was inconsistent with support of the bottle bill, and I must tell you today that I did a complete about-face on this issue. During the public hearings held during the last session of the legislature, we did not deal with this and several other items at the time because to have passed some of those items probably would have resulted in a competing question on the ballot last November which would have confused the matter, and we wanted to keep that repeal question clean, so we came back in this session to deal with the bottle bill.

I am, indeed, a strong supporter of this law and have been ever since before I was a legislator and it was debated up here two or three years running. There was nobody any happier on the first Tuesday of November, 1976, when the big winners nationwide were Carter, Howe and the Bottle Bill, and I continue to be a strong supporter of this law.

The handling fee provision was put in the law unlike, I understand, the Oregon law, to allay some of the fears of the people who would be handling returned containers, and those groups were the retailers and the redemption centers.

In addition, the redemption center concept was put in the law to act as a service for the retailers. When the law first became effective, a lot of people jumped into the redemption center business. We have been told approximately 90. I understand that today there are approximately two dozen redemption centers operating. It is my view that the redemption centers exist to serve retailers rather than consumers or customers. Indeed, it can actually be an inconvenience to some customers if they have to take their containers to a place other than the place where they bought the original product, the full container. So, it is clear to me that redemption centers were created, or the concept was created in the law to serve retail-

ers.

However, the fact is that both by population and geographically a majority of the state's retailers are not served by redemption centers. For various reasons, retailers have not, apparently, seen it in their best interest to make sure that redemption centers function, and if redemption centers are not needed in the eyes of the retailers, it is my view that perhaps there is not a role for them to play.

Now, clearly in some parts of the state, that is not the case, they do serve a role and retailers participate in those redemption centers. In some areas, all retailers in a given locale are participating in the redemption centers, and that means that a retailer may refuse to take back deposit containers if there is a redemption center within so many miles. In other areas, it is kind of a mixed bag; some retailers participate in that area and some don't.

The redemption centers get that one cent handling fee if the container comes back through their facility. The retailer keeps the one cent handling fee if it comes back through their facility. The redemption centers, it seems to me, if they are clearly in the best interest of retailers, retailers have the power and the ability and the economic wherewithal to make sure that redemption centers continue to exist. In some areas, in addition to that one cent, retailers enter into an agreement with the redemption centers to provide the redemption center with a flat monthly fee to help cover the redemption center's cost. This, to me, seems to be the way it ought to be.

The one cent handling fee was put into the law originally to get this concept started. It has had many months now to work or not to work, and I do not think we are breaking faith with anybody by not raising that handling fee another penny, because it seems to me that there are sufficient economic incentives in the marketplace to make sure that the redemption centers function as they should.

Now, as for the retailers, it is clear to me that they have it within their power to make sure that their handling costs are covered by merely raising the purchase price of the product and, indeed, they have done so. You will recall, I think, that there were threats, if you will, before this law became effective, that the price of beer and soda was going to increase if the law was passed. And the reason those costs would increase is because it was going to cost money to tool up the bottling line and it was going to cost money for distributors and retailers to handle these returned containers. Indeed, the cost went up to cover those handling costs. That, again, is as it should be.

It seems to me that the legislature does not need to tell retailers that it is within their power to raise their purchase price. They have done so in the past and they will do so again when it is necessary.

Again, as for the redemption centers, if it is in the economic interest of the retailers to make sure they continue to exist, they have the power to make that happen and it will not take a law to tell them to do so.

Now, some of you recall that in the past, once each session, in fact, my three previous sessions, I have used a visual aid in debate. Those have been my happiest days on the floor of this House. I have used visual aids in debate on issues such as woodstoves, pornography and the sky lab, and today I would like to present you another visual aid—very simple arithmetic.

The SPEAKER: The Chair would advise the gentleman he is in violation of the rules.

Mr. HOWE: I am sorry, I will just very slowly remove this. I wasn't so informed on those previous occasions; I didn't realize that was a violation of the rules.

The SPEAKER: The Chair was not contacted.

Mr. HOWE: Well, very simple arithmetic—one penny equals \$5 million, you all know that

is fundamentally true. The reason it is true is because there are about a half a billion deposit containers that go through the process each year. In fact, \$5 million is low. The reason for that is because if we pass this bill, what is going to happen is that the distributors are going to raise by one penny per container the wholesale price to retailers that they charge for beer and soda. They are going to do that unless, perhaps, you believe in the tooth fairy and that they are going to absorb that cost. They are going to raise the wholesale price by a penny is what they are going to do, but retailers don't simply mark up wholesale costs on a one to one ratio, they mark them up on something like a one and quarter to one ratio. So that one penny is really going to end up as more than a penny per container on the purchase price, and that \$5 million is probably closer to \$6 million or \$7 million.

