

# 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**

**Senate — As Amended**

Bill, "An Act Making Supplemental Appropriations from the General Fund for the Fiscal Years Ending June 30, 1980 and June 30, 1981, to the Department of the Attorney General for the Defense of Land Claims Asserted by the Passamaquoddy Tribe and the Penobscot Nation." (Emergency) (S. P. 719) (L. D. 1869)

Which was Read a Second Time and the Bill, as amended, Passed to be Engrossed.  
Sent down for concurrence.

The PRESIDENT: The President would ask the Sergeant-at-Arms to escort the Senator from Kennebec, Senator Katz to the rostrum to assume the duties of President Pro-Tem.

The Sergeant-at-Arms escorted the Senator from Kennebec, Senator Katz to the rostrum, where he acted as President Pro-Tem.

The President then retired from the Senate Chamber.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

**Committee Reports****House****Divided Report**

The Majority of the Committee on Business Legislation on, Bill, "An Act Prohibiting Non-degradable Connectors for Returnable Beverage Containers." (H. P. 1974) (L. D. 2013)

Reported that the same Ought to Pass pursuant to Joint Order (H. P. 1726).

Signed:

Sensors:

CHAPMAN of Sagadahoc

CLARK of Cumberland

Representatives:

ALOUPI of Bangor

JACKSON of Yarmouth

LIZOTTE of Biddeford

HOWE of South Portland

GWADOSKY of Fairfield

DUTREMBLE of Biddeford

BRANNIGAN of Portland

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass pursuant to Joint Order (H. P. 1726).

Signed:

Sensor:

AULT of Kennebec

Representative:

BROWN of Bethel

Comes from the House, the Bill Passed to be Engrossed.

Which Reports were Read.

The PRESIDENT Pro-Tem: The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President, I move the Senate accept the Majority Ought to Pass Report.

The PRESIDENT Pro-Tem: The Senator from Sagadahoc, Senator Chapman, moves that the Senate accept the Majority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Kennebec, Senator Ault.

Senator AULT: Mr. President and Ladies and Gentlemen of the Senate, I'd like to just point out to you that I believe the title of this act is very misleading.

When we Passed the Returnable Bottle Bill in 1978, we added part of the law that did away with these things as far as I was concerned. When it went into effect in January, the then Agricultural Commissioner gave the distributors, whoever manufactured these things, a waiver on the law, and allowed them to use these things because they told him that they had a new product that would break down when it was left out in the elements.

I maintain that they have been in violation of the law for 2 years. This bill as it's re-writing the law is just going to bring them so that they are now in compliance with the law because it's going to allow them to use these.

The PRESIDENT Pro-Tem: The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President and Members of the Senate: I direct your attention to the bill, to the page towards the end of your book, it's a very short one, it amends current law which prohibits the use of connectors unless they are biodegradable within a reasonable period of time. It adds 2 more words, it adds the words chemical degradable or photo degradable. It requires that those connectors in addition to being biodegradable may instead be photodegradable, which is break down in exposure to light or chemical degradable, exposures for chemical action.

Perhaps this was in part to address the problem that Senator Ault addressed, that there was some difficulty in having some of these connectors break down due to biodegradable or bacteria action.

I have an incident that I might just relate here, which emphasizes to me the importance of having these things especially the photodegradable. I live on a hill overlooking a pond, a small island in the middle of that pond. One day I noticed a rather unusual interesting looking bird on that island, something I hadn't seen before and I got my binoculars out. This unusual and interesting bird was a Canadian Goose with a connector around it's neck. That Goose as obviously was at the time, it was going to fly around for quite a while.

Exposure to light might encourage that to break down. It was a sorry sight to see that. It might be an argument in support of prohibiting the use of them altogether. The fact remains I guess that that is not a very practical thing. There is some need to contain six cans together, but we add the requirement that they shall be subject to photodegradable, certainly would improve upon the situation. I would urge the Senate to adopt the Majority Report.

On Motion by Senator Chapman of Sagadahoc, the Majority Ought to Pass Report of the Committee, Accepted, in concurrence, and the Bill Read Once, and Tomorrow Assigned for Second Reading.

**Divided Report**

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act to Adjust License Fees for Inflation, for the Department of Inland Fisheries and Wildlife." (H. P. 1830) (L. D. 1934)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-927)

Signed:

Sensors:

REDMOND of Somerset

USHER of Cumberland

Representatives:

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

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Sensor:

PIERCE of Kennebec

Representative:

MASTERMAN of Milo

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

Which Reports were Read.

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President and Mem-

bers of the Senate: I'm not going to make a motion on this bill. I decided that after yesterday I'm going to change my role on these Fish and Game Bills. Even when the good Senator from Cumberland, Senator Conley, and myself teamed up, we just fell victim to the Senator from Somerset, Senator Redmond. He's too tough for us. There's no doubt about it and after getting pounded on bill after bill, I'm going to stop making motions.

So I'm now going to have a new role. I just want to bring these little gems to your attention. This one requires the Fish and Game Commissioner to bring a set of license fees to us at the beginning of each biennium, just like he has always done when they needed fee increases. I'm not sure the real purpose of the legislation but this will continue to roll on with some of the other little beauties, I guess.

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: Mr. President, I move the Ought to Pass Report of the Committee.

The PRESIDENT Pro Tem: The Senator from Somerset, Senator Redmond, moves the Senate accept the Minority Ought to Pass, as amended, Report of the Committee.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President and Members of the Senate: After listening to the Senator from Kennebec, explain what the bill does do, and looking at it, I'm not sure if it does anything.

I notice in here that it says annually that the Commissioner will bring in a biennial recommendation to the Legislature for the next 2 calendar years. All I can see is what we're doing, basically putting something in the law that is presently being done. There's no necessity for it or if there is a necessity, I wish somebody would explain it.

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: Mr. President and Members of the Senate: I believe in response to the good Senator from Penobscot's question, although on the surface it appears as though this bill is not doing anything, it's my understanding that it does. It does lay the law. So the Commissioner will know, he'll be mandated to do that. He can do it now, but there are a lot of uncertainties as to whether he should be or whether he should not be, or whether there is enough inflation for him to come to the Legislature, and this just spells it out, it just simply spells it out.

Moreover, I would like to repeat once more to the Members of this Senate, that this bill was very highly recommended by the Joint Select Committee on Fisheries and Wildlife that performed that Study.

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Very briefly, I think this is a bad bill and I would ask for a Division.

The PRESIDENT Pro Tem: A Division has been requested.

Will all those Senators in favor of the motion of the Senator from Somerset, Senator Redmond, that the Senate accept the Majority Ought to Pass, as amended, Report of the Committee, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

4 Senators having voted in the affirmative, and 15 Senators in the negative, the Motion to accept the Majority Ought to Pass, as amended, Report of the Committee, does not prevail.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, recognizing the power of the Senator from Somerset, I