

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

agency. This is an important Amendment, which is consistent with the preemption Bill that passed this Session and we needed to clarify that matter.

On further motion by same Senator, Senate Amendment "S" (S-378) to Committee Amendment "A" (S-344) ADOPTED.

Committee Amendment "A" (S-344) as Amended by Senate Amendments "A" (S-360); "C" (S-362); "E" (S-364); "H" (S-367); "B" (S-361); "D" (S-363); "F" (S-365); "G" (S-366); "I" (S-368); "J" (S-369); "K" (S-370); "Q" (S-376); "L" (S-371); "N" (S-373); "R" (S-377); "M" (S-372); "P" (S-375); "O" (S-374); and "S" (S-378) thereto, ADOPTED.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

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

Senate at Ease

Senate called to order by the President.

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

An Act to Strengthen an Injured Employee's Right to Rehabilitation and to Improve the Workers' Compensation Rehabilitation System

H.P. 1176 L.D. 1630
(C "A" H-586)

Tabled - June 20, 1989, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In Senate, June 16, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-586), in concurrence.)

(In House, June 19, 1989, PASSED TO BE ENACTED.)

On motion by Senator ESTY of Cumberland, 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 it ADOPTED Committee Amendment "A" (H-586).

On further motion by same Senator, Senate Amendment "B" (S-380) to Committee Amendment "A" (H-586) READ and ADOPTED.

Committee Amendment "A" (H-586) as Amended by Senate Amendment "B" (S-380) 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.

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

Bill "An Act to Promote Reduction, Recycling and Integrated Management of Solid Waste and Sound Environmental Regulation" (Emergency)

H.P. 1025 L.D. 1431

Tabled - June 20, 1989, by Senator KANY of Kennebec.

Pending - ADOPTION OF COMMITTEE AMENDMENT "A" (H-640), in concurrence.

(In Senate, June 20, 1989, the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-640) Report READ and ACCEPTED, in concurrence. Committee Amendment "A" (H-640) READ.)

(In House, June 20, 1989, the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-640) AS AMENDED BY HOUSE AMENDMENTS "D" (H-661) AND "E" (H-663) thereto.)

On motion by Senator BALDACCI of Penobscot, Senate Amendment "A" (S-353) to Committee Amendment "A" (H-640) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. This Amendment deletes the provisions of the Committee Report pertains to wine, soft drinks, and liquor, it does because at the nub of this issue, we are talking about a distribution network. Presently, the bottle bill works, because of the distribution network that there is in place. It comes from a national manufacturer to a franchisee, who has a particular area of the state, a particular geography, to cover and it goes then to a retailer. Once the retailer has sold it to the consumer and the consumer returns it back to the retailer, the franchise distributor can then pick it up and then return it for recycling or redemption. That is the present system.

The proposal by the Committee is not a bad idea to try to solve the solid waste situation, but it is the distribution network that is at issue here. That little grocery store that is handling all of those bottles and cans that has recently expanded, added a little shed, so that they can store their bottles and cans, or the big grocery stores, that have a little room that they take in bottles and cans that are overflowing with bottles and cans, it is that area that is going to have to be expanded.

It is that area that nobody knows who is going to pick up those bottles and cans. It is the redemption center that is going to have those additional bottles, cans, and plastic containers that doesn't know who is going to come and pick them up, because they don't have a common distributor. We are talking about an area where there is no common distributors. There are five or six different companies that distribute very fine juices, or dole juices, or the other types of juices, that is the problem. Nobody is going to take responsibility for it. How are you going to enforce a law to require somebody to pick it up when nobody is going to say I delivered that? The first problem that has to be addressed is the distribution network. If you want to changed the distribution network and have a common banker who collects it and then distributes it, then say that in the Bill. Say that you are going to increase the cost to the consumer, tremendously. There is no question about it. That is what you are purporting here today. What it ultimately is going to do is tremendously reorganize the entire system and it is going to eliminate the choices that consumers have and it is going to tremendously increase the prices that consumers have to pay. But, it is not addressed anywhere here in this legislation.

I think in proposing the Amendment, we are saying that there is a problem with solid waste. There is a problem with landfills, there is not enough of them and you can get anybody to start citing, designing, engineering, and building landfills to handle the situation. There is no provision in this Bill that is encouraging anybody to do any recycling or any redemption. There is no incentive here. Is my little corner grocery store going to have to add on as big of a building to house what he has now, to handle what he is going to be receiving back? Is he going to be forced to do that? I think those are the issues that are of concern that are not being

addressed. What I think proposed to be a good solution to the problem is a common redemption or recycling facility that all consumers, all wholesalers, or retailers, can go to. That is what really needs to be done. I don't think the grocery store needs to become like a landfill. What is the reason that milk is exempted? The reason that milk is exempted is because of the health problems associated with it. The good Senator from Cumberland, Senator Brannigan, is very familiar with the bottle bill issue and the distribution network and we have discussed fruit juices many times in the past. The nub of the issue is the distribution network. There is no solution in this legislation to handle that particular concern. That is what needs to be addressed, the distribution network. I can't vote for this legislation if there is no relief for the local grocery store. Right now it is overflowing, it is unsanitary, and it is going to get even worse. If you talk to people in the Department of Health and Engineering you will find out how bad it really is. If push comes to shove, there would be a lot of little grocery stores who wouldn't be able to get their health licenses. It is only going to get worse. That is the first problem.

The second problem is with liquor bottles. We have a store in Kittery, Maine that operates as a discount liquor store. Its price differential is very slim, but it is more favorable than our neighbor, New Hampshire.

If you raise the price by twenty cents a bottle, according to the Bureau of Alcoholic Beverages, you might as well close down that million and a half dollar rent at Kittery, because you just lost it. You might want to add five hundred thousand dollars in freight that they are going to have to spend in order to pick up the liquor bottles at all the different liquor stores. That is what you might want to do.

Vermont took up the issue, Iowa took up the issue, they are trying to get out of it because of the problems that it is creating. Unless you really grapple with the issue and have a common redemption cite, a common recycling cite, that everybody can go to, instead of the little corner grocery store being a dump, then I think all we are doing is imposing tremendous hardships on these people in saying and hoping that somebody from heaven is going to drop down here and say, "here is your solution, or we will work it out". Frankly, I am not going to be able to vote for the Bill based on that. I have to see more hard, cold evidence of how this system is going to operate and how it is going to benefit the consumers, not that it just may work out. Thank you Mr. President.

Senator KANY of Kennebec, moved to INDEFINITELY POSTPONE Senate Amendment "A" (S-353) to Committee Amendment "A" (H-640).

