

# 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

S.P. 218 L.D. 585

Reported that the same Ought Not to Pass.

Signed:

Senators:

BALDACCI of Penobscot  
WHITMORE of Androscoggin

Representatives:

ALLEN of Washington  
REED of Falmouth  
LEBOWITZ of Bangor  
TELOW of Lewiston  
STEVENS of Sabattus

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-114).

Signed:

Senator:

BRANNIGAN of Cumberland

Representatives:

HILLOCK of Gorham  
RACINE of Biddeford  
GURNEY of Portland  
ALIBERTI of Lewiston

(Representative SHELTRA of Biddeford Abstained)

Which Reports were READ.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending ACCEPTANCE OF EITHER REPORT.

Divided Report

The Majority of the Committee on ENERGY AND NATURAL RESOURCES on Resolve, Authorizing the Sale of Certain Public Reserved Lands

S.P. 480 L.D. 1443

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-116).

Signed:

Senator:

LUDWIG of Aroostook

Representatives:

MICHAUD of East Millinocket  
JACQUES of Waterville  
MITCHELL of Freeport  
COLES of Harpswell  
HOLLOWAY of Edgecomb  
HOGLUND of Portland

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "B" (S-117).

Signed:

Senators:

USHER of Cumberland  
TUTTLE of York

Representatives:

RIDLEY of Shapleigh  
DEXTER of Kingfield  
LORD of Waterboro  
ANDERSON of Woodland

Which Reports were READ.

Senator USHER of Cumberland moved ACCEPTANCE of the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-117) Report.

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

Senator LUDWIG: As the Senator on the Committee of Energy and Natural Resources in the Majority Report, I would urge you to accept our recommendation with Committee Amendment "A" (S-116).

THE PRESIDENT: The pending question before the Senate is the motion of Senator USHER of Cumberland to ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-117) Report.

The Chair ordered a Division. 23 Senators having voted in the affirmative and 7 Senators having voted in the negative, the motion by Senator USHER of Cumberland to ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-117) Report, PREVAILED.

The Bill READ ONCE.

Committee Amendment "B" (S-117) READ and ADOPTED.

The Bill as Amended LATER TODAY ASSIGNED FOR SECOND READING.

SECOND READERS

The Committee on Bills in the Second Reading reported the following:

House

Bill "An Act to Require that Job Classifications and Specifications be Determined by Collective Bargaining"

H.P. 1236 L.D. 1688

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, in NON-CONCURRENCE.

Sent down for concurrence.

House As Amended

Bill "An Act to Encourage Investment in the Development of Potato Varieties"

H.P. 678 L.D. 911  
(C "A" H-183)

Which was READ A SECOND TIME.

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

Senate

Bill "An Act Authorizing Restitution in Civil Penalty Actions"

S.P. 323 L.D. 951

Bill "An Act to Extend the Sunset Provision of the Maine Revised Statutes, Title 5, section 17004"

S.P. 498 L.D. 1515

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate As Amended

Bill "An Act Giving the State Fire Marshal, Deputy and Inspectors Full Law Enforcement Powers"

S.P. 307 L.D. 886  
(C "A" S-109)

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

ENACTORS

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

An Act to Provide an Accident and Sickness or Health Insurance Program to Retired Teachers

S.P. 522 L.D. 1637  
(S "A" S-77)

On motion by Senator PEARSON of Penobscot, placed on SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

An Act to Extend Maine's Bottle Bill

H.P. 662 L.D. 895  
(S "A" S-89; S "E" S-94)

Senator TWITCHELL of Oxford moved the INDEFINITE POSTPONEMENT of the Bill and all Accompanying Papers.

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

Senator LUDWIG: Thank you, Mr. President and members of the Senate. I would hope you would defeat the pending motion. I would respectfully remind you that this Bill was first presented without amendment and received overwhelming support from the other Body and respectable support, a majority from the Senate. In subsequent maneuvering, from those responsible for contributing to our solid waste problem, the Senate added 2 amendments to which the House Receded and Concurred. This was a major compromise. At this late date, it would seem counter-productive and indeed, against the wishes of the Majority to weaken

a Bill which would encourage recycling, increase the life span of our municipal landfills and greatly reduce the waste stream which hastens their closure.