Well, members of the House, I will rest my case at this point, but I hope you have listened to the debate and you will continue to listen to the debate, because I did an about face on this issue after the very lengthy public hearings, and I see nothing about the "ought not to pass" position which does an injustice to the concept of our bottle law.

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

Mr. D. DUTREMBLE: Mr. Speaker, Ladies and Gentlemen of the House: I am one of the members of the Minority "Ought to Pass" Report. It seems to me that when Representative Howe talks about one penny representing \$5 million, and Mr. Gwadosky, one penny equals \$3 million, I am sure if we asked somebody else, they would come up with \$10 million or \$17 million or whatever.

It seems to me you are talking about if the distributor raises the price a penny that it is going to cost the consumer \$5 million. If you let the store owner handle it and he raises it two cents, then it is going to cost the consumer \$10 million. It seems to me it doesn't make a bit of difference who raises the prices here, regardless if it's the store owner or it is the distributor, it is still going to cost the consumer some money.

I think the basic question here is, when the people of this state passed the bottle law, did they mean for the store owners, the retail grocer, to be the ones to handle the whole problem?

It has been mentioned in committee that you should let competition take care of this problem. Those people have to raise it to take care of their work, the bottles that are given them, and they should raise their prices. What you are doing then, if one person raises their price a penny or two to take care of the problems of handling the bottles and the other stores don't do it, then that person may lose business, and I am just wondering if the bottle bill was passed so that we could have one particular grocer lose money, lose business while the other grocer makes it? I just don't think that was the purpose of the bottle bill.

If we are going to talk about money, this penny here will be charged to the distributor; it will not be charged to the people. And you are talking about whether or not the distributor has to pass this cost along to the people, well, I just want to bring up one point, and it is called the float money. I don't know how many of you people know too much about the float money, that is the amount of money that the distributor makes because of all those bottles and cans that were never returned, the bottles that were broken or the cans that were crushed, that were thrown out and never returned to the store and never returned to the distributor. That means that every time that happens, the distributor does pocket some money. And if you are talking about 10 percent, you are talking about \$3 million right there. So, if we are going to talk about who is to pay for it, the distributor already has a built-in fund to pay for it; he

doesn't really have to but I am sure he will, but he doesn't really have to.

I think it is very important that we realize that the bottle bill was not passed so that the retail grocer handle it by raising prices whenever he feels that there is not enough money being made to take care of these bottles.

You know, we all go to grocery stores and we see the problems that these people have. I don't have any doubts at all that the grocer needs that extra penny to handle these bottles. The question is, who is the one it is going to be charged to? Is the retailer going to do it or are we going to pass it on to the distributor?

I would hope that you would vote against the motion for the "ought not to pass" report.

The SPEAKER: The Chair recognizes the gentlewoman from Presque Isle, Mrs. MacBride.

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: In my area, there is much interest in redemption centers. The Mom and Pop stores want the redemption centers, the larger grocery stores want the redemption centers. However, the redemption centers say they cannot survive with one cent. They feel, however, that they can operate successfully at two cents.

One grocery store told me he would close his doors if we don't have redemption centers. He is much in favor of the bottle, as I certainly am, but says that bottles and cans can pile up in his store to make unsanitary conditions, promote rats and mice and create a storage problem.

The Mom and Pop stores said they need to add onto their stores in order to take care of the returnables if we don't have redemption centers, and they feel that they cannot afford to do that.

So, ladies and gentlemen, the people in my area would like to have that rate increased from one cent to two cents.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: As you know, the bottle bill has been through two referendums statewide and it has been supported overwhelmingly in both of the referendums. If I could tell you that putting one cent would save the redemption centers and would bring them back, it might be something that we can consider, but the one cent isn't going to do that. What it is going to do, it is going to give the redemption centers a momentary lull, some of them will become viable economically again, and within a year or two they will be back to us asking for another penny, and possibly another penny, and so on.

We asked this question at the public hearing and they had to admit at that point they didn't know how many times they would have to come back for another penny or where they would become viable.

