

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**  
OF THE  
**One Hundred And Thirteenth Legislature**  
OF THE  
**State Of Maine**

**VOLUME I**  
**FIRST REGULAR SESSION**  
December 3, 1986 to May 22, 1987

HOUSE REPORTS - From the Committee on BUSINESS LEGISLATION on Bill "An Act to Extend Maine's Bottle Bill"

H.P. 662 L.D. 895

Majority - Ought Not to Pass.

Minority - Ought to Pass.

Tabled - May 21, 1987, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF EITHER REPORT

(In House, May 21, 1987, the Minority OUGHT TO PASS Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.)

(In Senate, May 21, 1987, Reports READ.)

On motion by Senator BALDACCI of Penobscot, Committee Reports READ.

Senator BALDACCI of Penobscot moved the Majority OUGHT NOT TO PASS Report.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Thank you Mr. President and members of the Senate I would urge you to vote against the pending question. I would also request a Division. The Bill, itself, would expand the Returnable Bottle Bill only to include wine cooler bottles. That certainly is not too onerous an expansion for store owners. Certainly that small expansion would be consistent with Maine values in which we pretty much seem to be opposed to the throw away society. Here we have a major study going on with solid waste this year. We've had all kinds of segments of our Maine society come together to try and address solid waste. We've had the Maine Municipal Association, the Natural Resources Council, the Maine Audubon Society, the Disposal Facility Operators, the paper industry all coming together with a major system, in which they were recommending significant changes. One of the major components that is being suggested is recycling and having an office of recycling. Certainly a move to increase our Returnable Bottle Bill is entirely consistent with this philosophy. I urge you to oppose the pending motion and accept the Minority Ought to Pass Report.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Ludwig.

Senator LUDWIG: Mr. President, men and women of the Senate. I can't help wondering how many garbage laden barges have to set off to sea looking for a place where their load will be received, before people finally get the message. We simply produce too much garbage and have run out of a place to store it. It has been 11 years since Maine enacted the original Bottle Bill.

I was one of many people throughout the State who took an active role at the local level, to support its' passage. The Bottle Bill works. Not only has it reduced litter and danger on our road sides, although this was the most immediate and noticeable effect, it has also provided jobs at redemption centers and funds for those willing to redeem containers which thoughtless, ignorant people continue to dispose of in public places.

Less obvious, but of vital importance, is the fact that every can or bottle that is returned, frees up that much more space in our landfills. It all adds up. I would remind you that the closing of a municipal land fill is not inexpensive. The next step of paying some one else to dispose of your garbage, can be very expensive. L.D. 895, simply adds wine coolers to those containers already covered in the original Bottle Bill. It is admittedly a small step, but a step in the right direction. I am surprised and disappointed that this did not come out of Committee with an unanimous Out to Pass Report.

I would urge those of you who may not have been aware of the importance of L.D. 895, to vote with the enlightened minority on this one. Please vote No on the pending motion. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCI: Thank you, Mr. President. Mr. President and members of the Senate. I am a member of that un-enlightened majority of that Committee that deliberated on that issue for a few weeks. We read an awful lot of material from an awful lot of sources. When this Bill was first presented in Committee, or as a matter of fact, the Legislature, I thought it was a natural inclusion in the Bottle Bill. It seemed like a natural thing to me. I started out with that premise. As I began to get more and more into the subject matter and talked with my local grocer, who pulled me over and showed me the variety of wine coolers that he had. The cost which is greater than that of beer and soda. The type of people who bought those wine coolers, if the Bottle Bill became law, the area that he would have to have in his back room or storage area to be able to have separate cases, separate coloring that there is with this particular product, to make sure that he could handle the amount that was dealt with in the store. What he anticipated was if he didn't have the room and didn't get any more as far as the handling charges, and by the way, it was mentioned that the jobs that were provided here, there was testimony that was given to the Committee that there was a dwindling number of redemption centers, because the fact of the matter is they can't make ends meet. He showed me that if he didn't get some extra money so he could build on to be able to withstand that type of an increase in his volume, that he was going to have a problem. Well, I said, maybe we could get him a few more cents, so he could make those changes. You know, it is just some one else's trash that he has to handle until it is picked up.

Make it, at least, so it is in clean, separate area in his grocery store where he makes hot dogs, hamburgers and there is food around. I was quite concerned about that, especially in the summer time, because a lot of these places do not have central air conditioning. In the summer time you tend to exaggerate those problems and I would like not to see that as part of the food chain.

