

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**

sion to table this measure so we can do it properly.

The SPEAKER: Has anyone figured out that this is the 50th Legislative Day?

The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Ms. Benoit of South Portland requested a roll call.

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

Mr. BRENERMAN: Mr. Speaker and Members of the House: The reason that we wanted to delay this action for a few moments was because we wanted to add the surplus into our revenue account and we didn't want to give the commissioners the authority to do what they wanted with our surplus.

I am not sure what I want members of the House to do. I voted to pass this bill to be enacted. If somebody would move to table this until later in today's session, maybe we could get that amendment on.

The SPEAKER: The Chair would advise the gentlemen from Portland, Mr. Brenerman, that we have not failed of enactment and a roll call was ordered prior to the announcement of the vote.

The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, a question? What would be the effect of this bill failing of enactment on this vote? Would it automatically come back?

On motion of Mr. Leighton of Harrison, tabled pending passage to be enacted and later today assigned.

An Act to Clarify the Inland Fisheries and Wildlife Laws of Maine (H. P. 1879) (L. D. 1962) (H. "A" H-930; H. "B" H-956 and H. "A" H-925 to C. "A" H-919)

An Act to Require Registers of Deeds to Provide Copies from the Records within a Reasonable Time (S. P. 785) (L. D. 1981) (C. "A" S-506)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

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

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask for a roll call on enactment of the increase in the handling fee on the bottle bill.

This has turned into a very big-bucks issue, as I am sure you have noticed by all of the pressure on both sides of the issue that the Legislature is being subject to. It is, indeed, a big bucks issue and as has been pointed out before, to the tune of \$5 million or more which will ultimately be paid by consumers of Maine.

The redemptions centers, it is my recollection, first asked the Committee on Business Legislation for the increase in the handling fee under the belief that it was necessary for their survival. Then, it seems to me, the retailers jumped on the bandwagon that was rolling along on these pennies a little bit later when

they saw it coming and saw it would benefit them as well if passed.

What this is going to do is to require distributors to pay to redemption centers or retailers an extra penny and if you don't think that the distributors as a result, are going to raise their wholesale prices, I think you are in dreamland.

I think Mr. Dutremble, last time, said somehow he thought this increase in the penny was going to eat into the float, as it is called, that the distributors have been collecting, allegedly, as a result of unredeemed deposits, but that amount of money simply goes into their total budget, like anything else, and they are not about to absorb this cost and neither is the retailer who gets it passed on to him as a result of increased wholesale prices, and it will ultimately be passed on to the consumer.

No law is necessary to tell retailers that they can raise their prices when their overhead or handling costs increase, they have been doing it ever since this law was enacted and there is nothing different now. It seems to me to be much better to let retailers raise their prices on their own, when they then can keep that penny, rather than doing it when wholesale prices are passed along to them which is going to eat up that penny.

This bill is going to cost Maine citizens \$5 million, plus whatever markup the retailers put on it. It is unnecessary, it is expensive and I hope you will have sense enough to vote against it.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. All those desiring a roll call vote 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 SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Hughes.

Mr. HUGHES: Mr. Speaker and Members of the House: I will try not to repeat arguments which have been made against this bill already in previous debates, but there are several points which I feel need stressing and which have not been covered in debate in this House.

There is some kind of feeling that the consumer pays in the end anyway for this kind of measure. I have heard that expressed by members of the House. I think this is a case where that may not, indeed, be true. Let me explain why.

The stores of Maine, all throughout the state, have adopted price levels at whatever level they felt was necessary to guarantee them a certain moderate amount of income, a certain percentage income. They have adopted those prices, they haven't been waiting for us to pass legislation to tell them what they should charge. The price has been adopted; they are making money at whatever price they are at now.

Now, the prices are not standardized on soft drinks, they vary all across the board. In fact, I did a little survey in my hometown. I chose the product closest to my heart, Coca Cola, surveyed about 20 stores on the price of Coca Cola to find out what storeowners are charging now. The bottle cost them, incidentally, 23-1/3 cents to buy from the Coca Cola Bottling Company; they sell it for prices which vary from a low of 30 cents to a high of 42 cents; a profit on variation of the rate of return on cost from 29 cents for the supermarkets up to 80 percent for some of the Mom and Pop stores. That kind of variation is typical in the trade, it is what has been going on for years. We all know Mom and Pop stores are more expensive and they are more expensive because they are less efficient but they offer a convenience and many people are willing to pay for that convenience of having a handy store in which to buy their beverages, but your prices will vary considerably. They

are going to continue to vary, and that is the name of the game.

The stores may set the price wherever they feel it ought to be set and they are doing it now, they have done it, prices are in effect, they are making money at whatever price they choose to set this at.

Now, the reason this price is going to be passed right through to the consumer is because this is something in addition to whatever they have been putting into their own personal computations of profit. This is a new cost item to be passed right through with a markup for the stores. So, the proper title for this bill is a \$6¼ million tax increase on distributors to supplement the income of storeowners and as a by-product of that, about 27 redemption centers which are still in business around the state. Half the money, approximately, will go to supermarket chains, some of the rest to Mom and Pop stores, and about a half a million or so to redemption centers to double their operating income.

I think everything else has been said. If you think the best price setting mechanism for this kind of business enterprise is the storeowner himself making his own personal decision, then you will vote against enactment of this bill. If you think the best price setting mechanism for this kind of operation is here in the House of the Maine State Legislature, then you will vote for it. I urge you to vote against enactment of this \$6¼ million tax increase.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, I want to be consistent today. I voted against this bill the first time we had it, I voted for it the second time and I am going to vote against it today.

The reason why I am is because I, too, did a little survey with some small stores and I was told exactly the same thing that the gentleman from Auburn found out. The storeowner, the particular one that I talked with, said, we will raise the prices that are necessary. Another store that I checked with hadn't even heard of the bill, a Mom and Pop store.

I think the bill was put in basically to set up the redemption centers and keep them viable. I don't necessarily support that, and I believe very strongly that this is going to be directly assessed, if the bill is passed, whereas it may not necessarily raise prices if it is not passed; therefore, I urge you to vote against the bill.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: This is the ideal bill to show you that business comes down here to tell us to do something for business and then they tell us—keep your nose out of our business. Let's vote against this.

The SPEAKER: A roll call has been offered. The pending question is on passage to be enacted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Barry, Beaulieu, Blodgett, Bordeaux, Bowden, Brenerman, Brown, D.; Brown, K.C.; Bunker, Carrier, Chonko, Churchill, Cloutier, Cunningham, Curtis, Damren, Dellert, Dexter, Dow, Drinkwater, Dutremble, D.; Elias, Fowlie, Garsoe, Gillis, Gray, Hall, Higgins, Hobbins, Hunter, Hutchings, Immonen, Jacques, P.; Kany, Kiesman, LaPlante, Locke, Lougee, Lowe, MacBride, MacEachern, Mahany, Martin, A.; Masterman, Matthews, Maxwell, Mitchell, Nelson, A.; Nelson, N.; Norris, Paradis, P.; Paul, Pearson, Peltier, Peterson, Post, Prescott, Reeves, P.; Rolde, Rollins, Roope, Sewall, Sherburne, Silsby, Smith, Sprowl, Strout, Theriault, Tierney, Tozier, Tuttle, Twitchell, Viollette, Vose, Wood, Wyman, The Speaker.

NAY — Alopis, Bachrach, Baker, Benoit, Berry, Berube, Birt, Brannigan, Brodeur, Brown, A. Brown, K.L.; Call, Carroll, Carter, D.; Carter, F.; Conary, Connolly, Cox, Davies,

Davis, Diamond, Doukas, Fenlason, Fillmore, Gavett, Gowen, Gwadosky, Hanson, Hickey, Howe, Huber, Hughes, Jackson, Jaques, E.; Jalbert, Joyce, Kane, Lancaster, Leighton, Leonard, Lewis, Lund, Marshall, Masterton, McHenry, McKean, McMahon, McPherson, McSweeney, Michael, Morton, Nadeau, Paradis, E.; Payne, Reeves, J.; Small, Stover, Studley, Tarbell, Torrey, Vincent, Wentworth, Whittmore.

ABSENT — Boudreau, Dudley, Dutremble, L.; Kelleher, Laffin, Lizotte, Nelson, M.; Simon, Soulas, Stetson.

Yes; 78; No, 63; Absent, 10.

The SPEAKER: Seventy-eight having voted in the affirmative and sixty-three in the negative, with ten being absent, the Bill is passed to be enacted

Signed by the Speaker and sent to the Senate.

By unanimous consent, all Enactors appearing on Supplement No. 4 were ordered sent forthwith to the Senate.

The following Enactors appearing on Supplement No. 5 were taken up out of order by unanimous consent:

An Act Relating to the State Valuation of the Town of Patten (H. P. 2031) (L. D. 2035)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, I would like to point out that there is one small technical error in the Statement of Fact. I don't think it has any effect on the bill, it relates to the fact that the fire actually occurred on March 20 and the Statement of Fact says March 30, but I would like to put in the record that it has no effect on the bill itself.

The SPEAKER: The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

120 having voted in the affirmative and none in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Provide a Cost-of-Living Adjustment for Fiscal Year 1980-81 to Members of the Maine State Retirement System (S. P. 677) (L. D. 1784) (H. "A" H-970 to C. "A" S-508)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all members elected to the House being necessary, a total was taken. 110 voted in favor of the same and 13 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following papers appearing on Supplement No. 8 were taken up out of order by unanimous consent:

The following Communication: March 25, 1980

The Honorable John Martin
Speaker of the House
State House
Augusta, Maine 04333
Dear Speaker Martin:
The Committee on Taxation is pleased to report that it has completed all business placed before it by the Second Regular Session of the 109th Legislature.

Bills received in Committee	16
Unanimous Reports	14
Ought to Pass	1
Ought to Pass as Amended	9
Ought Not to Pass	3
Leave to Withdraw	1
Divided Reports	2
Recommittals	2

Sincerely,

S/BONNIE POST
House Chairman

The Communication was read and ordered placed on file.