The problem is, the redemption centers, and this has happened with some of the redemption centers, they have got to sell their services, they have got to go out in the free market and they have got to go to the retailer, who has these nasty cans and bottles, and they have got to sell the service to that retailer of hauling them away and taking care of them.

The only way that we can guarantee to save redemption centers in this state is to pass a law saying that you may not return cans and bottles to anyone except a redemption center. This might be acceptable to some of the retailers, but I don't think it would be acceptable to the public, and I don't think they would want to drive out of their way to return cans and bottles to another point from the point where they had bought them in the first place.

The other area that would like the second penny are the retailers. The retailers claim that the costs of handling these are going up.

I would point out again that they act in a free market and they can raise their prices and that

the price for a can of, say, Coca Cola vary widely within the state, within towns, within the areas. Generally, the large chain stores charge less and the Mom and Pop grocery stores charge more. The Mom and Pop grocery stores offer a service and a convenience, so people are willing to pay more. But if we enter into this further than we already have as the state and mandate this extra penny, we are locking ourselves into adding one penny after another as the years go by and as inflation pushes the costs up higher and higher.

I hope very much that you will accept the report to do nothing here, the majority report on this bill, and not mandate another \$5 million. Let the free market system handle this problem.

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

Mr. BRANNIGAN: Mr. Speaker and Members of the House: I would like to follow up what Mr. Jackson has said. I also came here believing that redemption centers were a very important part of this bill, the bottle bill, and a very good thing, and I learned, I think, from the hearings why they won't work. Let me tell you why I think they won't work.

In order for them to work, as Representative Jackson has said, everyone has to band together in an area and support them. But what happens is, a lot of people don't want to get into that because they want the traffic coming back bringing bottles and buying things. But one of the major things that happens, it has happened in a number of your communities right here in Augusta it has happened, where some very enterprising, medium size grocer will become himself not a redemption center because they are very strictly licensed and controlled, he becomes a returnable center. He builds on a building, makes it very convenient, goes into the business of taking bottles back because he finds that (1) he has got to do it anyway, because he wants the traffic to come, but if he makes it easier, a lot more people will come. Therefore, he will get a lot more traffic in his store, people picking up other things.

Now, redemption centers are forbidden to sell anything at their place of business, so this returnable center, and there is one across the river here in Augusta, a very enterprising, admirable young man, who has just gone to work and made this a very important part of his business, and as long as that is available, redemption centers just can't work because someone else is going to see the profit in it for their own store and go into it. That is why, unless we mandate that everybody has to go to redemption centers and no one can take returnables, someone is always going to step into this profitable situation and make redemption centers not viable, and the only reason for the handling charge is for redemption centers, because otherwise, as you know now, the cost of the handling charge is put on the product by the distributor. If there is no handling charge, the cost of handling will be put on by the retailer.

So, I urge you not to give the struggling redemption centers another boost that they might be able to make it and then have them coming back year after year until we are putting three, four or five cents to try to keep a struggling group going that can't make it because of those other considerations.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Sprowl.

Mr. SPROWL: Mr. Speaker, Ladies and Gentlemen of the House: Neither of these reports repeal the handling charge.

It seems to me that three of the speakers who have spoken against increasing the charge really want to do away with the handling charge; that seems to be the argument they are using. If that is true, I don't know why they didn't come out with a report to repeal the handling charge altogether.

The fact is, one cent is not enough. The people voted for the bottle bill, they voted for

the handling charge, and I think we should be realistic. Some of us were here when the bottle bill started, we have a moral obligation to those redemption centers. We really put the carrot out in front of them to build the redemption centers and now some of the people that were on the committee and some that have come since feel that we should leave them hanging with their mortgages and what not, I guess. I don't come from that side of the street.

I think the voters voted for the handling charge and one cent just isn't enough. The constituents in my area, the retailers, are all saying that one cent is not enough for them and there isn't a redemption store there, but just the retailers say they need more than one cent, and certainly if they need more than one cent, the redemption centers need more than one cent, and the voters, themselves, have voted this, as I see it. I don't like the idea of putting the redemption centers out of business with one cent, which we are going to do, and I don't like the idea of not paying what we should be paying to handle the bottles.