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

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

Senator KANY: Thank you Mr. President. Mr. President, men and women of the Senate. And so we begin our debate on our solid waste management system. It is kind of interesting to me, because it is reminiscent of a debate a long time ago. When I came here as a freshman Legislator in 1975 and the then Representative John McKernan introduced a bottle bill. We heard some of the same arguments that were just articulated by the good Senator from Penobscot, Senator Baldacci, about how terrible it would be for little stores and the distribution system and expense

and so on. It was quite interesting. The people of Maine, at that point, decided that they wanted to have a bottle bill, it suited their lifestyle, their value system, it was the principle of the thing not only moving away from littering, but reusing. It seemed to be the appropriate thing to do. So, they, by vote, chose to go forward with the bottle bill. It was interesting because a few years later in 1979, those who were opponents of the bottle bill, and we have seen many of them in the State House in the last few weeks, put forward an initiated referendum to go out to the voters to repeal that bottle bill. It was quite interesting to see the results. I have them from the Secretary of State's office the other day and in 1979, "Do you wish to repeal the returnable container law". Yes, forty-one thousand, four hundred and eighty. No, two hundred and twenty-six thousand, six hundred and eighty-seven. Overwhelming support of the bottle bill.

Many people this year have asked their constituents if they would like to see an expansion of the bottle bill to include juice, liquor, and wine bottles and there have been state-wide polls on that topic. It is interesting to hear about the results of some of those polls. The Natural Resources Council of Maine found that about seventy-one percent of Mainer's supported expanding the bottle law to the degree that I just indicated. Last October, seventy-five percent of people polled by the Capitol News Service chose to extend the bottle bill to all containers and that is what we are talking about in the Amendment being offered by the good Senator from Penobscot, Senator Baldacci. He would eliminate that large portion of the Bill that the Energy and Natural Resources Committee came up with that really addresses the bottle bill and other similar items. I will go through that with you in a minute.

First, I would like to say that we consider that bottle bill portion and recycling an integral part of our attempt to deal in a logical, reasonable, adult manner with the solid waste crisis. We put forth a public purpose and we always, as we voted, tried to keep our overall goal in mind. What was our overall goal? To reduce the volume of waste at the point of generation including reducing that toxicity, to reduce the overall volume of waste that needed to be disposed of, to reuse, to recycle, to incinerate, and finally to landfill, if at all necessary, but to do whatever we do in the most environmentally safe way. It is our understanding, after a great deal of contact with the people throughout the State of Maine not only through public hearings, but through letters, phone calls, and just a great deal of contact, that is what the people of Maine want. They want an overall, comprehensive system developed in a positive way.

Probably the most sane portion of our existing comprehensive solid waste system is that portion currently which is the bottle bill, in that 5.5 percent of the municipal solid waste stream is removed by our current bottle bill. About 4.5 percent is removed by corrugated cardboard and other papers in the commercial and industrial area and that is about it. We have about ten percent now being recycled. Throughout our legislation, which was not just developed in the last month, although it may have appeared to some to be that way, since we did have a marathon session including Saturday's and Sunday's and around the clock work with staff, we actually took and learned from others. Last summer, we had a Joint Select Committee on Solid Waste, and perhaps some of you served on that Committee. In addition, the Governor, through his office, spent a great deal of time developing comprehensive

legislation, so did the Natural Resources Council of Maine and others, attempted to help deal with this crisis. Why is it a crisis? Because years ago, before we all knew what we know today, we developed landfills often in areas over our sand and gravel aquifers, so that we polluted our drinking water. Most of our landfills are having to be closed because they are either contaminating our ground water, or threatening to do so. So, we have a crisis here and we are trying to deal with it.

The portion of the Bill that Senator Baldacci from Penobscot, is attempting to gut is the following: He would eliminate the entire part D, which begins on page sixty-eight of Committee Amendment "A".

I ask you to look at it and follow along with me briefly. We would expand the definition of beverages to include "all except for milk and dairy-derived products." We would include wine, liquor, and other beverages in our bottle bill. We would require that there be at least a five cent returnable deposit on all other than liquor, or wine bottles, in which there should be a fifteen cent deposit, which would be returnable and at least twenty-five cents if, indeed, we found that not enough were being returned. Then, we would increase the handling fee from two cents to three cents, and I might point out that the handling fee is something that those small stores, that the good Senator from Penobscot, talked about. It helps the small stores, the "mom and pop" stores, to have that handling fee increased from two cents to three cents. In addition, something innovative in the next paragraph, which is section seven, our definition of redemption centers we have changed that. Redemption center, under the current law is a person, which means a corporation or an individual human being, we have expanded that so that a municipality or a regional association of municipalities could be redemption centers and thus, they could receive that three cent handling fee and thereby, that is how they could pay some workers to do some separation. We thought that was innovative and would be a positive move towards perhaps encouraging the focus on recycling at either transfer stations or recycling centers shared within regions or in a larger municipality. So, we would not hurt those small stores.

In addition, we also felt that we wanted to relieve the load from out-of-state containers being imported for disposal, so if there were over forty-eight such containers, there would be a penalty. We have an advisory committee and we gave some time to implementing that new expansion of the bottle bill. That is the primary portion of Part D which Senator Baldacci from Penobscot, hopes to gut and it is an integral part of our overall comprehensive solid waste management system that would move from the present 5.5 percent that is recycled from our municipal solid waste stream to ten percent in that alone. I urge you to vote in in favor of the Indefinite Postponement motion.

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

Senator BRAUN: Thank you Mr. President. Mr. President, men and women of the Senate. I don't have a prepared speech and it is very rare that you will ever see me rise on something to do with a liquor Bill, as most of you know. But, my store, way back when the bottle bill was implemented, my son had his first job in the bottle room and I have pictures of him. My store has cooperated, done everything they were suppose to do. Also, people from my store came to testify, but by the way, this Bill was in Business Legislation then. Somehow it has gone over to Energy

and Natural Resources and late this afternoon we get a hundred pages put on our desk and there are just so many questions that I feel bombarded with. I had to rise to say that I hope you will vote against the pending motion. It is not that we are against this and I want to go on Record right now and say that we are for recycling, there isn't a problem there, but it is my understanding that we need more time to work these things out.

I would like to pose a question through the Chair to any Senator who cares to respond. Could you tell me, because I am so overwhelmed, where in this Bill are the provisions for the return of these liquor bottles? What specific plan has been put into action so that we know what is going to happen? How do we know someone is not going to take them back and put them on a landfill and keep the money? I just have too many questions and I hope you will vote against the pending motion. Thank you.

THE PRESIDENT: The Senator from Knox, Senator Brawn, has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Thank you Mr. President. Mr. President, men and women of the Senate. First of all, I would like to tell the good Senator from Knox, Senator Brawn, that the Bills regarding the bottle bill were not only before the Business Legislation Committee, provisions were included in the Governor's Bill, the Governor's major solid waste system Bill, and also in the major comprehensive Bill which was put forth by the Natural Resources Council of Maine. Both of which went directly to the Energy and Natural Resources Committee.

Since you asked about the return of the liquor bottles, that is the first element that the Committee believed should be put forth and what we intend to do is to have them returned to liquor stores, that would be the state stores or agency stores, or redemption centers. Later on, we give even more time, an additional nine months, for the rest of the system to develop and we also have an advisory committee to work with distributors and others to implement the system. I believe it is time to work it out. The people of Maine want this and we can do it if we try. We owe it to them.

