

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**

ROLL CALL

YEA — Chapman, Clark, Collins, Devoe, Gill, Hichens, Huber, Katz, Najarian, Pierce, Redmond, Teague, Trafton, Trozky.

NAY — Carpenter, Conley, Cote, Danton, Emerson, Farley, McBreairty, Minkowsky, O'Leary, Perkins, Pray, Shute, Silverman, Sutton, Usher.

ABSENT — Ault, Lovell, Martin.

Senator Pierce of Kennebec was granted permission to change his vote from Yea to Nay. 13 Senators having voted in the affirmative, and 16 Senators in the negative, with 3 Senators being absent, L. D. 1937 Fails of Enactment.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, having voted on the prevailing side, I now move Reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now moves the Senate Reconsider its action whereby L. D. 1937 Failed of Enactment.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: I would oppose the motion to Reconsider and would request a Roll Call.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: I would like to withdraw my request for a Roll Call.

The PRESIDENT: The Senator from Penobscot, Senator Pray, requests Leave of the Senate, to withdraw his request for a Roll Call.

Is it the pleasure of the Senate to Grant this Leave?

It is a vote.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, it's probably not especially momentous whether we pass this bill or don't pass this bill. I think it's kind of unique that all these bills that came out of the Select Committee, this is one of the few, maybe one of the one or two that I voted for. The watercraft fee increase which the Senate just Enacted, I was on the wrong end of a 12 to 1 Report. I was the only one that voted against it.

I can only say from my own experience, any of you who have ever hunted or fished, it's got to cost you \$10 or \$20 a pound for every fish you ever catch. The one category of people who actually make money are people who go out and trap, and we're charging them \$25 for a license. I think it is really darn cheap for them to have that. So if we are going to raise a fee I see nothing wrong with raising this fee. I just want to make it clear although the Roll Call will show this because I had to change my vote to get Reconsideration, that I certainly want to go on Record as favoring the increase. I think there is nothing wrong with it. I think this is the one increase that we should pass and ironically perhaps that we won't.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President and Members of the Senate: If we want to get into valuation of the sporting industry and which costs the least not to do, is how can the gentleman from Kennebec, Senator Pierce, say that an individual that has a \$8,000 or \$9,000 boat ought to only pay \$3 Registration, I stand corrected \$5 for 3 years. If we want to think on a pound to pound basis, as he just mentioned there's the extremity there. If the gentleman from Kennebec feels as if that hunting and fishing is that expensive I would suggest that he hire a guide.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, the Senator

from Penobscot, Senator Pray is clearly trying to inject logic into a Fish and Game Debate, and I reject that out of hand.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

Will all those Senators in favor of Reconsideration on L. D. 1937, please rise in their places to be counted.

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

14 Senators having voted in the affirmative, and 15 Senators in the negative, the Motion to Reconsider does not prevail.

Sent down for concurrence.

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

Papers from the House Joint Orders

Expressions of Legislative Sentiment recognizing:

Mel "Grandpa" Richards, of Milbridge, winner of the Jefferson Award for 1980. (H. P. 2024)

Trooper Burchell D. Morrell of Strong, Trooper of the Year for 1979, the highest annual award of the Maine State Police. (H. P. 2025)

Jeffrey W. Sturgeon, of Old Town, who scored 1,058 points in 4 years for the Old Town High School boys' basketball team. (H. P. 2026)

Come from the House, Read and Passed. Which were Read and Passed in concurrence.

(Off Record Remarks)

Senator Carpenter of Aroostook was granted unanimous consent to address the Senate, On the Record.

Senator CARPENTER: Mr. President and Members of the Senate: My distinguished Floorleader, the good Senator from Cumberland, Senator Conley, got up a few moments ago and on the record announced or presented to the Senate the Honorable Walter Birt of East Millinocket. I believe we had another Joint Order go through here today to Honor his lovely wife and better half, the equally Honorable Dorothy Birt of East Millinocket, who is in the rear of the Chamber. I thought it might be appropriate for the Senate to recognize her.

(Off Record Remarks)

The Sergeant-at-Arms escorted the Mrs. Dorothy Birt to the rostrum.

(Off Record Remarks)

Non-concurrent Matter

Bill, "An Act Increasing the Minimum Handling Fee for Returnable Beverage Containers from 1¢ to 2¢." (H. P. 1973) (L. D. 2012)

In the House, March 19, 1980, Passed to be Engrossed.