I thought that might be possible and the thing to do. Get down to the Committee and the recycling, the natural environment. I go running every day. I don't see any wine coolers out there. I see a lot of beer cans and McDonald's wrappers and things like that when I'm running. I was thinking about that those distributors are going to get 5¢ off their can that never got back to the store, that got run over by a car or something like that. Some of the people in this chamber have actually debated the so-called float. That millions of dollars that is not given back to the consumers. They thought that somehow they ought to attach that. Now they are talking in the same vein, not only in worrying about the float, now we're going to worry about adding on something else which I understand will be very lucrative. I haven't noticed very many distributors getting poor in the last few years, since the Bottle Bill has been in existence. As a matter of fact, I think they are doing quite well and I think things have worked out quite well in that regard. So, I came at this from a consumer point of view and of a consumer that was concerned about a clean environment. I said to myself, well, all that stuff in the stores are made of plastic. They all are going to be made of plastic. There is actually not going to be bottles with soda

in the future. What we are going to have is plastic. Well, I said, what can we do with plastic? I mean, you can recycle, I thought, the clear glass and make use of it, but plastic? I said that things are changing since this law went into effect. The Energy and Natural Resources Committee have been doing this study on solid waste. A lot of communities are working on that sort of problem. I said, what is the Department of DOT have to say about this matter. The DOT, in their letter to the Committee, which was addressed to the Honorable Representative Caroline Mahany, stated that aside from the wine coolers, the MDOT has a litter problem with the products such as ice tea and fruit juices are more of the litter problem than are wine coolers.

This is in the 4th paragraph. So I think, and to me, I said to myself, what are we trying to do here? I said we are addressing a problem and concern and it is not really a great problem out there. A small percentage is all you have according to this fact sheet, just a small percentage of wine coolers that is the problem. I thought, let's have a comprehensive litter solution here. Let's take that 35 million dollars that is being collected on deposits and let's somehow get that together to the communities to help have people pick up litter, to hire trucks and projects and whatever else, to handle this, because they would eventually be sorting this out, preparing it for those co-generation facilities.

This is a much more complicated issue. The Committee dealt with this very vigorously. We talked about the recycling and I have a letter here with pictures of all this great green glass that is being created. Miles and miles, piles and piles of it. I have a letter here from the Maine Beverage Container Services in Portland. It says [This letter, Senator Baldacci, is written to clarify any misunderstanding which may have developed in your hearing. The party representing the Audubon group called me and asked questions regarding the sale of recycled products. I informed her that we can sell white glass but had a more difficult time selling green glass. She presented you and your Committee with a truly false presentation. As a matter of fact, she called me this morning to apologize. Nappi Distributors was correct and truthful when they presented the enclosed pictures of the green glass build up and the fact that it is very difficult to sell it.] There are pictures here of miles and miles of green glass.

I ask you, from an environmental recycling point of view, where is this stuff going to go? Are the small grocery stores going to be a receptacle for trash which is ultimately going to end up in the back yard of some business in Portland where they are not going to be utilizing this? I contend that the Committee and the majority of the Committee wasn't truly un-enlightened. That they may have spent a lot of time discussing and researching the issue, and especially with all the members in the Senate that are on this Committee, on the same side of this particular issue. I think that the way the Committee process works here in the Senate and the way in which we relegate some of our duties and responsibilities in particular areas in the Committee, is of an important concern with this issue here today. So, I would hope that we would support the Majority Ought Not to Pass Report. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Mr. President and Senators. In answer to the good Senator from Penobscot, Senator Baldacci's question. I would suggest that the green glass go back to the bottler. That they re-use the bottles. That is a suggestion. As far as including

these containers, the wine cooler containers, in the Returnable Bottle Law, I just ask why not? Why not?

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Andrews.

Senator ANDREWS: Mr. President, men and women of the Senate. I rise today to urge you to join with the good Senator from Kennebec, Senator Kany and the good Senator from Aroostook, Senator Ludwig, in their urgings for us to turn down this motion of the good Senator from Penobscot, Senator Baldacci. It is very, very interesting listening to this debate this afternoon. If you were here 12 years ago, then you would be struck with a distinct sense of deja vu. The arguments that we are hearing, to a T, against this Bill, were the very same arguments that were used against the Bottle Bill.