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

Senator DILLENBACK: Thank you Mr. President. Mr. President, men and women of the Senate. As you all know, I was in the wholesale grocery business and I was the only officer in the company that supported the bottle bill when it came out. I was not in the Legislature at that time. What the Senator from Kennebec is talking about is a litter bill. We are all in favor of the litter bill and we are all in favor of the bottle bill, but we have several problems here that concern me. We are all in favor of taking care of solid waste. The people who pay twelve dollars for a bottle of liquor aren't going to bother to take it back for fifteen cents or twenty cents. They are not going to go back to the liquor store to do it. The landfills and the town dumps that we have in this state are now closed or are being closed. The only thing that I can put on my dump in the town of Cumberland, is wood. What do we do in the town of Cumberland? We have disposal pickup and I am sure that many of the communities around Portland do the same thing. They come around once a week and we put our waste out there and they take care of it. Once a week they come around with another vehicle and you put your white bottles in one

box and your dark bottles in another box and they are taken care of. So, I don't see any problem there.

I think it is a matter of education. People have to be trained, people have to agree, if they are really interested in this, we can't speak for everybody in this state, maybe we think we can by passing these laws, but the only way you are going to get people to conform to something is to have them agree with it. I don't think they are going to agree to take wine and liquor bottles back to the liquor store. The cost of what this is going to do to the state is unbelievable. You haven't any conception what it costs to transport these things.

Why don't they do some of these things up north? Because it costs more to transport the products down here than they are worth. We used to have a position where we used to bale paper, we used to bale all kinds of cardboard in our retail stores, do you realize that it costs us money to bring it down? We didn't get enough for those bales to pay for the transportation costs, even on a back haul. It is an impossibility. There are some real problems there. I think what you have to do is you have to do this one step at a time. You can't do it all at once. I am concerned about our state liquor stores. The Director of the State Liquor Commission has told me, personally, that if you want to put the state liquor stores out of business, pass this Bill. People are going to bring in the liquor from New Hampshire, they are going to buy it in New Hampshire, they aren't going to bother to play around with fifteen or twenty cents. Then if you don't do it, they are going to add a quarter to it. Can you imagine that? I think we have some problems here and I wish you would give it due consideration. Thank you.

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

Senator BALDACCII: Thank you Mr. President. Mr. President, men and women of the Senate. The good Senator from Knox, Senator Brawn, alluded to hearings that the Business Legislation Committee did hold on this particular matter. She is very correct. We had several Bills dealing with this particular topic. We spent six and a half hours listening to testimony, but because of a jurisdictional question, and because of the energy and enthusiasm of some members of the Energy Committee, they decided that, regardless of the actions of the Business Legislation Committee on this particular matter, they would expand what they were doing with solid waste. Let's not get away from the problem with solid waste. When I talk with people in Bangor, they ask me, "John, I clear landscaping and shrubberies and the tree limbs and the brush, I am not allowed to take it back to the landfill." Another gentleman is building a development and he is clearing up tree stumps and, God help him, I would never have thought that a dump could not take tree stumps, but a dump cannot take tree stumps because of certain reasons. You would think that they would be environmentally sound. We have problems with landfills, as they exist now. In our area we are facing closing a landfill and not knowing what to do with construction debris. Sanitary landfill, we are looking at trying to cap other landfills around our area to give us time before we have some direction as to where the new landfill is going to be. It takes time to do the design work, the permitting process, the engineering and the development of these things. We have a lot of problems in solid waste.

I believe that this particular issue is not a high priority for the Legislature to address at this particular time. If it is going to address it at this particular time, then it darn well better work

out a pretty good system for taking care of what it is creating, or all you are going to be hearing is complaints. Cost complaints, mandates, and not knowing what to do and you are not going to have any answers, other than hoping that down the road everything will fall into place. We dealt with this issue for a long time in our Committee and we were unanimous in opposition to doing this at this time. That is how the Business Legislation Committee treated this particular subject. Maybe because of that, it was developed by another Committee in another way, but the problem remains the same. I, as one Senator, cannot support that.

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

Senator MATTHEWS: Thank you Mr. President. Mr. President, men and women of the Senate. In response to the good Senator from Penobscot, if not now, when? And if not this proposal, what? I have heard that comment before in this Chamber. Ladies and gentlemen, I would urge Passage of this Amended version and compliment the majority members of the Energy and Natural Resources Committee. This is the major issue of our day. The issue is not going to go away, we can't sweep it under the rug any longer. The landfills are out of space, they have reached their carrying capacity, we need to recycle, we need to do it now, we should have done it ten years ago. It is time, it is time, ladies and gentlemen.

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

Senator ERWIN: Thank you Mr. President. Mr. President, men and women of the Senate. What is the biggest cost that we have in our town budgets right now? It is education. But catching up fast, and perhaps as gone by it in many towns, is solid waste. Who pays for that? The taxpayers, the people. So, we settled who is paying for it now. In the future, under these proposals, you heard already quite a bit raised on the cost, that there is going to be a major increase in cost to the poor taxpayer, the poor person in the general public. Either way, the public is going to pay the cost. So, I think if we can settle who is going to pay for it, either under the present system, or under some system that we can work out that will be a major improvement on the present system. So, I think in our minds we can settle who is going to pay for it and that is not the major issue.

How long are we going to let the valleys in this beautiful state of ours to be filled with trash? How long? Is there any such thing as a good landfill? I say to you there isn't, there are some that are better than others, but there isn't any such thing as a good landfill. When it rains and the water trickles down through the garbage, where is it going? It is going into our ground water, it is going into our streams. The people in this room wouldn't live long enough, once you contaminate your ground water, to see it cleaned up. Does anybody think they would? I don't. So, we have to start making an effort and that is what not only the people on the Energy and Natural Resources Committee has been trying to do, but many people have been working on this. My people want to see something done. I venture to say that your people want to see something done. They know it is going to cost, but we have to do something to protect our environment. What are we going to leave our children and our grandchildren if we don't? Think about that. So, we have to start a good recycling program, there is no one in this room that can say that we haven't got to start that. How long can you put it off? Can you keep putting it off

year, after year, for ten or fifteen years down the road? Can you?

We have to start doing something and this is what a large group of people has tried to come up with and to the best of our ability we have given you something where you can tear apart and shoot down all you want to, but somehow or another, we have to work as a team to accomplish a goal to protect the future of our children and our grandchildren, so that they can continue to enjoy this great and beautiful state of ours such as we have.

In the recycling program there may be things that I don't like, there are going to be things that you don't like, but we have to work together, we have to compromise a little of what I don't like and a little of what you don't like and work together, as a team, for the overall goal of trying to preserve this beautiful state of ours.

I found something on my desk, as I imagine you all did, that was distributed and it concerns plan A and plan B. What is in plan B is that this proposal is based on the assumption that the current bottle bill program can be repealed and that the towns be forced to deal with all of the beverage containers. Approximately five percent of the waste stream, that is currently recycled through the bottle bill, would be left as a disposable problem for the towns. The towns can expect a major increase in their solid waste disposal budget. The dollar figure offered in item one is quite speculative, as is evidenced by the range offered and the lack of any collaborating support. The assumption that the current tax dollars could cover the cost in plan B is unsupported.