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

Mr. BRANNIGAN: Mr. Speaker, Ladies and Gentlemen of the House: One of the reasons why we didn't try to repeal the one cent is that if there are places, and maybe in Presque Isle, maybe there are places where a group of grocers truly have gotten together and all decided they will not have bottles coming into their store, they will support the redemption center and that is really going, there are a few of them, I am afraid, but if there are, then the one cent will be there, and if one cent is not enough, then the grocers will have to subscribe, their subscription cost to the redemption center will go up and that cost will go onto the product.

I understand the moral commitment that Representative Sprowl—he and I discussed it a lot in committee and I feel that, but if it is not going to work and it is not, then why keep going, two cents, three cents, why keep it going if that is really true?

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Kiesman.

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: The focus of this seems to be on redemption centers, and I would like to say to you that there are a lot of little Mom and Pop stores that had the responsibility for redemption thrust upon them when this bill was passed originally to set up returnable bottles. They have struggled very hard to carry out this mandate that us thrust upon them. They have had to build separate areas to get the bottles out of their stores, which were minimal in size to begin with. It takes time to sort the bottles and handle them, and one cent a bottle just doesn't begin to cover the additional costs that they have had put upon them.

The people of Maine wanted a returnable bottle bill and I support it. I did support it and I do support it. I think it is important, necessary, but I do think we have to recognize that we had put quite a burden on one small segment of our society to do the function that the public wanted, and that was to clean up the bottle waste that has been thrown around the state.

It has been said that let the marketplace take its course and this will sort it all out. Now, just a couple of weeks ago, my friend at the end of the aisle here, Mr. Carroll, made a statement that was quite appropriate; he said the big fish gobbled up the little fish. A big chain store can go ahead and take the loss and keep the cost of their returnables down and go ahead and eat that one cent and they survive, but that little Mom and Pop store can't do that. There are too many pennies involved here. You just saw two different estimates. We are talking about \$3 million, \$5 million, and we lightly toss these figures around. Well, let me tell you, you talk about \$3 million so many times and pretty soon you are talking about big money.

I think you ought to think about these little

Mom and Pop stores. This is not a redemption center bill. There are an awful lot of Mom and Pop stores handling these returnables that are not affiliated with any redemption center.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Call.

Mr. CALL: Mr. Speaker, Ladies and Gentlemen of the House: I did not want the bottle bill, although now that it is here, I am living with it. However, the proposed changes don't please me.

Many people have various cans and bottles in the trunks of their autos because some places don't handle a certain canned or bottled beverage.

It is a shame to have to take time, particularly now, to debate an auxiliary bottle bill. If we don't discourage supplementary proposals to the bottle bill now, they shall go on and on like Tennyson's book.

The "Ought Not to Pass" is a proper motion, and I urge you to vote accordingly.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Gwadodsky.

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: Welcome to bottle bill day. It seems like we have had this in our committee for I guess about a year now, last year in study reports, and I guess it must seem like we are asking you to bite the hard bullet this morning. I know when we came back here last year, we came back this year and the voters, through the referendum, had voted to keep the bottle bill intact. I said, great, now we can finally make amendments and refine the bottle bill.

What we found out was that there is quite a problem because the distributors in the State of Maine have a monopoly on the market. Every time we tried to do something, and we had 12 or 15 different amendments, they simply were going to raise the price of soda.

Where Mr. Howe of South Portland and I might have disagreed on the total amount, whether it be \$3 million or \$5 million, I think we are right on the same track when we realize what the effect is going to be. When you mandate to the distributors that they pay more money, a penny extra, this is going to be two or three cents extra on every bottle of beer and every bottle of soda that you buy. It is as simple as that.

When we had the bottle bill hearings last year, I sent out memos to my local stores and redemption centers, gave them copies of the bills and told them we were going to have the bottle bill hearings. I got calls from every single one of them. They called and said, well, we hope you do this and we hope you consider this, and I took that into consideration.

When we had the bottle bill hearings this year, I did the same thing and I didn't get contacted by any of them. I thought that was a little unusual, so I went back to the stores and asked them, why didn't you give me a call this time? They said, well, we just raised the price, we had to cover the costs so we did it ourselves. So I think it is evident that the free marketplace will work in a situation like this. These stores have already raised the prices to compensate for the cost that it costs them to handle these bottles and cans.

There will be a lot of other things that will be coming down the road in the next couple of years, whether we go to more recycling, whether we go to standardized bottles, but I don't think trying to subsidize redemption centers, mandating that we subsidize redemption centers, is quite the answer. I guess it is my feeling that if we pass two cents this year, they are going to come back for three cents next year.

