

# MAINE STATE LEGISLATURE

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

**VOLUME III**

**FIRST REGULAR SESSION**  
June 15, 1989 to July 1, 1989  
Index

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Greenlaw.

Representative GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I hope you oppose the motion that is before you and vote for this bill. I have fear for my family when I am here in Augusta because I know, due to some of the liberal programs of letting them out of jail, they are wandering in my backyard at night. If we can have more cells, we can house these people in a proper place.

Representative Mayo, we have had enough belting of each other this week, but you already have a sewer system installed in the town of Warren and a water system you are getting -- if Standish could get a sewer system and a water system, I would support moving these units to Standish immediately and house these people the way they should be taken care of.

I hope you people will vote to defeat the motion.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I rise to correct an implication that was raised by the previous speaker. The town of Warren presently has a water system, the Camden/Rockport Water Company does provide water service in Warren as they do in Thomaston. The area of the prison will have a waterline run to it from Thomaston across the St. George River to Warren, so, it is not an additional water system that the state may be providing to anybody, it is already there.

As for the sewer system, the town of Warren has been on the list for a sewer plant for many, many years and I had the pleasure in 1985 of sponsoring a bond issue which provides the state funds for that sewer system. The town of Warren is doing the state a favor. Let me say that again, the town of Warren is doing the state a favor by building its sewer facility so that the prison can hook up to it. The state is not doing anything for Warren, let's keep that clear. The state is asking Warren to accept, with this bond issue, 200 more incarcerated felons. I would hardly try to suggest that the state is doing anything nice for Warren through that.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I can sympathize with the good gentleman, Representative Mayo. I don't blame him for trying to get as much as he can from the state to support his community. I suspect that if I had such an institution or any other state institution in my backyard, I would be doing the same thing. I do know that two or maybe three years ago, there was a state office building that was attempting to locate in the northern part of Kennebec County and I went to bat for the people who were trying to locate it in Winslow. I was amazed at the competition to get such a facility located within the adjacent communities. So, it puzzles me when we fight against the location of certain state institutions in one's area on one hand and then we fight like mad on the other to get another institution located in the community because of the economic spin-off that we derive from such a facility.

Furthermore, I would like to remind this group that this is a unanimous report from the Committee on Appropriations and I would hope that you would support it.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than 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 and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is the motion of Representative Mayo of Thomaston that L.D. 1702 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 122

YEA - Adams, Allen, Boutilier, Brewer, Burke, Cahill, M.; Cathcart, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Daggett, DiPietro, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Farren, Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Heeschen, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Luther, Macomber, Mahany, Marston, Martin, H.; Mayo, McHenry, McKeen, Michaud, Mills, Mitchell, Moholland, Nadeau, G. R.; O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Pineau, Plourde, Priest, Rand, Richard, Rotondi, Ruhlman, Rydell, Sheltra, Skoglund, Stevens, P.; Swazey, Tammaro, Tardy, Townsend, Tracy, Walker, The Speaker.

NAY - Aikman, Aliberti, Anderson, Anthony, Ault, Bailey, Begley, Bell, Butland, Carroll, D.; Carroll, J.; Carter, Cashman, Chonko, Curran, Dellert, Dexter, Donald, Farnum, Foss, Foster, Garland, Graham, Greenlaw, Hanley, Hastings, Hepburn, Hichborn, Higgins, Hutchins, Jackson, Lebowitz, Libby, Lisnik, Look, Lord, MacBride, Manning, Marsano, Marsh, McCormick, McGowan, McSweeney, Melendy, Merrill, Murphy, Nadeau, G. G.; Norton, Nutting, Paradis, E.; Parent, Paul, Pederson, Pendleton, Pines, Pouliot, Reed, Richards, Ridley, Rolde, Seavey, Sherburne, Simpson, Small, Smith, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Telow, Tupper, Webster, M.; Wentworth, Whitcomb.

ABSENT - Dore, McPherson.

Yes, 75; No, 74; Absent, 2; Paired, 0; Excused, 0.

75 having voted in the affirmative, 74 in the negative, with 2 being absent, the motion did prevail. Sent up for concurrence.

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

#### REPORTS OF COMMITTEES

##### Divided Report

Majority Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-640) on Bill "An Act to Promote Reduction, Recycling and Integrated Management of Solid Waste and Sound Environmental Regulation" (EMERGENCY) (H.P. 1025) (L.D. 1431)

Signed:

Senators:

ERWIN of Oxford  
LUDWIG of Aroostook  
KANY of Kennebec

Representatives:

SIMPSON of Casco  
JACQUES of Waterville  
LORD of Waterboro  
ANDERSON of Woodland  
COLES of Harpswell  
MICHAUD of East Millinocket  
HOGlund of Portland  
MITCHELL of Freeport

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-641) on same Bill.

Signed:

Representatives: DEXTER of Kingfield  
GOULD of Greenville

Reports were read.

On motion of Representative Michaud of East Millinocket, the House accepted the Majority "Ought to Pass" Report, the Bill read once.

Committee Amendment "A" (H-640) was read by the Clerk.

Representative Pouliot of Lewiston offered House Amendment "A" (H-655) to Committee Amendment "A" (H-640) and moved its adoption.

House Amendment "A" to Committee Amendment "A" was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Pouliot.

Representative POULIOT: Mr. Speaker, Ladies and Gentlemen of the House: I stand before you today and offer an amendment to the Majority Report of L.D. 1431 in order to expand Maine's current returnable container law to include liquor. By asking you to change a portion of the Majority Report, I am asking you to be realistic. We cannot ask grocery stores to become the local transfer station. We cannot ask grocery stores to dedicate their back rooms to empty bottles. We cannot ask grocery stores to shoulder greater burdens than others. We cannot ask Maine's consumers to pay for two separate recycling systems.

My amendment would keep intact Maine's current bottle law with the exception of liquor. I repeat, my amendment would keep intact Maine's current bottle law with the exception of liquor. My amendment would require that liquor bottles also have a deposit and be returned just like soda bottles. My amendment says, it is time the state puts its money where its mouth is and not expect the private sector to shoulder the burden that the state won't shoulder.

For years, we have required the private sector to comply with the Bottle Bill while the state sat idly by. I believe that now is the time to make the state recycle its liquor bottles.

The Bottle Bill works well because it is limited to a few brands and distributors. But, it doesn't make any sense when we are thinking about thousands of brands and hundreds of distributors, it doesn't make any sense when we are talking about increased prices on necessities such as baby formula, water, whatever, you name it.

Some of you may think that I am being a little hypercritical. I am not. What I am saying is that in fairness to the private sector, that is all I am saying, in fairness to the private sector, the state should also return the bottles it controls but at the same time we shouldn't overwhelm a system that has worked well now and increase the cost of these products to our Maine consumers.

I ask you to support my amendment and make the state return its own bottles.

I would like to read to you the Statement of Facts in my amendment which says, "The purpose of this amendment is to expand Maine's returnable law to cover liquor but not to expand the law to cover other beverage containers. This amendment also keeps the handling fee paid for by the distributor at its current level."

The SPEAKER: The Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, I move indefinite postponement of this amendment.

Ladies and gentlemen of the House: The committee had been lobbied very heavy, the only other bill that I can think of that may have been lobbied more was the Color, Odor and Foam bill, but this bill has been lobbied quite a bit.