In the Senate, March 20, 1980, Bill and Accompanying Papers, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Adhered.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Senator O'LEARY: Mr. President, I move that the Senate Recede from its action whereby this bill was Indefinitely Postponed.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, moves that the Senate Recede from its action whereby L. D. 2012 was Indefinitely Postponed.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I would ask for a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: A Parliamentary Inquiry?

The PRESIDENT: The Senator may state the Inquiry.

Senator PRAY: Mr. President, if the Motion to Recede is defeated, the Motion to Recede and Concur would be out of order, is that correct?

The PRESIDENT: The Chair would answer in the affirmative, the Motion to Recede and Concur would then be out of order. The only motions available would be to Insist or to Adhere.

Senator PRAY: Thank you Mr. President.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, a Parliamentary Inquiry? Would the Motion to Recede and Concur be in order at this time?

The PRESIDENT: The Chair would answer that it is not in Order. The motion to Recede would take priority over Recede and Concur.

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President and Members of the Senate: I would urge the Senate to vote against the Motion to Recede. If successful I would like to make a motion somewhere down the line to Adhere.

Obviously a lot of work has gone into this measure over the weekend. Many of you were the recipients of calls, so was I. A lady called me and informed me that everybody in her area wanted this bill. Upon further quizzing on my part she found it very difficult to explain what it was all about.

I would like to remind you of the penny that you looked at the other day, and think again if one additional penny here is a tax on consumers of \$5,000,000 at least. I feel it's more than that. Keep that in mind. A tax is a tax is a tax.

I supported the Bottle Law and worked to see that the referendum was successful, I do not support an increase of 1¢ in the handling fee. The consumers voted to retain this law. I don't see consumers clamoring to have an extra penny put on the handling fee. I submit to you that the consumers' interest is served best by not passing this issue.

The distributors and the store's interest in my view is not harmed by not passing this matter. They have the ability to set the price of their product now freely, at what ever level they feel necessary to cover their costs.

I would submit that redemption centers are not better served by this bill, for if the stores feel that they are gaining by extra handling fees, they are going to be less inclined to support the redemption centers.

As I have said before the only place where you really succeed or are doing well, is where the stores in those areas or where those redemption centers are, support them contractually, with sums necessary to support them. I just direct your attention again to the fact that stores, distributors, have the ability to set their mark-up, to set the prices necessary to cover their costs. I would hope that the Senate would turn down attempts to amend this bill or to pass it and would in the final analysis, Adhere to its former action and to prevent the additional tax on consumers of \$5,000,000.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Senator O'LEARY: Mr. President, to say that I have been hounded over the weekend with telephone calls would be putting it very lightly. As you know I work 11 to 7 on the weekends. There happens to be a telephone beside my bed and I haven't had a heck of a lot of sleep this weekend.

When you speak of the \$5,000,000 that the extra penny will bring in, if you look at my amendment my amendment will reduce that by 3/4 of a cent or down to a million and a quarter. With a 1/4¢ which is equal to 6¢ on a case of 24.

Now I know there is another amendment to follow this one that wipes out everything that I would like to really get at in my amendment

and that is the distributors and this excess money that stays in special accounts and serves no useful purpose, except to enhance the profits of the distributor. If you look at the second part of my amendment that's exactly what it does.

I believe Mr. President and Members of this Senate, that the distributors in this State must have in accounts anywhere from \$6,000,000 to \$8,000,000 if not more that is held there waiting for returnables that will perhaps never return. This is a modest attempt for the State to recover the interest off the money that will go to the Commissioner of the Department of Agriculture which will be turned into the General Fund.

I would hope that future Legislatures will take a look at this problem and try to find a way to recover these monies perhaps to subsidize redemption centers and such. I know that Government shouldn't be in the business of free enterprise. I don't like it but we are stuck with it, with a 1¢. I know that there is problems with some of these redemption centers trying to operate on the penny but I look at the penny and a quarter that's being a 25% increase. I will not oppose the amendment that will be offered by the good Senator from Cumberland, Senator Clark, which will wipe out that part where I was trying to get at the distributors and will keep the increase down to a cent and a quarter. I hope you will vote to Recede.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBreairty.

Senator MCBREAIRTY: Mr. President, Honorable Members of the Senate, it seems that we have charged people as much tax as they will stand. I think our vote a few minutes ago proves that we've charged them as much license fees as they will stand. So now we're calling it a handling charge.