The concern for the small store owner, the concern for storage capacity and the tremendous burden. The image of huge piles of bottles in the back with no place to go. Well, that was included in the debate 12 years ago. I don't think any body in the State of Maine, certainly no one in this body, can stand up and point to that concern and that problem addressed to this body 12 years ago, is a problem that actually came true.

We hear about the problem, this particular problem, of so much of other types of trash that is a concern to the DOT and to others, that McDonald's wrappers, beer cans along the sides of roads. Well, the McDonald's wrapper argument was used on the floor of this Chamber 12 years ago against the Bottle Bill. It was clear to the vast majority of the people in the State of Maine as it is to the vast majority, I believe right now, that in fact, while McDonald's trash is a problem, they retreat on trash that we can deal with right now, in a very responsible, clear and workable way, namely, the Bottle Bill system. This year, 12 years later, we have an additional argument to make and that is that we now know that the Bottle Bill works. There's a distribution system, a receiving system, a receptacle system that works in this State. This particular Bill is designed to piggy-back on that existing system, using bottles that are distributed by the same distributors of the soft drink cans and the beer cans that we are talking about.

As far as Senator Baldacci's jogging. I am aware that he jogs, but if he sees beer cans where he jogs, I would bet that he would see several more beer cans if did the same jogging 12 years ago, before the Bottle Bill. Everyone who we have heard testimony from, is very clear about the overwhelming success of the Bottle Bill in cleaning up our road ways and cleaning up our jogging paths and cleaning up our forests. That is simply indisputable. And, this proposal will work. Speaking of DOT, the Senator from Penobscot, Senator Baldacci was very eager to point out a paragraph of the letter from the DOT talking about the other kinds of trash that are a problem. He failed to point out the first paragraph of that letter which is and I quote [I am writing to offer MDOT's support for L.D. 895.] Now, MDOT would like some extensions, of course. They see some problems out there beyond just bottles. That is a problem that we are going to have to address in the solid waste efforts that are now under way. We applaud those efforts and we support those efforts and we hope they can deal with these other trash problems. It didn't stop the DOT from recommending support for L.D. 895, in dealing with this wine cooler problem and it shouldn't stop us from offering our support to L.D. 895.

If you look at the trend out there and I think this is critical, the trend in wine coolers, you find

there is a growing market for wine coolers. If you have any doubts of that, just listen to your radio or watch your television this weekend, or read your newspaper. There is a major marketing effort going on for wine coolers.

In terms of green bottles, there are growing numbers of these green bottles showing up through wine coolers. There are beer distributors in Canada that distribute their products in green bottles. There are beer distributors in Pennsylvania that distribute their product in green bottles. There is a growing market for green bottles. The question is this: Are the wine coolers going to become an increasing litter problem, a growing problem because we know much more of this is being marketed, much more of this is being sold? Or, are we going to create a strong market for those green bottles? If we pass this law, we're going to do the latter. We're going to turn a growing problem into a growing solution, because we're going to create a market for those green bottles that will address the problem that Senator Baldacci from Penobscot was addressing before us today. Mainly, creating a market for the recycling of green bottles. A market that is growing because of the growing market of these beverages.

The arguments against L.D. 895 are just as weak, in fact, I would suggest are even weaker, 12 years later. What we're voting on right now, let's fact it, is the Bottle Bill. Whether we support the Bottle Bill or oppose the Bottle Bill. I support the Bottle Bill in a strong way and I think the majority of the people in the State of Maine support the Bottle Bill. Yes, there was a suggestion before that Committee, that perhaps the Bottle Bill should be abolished. That was a point of some discussion among some of the Committee members, and replaced by some kind of a program with deal with litter. That is the same argument, once again, that we heard 12 years ago. The people of Maine rejected it, we rejected it and we should support L.D. 895. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Brannigan.

Senator BRANNIGAN: Thank you, Mr. President. Men and women of the Senate. I am a supporter of the Bottle Bill. When I came to the Legislature 9 years ago and I was appointed to the Business Legislation Committee, which later became the Business and Commerce Committee and 2 years later I became House Chair of that Committee, and one of the responsibilities I felt that I had when I came to that Committee, was to be a champion and a protector of several major efforts that this Legislature and the people of this State had embraced. One of those was the Bottle Bill. For the last 9 years, I have felt that it has been important for me as a Legislator, to make sure that the Bottle Bill stayed intact and healthy.