The reason why the committee did not choose to go along with this liquor is (1) it would not take enough of the waste problems out of the waste stream and (2) it would be placing a competitive advantage for the wine industry over the liquor industry and the committee felt that that was not fair.

I would hope that you would go along with the Majority Report, which does include the Bottle Bill. The Bottle Bill for the wine will not go into effect until September 1, 1990, that is about a year and a half away. I hope that you will support my motion to indefinitely postpone House Amendment "A."

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Gurney.

Representative GURNEY: Mr. Speaker, Ladies and Gentlemen of the House: We had this bill before the committee dealing with the state liquor store bottles but, due to the multitude of recycling bills in the Energy and Natural Resources Committee, we thought in the Business Legislation Committee that the Energy and Natural Resources Committee would be able to handle the bill in one large package. As you can see, it is a large package.

I ask you to support this amendment because I do agree with adding liquor bottles.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative DiPietro.

Representative DIPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: I think before we go any further there should be some comments that you people should understand about the solid waste package.

First of all, I would like to say that I served 10 years on the RWS Committee in the city of Portland (the Regional Waste Committee) and I would like to talk on this solid waste bill. I honestly and truly think that the people who have worked on this bill are sincere and I think they want to do the right thing but I think the proposal before us today is not the right thing.

I would like to give you a little background if I may. First of all, I think this particular bill is a fund-raiser, a fund-raiser that is going to cost the people of the State of Maine about \$40 million more than we are presently paying for goods. I also think that the small stores are going to be called, not redemption stores, but recycling stores. I feel that we are presently taking back 6 percent of the solid waste now. What they are looking for with this package is that they want us to take back 10 percent. I don't feel that we, the small storeowners, are in a position to do so and I don't believe that the large supermarkets are in the position to do so. If this type of bill should pass, I would have to change the name of my store from DiPietro's Market but to DiPietro's Recycling Center because that is exactly what I would be doing. I would be recycling. We don't have the room, we do not know how we are going to do it. We are presently taking all the bottles and all the cans that we possibly can that the Bottle Bill has asked us to do in the past and I just don't think there is any more space for us to do anymore.

I think the committee has to look at another way of finding an avenue to get rid of the bottles, put it into a solid waste package, make somebody recycle them, have somebody do it other than the Mama and Pop stores and the large supermarkets — we are just in no position to do so.

The other thing I would like to tell you is the little small juice boxes that all the kids like to take to school, they will no longer be able to do that because they are disbanding them. They don't want us to sell those because they feel that those

are a problem. I think what they should be looking at is looking at the environment and not worrying about the little juice boxes but looking at how they can take care of the toxic diseases are around.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I think I am as strong an environmentalist as anyone else but I feel that the Bottle Bill is not the answer to the solid waste problem. I think this is just a bandaid approach to taking care of the solid waste problem. We should approach the solid waste problem head-on. I think the committee, of which I have the highest respect for every one on both reports, they are very good friends of mine, they worked hard, they are sincere, they want to do a good job that is needed and I will work with them but please, let's not try to use the Bottle Bill as an excuse to try to solve the solid waste problem. It is only a bandaid approach, you will not solve it because there is only a percentage of the bottles that is the problem.

I would ask that you support the motion by the good Representative from Lewiston, Representative Pauliot. This would, in a way, still get a lot of work accomplished but will not go in and say, the bottles are the problem. The bottles are not the problem, it is only a small percentage. It is the solid waste that you pick up every week. As a town official, I know exactly the problem we encountered when we tried to take care of the solid waste problem. I ask again, please let's not try to hook up and get all the answers by hooking it on to the Bottle Bill because the first thing you will see is the farmers ending up with piles and piles of plastic bottles behind the barn. I know many of the young farmers that I have talked with are really good environmentalists, they believe they want to do something, but I think they are being deluded into thinking that this will be the way to go. Unfortunately, those young farmers are going to end up with piles and piles of those empty bottles and milk cartons behind the barn. You can only build so many of those bird feeders for those things. Please let's go in, one step at a time. Maybe some of the glassware and bottles need to be taken care of but I don't think we should hang it all onto the Bottle Bill. I would ask that you support the motion of the good Representative from Lewiston.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Men and Women of the House: I am going to speak on this issue one time and one time only. I am going to ask you a question. Does this look like a bandaid? That is your bandaid right there.

The previous speakers have said that the committee is sincere and dedicated and I am glad to hear they didn't say we were stupid. There was one reason why we extended the Bottle Bill and that is because of your landfills are going to be shut down in a very short period of time. We are probably going to end up with two very expensive landfills to take care of the entire State of Maine. Every one of those glass bottles takes up a cubic foot of space in that landfill and that penny in increased handling fee -- don't worry about paying that because your people are going to pay 50 times that when it comes to dealing with landfills.

If you look at this bill, there was no bandaid approach taken, it was a long, tedious, comprehensive review of the solid waste problems in

the State of Maine. Two weekends worth and almost every day in between.

You are going to have a lot of lobbyists working you, they already have, and everybody is going to want to take a little piece of their pie out of this and it is, indeed, unfortunate that a lot of members have chosen to leave because this issue, men and women of the House, is going to take over the issue of educational funding and property tax relief because solid waste is going to be the single most expensive proposition that your towns will deal with in the next 20 years. My estimation is, that before we are done, you are going to be talking \$500 to \$700 million plus to deal with solid waste. Think about that.

In committee I said that this was going to happen and I told them that this issue was going to take more moral courage than I believe the Maine Legislature has. It will take more political courage than I have ever seen this body or the other body show in the eleven years that I have been here. Before we are done, as I said in committee, it is going to take more physical courage than I think most of you are going to be willing to put forth because you are going to be manhandled and you are going to be pounded and there is going to be people here trying to take a little piece of this and little piece of that.

The other day, the good Representative Hastings, talked about a plan being held together by a gossamer thread -- this plan is not hung together by a gossamer thread, this plan is held together by plastic sixpack yokes, by plastic trashbags, by plastic shopping bags, by plastic milk cartons, by Very Fine juice jars, by gallon juice jars -- that is what this plan is held together by.

I am very much afraid that what will happen is that we will succumb to the lack of political, moral, and physical courage to really, really comprehensively deal with solid waste in the State of Maine. A three or four percent increase in reducing our solid waste is not a minor thing. Remember how long it took us to get the 5 percent, which is what the current Bottle Bill does now. There is no question in my mind that this type of action on increasing the Bottle Bill is not the ultimate answer.

Representative McGowan presented a very viable alternative to the committee during the public hearing process but the problem is, we can't get there from here so we had to get from here to over here so that very soon we can get over there.

Don't kid yourself, we have said it before, you can pay me now or you can pay me later but if you don't deal with this problem, you are going to pay later and it is going to be far more than the figures that the beverage people are bouncing around to you out here that the distributors are going to have to pay out in increased handling fees and the problem that are going to be in handling wine and other juice bottles.

Do you mean to tell me that a country that can put a man on the moon and back, create a weapon that can destroy this entire earth in 15 minutes, cannot find an alternative to the trash system that we have today? That we cannot come up with a system that comprehensively and rationally deals with the large amount of glass bottles still bouncing around and floating?

I had a small grocery store, I was near a high school and every day I emptied my own trash into the dumpster and that barrel in front of that store was pretty near half full on a regular basis of those small juice bottles that everybody says are not the

problem. They were half of my trash barrel every day, that is half of my problem and if you talk about a multi-million dollar problem, that is still a lot of money.