I'm not very good with figures but I had this little bottle took my little pocket calculator and wondered how much handling charge we're charging on a gallon because we've been talking about gasoline in the gallon. Now it takes about 18 of these bottles to make a gallon.

So presently 18 bottles is brought on the market at 40¢ a bottle or over \$7. The handling charge is 18¢ so if we increased it a cent we'll be charging a handling charge on this particular beverage of about 36¢ on a gallon.

Now if this bill goes through I'm sure we won't have any problem getting the gas tax up to fund our highway, because we're only charging 9¢ on a gallon of gas now.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, and Ladies and Gentlemen of the Senate: I just would point out that since the Bottle Bill was first Enacted in 1976 there has been approximately a \$50,000,000 increase passed through from the distributor through the store owner or redemption center whichever one you have to take your bottles back to. The little store owner hasn't gotten any of this. My fellow Senator from Aroostook, Senator McBreairty, I haven't heard him say anything about that increase.

In the meantime, this whole period of time, handling all those bottles, and many of them handle many more than they actually sell, we're looking for an extra penny for that person. I have heard the argument put forward here that the store owner, all he has to do is raise his prices. What about the redemption centers? What price does he raise to pick up this extra penny?

November of 1976 a particular bottle cost 36¢. Between that time and the time of the second referendum in November of 46¢. Between November and now it's up to 51¢. The store owner hasn't gotten any of this. The distributor, and I like the good Senator from Oxford, Senator O'Leary, I like his amendment very much. If he had gone from 1¢ to 2¢, and added that second paragraph in there to get at the distributors to get at some of this money, that they

are sitting on, I certainly could buy it, but I can't vote for it. I'll vote for the motion to Recede, but I can't vote for the amendment because it only goes to a penny and a quarter.

Somebody sometime is going to have to start addressing and I hope it is in the next session of the Legislature start addressing this money that is flowing through to the distributors. It's not accounted for. It doesn't go back in many cases to the people who paid the deposit. The store owner isn't getting it. The store owner is still under the burden of handling all those bottles. Store owner, redemption centers, or whoever. So I think that we better keep things in perspective.

If the good Senator from Aroostook, Senator McBreairty, wants to talk about how much we're charging for a handling charge on a gallon, let's talk about what the increase has been in the area of \$50,000,000 that has flowed through to the distributor since this bill was Enacted in 1976.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I would urge the Senate to vote in favor of the Motion to Recede. If that prevails I would then move that we Concur with the House.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate: I certainly appreciated this past week-end having the opportunity to hear from more small store owners. I guess I learned a little more about my own Senatorial District that we do have a redemption center in it, in the Town of Richmond.

I made a few inquiries regarding the redemption center. To my amazement I found out really it was a family operation that really served not only that area of Sagadahoc County but also reaching into Androscoggin County into the town of Lisbon Falls. The only reason they were able to survive at the 1¢ rate was because they were a family operation. The lady told me if she had to rely upon paying the minimum wage that they would have folded up like many other redemption centers.

This analogy further goes on to the small grocery store which over 20 years ago I had a family operation. At that time we were not faced with the minimum wage of high school boys to work in that store. Today many of these small stores are faced with it, which means an added cost to them.

Another interesting fact came to light that just in recent times some of the larger distributors have increased their case load or case to the retail store by as much as 14¢ per case. I happen to be thinking here's some people on the other end of the spectrum, the redemption centers and the small family store that is acting as a messy conduit to pick up all this trash. I think it gave me some insight that we should be giving them some consideration regardless of how eloquently raising that penny that was done earlier to show exactly how much more it's going to cost the consumer. One way or the other no matter how we try to analyze or break this particular issue down that consumer is going to pay that additional cost. The only answer the consumer has in this particular case is to stop buying that particular beverage.

I would hope Mr. President and Members of the Senate that this body does Recede and go along with the other body, in helping and assisting that small retail store in which to have at least part of his cost of doing business.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Senator O'LEARY: Mr. President, it was very interesting this morning to have a call from a constituent of mine who runs a very small store. He told me that in his cellar he had stored and waiting for the trucks to come in and pick them up an inventory of \$800 worth of bottles. Now this ¼¢ that I'm proposing right

here is a 25% increase which means that he would have \$1,000 worth.

The 2 centers that were at my home yesterday and the day before, collection centers said that a ¼ of a cent even would be a marked improvement and they could live with it. That is a 25% increase.