What is the proposed bottle bill expansion? The proposal asserts that the expansion covers only an additional two percent of the waste stream, while beverage distributors provide confusion and conflicting numbers to the Energy and Natural Resources Committee, the state recycling office estimates that the expansion represents approximately five percent of the current waste stream. That plan B could recycle twenty-five to fifty percent of all waste is unsupported. Handling fees. The proposed increase in handling fees is one cent, this is exactly fifty percent over what we have now and this material asserts that it is well over fifty percent, which is not true. This is just a small example of the exaggeration that you find in the handout when you look at it closely. The handling fees are currently two cents, the beverage industry asserts that if it occurs an additional two and a half cents per container in handling costs, this gives a total handling cost of some four and a half cents under the existing system. The plan B proposal seeks to have all beverage containers handled by the towns. There are now some six hundred and fifty million containers in the bottle bill system. The expansion adds some hundred and ten million more.

Plan B would require the towns to handle all of these, some 1.4 billion at four and a half cents per container, this would cost the town some 46.8 million dollars. Plan B claims that by putting all beverage containers through the town recycling program, the towns will make money. Do you believe it? The towns do not recycle to make money, the towns recycle because it is cheaper to recycle than it is to landfill, but it still costs money. If the towns are forced to handle more solid waste in the form of more beverage containers, the towns are going to have to spend more money.

What is the real issue? The issue is whether the person buying the beverage container and throwing it away will pay for the cost of that action, or whether the property taxpayer will have to bear that cost.

Overall, to sum up all of my remarks, what sort of inheritance are you going to leave your children and your grandchildren? Thank you.

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

Senator TITCOMB: Thank you Mr. President. Mr. President, men and women of the Senate. I can't help but think as we sit here and talk about this Bill, the shame over the last couple of years as we have read about the waste and the debris that has been allowed to wash up on our beaches. Where people weren't able to use their beaches because of the tons of waste that has washed up on our shores. Certainly here in Maine, we have had clean up crews of young people go out and, indeed, here we have had tons and tons of waste that has washed up on the shores. We cannot excuse ourselves, or make excuses for the responsibility that we have at hand. It seems to me that the people in the State of Maine have spoken about their concern about the bottle bill and about the environment. It seems to me that when the people lead, it would be very appropriate that we in Augusta follow.

It was very interesting when the good Senator from Penobscot, Senator Baldacci, spoke that he struck a very close note. He said, "the issue of taking care of what we are creating is what this Bill is all about." I contend that the issue of taking care of what we are creating is what this Bill is all about. Thank you.

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

Senator LUDWIG: Thank you Mr. President. Mr. President, men and women of the Senate. Today's paper was correct when it promised, "lively debate likely on bottle law". It doesn't seem too long ago that this Chamber had another lively debate about expanding the bottle bill. The same lobbyists were preaching gloom and doom, drowning us with dire predictions about ruining the economy, subjecting the public to needless nuisance and expense and so forth, but somehow we managed to add wine coolers to the original bottle bill and the sky didn't fall. I am not aware that anyone was put out of business, the only noticeable change was that wine cooler bottles disappeared from the roadsides. Although you couldn't see it, there absence from the landfills left more space for other forms of trash.

This is a vitally important component of our comprehensive plan for handling solid waste. The bottle bill works, it is time to expand it. The public is overwhelmingly in favor of it, individuals are willing to do their part and they are ready to do it now. I urge you to Accept the bottle bill expansion as defined in the Majority, eleven to two, Committee Report. Thank you.

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

Senator BUSTIN: Thank you Mr. President. Mr. President, men and women of the Senate. I rise to speak on an issue that you would normally think that I would be for, because my record speaks for itself. I am for solid waste management. I am for recycling. I am for all of those things. I am for the bottle bill, I have been, as Chair as the Business and Commerce Committee, pushing for an addition to the handling fee. Those are correct things to do. I would like to pass this Amendment that is before you in a positive manner, so that we can go on and support a Bill that I consider very good for solid waste management. But, I cannot support Part D of that Bill that requires that all of those bottles and cans that are not considered litter, we do not think of them as litter on our

highways. Originally, when we did the bottle bill, it was because it was littering our highways. That seems to be a reasonable thing to do and it seems to have worked, but to keep extending that and expanding that to those items that we use to sustain ourselves, as in apple juice, orange juice, those kinds of things, I think is probably helping us to bypass doing the job that we should do. The job that we should do is take care of our solid waste problem. It is not the problem for just the distributors. It is not the problem of just the consumers, it is all of our problem and the way that we usually take care of a problem that concerns all of us is to tax us all equally, because we all live in the same environment.

That is what we should do. As far as I am concerned, what you should do is make solid waste management, throughout the state, a state problem. Right now we make it a municipal problem. Right now it goes on the property tax for the most part. This Bill seems to give, although I am not as familiar with it as I would like to be, some help to those municipalities. But, I think it is real important that we do not allow ourselves to give up our responsibility to handle the whole solid waste management stream. When you are going to nickel and dime this, literally, to death, you are not going to take care of your whole solid waste problem.

I remember in the 1970's, if everybody remembers the Clean Air and Water Act, when we first started these landfills, when it was first mandated by Congress. I remember going around in my area, and the municipalities telling me about how hard it was to do the landfills and refusing, at that time, to do the regional management of solid waste. They refused because landfills were the most least resistant to solving the problem, they could do it and look where we are now. Now what we are saying is that we can't handle the landfills. If we had taken the bull by the horns then, in the early 1970's, and we had said it was our problem and we needed to do it either on a regional or a numerous state basis, then we might not be in the problem we are in today.

That is what I think you are buying yourself with this. I want to support this solid waste Bill. I cannot support buying off by having us expand the bottle bill, because I don't think it is going to work. I think you are just buying yourself the same kind of time you tried to buy yourself in the 1970's when you bought the landfill. It isn't going to work. Give us a comprehensive program for all of it. You have an Amendment here that the House put on. It is to exempt the farm products. Will you tell me whether farm products are also apple juice, because I think apple juice comes from apples? I think orange juice comes from oranges. Are you exempting those? If what you are doing, in fact, is only than expanding the bill to wine and wine containers and that kind of thing, then tell us that. Let's not mickey mouse this thing, let's really have a comprehensive solid waste and let's take the bull by the horns and let's do our duty here.

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

Senator KANY: Thank you Mr. President. Mr. President, men and women of the Senate. To the Senator from Kennebec, perhaps all I can say to you is thank you, because what you are talking about in providing the comprehensive system is precisely what is in this one hundred page Bill before you. What I want you to fully understand is that the bottle bill has been an effective component, probably the most effective component, of our current lack of plan. In expansion of it is a real integral part that can truly reduce a substantial amount of the waste that

is produced here in the State of Maine. We do have a new agency here, with three officers, one of planning, one of waste reduction and recycling, and one of siting for the facilities that need to be sited in an environmentally sound way which are not being done. We have a flexible system, we have incentives, we have incentives to municipalities and regional groupings of municipalities to create recycling centers and we offer help for balers, we have revenue bonds in here, all kinds of positive things, but this portion, which Senator Baldacci of Penobscot seeks to remove would be doing just what the good Senator from Kennebec asked us not to do. It would create a piece meal system. This is part of the comprehensive whole and I urge you to go with the pending motion which is Indefinite Postponement of that which would reek havoc with an overall positive comprehensive plan which we can all be proud and which I think we could all say we participated, we helped vote for that landmark legislation.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to just say that as the Senator representing Franklin County that the good Senator from Knox made a point and that is the reason I am supporting this Amendment, presented by the good Senator from Penobscot, Senator Baldacci. Some of these issues have been debated before this Legislature already. I, personally, have never voted for, and do not intend to vote for, increasing the handling fee. Because the Committee, in its wisdom, decided that had to be in this comprehensive solid waste Bill, I am going to vote with Senator Baldacci, from Penobscot, on this Amendment.