The committee tried to tie something together that was comprehensive, that was not piecemeal, we looked at what should be dealt with, what could be dealt with. We put a two year implementation date on the plastic yokes because we figured we would give them enough time to come up with an alternative in a paper state that is 100 percent dependent on the forestry industry and we put an effective date on the liquor bottles because the State of Maine is in the business and the State of Maine should lead the way. We put in another effective date on the wine bottles because believing in our hearts and in our minds that that this great industry can, indeed, respond to the concerns.

On my way to Augusta this morning, I heard that the largest manufacturer of disposable diapers has instituted a multi-million dollar program to reuse them because we putting, I guess they said, 675,000 tons of disposable diapers into our landfills yearly in this country so they are going to use them to make a type of cardboard container and a few other accessories using the disposal diapers. Doesn't sound too good to me but I guess someone thinks there is a possibility of doing that. Industry is capable and willing but the trouble is, they don't want to do it now. They are going to convince you that the costs are going to be too much for you. I will submit to you that the costs are going to be a lot, it is going to cost us a lot of money to deal with this problem and piecemealing it apart is not going to solve that problem. Piecemealing it apart is going to delay the problem, piecemealing is going to mean that those bottles go in landfills and every square inch of space is worth lots and lots of money. If you take the time to read this bill, you will see that the Bottle Bill, indeed, is not a bandaid approach to this whole thing.

I have no doubt as to what is going to happen because I have seen the lobby working the halls. I have seen them working the other body. I do believe (and I love you all) that you will not have the political or the moral strength to really solve this solid waste problem in the State of Maine. You might solve a small part of it. You might end up not solving any of it. But believe me, when the people back home start paying the bills, you will change your mind, you will change your tune and sooner or later, whether you like it or not, you will change your vote.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Gould.

Representative GOULD: Mr. Speaker, Men and Women of the House: There have been a few items that have been brought up that I would like to address and give you a different perspective on them. After all, if we are going to exhibit courage, then we ought to know what we are going to show courage on, we ought to have at least some idea what a different point of view is all about.

One of the reasons why I am opposed to increasing the Bottle Bill beyond spirits is that we are setting up an entirely new system, we are establishing a goal for recycling of 50 percent by, I believe, 1991. In order to recycle, we need materials to recycle and one of the most important recycling materials happens to be glass. Now Representative Jacques said that this glass will go into the landfills which had we not addressed the solid waste problem like we had would be absolutely true, it would go into the landfill. However, we

are spending many, many dollars to get municipalities to recycle. So if municipalities live up to the responsibility which we are placing upon them, these bottles will be recycled and they will be recycled cheaper than through the Bottle Bill.

Stop and think about how many wine bottles there are on the average store that you go into. Stop and think about the size of the juice bottles that you have, Gatoraid (which I drink when I am out working in the woods). Think about all the different size of bottles we have and think about the problems that these people are going to face. Yes, indeed, people who can send people to the moon can solve this problem, there is no question about it. But is that the most effective, most efficient way of handling it? I say to you, no it is not. It is to use the recycling system which we are setting into place.

We have pickle jars — why don't we put pickle jars as deposits and bring them in? The best way to handle that is through municipal recycling. If this recycling system is going to work, then it will take care of these bottles that we are talking about and it will take care of them much more efficiently and much less costly than others.

I have been told sitting on this committee that 85 percent want to expand the Bottle Bill and 90 percent want to expand the Bottle Bill and maybe this is true. I have heard people say that you need moral courage — there are other types of courage, there is the courage to stand up for what you know and believe is correct. Even if 90 percent of the people tell you that they want to do something, if you truly believe and I do, that the best way to handle these bottles is through the recycling system, then you will, indeed, have the courage to say to that 90 percent of the people, we are going along with the best way.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: Representative Jacques is right, our society is about to be buried in trash and the Bottle Bill is part of this particular piece of legislation and the Bottle Bill that we have is the most defective method of reducing the waste stream that has ever been tried. It is tried and is proven that it has a great deal of popular support. We have this growing problem and it is time to expand this Bottle Bill to help save it and I hope that you will support Representative Michaud's motion.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Macomber.

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I just hope today that this bill and the merits of the bill discussed and decided to enlarge it is not by volume. I know I have a problem in my district, there are three Mom and Pop stores there — since the Bottle Bill, all three of those stores have expanded to take care of the Bottle Bill requirements. The problem now is if they have to take additional bottles in, because of zoning ordinances, because of lack of space, they have nowhere to go. They just can't accommodate them anymore. I don't know what I am supposed to tell those people when I go home and tell them we passed this type of bill. I hope you will all support the amendment put forth by Representative Pouliot.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: Reference was made by one of the previous speakers -- that we lack moral conviction of political convictions. I would like to state that I was born one of 15 children. My mother and father came out of Caribou. My father was just a poor potato farmer who came down from Caribou and one of the things he taught us was, "Be true to yourself." I never thought the day would come that I would be in any way classed in with a group of other people who lack moral or political conviction.

I was brought up in a small town in New England of an ethnic group and I had to prove myself to these people and I did prove myself. That is why today I am a member of the legislature representing the town of Lisbon which is not made up by a majority of ethnic people. When I do get up, I do speak my own convictions. I am 64 years old, I was losing elections in my town before many members of this House were even born. The first term in this House I voted with the minority party many times and I have done it along the way so when I do speak, I am not a pawn of any lobbyist, I have not been railroaded by any lobbyist, I am telling you my own personal convictions of what I think is right or wrong. To be told by anyone in this body that I am a pawn of any lobbyist or that I have no moral convictions or political convictions, I do highly resent it.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Lord.

Representative LORD: Mr. Speaker, My Learned Colleagues: First of all, let me dispel anything about the dairy jugs. Dairy products have been exempted from this program.

Secondly, research by the Northwest Research of Orono last December told us that 70.9 percent of the people of the State of Maine wanted expansion of the Bottle Bill to include wine, juices and liquor. Another poll that was taken in October of last year by the Capitol News Service said that 74.8 percent of the people of the State of Maine said they wanted an expansion of the Bottle Bill. This is not a figment of imagination of the committee, it is what the people of the State of Maine have told us and telling you what they want. This is just a small part of the whole program. I want you to realize that. To immediately get a lot of this stuff out of the trash barrels, it is going to take us time to gear up to get into recycling and you are not going to achieve this goal of 50 percent unless we start getting some of the stuff out immediately. This is one way of doing it.

It has been said that the juices and wine won't go into effect until September of 1990. That gives people a lot of time to get geared up for it so they can handle it. We are hoping that there will be a lot of towns that will go into recycling and will go along with Representative McGowan's theory of all those recycling centers should not only be a recycling center but a redemption center. If this happened, then a lot of this stuff will be done right at the local level.

I have been told that this was railroaded through by a few of the members of the committee -- that is hogwash, absolute hogwash. We discussed this and we discussed it, up and down and all around. I think if you will look at the members of that committee, you will see that we are pretty darn independent and we do what we think is right and that is exactly what we do.

As far as the one penny, we were told and I think was verified that those folks who are doing

this haven't had a raise in over ten years. How much of our costs have gone up in the last ten years? An awfully lot. It would seem to me that a one cent increase was not out of line. If you want to get the job started and you want to get the job done, let's not pick this apart piece by piece and when it is all done, you are not going to have anything.

I urge you to go ahead and support the bill as originally stated.