Now there's another amendment to come along to follow this one. I hope you will vote to Recede and attach mine, then attach the following amendment.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Trozky.

Senator TROTZKY: Mr. President and Members of the Senate: I concur with what was said by Senator Minkowsky that the consumer pays in the end. But the issue that I see here today is that because of inflation we're going to go from 1¢ to 2¢. 2 years down the line or 3 years down the line, we're going to have another bill in here to go from 2¢ to 3¢, and on and on and on.

We deal with a minimum wage increase every year and I'm not so sure, maybe we should try to limit some of the Legislation that comes in here, but this is just the beginning. As time goes by and inflation it's going to go on and on. Now I'm used to phone calls. I've had quite a few phone calls. I think it's about time the Senate said No to some of these special interest groups even though there are a lot of votes out there. This, to me, is not good Legislation.

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

Senator REDMOND: I'm going to vote to Recede. I noticed the good Senator from Penobscot, Senator Trozky, mentioned that because of inflation they are asking an increase of a penny. It is not because of inflation that they are asking an increase of a penny, it's because they have been dictated. The law dictates to them that they must process these bottles for a penny apiece.

Inasmuch as I support our free enterprise system, free enterprise and competitive businesses and in order to make it competitive, I feel that there should be enough there if they're going to tell them what they are going to charge, we have to tell them to charge enough to give a chance for the competitor if he wants to get more business he can always offer more services. I think it's only fair. But to dictate to them that all they can charge is a penny, that's not free competition.

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

Senator CHAPMAN: Mr. President and Members of the Senate: The store has a full ability to charge whatever it wants to cover its overhead. It handles these bottles and cases when they come in, the fee is when they go back out. The free enterprise systems of charging and having it charged within the competitive environment has worked, worked well, and will continue to work.

Two wrongs don't make a right. It was wrong to have established this in the first place. That's my inclination. It doesn't mean that it makes it right if we increase it to 2¢ now. The consumer pays in the end, as the Senator from Penobscot, Senator Trozky, just said, is he pays, and is going to pay plenty. This is a hefty tax in the order of \$5,000,000.

We were of a mind to dispense with this issue last Friday, and at one point in time I thought we were going to be able to do that. It was my understanding that this bill did return to us but was called back, so that you would have a week-end's worth of attention to this issue.

The float that we have discussed that resides with the distributors is an issue to be discussed and handled another time. The committee had grave concern about that but was unable to come up with something that they wished to present to this Legislature. It's a difficult issue and the more one gets into it, they'll find that out. That is another issue and should not be confused with this one on handling fees.

Redemption Centers would like the increase of an extra penny, but will stores be as anxious to send more business to Redemption Centers if they feel that they are able to get 2¢ instead of 1. Or will they want the mandated 2¢ themselves? I still say that Redemption Centers are best served where they are supported on a contractual basis by the stores in that region of the Redemption Center.

A store can set its own price at any amount that it needs and doesn't need a handling fee to do it. The distributor who gives the handling fee to the store owner when he returns the bottles, is passing that handling fee right back to the store and cost of the product in the first place. I would hope that the Senate will not Recede and will eventually Adhere.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I wish to pose a Parliamentary Inquiry through the Chair. It's my understanding we presently have the motion to Recede before us. I take note that the other body has moved to Adhere. I've heard the good gentleman from Oxford, Senator O'Leary, mention the fact of offering an amendment. Isn't it a fact that the only question that we can entertain before this body is to Recede and Concur.

The PRESIDENT: The Chair would advise the Senator that only 3 motions are available to the Senate, to Recede, Concur and Adhere, and that this bill in its present posture is not amendable.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, let me rephrase the question. If a situation like this were to arrive in the Senate from the other body, and the Senate had Adhered, would it accept any further business from the other body?

The PRESIDENT: The Chair would answer in the affirmative, the Chair would not accept any further. Once the Senate has Adhered, the Senate has Adhered.

Senator KATZ: Thank you, sir.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, on that basis, I just don't understand the jeopardy that anybody who wishes to talk about this any further. I think that we are in a certain jeopardy. If you wish to continue talking about it, I would suspect the appropriate motion would be to Recede and Concur, because according to the Senate's interpretation of this Legislation the bill is going to be presently dead, unless we agree with the House.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Senator O'LEARY: I'm not sure that I'm quite up to what I should be doing. If the Senate was to vote to Recede and Concur, would the bill be in front of us so that we could back it up by Receding?