I think if it is the concern and the intent of retailers, small and large, to keep the redemption centers, they have the economic incentive to do this, they can join in a cooperative and make sure the redemption center in their town or in your town stays alive.

So, I hope that you will agree to the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Peltier.

Mr. PELTIER: Mr. Speaker, Ladies and Gentlemen of the House: I know about the bottle bill the same way an astronomer knows about the stars, by observation. I have been in quite a few back rooms, I have seen the grocery stores' problems; I am in favor of giving them the increase.

The SPEAKER: The Chair recognizes the gentleman from Waldoboro, Mr. Blodgett.

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: Back in the 107th Legislature when we faced the bottle bill proposal, those of us who were in support of it did so, I think, to a large degree because we thought that through the redemption centers, through paying a small fee to the Mom and Pop stores to take care of this cost, we could take the bite out of it and make it something that we could live with. Since that time, of course, with the increased cost of living, with the handling costs that these people have had to face, I think it is only reasonable that we should be prepared to increase this by one more cent, in order to make not only the redemption centers but also the Mom and Pop store operations feasible. After all, we supported it, the people of the State of Maine supported this as a convenience and to clean up our highways and byways, and I think it is only reasonable that we should continue to do this by increasing that amount.

I would urge that the members of the House vote against the "ought not to pass" and then pass the bill as it has been put out.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I guess the report that I am looking at today really poses an enormous problem for me because I feel that putting in one cent is, indeed, the most minimal of resolves in solving the problems of the bottle bill.

After the referendum vote and the successful retention of the bottle bill, I was named to a special commission by the Commissioner of Agriculture, and seated on that particular committee were people representing distributors, bottlers, recycling center representatives, the Audubon Society, the Natural Resource Commission, Redemption Center reps and other people. We talked at length at that one particular meeting about the problems of the redemption centers in the small stores. The majority of that committee left that meeting that day with a vote of agreement that the redemption centers were the ultimate answer to resolving the small store storage problems.

For example, in my area, we have some 22 small stores within a one-mile radius, less than one-mile radius, and many of our store owners want to set up a redemption center in the area. In other words, they would like to co-op a redemption center in that immediate area which would be within walking distance for the residents of Munjoy Hill, but, unfortunately, we don't know how to begin to do that process and we know full well that in order to make the redemption center operational, it also has to be economically feasible.

I have three island stores, for example, who absolutely need more money for the problems that they face, because they not only have to pay to bring the product from the mainland over to the island, but they also have to pay to return the empties back to the mainland and that becomes extremely expensive for them. So, the one cent increase would be of some immediate assistance to them.

Mandating returns to the redemption centers is not my idea of an answer to help the small stores. I am convinced that many of the voters who supported the bottle bill, who went and voted to support the bottle bill, were also convinced that the problems would be resolved,

those that they had heard about, that they would be addressed and corrected. Let me assure you, this one cent proposal is not the total answer.

I believe that during that particular campaign everyone, starting with our Governor, promised legislative action to help to take care of the concerns of mid-sized markets and small stores. I feel that as a beginning step to try to resolve and to assist the small stores, those particularly in my area, I have no alternative but to vote for the one cent increase.

I guess I am just bitterly disappointed that some of the other issues that I know were discussed at the hearing by the Business Legislation Committee, those that were pointed out by the Commissioner of Agriculture at that hearing, have not really been addressed, but then we have another session to make sure that we will have a constructive and purposeful bottle bill that will not put such a hardship on the very small stores, of which there are very, very many.

I am not worried about big buyers and Hanaford Brothers operation and the large markets, but I am really concerned, genuinely concerned, about the small stores, the Mom and Pop stores. This one cent is by no means all the answer for them, but I hope that if we can do this much at this time and allow people who genuinely care and really want to make the bottle bill a good one that will not distress the small businesses, that maybe throughout the summer and next fall we can come up with some other answers to assist. Unfortunately, I think I am just disappointed that this is all the Business Legislation Committee chose to come with as a result of it at this time.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I move that this Bill and all its accompanying papers be indefinitely postponed and I would request the yeas and nays.

The SPEAKER: 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 having expressed a desire for a roll call, a roll call was ordered.

The Chair recognizes the gentleman from South Portland, Mr. Howe.

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: Briefly, it seems to me that if this bill, the "Ought to Pass" Report is accepted, we might as well set up a Maine Handling Fee Commission to regulate the handling fee, because there is no question in my mind that the people who will benefit from this, whether they need it or not, will be back year after year after year.