My feeling is that you can recycle everything, including liquor bottles, wine bottles. I think it all ought to be recycled, but I am not voting to increase the handling fee. So, I only have one choice and that is to vote for this Amendment and I urge you to do the same.

THE PRESIDENT: The pending question before the Senate is the motion of Senator KANY of Kennebec, to INDEFINITELY POSTPONE Senate Amendment "A" (S-353) to Committee Amendment "A" (H-640).

A vote of Yes will be in favor of INDEFINITELY POSTPONE Senate Amendment "A" (S-353) to Committee Amendment "A" (H-640).

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators ANDREWS, BOST, BRANNIGAN, CLARK, COLLINS, ERWIN, ESTES, ESTY, HOBBS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, RANDALL, TITCOMB

NAYS: Senators BALDACCI, BERUBE, BROWN, BUSTIN, CAHILL, CARPENTER, DILLENBACK, DUTREMBLE, EMERSON, GAUVREAU, GILL, GOULD, PEARSON, PERKINS, THERIAULT, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators None

Senator PEARSON of Penobscot requested and received Leave of the Senate to change his vote from YEA to NAY.

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, with No Senators being absent, the motion of Senator KANY of Kennebec, to INDEFINITELY POSTPONE Senate Amendment

"A" (S-353) to Committee Amendment "A" (H-640), FAILED.

Senator PEARSON of Penobscot, moved to RECONSIDER whereby the motion to INDEFINITELY POSTPONE Senate Amendment "A" (S-353) to Committee Amendment "A" (H-640) FAILED.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. Shame on us! The State of Maine is the most precious, most beautiful place on the face of this earth. I can remember when I was in college, I used to work in the United States Forest Service in the State of Oregon and I used to go into Washington State quite a bit. Washington State, at that time, had the first bottle bill that I had ever experienced and I came back to Oregon and I saw beautiful lands filled with no debris.

I came back to Maine and several years later, after I had gotten out of college and I started teaching, I ran for the Maine Legislature and I was successful. I came here and one of the very first issues I ever heard was the bottle bill. Presented by the man who occupies the second floor. I can remember all so well Representative, at that time, James McBrearity, opposed to the Bill, adamantly opposed to the Bill. He didn't think it would work, because he didn't think it would go far enough and there was a lot of other debris left on the highway. We went through so much debate at that time, it lasted so long, it took up weeks of our time to find out whether Maine ought to have our highways and byways, and the land of this state, bottle free. I don't know where you come from, but I can tell you that in my area there are people who, literally, make their living picking up bottles. They don't live very high, but they do it and it works. If you were to include these other bottles in that process, the highways would be that much cleaner. The land in this state would be that much cleaner. I think it is disgraceful what we are doing here today. I just think it is terrible. I heard all the arguments I heard today, I heard them in the 1975 when we heard that Bill. All the nay sayers in the state, 'it is not going to work, my gosh the stores don't have room for it'. I have a proprietor in a store in my town who says it is the biggest profit maker he has. He gets a better percentage out of returnable bottles than any other commodity he has. He was saying many years ago, 'it is not going to work, I don't have any room for it'. A lot of young men and women in this state, boys and girls actually, who work in the back room of a lot of different general stores in this state separating bottles. They make a little extra money doing that. You have seen them and I have seen them and some of you have even hired them. It is good for our economy, it is good for our environment, it is good for the waste stream, it is good for recycling. The only thing that I can see that is driving people here, except for the temporary inconvenience, and there will be some we know that, is the concern that almost everything boils down to, money.

You know, I live on a lake, I go out on the lake sometimes in the evening and I go out on the wharf right in front of the camp and I sit there with my dog and I say to myself, I am the richest man in the State of Maine. I don't have a lot of money, but I have something else, I have a beautiful environment that I want, that I have been able to have because I was lucky in life. Well, Maine has that for the most part and it is up to us to make sure that we continue to have it. It is up to us, nobody else is going to

do it. Just temporary inconvenience is all that it is, people. I heard all of the nay sayers before, they all said it couldn't be done, they all said it was going to be a major disruption in the economy. Well, it wasn't and even if it were, what about our environment?

When I get through the Maine Legislature, which won't be very long from now, I only have a few good years left in me, and I see my nieces and nephews or their children, or I get a chance to talk to your grandchildren, or any of the other people in Maine, I don't want to say to them on the twentieth day of June in 1989, at nine o'clock at night in the Maine Legislature, I had a chance to help Maine's environment and I blew it. That is what we are doing people.

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

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

Senator MATTHEWS: Thank you Mr. President. Mr. President, men and women of the Senate. I hope you will vote to Reconsider and so we can get on with our job here and our responsibility to the citizens of this state and pass this solid waste comprehensive plan. Ladies and gentleman, my family will be expanding in September, my wife is expecting twins, and I want those two little children in September to live in a state like the state I grew up in, that had mountains, and sea, and clean air and clean water, and a state that they can be proud of, and they can prosper in, and work in, and be thankful for to the almighty God that gave us this great beautiful state. It is not our state, it belongs to Him above, and we have a responsibility and a duty when we get our call, and get our chance to protect it, to enhance it. Having served on the Energy and Natural Resources Committee, I can tell you that those men and women, Republican and Democrat, the vast majority are good, hard-working, compromising individuals that listen to all sides of an issue from the Natural Resources Council to the business community, to everyone. If they come out with a Report that is eleven to two, it means something in this Legislature. There is no other stronger group that I have known in my time down here. There is no bigger issue than this one. I wasn't here when we enacted the bottle bill, but I can tell you I haven't seen the Record, but I'll bet my bottom dollar the same debate was waged then, the same hocus-pocus and bologna. We did it and the citizens are proud and they are saying let's do it again. We can't pass the buck. We have an opportunity, ladies and gentlemen of the Senate, to pass a good strong Bill that calls for people to do their part. In the words of John Kennedy, "to do our part for this country, as citizens". Don't tell me Maine people can't do it, because we have done it traditionally and historically. So, let's Reconsider our action tonight and do what we know is right and allow the Committee to carry forward this issue. They have heard these arguments that we have heard for the last three or four days. They have had those people in their Committee room. Now, it is the day of the citizen to have their day and let's get on with it.