The PRESIDENT: The Chair would answer in the negative, the vote to Recede and Concur means that the Senate would then be going along with the House position, which means that the bill was Passed to be Engrossed.

The Senator has the floor.

Senator O'LEARY: Mr. President and Members of the Senate: I'm sorry that I had this amendment prepared before I had seen the Supplemental. I should have read it more carefully.

Mr. President and Members of the Senate: I withdraw my motion to Recede and now make the motion to Adhere.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, requests Leave of the Senate to withdraw his motion to Recede.

Is it the pleasure of the Senate to Grant this Leave?

It is a vote.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: I move that the Senate

Recede and Concur.

The PRESIDENT: The Senator from Knox, moves that the Senate Recede and Concur.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, this means now that if you are in favor of a \$5,000,000 tax. If you vote Yes, and if you're opposed you vote No.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President, Ladies and Gentlemen of the Senate: The good Senator from Cumberland has a way with words. I'm not sure that all of us would agree with his way with words. He certainly has the ability to place them in the sequence that would go the way he would like us to follow. I reject that lead and would submit to you that if you would go his way you would have the big guys win again. I suggest to you that if you are in favor of the little guys you will vote to Recede and Concur.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, really I was just quoting words from the Majority Floorleader earlier this morning.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Troitzky.

Senator TROTZKY: I would suggest to the Senior Senator from Cumberland, that the consumer is going to get it in the end anyway, because if this bill fails probably the small store owners will raise the price of a bottle of soda and the public will be paying anyway. But that's the appropriate way and I would hope the Senate would vote against the motion to Recede and Concur.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Senator O'LEARY: I'm afraid Mr. President, the pending motion is to Recede and Concur. I haven't heard anyone yet ask for a Division, and I would sir.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: I would ask for the Yeas and Nays.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The Chair recognizes the Senator from York, Senator Farley.

Senator FARLEY: Mr. President and Members of the Senate: It is amazing to me what we've come to hear in the last 5 years. It started off with a little litter control bill to clean up the litter. You've just heard what it cost the Maine consumer already. Now here we are. If not a \$5,000,000 tax at least a \$5,000,000 subsidy. I don't know how you can make a distinction either.

Many of you got telephone calls over the week-end from your little grocery store. Obviously they are aware of this piece of Legislation, thanks to some of the people to my rear. How many calls would you have got if your constituents would have known about it, the people who are going to pay the tab? You delay this bill until next when we come back, and you're going to pay you're vote on telephone calls. We'd win 33 to zip in this room here.

Now we've lost millions of dollars on this bill. I'll repeat that I've never, never supported the Bottle Bill, in any shape, form, or manner. We've lost millions of dollars in revenue to the State of New Hampshire already. All you're going to do is send them more people.

Presently a 6 pack of beer in New Hampshire is \$1.79. In Maine \$3.01. Now I know that the

people back home are pretty smart when it comes to figuring. If they're still doing business in Southern Maine or anywhere on the New Hampshire border now you're certainly going to drive them across the border and when we come back next year, we find another hundred to \$150,000 short revenues from the income from the Bureau of Alcoholic Beverages, you'll be voting on some piece of Legislation to raise additional revenue or cutting some program.

To ask people, your constituents to vote for \$5,000,000 more to subsidize, subsidize the redemption center because that's what the thrust of the piece of Legislation as introduced. The fact that they may not get now that you have made a little handsome reward to the small grocery store. What's the redemption center going to do then? Come back with a bill mandating the penny go to him? Where's it going to stop?

I suggest it would be smart on all of our parts to defeat the pending motion of Recede and Concur, and someone make the right motion to Adhere, and do something for the consumer in the State of Maine, not just a few people who knew about the piece of legislation and got on the telephone over the week-end.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Danton.

Senator DANTON: Mr. President, I think my seatmate did an extremely good job in bringing the case to those of us who never supported the Bottle Bill 5 years ago, because we knew then that we would be here today asking for more money. It amazes me that the good Senator, Senator Perkins, from Hancock talks about the big guy and the little guys. As I remember it 5 years ago the big guys never wanted the Bottle Bill. It was guys like the good Senator from Hancock, Senator Perkins, who couldn't vote for it fast enough, to take and make the people pay more money for their beverages.