The SPEAKER: The Chair recognizes the Representative from Oakland, Representative Marston.

Representative MARSTON: Mr. Speaker, Members of the House: I take exception to one of the best friends that I have in this body, that being the Representative from Waterville, Representative Jacques, the powerful one, the one that represents my point of view 99 percent of the time. I take exception to a couple of points that he made and one in particular -- this particular Representative has a job besides this job. This particular Representative doesn't have time for lobbyists. This particular Representative has never been lobbied to this day. This particular Representative has the courage to find another solution to the problem other than put it on the shoulders of poor old Mom and Pop. Poor old Mom and Pop grocery doesn't have a lobby here, Paul, there is no one here to speak for them. I just happen to have one of those places myself. We don't have room to put this trash and it is trash. I really feel, Paul, that it didn't take that much courage to place the burden of the state's waste disposal problem on the shoulders of poor Mom and Pop that can't be here to lobby you, can't be here to lobby me and can't be here to testify at the hearing. I humbly apologize for having to point these two things out. You are 99 and nine-tenths correct as always but I really feel it was important for me to point out to you that, yes, I do have the courage to do whatever is required to remedy the waste problems of the State of Maine, that it certainly isn't to place that huge problem on the shoulders of poor Mom and Pop. I thank you for your tolerance, I will try it again when I get a little better at it.

The SPEAKER: The Chair recognizes the Representative from West Gardiner, Representative Marsh.

Representative MARSH: Mr. Speaker, Men and Women of the House: I guess I can identify with this problem all the way around. At five o'clock this morning, I was sorting bottles and cans at the small business that I own. Probably I could cop-out and not even vote on this but I am going to vote. I sat in the gallery for many years and listened to Paul Jacques speak on the floor of the House. Everyone here knows that I respect him but I guess the speech he made a few minutes ago was his finest hour. I feel his speech makes 100 percent sense and, in the spirit of non-partisanship, if you listen to Representative Lord, his speech makes a 100 percent sense also.

I spoke here last week for a small Mom and Pop beer store that was concerned about some legislation and I am willing to go back and face that store tonight or any other one of my constituents on this matter. I hope that we get along and make Maine a leader in cleaning up the state.

Before coming in here, I worked all my adult life with mother nature. Even the most basic of animals and birds don't foul their own nest so let's get on to the business at hand and do what has to be done.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Aliberti.

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: On the amendment, a recycling of wine bottles, whose wine bottle? The wine bottle that is in the retail store? You recycle that. Well, what about the wine bottle that comes out of the State Liquor Store? Almost identical in size and volume but you don't recycle that one. No, because we have an elitist bureaucracy that says you are going to exempt us from that. I would like to exempt them from completely selling anything of liquor in the State of Maine. That would be my great wish. The hypocrisy of it.

I rise mainly to address a concern, a real honest concern. I have heard in the committees before, if you pass this, you are going to put us out of business. I have learned to live with that statement which was more false than true. But suddenly, one surfaces that has been the real crux of everything respectable in our community, one that gives so much of what they have received, called philanthropy, charity, and when that person (God love her) says to me or sends a representative to me, "Do you really know what you are doing to our operation, one that is so credible in the state?" The highest standards possible when they say, "You are jeopardizing the welfare of this operation." I asked for advice from others. "Could this be possible?" They said, "Only you can make up your mind." Well, I am making up my mind on that basis.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Sheltra.

Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: Actually, when the Bottle Bill (the first inception of it) I believe the intent of the original bill at that point in time was to create redemption centers, (period). How the Mom and Pop stores got involved into collecting all these bills and supermarkets and whatnot — it was a big mistake. We should have kept the redemption centers.

Secondly, being on Business Legislation, we had a bottle bill, it came up in front of our committee and we went on tour and we visited the Mom and Pop stores and the supermarkets and when you get into those back rooms and look around, ladies and gentlemen, you could visibly see the mess that we are in. You really have to go and look around and see for yourself exactly what is going on. It is horrible. The redemption centers should have been promoted and that is what we should have stayed with.

I went in front of the Energy Committee and I had a bill that would have stipulated that, on new developments on part of our housing, that it would have been mandatory to install garbage disposals. You know what the reply was? Everybody should have a compost pile. Can you imagine a compost pile in the city of Portland or Biddeford or Waterville or anywhere else? That would have helped to eliminate the wet waste that we have today but it disappeared. I didn't think that was too sensible. You talk about courage, if we had courage, we would mandating recycling right now. We should have three barrels in front of our houses, one for glass, one for cardboard, and one for wet waste and let the municipalities collect it.

The SPEAKER: The Chair recognizes the Representative from Washington, Representative Allen.

Representative ALLEN: Mr. Speaker, Men and Women of the House: I rise today to urge this House to support the motion by Representative Michaud to

indefinitely postpone this amendment and would like to share some reasons why I do that.

I personally sponsored two bills that went to the Business Legislation Committee. One would have expanded the Bottle Bill as this solid waste package does and one would have increased the handling fees for those small Mom and Pop stores and those redemption centers that are currently dealing and will in the future deal with the Bottle Bill. My particular proposal sought to increase that handling fee from two cents to four. Obviously, the distributors and the manufacturers were opposed to that. As a matter of fact, they supported a bill that would have entirely wiped out the handling fee so that the Mom and Pop stores and the redemption centers would not do that.

I also rise as a cosponsor of the solid waste legislation. From the onset, I have been very much concerned, like all of you have, about the solid waste issue and its effects on the taxpayers in my communities. I believe in the past and in the future that one way to address that solid waste problem and to relieve some of the burden on our property taxpayers is to increase and expand the Bottle Bill.

This particular amendment would attempt to undo the work of the Energy and Natural Resources Committee on that particular expansion issue, but more importantly, it also wipes out a handling fee increase. There has been some mention that there hasn't been a handling fee increase in several years. As a matter of fact, there has not been a handling fee increase since 1980. So, our small Mom and Pop stores that we are all very much concerned about — like many of you, I represent a rural district and have many, many small stores. I also represent a new business in my area and that new business is the redemption center. The redemption centers, as you know, came to life when the Maine Legislature initially enacted the Bottle Bill. So, for a long time in my community, we had small Mom and Pop stores that were doing fairly well and now as a result of the Bottle Bill, we now have new small business in my area and that is a redemption center.

As a matter of fact, I want to tell you about a redemption center in the town of Camden, which is somewhat unlike other redemption centers and certainly unlike the Mom and Pop stores. This redemption center is run by The Coastal Workshop which is located on Limerock Street in Camden. The Coastal Workshop is a sheltered workshop for mentally retarded adults.

The particular people who operate this workshop thought that the Bottle Bill was a perfect idea to put these adults to work in our society and to make them productive and helpful members of society. Rather than asking taxpayers to entirely bear a burden for supporting people who in fact need our help, they put these people to work. Eight people work at this redemption center. So, this is a redemption center that is absolutely not run for profit. As a matter of fact, it is a good thing it is not run for profit because in the fiscal year 1988 it ran in the red \$27,000. These people are working very hard, they are servicing nearly all of the businesses in Camden, be they a restaurant or a small store and they are running \$27,000 in the red. It is not, my friends, because of mismanagement, it is because their means of profit, which is the handling fee that is currently two cents and has been that way since 1980, is statutorily set. So, even if we were to raise that handling fee to four cents, which this bill does not do, this bill only goes as far as three, if we were to raise it four cents, they would



still run in the red by approximately \$4,000. So, the handling fee is a very important component to this entire package and that is why I stress that this House totally reject this amendment and all others that might be offered.