L.D. 895 does not need additional amendments. I urge you to vote in the best interest of your constituents in defeating this last attempt to defeat a measure which was designed to help with the increasing problem with solid waste disposal. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Twitchell.

Senator TWITCHELL: Mr. President and members of the Senate. Something that we do well here is that we mandate. We're always mandating and that is just what we're doing today. We're mandating that the little Mom and Pop stores and the redemption centers have to take these wine cooler containers. They will not receive any extra compensation for them.

My redemption center in Norway, the rent has gone up, the light bill has gone up, the phone bill has gone up, the liability insurance has gone up and yet, they do not receive any extra money. I put an amendment in for an additional 1/2 cent increase on these bottles and that was killed. So, I would hope that you would support my motion for Indefinite Postponement. Thank you.

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

Senator BALDACCII: Mr. President and members of the Senate. We have been through the debate and I think the good Senator from Aroostook, Senator Ludwig is very accurate and very appropriate in her comments about the Bill and the amendments that are attached and the condition that it is in at this point. I think that for us, at this time, to kill this Bill, would be an attempt to derail the process. It is going forward, it is a small, small step as far as litter and it is picking and choosing litter, but it is a decision that the Legislature has made and I think it is only appropriate that we go forward. I will be voting against the motion to Indefinitely Postpone. Thank you.

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

Senator KANY: Mr. President and fellow Senators. I would like to urge you to vote against the pending measure, remembering that Maine people strongly support it, the bottle bill, at the polls. They definitely were very much in favor of the Returnable Bottle Bill. At that time, wine coolers were not popular, it was before they came into being. As we know now, they are becoming increasingly popular, so they are in definite keeping with the spirit of the Returnable Bottle Bill and yet would not be a great burden for the small stores and the recycling centers. I urge you to defeat the pending motion and Enact this fine Bill.

Senator LUDWIG of Aroostook requested a Division. 3 Senators having voted in the affirmative and 27 Senators having voted in the negative, the motion of Senator TWITCHELL of Oxford to INDEFINITELY POSTPONE the Bill and all Accompanying Papers, FAILED.

Which was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

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

Resolve, Creating a Watershed District Commission  
S.P. 261 L.D. 742  
(H "A" H-180 to C  
"A" S-65)

Tabled - June 1, 1987, by Senator CLARK of Cumberland.

Pending - FINAL PASSAGE

(In House, June 1, 1987, FINALLY PASSED.)

(In Senate, May 27, 1987, PASSED TO ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-65) AS AMENDED BY HOUSE AMENDMENT "A" (H-180), thereto, in concurrence.)

On motion by Senator TUTTLE of York, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby the Bill was PASSED TO BE ENGROSSED AS AMENDED.

On further motion by same Senator, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby Committee Amendment "A" (S-65) as Amended by House Amendment "A" (H-180), thereto was ADOPTED.

On further motion by same Senator, Senate Amendment "A" (S-118) to Committee Amendment "A" (S-65) READ.

Senate at Ease

Senate called to order by the President.

On further motion by same Senator, Senate Amendment "A" (S-118) to Committee Amendment "A" (S-65) ADOPTED.

Committee Amendment "A" (S-65) as Amended by House Amendment "A" (H-180) and Senate Amendment "A" (S-118), thereto ADOPTED in NON-CONCURRENCE.

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

Under suspension of the Rules, ordered sent down forthwith for concurrence.

On motion by Senator GILL of Cumberland and under Suspension of the Rules, all matters previously acted upon, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

On motion by Senator BUSTIN of Kennebec, RECESSED until the sound of the Bell.

After Recess

Senate called to order by the President.

Out of order and under suspension of the Rules, the Senate considered the following:

ENACTORS

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