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

Senator DUTREMBLE: Thank you Mr. President. Mr. President, men and women of the Senate. This is not an issue that I had ever expected to debate on. I feel that there are enough people who want to talk on it, but the good Senator from the United States Senate, George Mitchell, once gave a great wrap

around the flag speech in Congress dealing with the Iran Contra and I see a lot of people wrapping themselves around the flag today. All of the evil people who seem to be opposed to the environment of the State of Maine. I guess I will have to go back and check the way I voted in the past and the way I have felt in the past, and I think all of us who voted against this Indefinite Postponement better go back and check too, because I think we can all rest in that we have protected the environment of the state in the past and we have voted for bills to make sure that our children and our grandchildren have good clean and safe environment when they grow up and that their children will have the same.

When I grew up as a child, remember that little speech I gave last year at the end of the session, my father owned a grocery store. If you remember when we talked about that particular issue, we dealt with returnable bottles. This was before non-returnable bottles came into existence. I can remember as a kid, my job was to take care of those bottles. I remember opening the garage doors and there were bottles all over the place. My father had just a little corner grocery store. At that time, there were only a few brands, not like today when you have a million different brands, but I can remember going in and spending day, after day sorting the bottles, preparing them for the delivery trucks to pick them up and take them away. Then came the non-returnable bottles and I can remember how happy I was. Like everybody else, we saw the litter problems on the side of the road and the problem with the environment and I, along with everybody else, pushed for the returnable bottles to come back and they did. I supported it in the referendum to keep Maine clean.

This is entirely different now. We are talking about adding more and more to the bottle bill. People made a decision with the returnable bottles when they voted at the polls, but they didn't say to start including all of these different things on it. They didn't say that. People I talk to are concerned about recycling, not recycling through the grocery stores or the supermarkets. I have a real problem with buying my food at the same place where we return our garbage, I have a real problem with that. I understand that we return all of these soda and beer bottles and we have all gotten accustomed to that, but if you think we are going to solve the solid waste problem in the state, by making the supermarkets and the corner stores of this state the collectors of garbage, which is what we are asking to do the more we add to this, then I think you are going to find out that the people in Maine don't want us to go in that direction.

There is not a person in here who is not concerned about our environment. I feel as strongly about this as the good Senator from Penobscot, Senator Pearson. If we want to solve the problem with the environment, then let's solve it, let's go with the recycling. In the city of Biddeford, we were fined and we had to take care of our landfill because it was full and we were fined by the D.E.P. and we had to pay those bills. Then we came up with an idea and said well let's go with incinerators, we are paying for that today, we are paying for that, but my goodness we did something about it and we are still trying to find ways to solve our problems.

So, it is hard for me to stay in my seat when somebody comes up and says, "shame on us". Let me tell you one thing, I am standing here with not one bit of shame in my body, not one. Before anyone can say shame on me, make sure you check my record.

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

Senator BRAWN: Thank you Mr. President. Mr. President, men and women of the Senate. I concur with the good Senator from York, Senator Dutremble. I had to rise because I would just like to briefly reply also to the Senator from Penobscot, Senator Pearson. I don't feel any shame at all, and I want clearly put on the Record, that I do believe recycling is going to work. I don't have the attitude that it is not going to work. It is going to work and we can make it work together as a team if we have a specific plan. If we have certain size bottles that are going to go to certain things, my store will gladly do that, but to shove something down our throat and say, "you are going to do it right now", is not even practical. I hope you will vote against the Reconsider motion.

I would like to end by saying I was born in the State of Maine, forty-two years ago last Friday. I love this state of Maine, it is my home, it has always been my home and God willing it always will be. I have two boys that are eighteen and twenty and I soon will have grandchildren. I care very deeply about my state and I want to do what is right for it. Thank you.

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

Senator KANY: Thank you Mr. President. Mr. President, men and women of the Senate. There are just a couple of things I wanted to add to this debate, while the motion of Reconsideration is before us. One is that many municipalities have looked to incinerators. Incinerators they hope will generate electricity using as a fuel their solid waste. It sounds like a reasonable thing to do and that is an integral part of the beginning of our system here in Maine to deal with the solid waste problem. But, I want to point out what we are talking about now, the bottles and cans and so on, they are removed before going into the incinerators, they are among the non-burnables, so that even at that incinerator, they will transport them once again to a landfill. An incinerator is not the solution to these. This is a way of dealing, hopefully, reusing or creating a recyclable material out of these containers.

Second, I guess that I would like to say that I know each one of you, and you know me, and I think we know that all of us care about the State of Maine. It is part of our lifestyle to enjoy the outdoors, even those of us who sit and look at the view out the window. We all love Maine. I think that perhaps one of the problems with this Bill, at this moment with this Amendment, is that we are addressing a segment of this overall very comprehensive Bill and we are trying to debate the entire Bill and I would suggest and ask that someone Table this so that we can then go and spend the time going through the entire thing so that you understand the comprehensive waste management system that we are offering to you in this Bill. I would ask that someone Table this until tomorrow at this point.

Off Record Remarks

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

Senator TITCOMB: Thank you Mr. President. Mr. President, men and women of the Senate. I think that for some reason the bottle bill has kind of gotten pulled aside. It keeps coming up that this is not recycling, that for some reason we are looking at the bottle bill differently than the rest of the recycling goals that we might have. This is indeed a

very important part of recycling, which is what we, as a state, seem to be looking at. I think as we look at not only this issue, but the issues we are going to be dealing with in the rest of this Bill, there is a misconception about Maine that I think everyone ought to clear up very quickly. Vacationland is not all pure, we have some very serious, very significant environment problems right now that we have had to deal with. We have had the problems in Hope, we have had environmental sites all over this state that have rendered some of our natural resources useless. It is great for us to look at Maine as a refuge for people to come to, who are looking for this pure retreat. Maine has so many problems now, we cannot afford to let them grow any bigger. If we can do anything, even if it is only a small piece of the puzzle today, if it is the bottle extension, then we need to do that because we have a lot of problems at hand. Vacationland is a wonderful place for all of us, but it is not as pure as we would like to think it is. Thank you.

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

Senator ERWIN: Thank you Mr. President. Mr. President, men and women of the Senate. As you go back and look at my track record since I was a young fellow, you will see that I have always stood ready and very proud, in defending my country and my flag and never once wrapped it around me. The issue here tonight is getting beclouded, the issue here is recycling. It is not the bottle bill. Let's get back to the prime issue here and to the question I asked you last time. "What inheritance do you want your children and your grandchildren to have?"

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

Senator CLARK: Thank you Mr. President. Mr. President, men and women of the Senate. There has been a sincere request that this item be Tabled until tomorrow, when we can, with less fatigue and perhaps a little more order in this flurry of papers across our desk, address this massive, massive issue.

While I would have liked, as the Majority floorleader, to accommodate the request of the Senator from Kennebec, I think it is appropriate since we only have one day left in the session, and because members of both sides of the aisle were reluctant to take time from the session today to have caucuses that address this issue knowing the debate would be repeated here in the Chamber, that we do table it. I think all of you heard how I responded to the Secretary of the Senate when she called my name. I believe I voted yes and then I voted no and then I voted yes, and nobody was quite sure, least of all me. I think that my uncertainty with reference to that response to my name being called on the motion to Indefinitely Postpone the Amendment, is reflective of a lot of members of the Senate.