The previous speaker has just said that this Bill that is before you is a piggy-back on the Bottle Bill and he is right. If any of you have given piggy back's, especially when you get a little older and your children get a little larger, piggy backs can get too much. Piggy backs can break the back of the person who it is on. I do feel, with some difficulty, I have voted against this Bill. It is, as Senator Andrews has said, that the Bottle Bill can be a growing solution to solid waste issues. The Bottle Bill can not be a growing solution to solid waste issues.

It is true that this plan will fit but the fact is that all the other things that need to be handled, all the other juices, all the other packaging which we have to deal with, as this Committee probably has to deal with it too, because they have to tell

business how they package, in the future, but the Bottle Bill, because of its' distribution streams and deposits will not handle that.

My decision was based upon two things. It is up to solid waste from now on, not the Bottle Bill, to take care of all of the different things that have to be taken care of. That is one thing. The second thing was the handling fee. You can do just so much. This Legislature would have passed the Bottle Bill, decided it would put a handling fee on, that was to help the store owners and also to help the redemption centers begin. That has been handled poorly since its' inception. First it was increased when it shouldn't have been increased and once we decided to increase, then we're going to have to increase it as we told the people in the 109th Legislature and it hasn't been increased. This year, it was even handled more poorly. The Bill didn't even get a hearing. So, it just seems to me that my vote, I feel, is a vote for the Bottle Bill and a vote that will strengthen it. I believe that this issue needs to be taken care of and the whole solid waste issue and the handling fee issue must be addressed by this Legislature. I feel justified and I feel as a protector of the Bottle Bill in voting against this Bill. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Tuttle.

Senator TUTTLE: Yes, Mr. President. I just got a note from Senator Dutremble of York, in which he said "Let's make drug testing bottles from green glass." I don't know if this has any bearing on this issue, but I just thought I would bring it up. I would oppose the pending motion and hope that this body would do as the other body did and support this legislation. Support the Minority Ought to Pass Report. It has been mentioned in the past several months, the solid waste sub-committee of the Energy and Natural Resources, of which I am a member and Senator Usher and Senator Ludwig are, have been studying the problems of solid waste disposal and land fill requirements. Recycling alternatives and other issues related to the moratorium on land fill licenses. Many members of the Energy and Natural Resource Committee support L.D. 895 as a step further down the recycling path and away from dependence on land fills and incinerators. One example was Mr. Mahoney of the Maine Beverage Container Services of Portland, who testified before the Solid Waste Committee, that this business was established as a direct result of the enactment of the original Bottle Bill. This particular company has plenty of market for its glass, having developed markets as far south as North Carolina. In his testimony, Mr. Mahoney, strongly supported the legislative initiative, such as extending the Bottle Bill, which would increase the availability of high quality containers for recycling.

In response to the good Senator from Penobscot, Senator Baldacci and the good Senator from Cumberland, Senator Brannigan, when bottles are thrown into a trash can, they end up using valuable and limited land fill space or they are incinerated as trash. If bottles are incinerated they end up as crushed glass, which is not separated by color and has to be mixed in the garbage. This is a product which is not recyclable and must be land filled, resulting in additional costs of energy recovery incinerators and municipalities that have waste contracts with these incinerators. In addition, as has been mentioned, when plastic bottles are incinerated, they contribute to air emissions which must be controlled through expensive pollution control equipment. In contrast, bottles that are

claimed through the Bottle Bill have a far better chance of being recycled, since they are separated by color and are cleaner. It is for that reason that I would oppose the pending motion and would support the Minority Report. I think it is rather inconsistent that if we worked long and hard in the Energy and Natural Resources Committee on this issue, let's not be inconsistent and not pass this Bill. Let's be consistent and pass this Bill and accept the recommendations of the Committee on Energy and Natural Resources. Thank you.

On motion by Senator PEARSON of Penobscot, supported by a Division of at least one-fifth of the Members present and voting a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Brawn.

Senator BRAWN: Mr. President, men and women of the Senate. I would like to rise to also urge you to also reject the Majority Report and accept the Minority Report of the Business Legislation Committee concerning this wine cooler Bill. This is a national problem of alarming proportions and it is time to face the problem. We can't wait any longer. It is a fact that recycling is an essential ingredient and solution to these problems I believe that we will be taking a positive step in the right direction by adding wine cooler containers to this Bill. The time is right, let's take that step. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Whitmore.

Senator WHITMORE: Thank you, Mr. President, men and women of the Senate. I think most of the remarks have been covered and I really don't want to delay the session any longer than is necessary, but I do think it is important to point out that as we, on the Committee, heard the testimony and the facts were offered, they were really talking about a very small percentage of the overall problem.