I can't believe my ears that some of my free enterprise colleagues are telling me, unlike what they so often say, that all of a sudden this cost won't be passed along to the consumer, that somehow retailers don't have the ability to raise prices that in so many other debates we have been told they do. They clearly do, and it seems to be that this, as far as the redemption centers are concerned, may well backfire on them, because the retailers can double the handling fee, which they keep, and they may very well then decide to pull out of the redemption centers.

I rest my case.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Sprowl.

Mr. SPROWL: Mr. Speaker and Members of the House: No one has tried to say that the consumer won't pay. The consumer is going to pay in any event, so this red herring, that by increasing from one cent to two cents will increase the costs—of course it is going to increase the cost, but no matter what we do, it

going to increase the cost. If I heard my committee chairman right, when he says that—I don't know who is going to pay that \$5 million, of course the consumer is going to pay the \$5 million, no one tried to say that.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Hughes.

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: I simply want to emphasize that the question before us isn't whether prices are going to go up, the question is, what is the best mechanism for deciding what price adjustments shall take place.

I would urge you to support the motion before us now to indefinitely postpone both bills, because I think the evidence is very clear that a legislative body is not the best price-setting mechanism that can be made. I know of stores in the Lewiston-Auburn area that are making money at one cent, not many, but some. It is possible if you don't have to add additional employees and if you have the space available. However, I am sure there are many who are not making money at one cent. For some, 1.25 cents would be enough; 1½ cents would be enough; 1 3/4, but there was no evidence presented at the hearings, there has been no evidence presented on this floor as to just how much costs are, just how much of a raise is necessary and yet we have before us a proposal to double the handling charge for the stores from one cent to two cents, just tossed out at us as a proposal, a 100 percent increase. Does that seem to you to be a thoughtful price-setting mechanism?

If we put ourselves in that process this time, this legislature will be in it forever and every session of the legislature, we are going to have a day where we debate the costs of doing business in the various stores of the State of Maine. If you think this is the best place to do it, then you would vote against the motion, but if you think the free enterprise system of each store-owner analyzing his own cost, his own situation, and deciding for himself what he must do to make a fair profit. If you think that is a better mechanism, then you will vote for Mr. Kelleher's motion.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Brown.

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I am really sorry to prolong this now, but I will be very brief.

I just want everybody to understand that if we vote in favor of the pending motion, we are voting to do away with the whole bill, and that is, we are voting to ignore the problem that the Mom and Pop stores have, we are voting to ignore the problem that the redemption centers have, we are voting to ignore the problem that has come about as a result of the passage of the bottle bill, which I think, and everybody else, I think, agrees, was a good bill.

So, think very carefully before you vote to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Miss, Aloupis.

Miss ALOUPIS: Mr. Speaker, Ladies and Gentlemen of the House: I think this whole thing is being blown out of proportion. Our Mom and Pop stores, and I am a little business lady, not in a grocery store but another little business, can charge that extra cent on their own. No one prohibits them from charging a little extra to handle that bottle.

The whole basic issue here is, are we going to be tossing a little bone each year to the redemption centers to keep them alive? My contention is, and we discussed this for about 30 hours in committee, that the redemption centers are going to have to go out and solicit and contract for business with the stores, get their one cent. Mary said her stores up home want the redemption centers—fine. Let her little Mom and Pop stores contract for \$200 a year, whatever, with the redemption center and make up that imbalance. Let's not lose perspective, please.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Bachrach, Baker, Benoit, Berry, Berube, Bowden, Brannigan, Brodeur, Brown, K.L.; Call, Carter, D.; Carter, F.; Conary, Connolly, Cox, Damren, Davies, Davis, Dellert, Doukas, Fillmore, Gowen, Gwadosky, Hickey, Howe, Huber, Hughes, Jackson, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kelleher, Leighton, Leonard, Lewis, Lougee, Lund, Mahany, Marshall, Masterton, Maxwell, McHenry, McMahon, Morton, Nelson, A.; Payne, Sewall, Simon, Small, Smith, Soulas, Stetson, Stover, Studley, Tarbell, Torrey, Vincent, Wentworth, Whittemore, NAY — Austin, Barry, Beaulieu, Birt, Blodgett, Bordeaux, Brennerman, Brown, A.; Brown, D.; Brown, K.C.; Bunker, Carrier, Carroll, Chonko, Churchill, Cloutier, Cunningham, Curtis, Dexter, Diamond, Dow, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fowlie, Gavett, Gillis, Gray, Hall, Higgins, Hobbins, Hunter, Hutchings, Immonen, Kane, Kany, Kiesman, Lancaster, LaPlante, Lizotte, Locke, Lowe, MacBride, MacEachern, Martin, A.; Masterman, Matthews, McKean, McPherson, McSweeney, Michael, Mitchell, Nelson, M.; Nelson, N.; Norris, Paradis, E.; Paradis, P.; Paul, Pearson, Peltier, Peterson, Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Rollins, Roope, Sherburne, Silsby, Sprowl, Strout, Theriault, Tozier, Twitchell, Violette, Vose, Wood, Wyman, The Speaker.