Today the good Senator wants to charge the people of Maine \$5,000,000 more. Now where were the big guys and the little guys. I got 2 phone calls over the week-end. I know the lobbyists think I got more than that but I got 2. One was from Irene Corey, I'll mention exactly who called me. She runs the Farm Store. She wanted me to support the bill. After I got through talking to Irene, she agreed with me. The second phone call was from Dick Potvin. He runs Potvins' Market on Saco Avenue in Old Orchard Beach. He agreed with my position. He doesn't want the consumers to pay any more money. He agrees with the Senators position on the Committee. Let the marketplace make its own way.

Now I have all the sympathy in the world for the Mom and Pop stores. I did 5 years ago, because I never voted for the bill, I knew what they would go through. I can remember the old days and I'm sure the good Senator from Hancock, Senator Perkins can remember them if I can, because he's got a little snow on the roof, too. So I think today if we don't want the people to pay more money. I know how I'm voting. I'm not going to vote for them to pay \$5,000,000 in taxes, but if you people want to pass this bill, then you vote for it.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President, and Ladies and Gentlemen of the Senate: The good Senator Danton has referred to a little color or change in the top of my head. Also the change there has been the memory that I recall the same song and dance was given 5 years ago, was given this past fall on the referendum. Don't do it. They're going to charge you more. Don't do it. The same distributors don't seem to want to care about what the good Senator from Cumberland refers to as floats. They aren't willing to absorb any of that, only pass it through.

I maintain to you that they don't have to pass this through. 500,000,000 of these containers

will yield \$5,000,000 in floats to the distributor. These same people who have given this same song and dance at each turn of this returnable situation. It was the same cast of players and the same situation here we go again. Senator Danton, let's see!

The PRESIDENT: The Chair recognizes the Senator from York, Senator Farley.

Senator FARLEY: Mr. President and Members of the Senate: A few days ago in this Senate, the bill was debated with reference made to the cans that are not returned at the penny and the millions of dollars that are floating around here. What's it going to be like at 2¢? Do you think 2¢ is going to make the guy bring the can back?

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the Motion by Senator Collins of Knox, that the Senate Recede and Concur with the House.

A Yes vote will be in favor of the Motion to Recede and Concur.

A No vote will be opposed.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I would ask leave of the Senate to pair my vote with Senator from York, Senator Lovell, who if he were here he would vote No and I would vote Yes.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, requests leave of the Senate to pair his vote with the Senator from York, Senator Lovell, who if he were here would be voting Nay and the Senator from Kennebec, Senator Pierce, would be voting Yea.

Is it the pleasure of the Senate to Grant this Leave?

It is a vote.

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

ROLL CALL

YEA — Ault, Carpenter, Collins, Devoe, Emerson, Gill, Minkowsky, Najarian, Perkins, Pray, Redmond, Shute, Silverman, Sutton, Teague, Usher.

NAY — Chapman, Clark, Conley, Cote, Danton, Farley, Hichens, Huber, Katz, McBreairty, O'Leary, Trafton, Trozky.

ABSENT — Martin.

16 Senators having voted in the affirmative, and 13 Senators in the negative, with 1 Senator being absent, and 2 Senators pairing their votes, the Motion to Recede and Concur does prevail.

The Chair recognizes the Senator from Kennebec, Senator Ault.

Senator AULT: I move Reconsideration and urge you to vote against me.

The PRESIDENT: The Senator from Kennebec, Senator Ault, now moves the Senate reconsider its action whereby it voted to Recede and Concur.

Will all those Senators in favor of Reconsideration, please say Yes.

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The Motion to Reconsider does not prevail.

Non-concurrent Matter

Bill, "An Act to Clarify the Inland Fisheries and Wildlife Laws of Maine." (H. P. 1879) (L. D. 1962).

In the Senate, March 21, 1980, Passed to be Engrossed as amended by Committee Amendment "A" (H-919) as amended by House Amendments "A" (H-925) and "B" (H-956) thereto, in concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendments "A" and "B" thereto and House Amendment "A" (H-930), in non-concurrence.

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

Senator REDMOND: I move we Recede and

Concur with the House.

The PRESIDENT: The Senator from Somerset, Senator Redmond, moves that the Senate Recede and Concur with the House.

Is this the pleasure of the Senate?

The Motion Prevailed.

Enactors

The Committee on Engrossed Bills reports as truly and strictly engrossed the following:

An Act Establishing the Child and Family Services and Child Protection Act. (H. P. 1787) (L. D. 1906)

An Act to Assure Compliance with Existing Laws Affecting Disabled Persons' Access to Certain Buildings Open to the Public. (S. P. 799) (L. D. 2003)

On Motion by Senator Huber of Cumberland, Placed on the Special Appropriations Table, pending Enactment.