I believe this is much more than an bandaid, I think the Energy and Natural Resources Committee is to be applauded for the enormous amount of work that they have put in. I know the members of that committee, their philosophy and their outlook and their ways of solving problems vary as different as any other 13 members in this House. They were able to put all of those differences aside and come out with what I believe is an appropriate means of addressing the solid waste problem.

I would like to add that there was an attempt by the same lobby who would like to see this bill amended to try to repeal the Bottle Bill. The same arguments that they used when we initially passed the Bottle Bill, when they attempted to repeal the Bottle Bill, when they opposed the expansion of the Bottle Bill to wine coolers, are the very same arguments that they are using in the halls today. They used those arguments before the Business Legislation Committee who this session heard no fewer than six bills regarding expansion and the handling fee increase. As a committee, we did not agree on whether the Bottle Bill should be expanded or whether or not there should be a handling fee increase. We did unanimously agree that it was a solid waste issue and whether you are on the side of expansion and increasing the handling fees or whether you were opposed to that, we all unanimously agreed that it was a solid waste issue. We "Leaved to Withdraw" all of the bills that were in our committee and we asked the Energy and Natural Resources Committee to look at that issue as part of the solid waste problem and to recommend a solution to this House. I am pleased that they have brought to this House a bill that would expand the Bottle Bill and a bill that would expand the handling fee. This amendment must be rejected because, not only does it limit that expansion, but it eliminates that handling fee that is absolutely unacceptable to the Mom and Pop stores and to the redemption centers.

One final point, Mom and Pop stores do not, have not, and will not be forced by law to accept returnable containers. As a matter of fact, there is a small store in my town who absolutely refuses to accept them and they send everybody to the local redemption center. So, there is absolutely no legal requirement to accept returnable bottles, none whatsoever. This bill does not purport to force small stores to do that.

I would urge the House to reject this amendment and accept Representative Michaud's motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Bell.

Representative BELL: Mr. Speaker, Men and Women of the House: I was involved in the original Bottle Bill. The late Senator Sam Albert from Caribou was working on that bill and at the time I gave him all kinds of printed data information from the supermarket industry and from the different trade journals. As most of you know, Oregon was the first state to have a Bottle Bill and we were somewhere around third.

I am in full support of anything that we can do to recycle but we have to do recycling with a little bit of common sense. The industry was a little touchy at the beginning, they didn't want to get involved in it, but after it took place, the thing has done a wonderful job. It originally started out

as an anti-litter bill. We didn't have the type of landfills that we have today at that time, at least not up our way. It has done a tremendous job, it has cleaned all the roadsides, it has saved the state a lot of money because they used to have to bag the stuff up.

To try to explain to some of you people that are maybe not involved in stores and whatnot, there are franchise distributors on all the bottles that are being taken care of today. There are beer distributors, soft drink distributors and whatnot. Now, you will not see one beer distributor buy a bottle from another distributor. He is only going to redeem his. What they do is they go to the stores every week and pick up all their bottles and pay the store. When you get that case delivered to your store, you've got to charge 48 cents on a 24 pack, two cents a bottle that is charged to your store. When that bottle is picked up and returned, that is the money that they pay for the redemption. That systems works well.

In 1987, the legislature passed a bill that said wine coolers should be picked up. Again, these are controlled distributors. You have someone that is responsible for finally picking up the bottles. That has worked very well -- no problem. I have spent 43 years in the supermarket business so I know about juice bottles. Maybe you people don't realize the tremendous amount of bottles that you are talking about. I, for one, would love to see every one of them recycled. I wish we could do it tomorrow morning. With the distributors on beer and soft drinks, you have someone responsible to pick up those bottles. They have to go back to that distributor and he has to pick them up. If you get into juices with the many warehouses there are -- especially the small stores will have more problems than the larger stores. The larger stores won't be too tickled over it either. They will gladly do it if you can build the buggy that the horse can pull, there isn't a market in this state that won't do it. But, when you buy juices from different wholesalers -- now picture yourself this way, you are running a store, you buy two cases of Very Fine Drinks, the next week, the competitor wholesaler comes in, he has got a deal, \$2.00 a case off, you buy 10 or 15 cases. Then in about four weeks, the guy that sold you the two cases, you try to make him take back eight or ten cases. It just stands to reason, that won't work. If the committee that has been working on this solid waste, if they can find the solution to who is going to collect the money and how you are going to redeem it back, who is going to pick up the bottles -- if they can solve that, it will work.

Something else that my good friend, Representative Jacques, mentioned. I have also been eleven years as the Director of the Tri-Community landfill, so I have a little knowledge on both ends of the bottle here. Getting into recycling -- he was saying, we have gone to the moon. I agree, but I don't know if you people realize that in our landfills, you go around to any other landfill, there are mammoth piles of white goods, no way to recycle them. No way to get rid of them. There was an article in the K.J. last week regarding some farmers in Canada that are taking white goods to the back part of their farms for six dollars a ton and the people on this side are charging \$40 a ton and they are hauling them over. If you call this recycling, I think that is bad.

Another item that any landfill has is tires. We have enough tires in our landfill we could fill this building, there is no way to recycle the tires. Someone has finally come out with a system where they

can chop them up for fuel. There are tests being done to mix them in on highways, but at the present time, we are loaded with all kinds of tires.

We are talking recycling, I am 100 percent for recycling, but if we are going to recycle, let's have the vehicle where the landfills and the people who have white goods, let's have a way to get them out out of the way. Let's have a way to get the tires out of the way.

On these bottles, you have another problem. If you can solve the problem of how you are going to allocate and how you are going to pay back the person on the bottle -- I checked with the distributor up my way that does glass and does aluminum, he makes no money on the glass, it is just a turnover. He is crushing all the glass for all the other beer distributors and tonic distributors. He sells his aluminum in New Hampshire, he sells his glass in Portland. Now, if you can find these type vehicles, we could recycle before we mandate someone to save something. If you are going to save juice cans and whatnot and make a big pile out to our landfills, let's find a way to get rid of them before you mandate it.

At our landfill, we recycle (for about four years) cardboard. We didn't make much money on it but it was saving the life of the landfill. What happened is the people where we were selling the cardboard, the market went kaboom, we ended up with large junks of big bails of cardboard all around our shed. We had to, in the end, stop recycling. Cardboard alone can save the largest space in your dump that you have and if you could get rid of the pamper diapers that just came out. These are the things. I am 100 percent for recycling but if you are going to have us recycle something, give us a vehicle so that once we save that stuff up, we can get rid of it.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Farnham.

Representative FARNHAM: Mr. Speaker, Men and Women of the House: I have the solution and South Berwick is doing it now. About ten years ago, we passed an ordinance that all bottles are to be brought to the dump in separate containers. By separate containers, I mean the clear bottles, the brown bottles, the green bottles. We had three big bins that holds tons of glass. The people do -- at first they didn't, they jumped up and down and screamed and hollered as everyone does do, but now you go to the dump, you have these three bins, you put your clear glass in one bin, your green glass in another bin and your brown in the third bin. When those bins are filled, the town calls a chap who comes up with a huge truck, loads it, pays the town for the glass and that is it. It is that simple.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Gurney.