ABSENT — Boudreau, Garsoe, Hanson, Laffin, Nadeau, Tierney, Tuttle.
Yes, 61; No, 83; Absent, 7.
The SPEAKER: Sixty-one having voted in the affirmative and eighty-three in the negative, with seven being absent, the motion does not prevail.
The pending question now before the House is on the motion of the gentleman from South Portland, Mr. Howe, that the Majority "Ought Not to Pass" Report be accepted. The Chair will order a voice vote. All those in favor will say yes; those opposed will say no.
A viva voce vote being taken, the motion did not prevail.
Thereupon, the Minority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading later in the day.

Divided Report

Majority Report of the Committee on Business Legislation reporting Pursuant to Joint Order (H. P. 1726) "Ought to Pass" on Bill "An Act Prohibiting Nondegradable Connectors for Returnable Beverage Containers" (H. P. 1974) (L. D. 2013)

Report was signed by the following members:

Mr. CHAPMAN of Sagadahoc
Ms. CLARK of Cumberland
— of the Senate.

Miss ALOUPIS of Bangor
Messrs. JACKSON of Yarmouth
LIZOTTE of Biddeford
DUTREMBLE of Biddeford
HOWE of South Portland
GWADOSKY of Fairfield
BRANNIGAN of Portland
— of the House.

Minority Report of the same Committee reporting Pursuant to Joint Order (H. P. 1726) "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Mr. AULT of Kennebec
— of the Senate.
Miss BROWN of Bethel
— of the House.

Reports were Read.

Thereupon, the Majority "Ought to Pass" Report was accepted and the Bill read once. Under suspension of the rules, the Bill was read the second time, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Divided Report

Majority Report of the Committee on Business Legislation on Bill "An Act to Improve Private Remedies for Violations of the Antitrust Laws" (H. P. 1077) (L. D. 1330) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Improve Governmental Remedies for Violations of the Antitrust Laws" (H. P. 1975) (L. D. 2014)

Report was signed by the following members:

Mr. CHAPMAN of Sagadahoc
Ms. CLARK of Cumberland
Mr. AULT of Kennebec
— of the Senate.

Miss ALOUPIS of Bangor
Messrs. LIZOTTE of Biddeford
DUTREMBLE of Biddeford
HOWE of South Portland
BRANNIGAN of Portland
GWADOSKY of Fairfield
— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Messrs. WHITTEMORE of Skowhegan
JACKSON of Yarmouth
LIZOTTE of Biddeford
Miss BROWN of Bethel
— of the House.

Reports were Read.

Mr. Howe of South Portland moved that the Majority "Ought to Pass" Report be accepted. Whereupon, Miss Brown of Bethel requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from South Portland, Mr. Howe, that the Majority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

75 having voted in the affirmative and 22 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once and assigned for second reading later in the day.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H. 927) on Bill "An Act to Adjust License Fees for Inflation, for the Department of Inland Fisheries and Wildlife" (H. P. 1830) (L. D. 1934)

Report was signed by the following members:

Messrs. REDMOND of Somerset
USHER of Cumberland
— of the Senate.

Messrs. GILLIS of Calais
CHURCHILL of Orland
PAUL of Sanford
JACQUES of Waterville
MacEACHERN of Lincoln
DOW of West Gardiner
VOSE of Eastport
TOZIER of Unity
PETERSON of Caribou
— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Mr. PIERCE of Kennebec
— of the Senate.
Mr. MASTERMAN of Milo
— of the House.

Reports were Read.

On Motion of Mr. Dow of West Gardiner, the