We are not incapable of making decisions, we are intelligent, responsible citizens of this state, we don't receive chastisement gracefully, nor do we deserve it, for we attempt to, in so far as possible, reflect our consistency with an overall perspective state wide. If I were the individual Senator voting only for me, I know I would have supported Indefinite Postponement, for there are segments of this entire Bill that are repugnant to me and I think probably most people know what it is. To suggest that all of us are absolutely certain about our position on this Bill, or on the motion to Reconsider, or the previous motion to Indefinitely Postpone the Amendment, I think is an exaggeration. I confess after all of these years of Legislative service to the same confusion as expressed by the Senator from Knox,

Senator Brawn. I didn't even know what the filing number was of the Amendment which represented the Majority Report and if I gave you a quiz, I bet you wouldn't have known either. That is the basic truth. I do know that the lobby has been participating in and watching the development of this measure which has been highlighted as one of the major at least six or seven issues of this session. There are amendments which originated not only in the other Body, but in this Chamber. I am able to place them in order and to follow along with them, because of not only the clever little color coding, but the filing numbers. I am admittedly unable to understand the thrust of each of these additional amendments and while there is some substance in the amendment as offered from the Senator from Penobscot, Senator Baldacci, that I readily can support, I have to remember that from my Senate District there is a strong sentiment to retain the bottle bill as is, as well as to expand it to fruit juices and those cans which contain ice tea and which are found in the vending machines like other carbonated beverages.

So, I am standing here admitting my uncertainty, I am not happy with what is going on. I dare say maybe you aren't either. I am not even sure of what will transpire after this, but I do know that in that eleven to two report there is merit and substance which addresses solid waste management. That concept, I can support, but if those citizens including me, in my area of the state, knew what the handling fee was, attached to some of this stream of expanded returnable containers, I submit to you that they might be less than enthusiastic about exactly what may transpire, should this Bill pass as reported out of that hard-working, dedicated Joint Standing Committee on Energy and Natural Resources.

Have you taken my time this evening to share with us your confession, Senator Clark, about your uncertainty? Because I want all of you to feel comfortable in what you are doing, and do not be made to feel defensive about your choice of yes or no. For we respect not only our diversity as members of this Chamber, but we will continue to live with the outcome and survive nicely, even. For there are a number of amendments, many of which I probably have yet to file in numerical order, that haven't seen the light of this evening yet. I do know one thing and I say it just a wee bit smugly, I was here when the bottle bill was introduced and I heard it all. On top of that, I proudly served on the Committee that dealt with it all. We all knew what it was we were doing when we did it and it works.

I am not that secure with this massive expansion fraught with handling fees which can be accelerated or contracted as the experience is documented goodness knows where. For if there is a weak link in this whole waste stream cycle it is answering the question, who is going to pay? I would submit to you that it is that hard-working, truck driving, citizens in Franklin and Somerset Counties, as well as the rest of our counties, who is going to pay and I hope, members of the Senate, that it is not as they say at the track, "through the nose." Thank you Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion of Senator PEARSON of Penobscot, to RECONSIDER whereby the motion to INDEFINITELY POSTPONE Senate Amendment "A" (S-353) to Committee Amendment "A" (H-640) FAILED.

A vote of Yes will be in favor to RECONSIDER whereby the motion to INDEFINITELY POSTPONE Senate Amendment "A" (S-353) to Committee Amendment "A" (H-640) FAILED.

A vote of No will be opposed.

Is the Senate ready for the question?
The Doorkeepers will secure the Chamber.
The Secretary will call the Roll.

ROLL CALL

YEAS: Senators ANDREWS, BOST, BRANNIGAN,
CLARK, COLLINS, ERWIN, ESTES, ESTY,
GAUVREAU, HOBBINS, HOLLOWAY, KANY,
LUDWIG, PEARSON, RANDALL, TITCOMB,
THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators BALDACCI, BERUBE, BRAWN,
BUSTIN, CAHILL, CARPENTER,
DILLENBACK, DUTREMBLE, EMERSON, GILL,
GOULD, PERKINS, THERIAULT,
TWITCHELL, WEBSTER, WEYMOUTH,
WHITMORE

ABSENT: Senator MATTHEWS

17 Senators having voted in the affirmative and
17 Senators having voted in the negative, with 1
Senator being absent, the motion of Senator PEARSON
of Penobscot, to RECONSIDER Failing to INDEFINITELY
POSTPONE Senate Amendment "A" (S-353) to Committee
Amendment "A" (H-640), FAILED.

On motion by Senator BALDACCI of Penobscot,
Senate Amendment "A" (S-353) to Committee Amendment
"A" (H-640) ADOPTED in NON-CONCURRENCE.

House Amendment "D" (H-661) to Committee
Amendment "A" (H-640) READ and ADOPTED, in
concurrence.

House Amendment "E" (H-663) to Committee
Amendment "A" (H-640) READ and ADOPTED, in
concurrence.

Senator KANY of Kennebec, moved to RECONSIDER
whereby it ADOPTED Senate Amendment "A" (S-353) to
Committee Amendment "A" (H-640).

Senator BALDACCI of Penobscot requested a
Division.

Senator KANY of Kennebec requested a Roll Call.
Less than one-fifth of the Members present and voting
having risen, a Roll Call was not in order.

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

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

Senator GAUVREAU: Thank you Mr. President. Mr.
President, men and women of the Senate. I rise today
to share the confession from my friend and colleague
from Cumberland. Senator Clark, as to all the
implications of option of Senate Amendment "A" to
Committee Amendment "A". It seems to me that many of
us have intimately involved in somewhat arcane and
intricate discussions and negotiations on a realm of
issue and although I have attempted to read the
amendments and the Bill before me, I don't fully
appreciate all of the consequences of drafting onto
our bottle bill wine products. I obviously have
major considerations regarding the so-called plan of
distribution. I think the debate which preceding our
votes for me was for me less than fully illuminating,
I do need additional time to come up with a firm
opinion, a rational opinion, as to which way I would
vote on this measure. It seems to me that the Body
is evenly divided, as shown by the seventeen to
seventeen vote a few moments earlier. I believe the
Chair of the Joint Standing Committee on Energy and
Natural Resources suggested the matter be Tabled and
that, of course, is not subject to discussion or
negotiation. But, from my point of view, I doubt
very seriously if in the next few moments my
questions and doubts to the efficacy of the proposed
plan of distribution will be resolved.

So, at least from one members point of view, I
think this matter should lie on the Table for a
period of time so we can come to some conclusion on

some of these issues. If someone were willing to
make that motion, I certainly would be supportive of
it. Thank you.

THE PRESIDENT: The pending question before the
Senate is the motion of Senator KANY of Kennebec, to
RECONSIDER whereby it ADOPTED Senate Amendment "A"
(S-353) to Committee Amendment "A" (H-640).

A vote of Yes will be in favor to RECONSIDER
whereby the Senate ADOPTED Senate Amendment "A"
(S-353) to Committee Amendment "A" (H-640).