Representative GURNEY: Mr. Speaker, Men and Women of the House: I agree with much of what others have said, they are right about the problems facing us in the upcoming years. The landfills are almost up to capacity. So, why not take liquor bottles out of the stream of solid waste? This amendment will do just that. The Statement of Fact reads, "The purpose of this amendment is to expand Maine's returnable bottle law to cover liquor but not to expand the law to cover other beverage containers. This amendment also keeps the handling fee paid for by the distributor at its current level."

About the handling fee, I would like to see a study dealing with this fee. Take a look at the handout provided by Representative Chonko -- Oregon,

whose Bottle Bill has been in effect since 1972 has no handling fee. Let's leave the fee alone for now, include liquor bottles from liquor stores, support this amendment and vote red against the indefinite postponement.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Men and Women of the House: This has been a very interesting debate. I was particularly struck by the comments from my colleague from Caribou, Representative Bell.

Last summer, I served on a Legislative Committee to study the solid waste problem and propose solutions. We focused particularly on recycling of all the varieties mentioned by Representative Bell. That committee unanimously recommended that we expand the Bottle Bill to cover all the material proposed in this bill.

The Energy Committee also worked very hard and long in putting together a comprehensive recycling program. When you have the opportunity to read this bill, you will see that that program will be put in place. We hope that in a few years it will show significant results.

In the meantime, we are still generating a lot of trash. All that trash that is not recycled, all that outside trash now being returned to the Bottle Bill, recycled through the Bottle Bill, is paid for by the towns of our state and the taxpayers of our state through their property taxes.

The question before us today, it seems to me, is whether we will do the difficult things needed to solve our trash problems or they will back off from those difficult things because of a matter of convenience or inconvenience.

In the committee, considering how the Bottle Bill might be expanded, we discussed a number of options. We were unable, however, to get industry cooperation to explore those options because industry does not want to talk about how to expand it, they wanted to talk about whether to expand it. That is what the vote today is about, whether we should expand it or not expand it.

One reason we put a 15 month delay on the implementation date is because, if we decide today or this year that we shall expand it, we will have next year and the cooperation of the industry, one hopes, in telling us exactly how we should expand it. There are better systems to run this bottle deposit system, I agree with Representative Bell, there are better ways. There are ways of solving every one of those problems that he described but we can't get to serious discussion of those problems as long as the distributors and the bottlers think they don't have to get to that point.

This amendment is purported to expand the Bottle Bill to cover liquor. What it really does is cut down the proposed expansion to only liquor, to a very minor insignificant portion of the waste stream that the bill proposes to recycle. In addition, as Representative Allen pointed out, the amendment eliminates the proposed increase in the handling fees. Every Mom and Pop store in this state needs an increase in the handling fee. If we want to encourage people to recycle, if we want to see this state recycle, it is essential that we offer sufficient incentives, strong incentives, for people to get into the business, for people to recycle, for people to make money at it.

You will notice in the bill that much of the recycling program is not mandated, it offers instead a whole series of incentives. It says, we live in a market system, let's operate by the market system. We will set up the incentives and we are confident

that people will use them to make money. In making money, those people will serve our recycling needs. If we pass this amendment, do not postpone it as proposed, we will also be removing a major incentive to recycle. It seems to me we just simply have to make up our minds, are we going to recycle seriously? Are we going to accept the inconveniences and the changes or are we going to sit back and say, No, let's solve our problem in some other way, let someone else handle it so I don't have to be bothered?

If we want to use the market or power of the marketplace, if we want to accomplish the goal, the essential goal that we must accomplish at dealing effectively with our solid waste problem, I strongly recommend we take a first step by postponing this amendment indefinitely.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative Hastings.

Representative HASTINGS: Mr. Speaker, Men and women of the House: I think we have gotten away from the process which has developed the bill which we have before us and which is now asked to be amended. When I first came to this House and was put on a committee, I didn't realize the work and development that was made in committee on any bill. I have since become aware that in most committees, and I believe it is particularly true with the Energy and Natural Resources Committee, that they have had to work enormously hard and with great compromise and carefulness to develop this bill which they put before us as their Amendment "A." It is not something that we can start to fracture piece by piece, by piece. That is, indeed, what the lobbyists would do to us. That is what this particular amendment which we are debating does to the bill. It attempts to take apart an overall structure that has been developed to handle solid waste in this state. We all know the problem. We have all seen the problem develop. We have never addressed it directly before. Waste is a major problem to this state, a major problem. If we aren't willing to address it, we hide behind a skirt that shows our own immaturity, we cannot start on this House floor to take apart a bill which was crafted to develop a whole network of solid waste treatment.

If you walk across the border to New Hampshire, where they do not have a Bottle Bill, it is easily seen -- the roadsides are littered. We have a Mom and Pop store, so-called, right on the border. On the Maine side of that border, there is a little turnout where we welcome tourists and put tin cans and porta-potties in the summer. The town of Fryeburg collects more garbage, more bottles from that location than the rest of the town combined in all of the other barrels it has. They buy their beer at the Mom and Pop store, they come back and sit around at the picnic tables and drink and use those disposals for those bottles.

We are stepping up our recycling pattern by expanding the returnable bottles. People don't like that. New shoes often pinch. Nobody likes zoning, nobody likes restrictions. But, this will pinch certain people. I cannot escape that, you cannot escape that. You don't make laws that are absolutely even for everybody. We would like to do it, we try to do it, it is impossible to do it. There are too many idiosyncrasies to the Mom and Pop stores all the way up to the huge supermarkets that make a level field impossible.

This bill has been crafted well, it covers a myriad of problems. Don't try and take it apart piece by piece. The committee process has worked, accept it, try it. It is sort of like the young lady who wears her first pair of high heels, she is pretty

unsteady with them if they are tall spikes when she first goes to her prom. This is a step in that direction, we are not 100 percent sure but the problem is so immense, it is so upon us, that we have to wear those high heels today. We have to be ready to at least attempt -- don't disregard it, don't divide it by splintering this amendment with many many more amendments.

I urge you to vote against this amendment and vote along with Representative Michaud in having it indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Woodland, Representative Anderson.

Representative ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the previous speaker entirely. We worked long and hard on this bill. We have been accused of going too far, not far enough, didn't cover enough bottles, covered too many, but this is only one segment of this bill and it is needed to make the rest of it work. I would ask you to support Representative Michaud's motion.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I stand before you this afternoon and I can wear several hats. I can wear the hat of a municipal official and I can wear the hat as having served as chairman of the study committee on municipal management of solid waste this past year. I can also stand before you as the Representative from the town of Winslow.

We in Winslow have been trying to deal with solid waste problems for over 15 years. I must tell you that we haven't succeeded yet. It is not only solid waste, it is a very, very, very complex problem, very complex. It covers a multitude of areas. The Bottle Bill is only one component, one small component.

Representative Jacques has indicated to you that we are running out of landfill space and I have to agree with him. I think that we are at a crisis stage, a crisis stage. Currently, man in this country produces in excess of 400,000 tons of trash per day, in excess of 160 million tons per year. We in the State of Maine average anywhere between four and a half to five pounds of trash per individual per day. By the year 2000, we will be up to six pounds per individual per day. We are faced with a crisis.

We have imported some of the practices from across the ocean, specifically the waste to energy plan. But ladies and gentlemen, they are not the answer. The answer is recycling. What we are talking about is not trash. It is an unwanted resource. You can recycle in excess of 90 percent of what is now put in a landfill. I can remember as a youngster when a little old man with a pushcart would be going up and down the street yelling, "Copper, aluminum, rags," for recycling purposes. But, since World War II, we have become a throwaway society.

It is not going to be easy to deal with this issue because we have to change our way of living. We are going to have to get accustomed to the fact that we can no longer afford to keep throwing our resources away. We simply have to recycle. We have the technology and now we need the courage. I agree it is not going to be easy.

The Energy and Natural Resources Committee has taken the work of the Municipal Management Solid Waste Committee and incorporated everything in their package. They have gone even further. I don't necessarily agree with everything that they put in that package but it is a step in the right direction. We can always correct the errors that don't work and improve on them.

I would like to get back to the Waste and Energy Plan. It is a simple solution because it reduces the waste stream. But what it does in the process is that it generates heavy metal which go up in the atmosphere, it can be stopped by the utilization of very expensive scrubbers but when you do that it goes down in ashes and then you take the ashes and put them in a landfill and where do the heavy metals go? Cyanide, lead, cadmium, it can leech into the ground water. It is much more beneficial in the long-run for all of us to recycle.

We have heard that we should mandate. We cannot mandate. I will tell you why we cannot mandate, the problem is very complex. We have a state that is in excess of 33,000 square miles. Population about 1.2 million. Communities simply don't generate enough trash to make mandation work. You have to join together, form regional cooperatives, recycling centers, and then it will work. We tried it in our region, we succeeded in binding together, but we couldn't get the plant off the ground and now I am glad we didn't. When we started, we were not aware of the problems. It appeared to be a quick solution. You know the State of New Jersey actually did mandate recycling. What they succeeded in doing was creating landfills in each community in the state because it is basic economics, you have got to have supply and demand. If the markets are not there for the recyclable goods, you can mandate all you want, it isn't going to work. You have got to develop the market and the only way you can develop the market is for the state to take the lead. This is what my committee recommended. We recommended that the state be allowed to exceed the low bid by as much as ten percent to purchase recycled paper, as an example. We also recommended that the state purchase recycled paper on a progressive system, 15 percent the first year, 25 percent the next, to create those markets. That is the only way this system can work.

We made many recommendations, all of them are incorporated in the bill. It is a good bill. The sign of a good bill is when a lot of people disagree. You reach a compromise, it can work. It is going to take courage but we can make it work. I am willing to give the committee a vote of confidence and acknowledge the work that they have done and follow the recommendations of the chair, Representative Michaud, and vote against this amendment.

At this point, the Speaker appointed Representative Michaud of East Millinocket to act as Speaker pro tem.

The House was called to order by the Speaker pro tem.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Hوجلund.

Representative Hوجلund: Mr. Speaker, Men and Women of the House: Do you remember when the Bottle Bill -- I hate to say do you remember when because now that you know I got married young, you are going to know that I had to go out and work when I was very young, but back when the first Bottle Bill was here, I had the great opportunity of working on that bottle issue. I worked and got paid very well to kill that Bottle Bill, that was my job and I enjoyed every moment of it and thought that the small Mom and Pop stores and everything was really going to come to an end. Well, the bottom line was, it worked. It

worked, ladies and gentlemen. Now we have, 20 years later, another problem, another need, to expand that Bottle Bill. The same cries that I am hearing now are the same cries that I heard then. I believe by expanding the Bottle Bill, we will be standing here five years from now and saying it worked.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Shapleigh, Representative Ridley.

Representative RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: Probably some of you are going to be quite surprised at what I am going to say. I have always been very much interested in recycling. One thing that hasn't been brought out too much tonight that I think we should all give a lot of consideration to is that some of the previous speakers have said that landfill space is really at a premium right now and that there is a shortage of it and I honestly believe that there is a crisis.

One thing I would like to point out is that everything that you can recycle, it is that much less that has to go into the landfill and it also is that much less that a lot of the towns have to haul down to MURC or some of these other places which cuts down on their amount of tonnage they take down which lowers their fee that they have to pay.

I think recycling is the route that we have to go. I was on the committee with Representative Carter, we discussed this up and down and sideways. We visited recycling plants and I earnestly believe that maybe this bill isn't perfect, there are a lot of things in there or some things that I don't agree with, but I think on the whole, it is a good bill and I hope you would not go along with this amendment.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bangor, Representative Lebowitz.

Representative LEBOWITZ: Mr. Speaker, Ladies and Gentlemen of the House: I am not an expert on recycling on solid waste but I do know this, that we must implement it and we must implement it soon.

My community, the city of Bangor has started a collection for bottles and newspapers. This collection isn't at the door side, the people have to take their bottles and their newspapers to a designated spot at the public works facility. In approximately 12 weeks that this has been in effect, they have collected about 12 tons of bottles. The bottles are separated by white glass, green glass and brown glass. This is not an enormous amount but it does mean that there are people who are willing to go along with recycling because they have to go out of their way to do this. We have got to make sure that the entire State of Maine has this in mind.

I was reminded when Representative Carter spoke about the rag man -- at that same time, the garbage was collected for pig farms. The pig farms are out of business now and most everybody has a pig in their sink. We do have to make sure that we do not get to the point where we are just one big dump.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Men and Women of the House: I apologize for getting up twice but there are two things I want to clear up. Number one, I did not cast any dispersions on the personal courage of any member of this House. I addressed the House as a collective body. If anybody took umbrage to that, that was the direction.

Secondly, to my good friend Representative Marston, I, indeed, represented Mom and Pop on that committee the first 17 work sessions we had. Having been a Mom and Pop storeowner myself, and remember the good old days of spending two or three hours a day in that hot room dealing with slimy, scummy

bottles. I said it before, I did represent the interests of the Mom and Pop. The best friend I have in the world is sitting right there who owns a Mom and Pop store and I still look forward to the day when I can go up to his place and get back into the bottle room and remember about the good old days, when I am not pumping gas or doing something else. I did represent those small Mom and Pop, Brother Marston, I did indeed. As I said, I fought and I argued and I presented their argument but it was only after I looked at the big picture, the whole picture, the total picture, that I was convinced that the Mom and Pop are a small part of the problem, and men and women of the House, they had to be a part of the solution. But I want to assure you that I did not put any more pressure on the backs of the Mom and Pop without agonizing and thinking about it long and hard. It was not a decision I made hastily. If you would like, just check with the members of the committee and our wonderful lobbyists out there who were representing the interests of some of the industry and they will tell you that I did carry the ball for Mom and Pop as long as I could. Representative Anderson is nodding his head, he will tell you. But I was overwhelmed by the good common sense of the entire proposal.

The SPEAKER PRO TEM: The Chair recognizes the Representative from South Portland, Representative DiPietro.

Representative DiPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: Also to the Chairman of the Committee, I would just like to say that I think your concept is a wonderful concept. I just don't agree with the method going about it. I think everybody in this room wants to see recycling. I think when Representative Carter said, that is the way to go, we know that is the way to go, there is no question. We just don't like the idea that we are putting the burden on somebody else. We are going to have to bite the bullet ourselves. How come we can sit here as a governing body that makes laws and say that every store that sells it must take it back, number one. Number two, tell the state liquor stores that they do not have to take their bottles back when everybody else does. I think you should go for the amendment that has been proposed.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Houlton, Representative Graham.

Representative GRAHAM: Mr. Speaker, Men and Women of the House: Now that everybody else had a chance to speak, as a storeowner, I would like to speak very briefly on the proposed amendment. The original Bottle Bill was a litter bill. It worked. There aren't any juice or wine bottles or liquor bottles lining our roads as garbage as there used to be with soda and beer containers. We shouldn't confuse a litter bill with a recycling bill. If the Bottle Bill contributes to recycling, that is a beneficial side effect of the bill. I like the amendment that Representative Pouliot has put forward to go after liquor bottles because there is only one distributor of those. It will be easy to implement and it will take care of more of our solid waste stream.

If we want the glass to come back, mandate recycling. But the Bottle Bill is working very nicely and is accomplishing what we wanted it to accomplish, we got rid of the litter. I would hate to see us goof that up by trying to impose more of this on people.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waterboro, Representative Lord.

Representative LORD: Mr. Speaker, Ladies and Gentlemen of the House: I think for clarification it

should be stated right here and now that the state liquor stores and the state agency stores that sell hard liquor are going to have to take back those bottles. Pure and simple. They are in the same category as the Mom and Pop stores and the supermarkets, they are going to have to take care of those hard liquor bottles.

The SPEAKER PRO TEM: The Chair will order a division. The pending question before the House is the motion of Representative Michaud of East Millinocket that House Amendment "A" be indefinitely postponed. Those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative Dexter of Kingfield requested a roll call vote.

The SPEAKER PRO TEM: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than 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 and voting having expressed a desire for a roll call, a roll call was ordered.

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At this Point, Speaker Martin resumed the Chair.

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The SPEAKER: The pending question before the House is the motion of Representative Michaud of East Millinocket that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 123

YEA - Adams, Aikman, Allen, Anderson, Anthony, Ault, Begley, Bell, Brewer, Burke, Butland, Cahill, M.; Carroll, D.; Carroll, J.; Carter, Cashman, Cathcart, Chonko, Coles, Curran, Daggett, Donald, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Farren, Foss, Garland, Gwadosky, Hale, Handy, Hanley, Hastings, Heeschen, Hepburn, Hickey, Hoglund, Holt, Hutchins, Jacques, Joseph, Ketover, Kilkelly, Larrivee, Lawrence, Lebowitz, Libby, Look, Lord, MacBride, Mahany, Manning, Marsano, Marsh, Mayo, McKeen, McPherson, Melendy, Michaud, Mills, Mitchell, Nadeau, G. R.; Nutting, O'Dea, O'Gara, Oliver, Paradis, E.; Paradis, J.; Parent, Paul, Pederson, Pineau, Priest, Rand, Reed, Richard, Richards, Ridley, Ruhlin, Rydell, Seavey, Sherburne, Simpson, Skoglund, Smith, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Swazey, Tammara, Townsend, Tracy, Tupper, Walker, Whitcomb, The Speaker.

NAY - Aliberti, Bailey, Boutilier, Clark, H.; Clark, M.; Conley, Constantine, Cote, Crowley, Dellert, Dexter, DiPietro, Duffy, Foster, Gould, R. A.; Graham, Greenlaw, Gurney, Higgins, Hussey, Jalbert, LaPointe, Lisnik, Macomber, Marston, Martin, H.; McCormick, McGowan, McHenry, McSweeney, Merrill, Moholland, Murphy, Nadeau, G. G.; Norton, Paradis, P.; Pendleton, Pines, Plourde, Pouliot, Rolde, Rotondi, Sheltra, Small, Strout, D.; Tardy, Telow, Webster, M.; Wentworth.

ABSENT - Dore, Hichborn, Jackson, Luther.

Yes, 98; No, 49; Absent, 4; Paired, 0; Excused, 0.

98 having voted in the affirmative, 49 in the negative, with 4 being absent, the motion did prevail.

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At this point, the Speaker appointed Representative Gwadosky of Fairfield to act as Speaker pro tem.

The House was called to order by the Speaker pro tem.

Representative Hastings of Fryeburg offered House Amendment "E" (H-663) to Committee Amendment "A" (H-640) and moved its adoption.

House Amendment "E" to Committee Amendment "A" was read by the Clerk and adopted.

Representative Nutting of Leeds offered House Amendment "D" (H-661) to Committee Amendment "A" (H-640) and moved its adoption.

House Amendment "D" to Committee Amendment "A" was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "E" and "D" thereto was adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "E" and "D" thereto and sent up for concurrence.

At this point, Speaker Martin resumed the Chair.

The House was called to order by the Speaker.

By unanimous consent, all matters having been acted upon requiring Senate concurrence, with the exception of the matters held, were ordered sent forthwith to the Senate.

The following items appearing on Supplement No. 11 were taken up out of order by unanimous consent.

#### REPORTS OF COMMITTEES

##### Unanimous Ought Not to Pass

Representative SWAZEY from the Committee on Taxation on Bill "An Act to Amend the Tree Growth and Farm and Open Space Laws" (H.P. 395) (L.D. 526) reporting "Ought Not to Pass"

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

#### CONSENT CALENDAR

##### First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(S.P. 494) (L.D. 1368) Bill "An Act to Authorize a Bond Issue in the Amount of \$5,000,000 to Deal with Asbestos and other Health Related Indoor Air Quality Hazards in Public School Facilities and State Facilities" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-348)

On motion of Representative Carter of Winslow, was removed from Consent Calendar, First Day.

Report was read and accepted, the Bill read once. Committee Amendment "A" (S-348) was read by the Clerk.

Representative Carter of Winslow offered House Amendment "A" (H-662) to Committee Amendment "A" (S-348) and moved its adoption.

House Amendment "A" to Committee Amendment "A" was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

(S.P. 587) (L.D. 1649) Bill "An Act to Amend Campaign Finance Reporting" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-349)

Under suspension of the rules, Second Day Consent Calendar notification was given and the Senate Paper was passed to be engrossed as amended in concurrence.

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

#### PAPER FROM THE SENATE Non-Concurrent Matter

Bill "An Act Concerning Immunity From Liability for Incorporators of Certain Hospitals" (H.P. 1275) (L.D. 1769) which was referred to the Committee on Judiciary in the House on June 20, 1989.

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed in non-concurrence.

Representative Mayo of Thomaston moved that the House adhere.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: I am in support of that motion. I think what I would like to do is briefly read into the Record the fact that there is no need now for that legislation because there was a problem with the word "incorporator." Incorporator means something different than the way the hospitals use it. If I may read into the Record, I have three short paragraphs here, a letter from the Attorney General's office that says, "At the request of the Judiciary Committee, to which this legislation was assigned, you have asked whether the "incorporators" of Northeast Health, Inc. may be considered as already covered by section 402(2), thus obliterating the need for your legislation. In view of this Department, they are also covered one other class of persons rendered immune by section 402(2) consists of "members of the corporation." The term member is defined by section 102(8) of the act as follows: "Member" includes persons by whatever name designated, including corporators, and means one having membership rights in corporations in accordance with the provisions of its articles in a corporation or bylaws....According to the description with which you have provided this Department, the "incorporators" appear clearly to fit in this definition. The office of "incorporator" is established by the bylaws of the corporation and persons appointed to such office exercise membership rights in the corporation in that they are responsible for its general governance. Accordingly, they are immuned for any actions taken in their official capacity and there is no need to amend section 402(2) to include the word "incorporator" to cover them."

Subsequently, the House voted to adhere.

(At Ease)

The House was called to order by the Speaker.