That has been touched on. We have examined and thought very long and hard about the possibility of even adding what appears to be, a larger item with regard to the waste stream and that is the juice glasses and the ice tea containers, the Hawaiian Punch cans and all of those that currently are not covered, because they do not come under a carbonated beverage clause of the original legislation. It was the wisdom of the Committee that they determine the problem did exist and with talking to the distributors, the major problem in that regard is that there is no one prime source of those products and so therefore they would not be able to return them to any given source.

It would also seem that one particular industry has been singled out in the effort and I think that by itself is not a good reason to go forth with this legislation. We talked about the waste stream and how we, as individual members use it as we go along Maine's highways. It is obvious with today's efforts or expansion of the fast food business, that probably the fast food industry is the largest contributor toward the waste stream along the highways. If you really want to do something to clean it up and I am not going to be the one to sponsor this legislation, but you might consider a 10% trash tax, if you will, and use that money to employ people to clean it up and put that tax on any take out items. If you really want to get serious about this thing, let's talk about really getting serious. I also would not be in the position, at least today, until some one proved otherwise, to support that so I can see some people sitting on the edge of their chair ready to leap up and go forth with that suggestion. Just remain calm and we'll discuss the Bottle Bill and only the Bottle Bill at this time. I urge you, as a

member of that Committee which heard the arguments, pro and con, thinking about the good that has taken place through the period that the Bottle Bill has been in force and there is no denying the fact that it has been effective, but I think to address the small portion when a larger portion exists, it is really not addressing the root of the problem, would be an error. I therefore would urge you to support the Majority Report. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Mr. President. What posture is this Bill in?

THE PRESIDENT: The pending question is Acceptance of the Majority Ought Not to Pass Report.

Senator PEARSON of Penobscot requested and received Leave of the Senate to withdraw his motion for a Roll Call.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Andrews.

Senator ANDREWS: Thank you, Mr. President. Men and women of the Senate. As a co sponsor of this legislation, I simply would like to address 2 points that were made in this debate that I think need to be addressed. Number one is that in fact, wine coolers are a small percentage of the problem then wine coolers are not going to break the back of the Bottle Bill.

The second point is the distribution stream. Distribution streams are critical to understand in terms of the argument that we have heard in this debate. The reason that the Bottle Bill can not deal with McDonald wrappers and the other types of trash is because they are not in the same distribution stream as beer bottles and cans. Wine coolers are. Wine coolers are in that distribution stream. They can be used as part of the Bottle Bill to deal with that problem. That is a very critical element. That is the distinction. Trash that is not in that distribution stream can be dealt with in the waste management discussions that are going on right now. Let's deal with them in that context but we do have a vehicle, a distribution stream that can will pick up these bottles that is not a significant, large number so it is not going to break the back of the Bottle Bill. Thank you very much.

THE PRESIDENT: The pending question before the Senate is the motion of Senator BALDACCI of Penobscot to ACCEPT the Majority OUGHT NOT TO PASS Report of the Committee.

A Division has been requested.

Will all those Senators in favor of ACCEPTANCE of the Majority OUGHT NOT TO PASS Report, please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

14 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion of Senator BALDACCI of Penobscot to ACCEPT the Majority OUGHT NOT TO PASS Report, FAILS.

The Minority OUGHT TO PASS Report was ACCEPTED, in concurrence.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCI: Mr. President. I have a parliamentary inquiry. In the testimony at the hearing on this particular matter, there was testimony from the Department in regards to additional people that would be needed to enforce this particular law and I would ask if there is a fiscal note attached to this Bill?

Senate called to order by the President.

THE PRESIDENT: In response to the inquiry of the Senator from Penobscot, Senator Baldacci's question as to whether or not there is a fiscal note attached to the Bill, the Chair would answer in the negative. There is no fiscal note attached to this Bill. The Chair would further state that in his opinion in reviewing the Bill, that no fiscal note is necessary.

The Chair recognizes that same Senator.

Senator BALDACCI: Mr. President. When the Committee took this Bill up for discussion, it was quite apparent that there was going to be a loss of revenue because of the fact that the State of New Hampshire, which does not have sales tax and does not have a deposit law on its bottles of soda and beer and now with wine coolers also, that there would be some loss of revenue. It was also given in testimony as part of the Maine Department of Agriculture, the Bureau of Public Service a testimony of Robert Dice, Director, that he talks that the extension will involve some additional enforcement responsibilities and staff time, which has been increasingly stretched and the Legislature should immediately review the need for additional consumer food enforcement staff. I think there was a concern about that, Mr. President.