An Act to Increase the License Fee under the Maine Coastal Protection Fund. (H. P. 1618) (L. D. 1728)

An Act to Enable the State to Protect the People of Maine and its Natural Environment from Damages Resulting from the Discharge of Hazardous Matter. (H. P. 1780) (L. D. 1902)

An Act to Amend the Charter of the Limestone Water and Sewer District. (H. P. 1960) (L. D. 2008)

An Act to Make Additional Revisions to Salaries of Certain County Officers. (H. P. 2002) (L. D. 2023)

Which were Passed to be Enacted, and having been signed by the President, were by the Secretary presented to the Governor for his approval.

Emergency

An Act to Authorize Deductions from the Term of Imprisonment of Certain Persons Serving a Split Sentence. (H. P. 1917) (L. D. 1982)

Emergency

An Act to Provide for Renegotiation of the Cost-sharing Formulas for School Districts. (H. P. 1817) (L. D. 1945)

Emergency

An Act Creating the Rangeley Water District. (S. P. 722) (L. D. 1874)

These being emergency measures and having received the affirmative votes of 23 Members of the Senate, with No Senators voting in the negative, were Passed to be Enacted, and having been signed by the President, were by the Secretary presented to the Governor for his approval.

Emergency

An Act to Amend the Laws Relating to Ambulance Service. (H. P. 1869) (L. D. 1959)

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr. President, and Members of the Senate, I think it was about 4 terms ago we began to have problems with the voluntary ambulance services throughout the State and Bills were put in to put these ambulance services under the regulations of the Human Services Department.

We had several hearings while I was Chairman of the Health and Institutional Services Committee come up with some ideas and a law which we thought was going to help these voluntary ambulance groups. The next session they were back again having all sorts of problems and we again passed a law which we thought was going to solve the problem.

Every year we have had the same problems come up again and again. This last year there was a Study Committee set up to have hearings around the State and come up with some good ideas. It was presented to us at a hearing and the proposal that was brought out was severely opposed by a great many people throughout the State. It was reworked again and a compromise brought out which was supposed to handle the problems.

I contacted the volunteer ambulance groups in my own area after they had expressed their disapproval with the original bill and then the operations began around through the Senate here with 3 Members of the Human Services Department over here lobbying for 2 or 3 days which bothers me very much when I see them over here, and so concerned with getting a bill through I wonder who it's going to protect. Whether it's going to protect the constituency or whether it's going to protect their jobs in the Human Services Department.

I realize today that I am not going to have the support probably to Indefinitely Postpone this bill. I will not make the motion but I want to go on Record as opposing the bill.

This being an emergency measure and having received the affirmative votes of 22 Members of the Senate, with 2 Senators voting in the negative, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Order

An Expression of Legislative Sentiment recognizing:

The 1979-80 Brunswick High School math team, coached by Coach H. Millary, winners of their 10th consecutive Pi-Cone math league championship, capturing all top awards. (S. P. 812). is presented by Senator Clark of Cumberland, (Cosponsors: Representatives Bachrach of Brunswick and Martin of Brunswick)

Which was Read and Passed.

Sent down for concurrence.

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

Communication

Local and County Government

March 21, 1980

The Honorable Joseph Sewall
President of the Senate
State House
Augusta, Maine
Dear President Sewall:

The Committee on Local and County Government is pleased to report that it has completed all business placed before it by the second regular session of the 109th Maine Legislature.

Total Number of Bills	8
Unanimous Reports	7
Ought to Pass	1
Ought to Pass as Amended	4
Ought Not to Pass	0
Leave to Withdraw	2
Divided Reports	1

Respectfully yours,
JEROME EMERSON
Senate Chairman

Which was Read and Ordered Placed on File.

Enactors

The Committee on Engrossed Bills reports as truly and strictly engrossed the following:

An Act to Eliminate the "Pay-in" Inequity within School Administrative Districts and Community School Districts. (H. P. 1992) (L. D. 2022)

Which was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Bond Issue

An Act to Authorize a Bond Issue in the Amount of \$4,000,000 for Court Facilities Improvements. (H. P. 1916) (L. D. 1985)

On Motion by Senator Huber of Cumberland, Placed on the Special Appropriations Table, pending Enactment.

Out of Order and Under Suspension of the