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators ANDREWS, BOST, BRANNIGAN,
COLLINS, ERWIN, ESTES, ESTY,
GAUVREAU, HOBBINS, HOLLOWAY, KANY,
LUDWIG, MATTHEWS, PEARSON, RANDALL,
TITCOMB

NAYS: Senators BALDACCI, BERUBE, BRAWN,
BUSTIN, CAHILL, CARPENTER, CLARK,
DILLENBACK, DUTREMBLE, EMERSON, GILL,
GOULD, PERKINS, THERIAULT,
TWITCHELL, WEBSTER, WEYMOUTH,
WHITMORE, THE PRESIDENT - CHARLES P.
PRAY

ABSENT: Senators None

16 Senators having voted in the affirmative and
19 Senators having voted in the negative, with No
Senators being absent, the motion of Senator KANY of
Kennebec, to RECONSIDER whereby it ADOPTED Senate
Amendment "A" (S-353) to Committee Amendment "A"
(H-640), FAILED.

On motion by Senator HOBBINS of York, Senate
Amendment "E" (S-381) to Committee Amendment "A"
(H-640) READ.

THE PRESIDENT: The Chair recognizes the same
Senator.

Senator HOBBINS: Thank you Mr. President. Mr.
President, men and women of the Senate. The purpose
of this Amendment is to condition the State's
prohibition of the sale of products connected by
plastic holding devices on the passage of similar
laws by two other New England States. Essentially,
it triggers the effective day on passage of the law
by two other New England states.

It is my understanding that if we enact this
particular provision of this Bill, that we will be
the first state in the nation to have enacted such a
law. As you know, Maine is one of sixteen states
that presently have a biodegradable law on our books
which passed in 1978. What this Amendment will do is
allow the State of Maine essentially to be a leader,
but not as fast.

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

Senator PEARSON: Thank you Mr. President. Mr.
President, men and women of the Senate. As I
understand this Amendment, those plastic holder like
things that go around the bottle and cans that you
and I purchase in different stores would not take
effect unless two other New England states did the
similar thing. While I think it would be awfully
good if a lot of other states did it and it would be
particularly good if New Hampshire and Vermont did
it, because they are our sister states.

I think it is well intentioned because it would
be more effective that way. I don't think that we
ought to wait for other states to do that. I have a
memo here on my desk from the Bureau of Marine
Patrol, and I would like to quote from it. "I have
personally had to do away with gulls who have had
plastic six pack holders over their neck and were

unable to eat because of that. I have had several boats in my area become disabled with plastic salt bags covering their propeller." I feel very strongly about environmental issues, as you probably know, and perhaps in occasions I get carried away, but I would hope that you would give this some consideration. Joseph Coors, of the Coors beer people, used to have beer packaged that way also. He himself, decided not to do that anymore, because he saw the environmental problems that it caused with fish and birds. He personally saw some of them die because they had these plastic holders wrapped around them. Now, they are biodegradable, but they are not biodegradable fast enough to prevent some of these animals, fish and wildlife from dying. They are not necessary. One of the major beer manufacturers in this country, the Coors people, have done away with them, other people can do away with them also. If you go downstairs to the snack bar we have and you go in the cooler, they are all wrapped with these things. They don't need to be wrapped with those things. They didn't do that when I was a kid, they don't need to do that now. It is just one of those unnecessary, hurtful things that are done on our environment.

Senator PEARSON of Penobscot, moved to INDEFINITELY POSTPONE Senate Amendment "E" (S-381) to Committee Amendment "A" (H-640).

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

Senator BRAWN: Thank you Mr. President. Mr. President, men and women of the Senate. I concur with the good Senator from Penobscot, Senator Pearson, and would like to share a story very briefly with you that did just occur. I hope that you will not take this Amendment, we have had the good fortune in the State of Maine to go to a lovely cottage in Lincolnville every summer and this recent Sunday, on Father's Day, when my family was all gathered together, the younger of the other children in our family said, "the geese are coming". So they always get the bread and they run down on the float and they feed the geese. We have been doing this traditionally for years. I hate to admit to you that I did not go out that time, because I was tired and I was sitting down reading the paper, when I heard the littlest child say, "what is on that goose's neck, mommy?" It was one of these plastic containers around this Canadian goose's neck. Needless to say, I contacted the Fish and Wildlife and they are going to take care of it and I will be glad to share with you what happens. But, Senator Pearson is exactly correct, these are very dangerous items and they should be banned. Thank you.

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

Senator LUDWIG: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to add my feelings about these plastic holders too, to those already expressed by the good Senator from Penobscot, Senator Pearson, and the Senator from Knox, Senator Brawn. Not only am I disturbed by the number of fish, animals, wildlife, which have ended their lives prematurely as a result of these plastic holders, but the whole idea of biodegradability is a farce. One member of our Committee who tried to demonstrate the photo degradability of one of these holders has had one hanging on his garage for twenty months now and it is still flexible and very much intact. We were shown in one of these expensive folders which you have been given by the lobbyists who were not incidentally retained by the "mom and pop" grocery stores, whom we are all so concerned about, that they showed us four pictures in one setting, they were supposed to have been taken at

different periods of time over a period of months. One of our sharp-eyed Committee members noticed that the knots in the wood that was holding up these respective six pack holders were quite different. Two were taken in one setting and two in another, but the way they were laid up it was a misrepresentation of fact in terms of showing how easily these things degraded. Indeed, in one of the folders which we were handed, there was a very brittle piece of plastic six pack holder which would break in your hand when you pushed on it, but it still left some very sharp slivers that I think birds like partridge, pheasant, birds which go around and eat gravel, which apparently they can digest, but these are sharp little pieces which I think could be far more harmful to their digestive systems. Paper is available, there are other methods of holding six cans or six bottles together and I would like to see us do something a little imaginative and a little good for the environment for this department and lead the way in terms of banning plastic six pack holders. I hope you will consider this.

Senator HOBBS of York requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion by Senator PEARSON of Penobscot, to INDEFINITELY POSTPONE Senate Amendment "E" (S-381) to Committee Amendment "A" (H-640).

A Division has been requested.

Will all those Senators in favor of the motion by Senator PEARSON of Penobscot, to INDEFINITELY POSTPONE Senate Amendment "E" (S-381) to Committee Amendment "A" (H-640), please rise in their places and remain standing until counted.

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

23 Senators having voted in the affirmative and 4 Senators having voted in the negative, the motion by Senator PEARSON of Penobscot, to INDEFINITELY POSTPONE Senate Amendment "E" (S-381) to Committee Amendment "A" (H-640), PREVAILED.

Committee Amendment "A" (H-640) as Amended by Senate Amendment "A" (S-353) and House Amendments "D" (H-661) and "E" (H-663) thereto, ADOPTED in NON-CONCURRENCE.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

HOUSE REPORTS - from the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Establish the Department of Child and Family Services" (Emergency)

H.P. 1199 L.D. 1666

(C "B" H-622)

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-621).

Minority - Ought to Pass as Amended by Committee Amendment "B" (H-622).

In House, June 19, 1989, the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-621).

In Senate, June 19, 1989, the Minority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-622) in NON-CONCURRENCE.

Comes from the House, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-621) AS AMENDED