THE PRESIDENT: The Chair would inquire of the Senator from Penobscot, Senator Baldacci, if he is challenging the ruling of the Chair?

Senator BALDACCI: No, Mr. President. I was just making the Chair aware of some facts in regard to this Bill if it did become a law, after his ruling so the body and the Presiding Officer were aware of them. I have not spoken to the Presiding Officer before about this matter so I just wanted to make sure that he was aware of it along with the other members of that Committee were aware of it.

The Bill READ ONCE.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Mr. President. I would like to read Joint Rule 21 dealing with fiscal impact statements. [Every bill or resolve affecting revenue or appropriations which has a committee recommendation other than "Ought Not to Pass" shall include a fiscal impact statement. This statement shall be incorporated in the bill before it is reported out of committee. The Office of Fiscal and Program Review shall have sole responsibility for preparing those fiscal notes.] It is the responsibility of the committee to see that fiscal notes are attached before Bills are reported out.

Senate at Ease

Senate called to order by the President.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

The Chair laid before the Senate the Tabled and Specially Assigned matter:

HOUSE REPORTS - from the Committee on LEGAL AFFAIRS on Bill "An Act to Make Liquor Retail Prices Uniform Throughout the State"

H.P. 94 L.D. 103

Majority - Ought to Pass in New Draft under New Title Bill "An Act Creating a Study on Uniform Liquor Pricing and Other Factors in the Operation of the State Liquor Commission and the Bureau of Alcoholic Beverages" (Emergency)

H.P. 1206 L.D. 1644

Minority - Ought Not to Pass.

Tabled - May 21, 1987, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF EITHER REPORT

(In House, May 21, 1987, RULED NOT PROPERLY BEFORE THE BODY, being in violation of Joint Rule 21.)

(In Senate, May 21, 1987, Reports READ.)

Senator KANY of Kennebec moved to ACCEPT the OUGHT TO PASS IN NEW DRAFT under NEW TITLE Report.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Dillenback.

Senator DILLENBACK: Thank you, Mr. President. Ladies and gentlemen of the Senate. I'm the only vote against this Bill. I have good reason to be the only vote, perhaps. I wasn't there during the hearing vote. My reason for opposing this Bill are two major reasons. Number one: We're asking for a study on the pricing of liquor. There is nothing you can do on the pricing of liquor except reduce the amount of money that will go into the General Fund. I don't care what you come up with. Where do you want to replace that money? The other point is the Legal Affairs Committee, in the past, has allowed other stores to be put along the border if the Liquor Commission so decides, which they have not done. I could also bring up the point of Joint Rule 21 on here because I see there is an amendment now to add a fiscal note, which was not on the original Bill, but that is not the point. How are we going to replace the money? How are we going to put lower priced liquor stores any where in the State without taking the money away from the General Fund? I don't see how you can do it. We have had this Bill here many times, it has never gone anywhere before and I just have to make my statement heard. I appreciate you listening to me. Thank you.

On motion by Senator KANY of Kennebec, the OUGHT TO PASS IN NEW DRAFT under NEW TITLE Report was ACCEPTED.

Under suspension of the Rules, READ A SECOND TIME.

On motion by Senator ESTES of York, Senate Amendment "A" (S-83) READ.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator ESTES: Thank you, Mr. President. Ladies and gentlemen of the Senate. This amendment is before you and this amendment adds the appropriate fiscal note and makes the technical amendment to L.D. 1644. In the Bill, it includes only a study of the pricing structure, it includes much more. It also will encompass a study of informational advertising and what the rule of that advertising is by the State. It will take a look at location of not only State Liquor Stores but also agency stores. It will take a look at the profitability of each liquor store. It will take a look at the adequacy of services including hours of operation, the efficiency of inventory maintenance and reporting, the availability of products including sizes and categories, as well as the listing and de-listing procedures followed by the Commissioners. It is much more extensive than other studies that have been done in the past and it was recommended by 12 of the 13 members of the Legal Affairs Committee.

On motion by Senator ESTES of York, Senate Amendment "A" (S-83) ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Sent down for concurrence.

The Chair laid before the Senate the Tabled and Specially Assigned matter: