

# MAINE STATE LEGISLATURE

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

**VOLUME II**

**FIRST REGULAR SESSION**

May 26, 1987 to June 30, 1987

Index

The Chair laid before the Senate the Tabled and Later Assigned matter: (5/26/87)

Bill "An Act to Extend Maine's Bottle Bill"  
H.P. 662 L.D. 895

Tabled - May 26, 1987, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED  
(In Senate, May, 26, 1987, READ A SECOND TIME.)  
(In House May 21, 1987, PASSED TO BE ENGROSSED.)

On motion by Senator BALDACCI of Penobscot, Senate Amendment "E" (S-94) READ.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator BALDACCI: Mr. President and members of the Senate. This is one of two amendments that are technical in nature of those amendments that you are dealing with on this bottle bill. These are two that are technical. One is a better description of the wine cooler to be a wine cooler. The way it is written it has been like a table wine. The second is an implementation where the wineries that have never done this deposit on wine coolers have to readjust their marketing. It was allowed for soda and beer a period of almost 2 years. What is being suggested here is a year from the implementation period for them to adjust and to make that change. That is a technical thing so they re-tool and get ready to handle the Maine wine cooler. The other one is a definition. Of those 3 amendments that I have prepared, 2 are technical. One deals with the implementation date, which is the one that you have before you today. The next one that I will be offering, is the one that is the definition of the wine cooler, which was not written in the present Bill.

Senator PEARSON of Penobscot moved the INDEFINITE POSTPONEMENT Senate Amendment "E" (S-94).

THE PRESIDENT: The Chair recognizes that same Senator.

Senator PEARSON: Mr. President, men and women of the Senate. My recollection is, and I think it is accurate, is that when the first bottle bill was introduced and passed by the Maine Legislature, right after it was passed and it became law, what the companies did in order to make sure the returnable notice was put on the bottles was simply by a sticker. If I remember correctly, they put it on the cap or on the side, one of those that do not peel off very easily. It said "5 cents refundable, State of Maine." That was done by the distributor and it was no big deal to do that. You simply deal with a company that sells stickers and you put them on the bottles until such time that they can include that in the label of cap of the wine cooler. This seems to me to be unnecessary because if we pass this, it would not take effect until 1988, a year from this July and I don't think we need to wait that long.

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

Senator BALDACCI: Mr. President, men and women of the Senate. It is quite apparent that we're going to have a wine cooler deposit. There is no question about that, we're going to return the wine coolers. There is no effort here to fight this. I disagree with it, the members of the Committee disagree with it, but it is the will of the Legislature to move forward. These amendments are going to make this workable.

That is what is being proposed here today. I have discussed it with members of the Committee and they agree that there needs to be a time for a start up. They are talking about drafting their own language in the other body to accommodate that. They are obvious to the fact that they have to have a

period of time to re-tool and to change it so they can deal with this.

It is a fact of life. There was almost 2 years before the soda and beer people had to re-tool to get ready for it. It is not that easy, I submit to you, that there are certain mechanical problems. These are wineries that have never done this before and they have not had the same techniques of distribution as the soda a beer companies. They are different. They are not in the same business. They will need a period of time. It was agreeable to the members of the Committee that time be given. That is what is being looked for here. The second amendment is a better definition of the wine cooler. Those are two that I consider to be technical amendments to make this thing workable, if you want it to work right with the lesser amount of confusion and to move forward as quickly as possible. They should know from the discussion here in the Legislature, in the House and in the Senate, that the people of Maine want this type of thing and they have to get ready for it. That is why they do not need as much time. So, there is no question that they are not getting as much time and they should be notified now. This is just allowing a little bit of time so they can get things re-tooled. Thank you.

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

Senator LUDWIG: Mr. President, men and women of the Senate. Amendments serve a purpose, but when you get half a dozen amendments attached to a bill, which is strong enough to stand by itself, it is evident that there is a move to confuse, delay and kill a bill, a very good bill. I would ask that you trust. There will be ways for inequities to the industry or to others as this Bill is implemented. Right now, I think it is important to pass this Bill without amendments.

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

Senator BALDACCI: Mr. President and members of the Senate. I appreciate the comments of the good Senator from Aroostook, Senator Ludwig. At this time it is the only time which you can amend a Bill, when it is in Second Reading. The Senators on the Committee did not agree with the report, there are problems with the way the Bill is drafted, problems with the way it describes wine cooler and it could include a lot more than just a wine cooler. It should be defined so it is, in fact, just a wine cooler and not table wine or all the other products that are out there. That needs to be done. There are members of the Committee that have contacted the Alcoholic Beverages Bureau here, to get a better definition of what is proposed in the Bill.

There are problems with an implementation date and the way the Bill is drafted, it says wine cooler. There are definite problems. There is no confusion here about this particular issue. Everybody is agreeable. I think, as you go on and discuss other amendments, there could be an opportunity for disagreement about those amendments. But, I would hope if we want to move forward with the lesser amount of confusion and to have it more workable, that you would go along with these amendments. Thank you. I would request a Roll Call.

On motion by Senator BALDACCI 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 pending question before the Senate is the motion of Senator PEARSON of Penobscot to INDEFINITELY POSTPONE Senate Amendment "E" (S-94).

A vote of Yes will be in favor of INDEFINITE POSTPONEMENT.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators ANDREWS, BRAWN, CAHILL, CLARK, COLLINS, DILLENBACK, EMERSON, GILL, KANY, LUDWIG, PEARSON, TUTTLE, TWITCHELL, WEBSTER,  
 NAYS: BALDACCI, BERUBE, BLACK, BRANNIGAN, BUSTIN, DOW, DUTREMBLE, ERWIN, ESTES, GAUVREAU, GOULD, KERRY, MATTHEWS, MAYBURY, PERKINS, SEWALL, THERIAULT, USHER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion of Senator PEARSON of Penobscot, to INDEFINITELY POSTPONE Senate Amendment "E" (S-94), FAILED.

On motion by Senator BALDACCI of Penobscot, Senate Amendment "E" (S-94) ADOPTED.

On motion by Senator TWITCHELL of Oxford, Senate Amendment "C" (S-91) READ and ADOPTED.  
 (See Action Later Today)

On motion by Senator BALDACCI of Penobscot, Senate Amendment "A" (S-89) READ.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator BALDACCI: Mr. President and members of the Senate. This is the amendment which I referred to earlier. It is a definition that strictly adheres to wine coolers, 7% alcohol content. You will notice that most of them are 4 and 5%. Very few are at 7%. It limits that and is more geared toward that particular area, which is strictly wine coolers. I think it is very, very technical amendment. I hope that you will support it. Thank you.

Senator KANY of Kennebec moved the INDEFINITE POSTPONEMENT of Senate Amendment "A" (S-89).

THE PRESIDENT: The Chair recognizes that same Senator.

Senator KANY: Thank you, Mr. President. Fellow Senators, I hope that you vote in opposition to this amendment. I do hope that you do so, realizing that perhaps the recipe for wine coolers could change. If so, then wine coolers would not fall under the definition of the Returnable Bottle Bill. I do hope that you will vote to Indefinitely Postpone this amendment.

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

Senator BALDACCI: Mr. President and members of the Senate. I don't need to go over this again. I want this to become law. I want wine coolers to be returned and to be workable. It is the will of the majority. The Committee process served the purpose. The Senate has given its feelings on this particular issue. This is a definition of a wine cooler. Strictly a wine cooler. Nobody is trying to get around anything. Nobody is proposing anything that to go to that degree. Believe me, the distributors are not going to put any more alcohol in a wine cooler to get around the Maine Deposit Law, because it would be a lot more expensive to increase the alcoholic content than it would be to adhere to the Deposit Law. Most of them are at 4 and 5% alcohol content. This just gets away from the other bottled wine. As a matter of fact, I probably should be more concerned that its not expanding it, but I think the Legislature wants to deal with wine coolers and this amendment specifically is geared toward that technical area. I would appreciate your support on this amendment. Thank you.

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

Senator WHITMORE: Thank you, Mr. President. Ladies and gentlemen of the Senate. I hate to stand up and take opposite sides with my good colleague, Senator Baldacci. It has come to my attention that the Reunite products that certainly do not qualify as wine coolers really do fall under this definition. I do not think we are trying to include the Reunite products, having the same contents as spelled out in here with the same percentage of alcohol. I think that could cause some confusion because it was not the intent. Further, I think the definition of wine cooler by itself, since that is what is printed on the label, is sufficient enough definition. I think that by adopting this amendment, it may just in fact, cloud the issue.

On motion by Senator BALDACCI of Penobscot, Tabled until Later in Today's Session, pending the motion of Senator KANY of Kennebec, to INDEFINITELY POSTPONE Senate Amendment "A" (S-89).

The Chair laid before the Senate the Tabled and Later Assigned matter: (5/26/87)

Bill "An Act Relating to Terms of Office for Trustees of the Kennebec Water District"

H.P. 1201 L.D. 1638

Tabled - May 26, 1987, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED

(In Senate, May, 21, 1987, READ A SECOND TIME.)

(In House May 20, 1987, PASSED TO BE ENGROSSED.)

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending PASSAGE TO BE ENGROSSED, in concurrence.

The Chair laid before the Senate the Tabled and Later Today Assigned matter: (5/26/87)

Bill "An Act to Amend the Charter of the Lubec Port Authority"

H.P. 412 L.D. 546

Tabled - May 26, 1987, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In Senate, May 22, 1987, RECALLED from the Legislative files, pursuant to Joint Order (H.P. 1207), in concurrence.)

(In House, May 26, 1987, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-153) in NON-CONCURRENCE.)

On motion by Senator DOW of Kennebec, the Senate RECEDED and CONCURRED.

The Chair laid before the Senate the Tabled and Later Assigned matter: (5/26/87)

Bill "An Act to Establish a Statewide Training Program for Staff of Long-term Care Facilities"

S.P. 536 L.D. 1619

Tabled - May 26, 1987, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In Senate, May 18, 1987, PASSED TO BE ENGROSSED.)

(In House, May 26, 1987, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-172) in NON-CONCURRENCE.)

The Senate RECEDED and CONCURRED.

Off Record Remarks