

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**

EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

Senator Collins of Knox was granted unanimous consent to address the Senate, On the Record.

Senator COLLINS: Mr. President, the Select Committee concerning the Indian Land Claims has arranged a Public Hearing for Friday next at 10 AM at the Augusta Civic Center. The committee invites any members of the Legislature to submit any questions that they may have about the proposal to any members of the Committee so that there will be a good opportunity to prepare those answers. Thank you.

Senate at Ease

The Senate called to Order by the President.

The President appointed the following conferees on the part of the Senate regarding Bill, "An Act to Increase Trapping Fees." (H. P. 1833) (L. D. 1937).

Senators:

REDMOND of Somerset
PIERCE of Kennebec
USHER of Cumberland

Senator Conley of Cumberland was granted unanimous consent to address the Senate, off the Record.

Senate at Ease

The Senate called to Order by the President.

On Motion by Senator Pierce of Kennebec, Recessed until 2:30 o'clock this afternoon.

Recess

After Recess

The Senate called to Order by the President.

Senator Katz of Kennebec was granted unanimous consent to address the Senate, Off the Record.

On Motion by Senator Pierce of Kennebec, Recessed until the sound of the bell.

Recess

After Recess

The Senate called to Order by the President.

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

Enactors

The Committee on Engrossed Bills reports as truly and strictly engrossed the following:
AN ACT to Clarify the Inland Fisheries and Wildlife Laws of Maine. (H. P. 1879) (L. D. 1962)

AN ACT to Require Registers of Deeds to Provide Copies from the Records within a Reasonable Time. (S. P. 785) (L. D. 1981)

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

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

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

Senator CHAPMAN: I would urge you to vote No on the Enactment of this measure, I request a Roll Call Mr. President, when that vote is taken.

I'll just point out again that a handling fee is a mandated cost to the consumers, our constit-

uents, that that one penny additional we are mandating here translates to an easily \$5,000,000 cost that they must bear.

It's been suggested that perhaps it was a wrong thing to establish a handling fee in the first place when this law was first passed. I submit that 2 wrongs don't make a right, that we should not compound that error by passing this Legislation.

The free market place is the place where the cost of doing business should be addressed. This is a cost of doing business of handling these bottles, containers. If we don't defeat this measure I submit that it will be a biennial measure before this Legislature to raise it to 3¢, 4¢, so on depending on what inflation pressure seems to dictate. Once again the consumer will pay. I would urge the Senate to vote No on Enactment.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from York, Senator Danton.

Senator DANTON: Mr. President and Members of the Senate: Once again I will remind you that this is a \$5,000,000 tax, that we're passing onto the consumers if this bill becomes Enacted. I would like to point out one thing. I see some members of the news media in this Senate Chamber today. We had a 40 minute debate on this issue yesterday and I didn't see one word in a newspaper today that mentions the fact that the consumers of the State of Maine will be paying \$5,000,000 for this Bottle Bill.

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

Senator CLARK: Mr. President and Members of the Senate: Currently Maine's Beverage Container Law allows the retailer who belongs to a redemption center to refuse to accept empty containers from consumers. It was suggested in an earlier debate by the Senator from Somerset, Senator Redmond, that consumers are not forced to return their bottles to Redemption Centers, in fact that is exactly what does occur or can occur.

The Redemption Centers have requested an increase in the handling fee to 2¢. The purpose of that request is to keep the centers open to make this Bottle Bill work. I would submit to the Member of this Chamber that the Bottle Bill is working and it is working well.

Redemption Centers are frequently located a considerable distance from the centers of many municipalities. A substantial distance in fact from the consumer's normal retail market and some people particularly in these times of escalating gasoline and fuel costs, they find it difficult to get to the Redemption Center. What are they to do?

A second consideration is that the cost of operating Redemption Centers probably do vary considerably across the State because of the concentration of retail outlets and population in that area. What may be an adequate return for a redemption center in one area of the State may not be an adequate return in another. By imposing this increased handling fee, a standard fee, across the State the Members of this Chamber are encouraging redemption centers in locations where their service does not justify their cost and that flies in direct contradiction to all of the principles of the free enterprise system. I hope my colleagues that that is one statement that you consider seriously. I would hope that you would vote in opposition to the pending motion of Enactment.

The PRESIDENT: 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 PRESIDENT: The Chair recognizes the

Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I would ask permission of the Senate to pair my vote with the Senator from York, Senator Lovell, were he here he would be voting No and I would be voting 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 pending motion before the Senate is Enactment of L. D. 2012.

A Yes vote will be in favor of Enactment.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

18 Senators having voted in the affirmative, and 12 Senators in the negative, with 2 Senators pairing their votes, and none being absent. L. D. 2012 is Passed to be Enacted, having been signed by the President, was by the Secretary presented to the Governor for his approval.

(See Action later today)

Emergency

An Act to Provide a Cost-of-Living Adjustment for Fiscal Year 1980-1981 to Members of the Maine State Retirement System. (S. P. 677) (L. D. 1784).

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

Emergency

An Act to Establish the Municipal Cost Components for Services to be Rendered in Fiscal Year 1980-81. (H. P. 1985) (L. D. 2018).

Emergency

An Act to Clarify the Status of a Certain School Renovation Project in the City of Waterville under the Education Laws and to Validate Proceedings Authorizing the Issuance of Bonds or Notes by that City. (S. P. 790) (L. D. 1989)

Emergency

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

These being emergency measures and having received the affirmative votes of 31 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 Maine Guarantee Authority Act. (S. P. 780) (L. D. 1972)

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

Senator KATZ: Mr. President and Members of the Senate: You will recall that this is the bill which seeks to increase the maximum limitation on any one industrial project under the Maine Guarantee Authority from \$2.5 to \$7 million. You will recall that when the Bill was first before us, it sought to increase the same level with respect to the Recreational Projects too. It was an indication that the bill was rather hastily drawn for one particular client. After it was drawn, after it was admitted, after it was lobbied, then people started to look at it as a possible useful tool for other projects.

Without retracing any ground that I have previously covered, I've been hearing that by and large other than a couple of projects that things