Special Sentiment Calendar

Recognizing,
Mike Caramihalis, of Sanford, a high school "all-American" wrestler and winner of 103 consecutive matches during his 4-year career at Sanford High School, (H. P. 2036) by Mr. Tuttle of Sanford. (Cosponsors: Mr. Wood of Sanford, Mr. Paul of Sanford and Senator Lovell of York)

The Sanford High School Wrestling Team, coached by Richard Faulkner, 1979-80 State Class "A" champions, it's second consecutive title; (H. P. 2037) by Mr. Tuttle of Sanford. (Cosponsors: Mr. Wood of Sanford, Mr. Paul of Sanford and Senator Lovell of York)

There being no objections, the above items were considered passed and sent up for concurrence.

The Falmouth High School Boys' Swim Team, winner of the State Class B Swim Championship for 1979-80 (H. P. 2039) by Mrs. Huber of Falmouth.

On the request of Mrs. Huber of Falmouth, was removed from the Special Sentiment Calendar.

The Order was read.
The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker and Members of the House: Certainly, I am very proud to present this order today, and I do call the Clerk's attention to the fact for the first time this session, I have been given the wrong title.

Thereupon, the Order received passage and was sent up for concurrence.

In Memory of,
Joseph C. Cavallaro, Jr., of South Portland, who gave his life in the service of the Portland Fire Department; (H. P. 2038) by Mrs. Beaulieu of Portland. Mr. Brenerman of Portland, Mr. Kane of South Portland and Mr. Cloutier of South Portland)

No objections being noted, the above item was considered adopted and sent up for concurrence.

By unanimous consent, the preceding Orders were ordered sent forthwith to the Senate.

The following papers appearing on Supplement No. 10 were taken up out of order by unanimous consent:

Consent Calendar
First Day

(H. P. 2027) (L. D. 2033) Bill "An Act to Provide Compensation and Benefits Agreed to by the State and the Maine Teachers' Association for Employees in the Bargaining Unit of Instructors at the Vocational-technical Institutes"—Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-976)

(H. P. 2028) (L. D. 2034) Bill "An Act to Provide Compensation and Benefits Agreed to by the State and the Maine Teachers' Association for Employees in the Bargaining Unit of Administrators at the Vocational-technical Institutes"—Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-977)

There being no objections, under suspension of the rules, the above items were given Consent Calendar Second Day notification, passed to be engrossed as amended and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following paper appearing on Supple-

ment No. 6 was taken up out of order by unanimous consent:

Bill "An Act to Provide a State Income Tax Credit for Installation of Renewable Energy Systems" (H. P. 1770) (L. D. 1900) (C. "A" H-972)

Was reported by the Committee on Bills in the Second Reading and read the second time.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Leonard.

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I just want to call your attention to this particular bill, again one that was signed out at the last minute out of our committee and one, had I given sufficient thought to it, would not have been on the Majority "Ought to Pass." It is a bill to allow people tax credits against the installation of any renewable energy systems. This year we are stepping it up to include wood stoves and furnaces and what have you, but I just think in concept maybe this is the wrong kind of legislation.

The intent is great, the intent being that people in the State of Maine should convert their existing systems, whether they be wasteful or dependent upon oil, should convert those over to renewable systems. That is commendable, but I think, frankly, standing here as a supporter of the free enterprise system and what have you, I think with the energy costs the way they are, in fact, that problem will take care of itself. I know I bought a wood stove, I know many of my neighbors have bought wood stoves, they have converted to wood furnaces in many instances, a lot of solar panels are now showing up. I don't think that we have to start getting into the tax credit area in order to provide the incentive. I think it is just adding a little bit more bureaucracy to get people to do something they would have done anyway.

Therefore, Mr. Speaker, I move the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The gentleman from Woolwich, Mr. Leonard, moves that this Bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House. This bill essentially does a couple of things. One is, you may remember, we passed a bill last year for state income tax credits for installation of renewable energy systems, and in the process of trying to carry out the intent of that legislation, the Office of Energy Resources and the Bureau of Taxation came back to us with several questions and clarifying amendments to the bill because there seemed to be a great deal of difficulty as they tried to come up with rules and regulations and standards with some of the legislation that we had passed last year. So, that bill does this to some extent; it clarifies exactly what we mean and what kinds of things will be eligible for the credits which are already on the books.

In addition to that, it adds a wood hot water heater, which is not presently allowable under the law, but anybody who has done any investigation into the cost of energy realizes very quickly that one of the highest costs of energy within a home is the cost of heating the hot water itself. There has been some interest in hot water heaters. They are relatively expensive at this point, so we decided to include them in the present state income tax credit.

I want to make one thing clear, this does not include free-standing wood stoves. The only thing that wood stoves are included under this amendment is when wood stoves are purchased and used as part of a wood furnace system, and that is when they are hooked up to ducts and that type of thing, because we have found that the Bureau of Taxation was disallowing some kinds of systems that people were appropriately using as wood furnaces, and in some instances they may have been less expensive than some of the other types of more elaborate