

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

Kennebunkport that L.D. 826 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 131

YEA - Aikman, Anderson, Ault, Bailey, Begley, Brewer, Butland, Carroll, J.; Curran, Dellert, Dexter, Donald, Dutremble, L.; Farnum, Farren, Foss, Foster, Garland, Greenlaw, Hanley, Hastings, Hepburn, Hichborn, Higgins, Hutchins, Jackson, LaPointe, Lebowitz, Libby, Look, Lord, Luther, MacBride, Marsano, Marsh, Martin, H.; McCormick, McPherson, Merrill, Murphy, Norton, Paradis, E.; Parent, Pendleton, Pines, Reed, Richards, Ridley, Seavey, Sheltra, Sherburne, Small, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Telow, Tupper, Webster, M.; Wentworth, Whitcomb.

NAY - Adams, Aliberti, Allen, Anthony, Bell, Boutilier, Burke, Cahill, M.; Carroll, D.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Erwin, P.; Farnsworth, Gould, R. A.; Graham, Gurney, Gwadosky, Hale, Handy, Heeschen, Hickey, Hoglund, Holt, Hussey, Jacques, Joseph, Ketover, Kilkelly, Larrivee, Lawrence, Lisnik, Macomber, Mahany, Manning, Marston, Mayo, McGowan, McHenry, McKeen, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Dea, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Richard, Rolde, Rotondi, Ruhlman, Rydell, Simpson, Skoglund, Smith, Stevens, P.; Swazey, Tardy, Townsend, Tracy, Walker, The Speaker.

ABSENT - Jalbert, O'Gara, Tammaro.

Yes, 61; No, 87; Absent, 3; Paired, 0; Excused, 0.

61 having voted in the affirmative, 87 in the negative, with 3 being absent, the motion to indefinitely postpone did not prevail.

Subsequently, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Clarify the Farmland Adjacency Law (H.P. 697) (L.D. 949) (C. "A" H-549)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Promote Reduction, Recycling and Integrated Management of Solid Waste and Sound Environmental Regulation (H.P. 1025) (L.D. 1431) (H. "E" H-663 and H. "D" H-661 to C. "A" H-640)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Paradis.

Representative PARADIS: Mr. Speaker, I would like to pose a question through the Chair.

To the Chair of the Energy and Natural Resources Committee, my question is, is the MERC and PERC landfill as proposed for Township 30 affected in any way by this legislation or by the amendments which are currently attached to the bill?

The SPEAKER: Representative Paradis of Old Town has posed a question through the Chair to Representative Michaud of East Millinocket, who may respond if he so desires.

The Chair recognizes that Representative.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: No, it is the committee's intent

that the PERC landfill in Township 30 is not a commercial solid waste disposal facility as is defined in the bill. The PERC landfill is not affected by this particular bill.

Mr. Speaker, on enactment, I request a roll call.

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

Representative DiPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask a question through the Chair.

I would like to have this on the Record for the people in my district. I would like to have the chairman of the committee acknowledge what is going to be the future of the regional waste system in the city of Greater Portland.

The SPEAKER: Representative DiPietro of South Portland has posed a question through the Chair to Representative Michaud of East Millinocket, who may respond if he so desires.

The Chair recognizes that Representative.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: If it refers to RWS, there is no problem.

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

Representative ALIBERTI: Mr. Speaker, Men and women of the House: May I please pose a question also?

Would somebody explain the effect this legislation will have as it affects the consumer?

The SPEAKER: Representative Aliberti of Lewiston has posed a question through the Chair to Representative Michaud of East Millinocket, who may respond if he so desires.

The Chair recognizes that Representative.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: Hopefully, the consumer will benefit by this piece of legislation as it relates to the recycling. Hopefully, the municipalities cost to their budget as related to solid waste will be reduced.

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

Representative ALIBERTI: Mr. Speaker, Men and women of the House: I think you answered it and perhaps my question was too vague for you to be more specific. I, as a consumer, that is responsible for taking care of waste, how will that affect me any differently from what I am doing now?

The SPEAKER: Representative Aliberti of Lewiston has posed a question through the Chair to Representative Michaud of East Millinocket, who may respond if he so desires.

The Chair recognizes that Representative.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: It depends on what your municipality does as far as what type of recycling programs that they do.

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

Representative ALIBERTI: Mr. Speaker, Men and women of the House: I know sometimes I am slow and I apologize for that but I still didn't get the answer to my question as to how it will affect me. I am not talking about what the city, the municipality does, I am talking about directly what this legislation will do to me and how it will change my life-style. I can give you an example, do I have to put my waste in a trashbag and throw it on my neighbor's lawn?

The SPEAKER: Representative Aliberti of Lewiston has posed another question through the Chair to Representative Michaud of East Millinocket, who may respond if he so desires.

The Chair recognizes that Representative.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: It will not affect you on how you separate your waste. However, current law will affect you if you throw garbage on your neighbor's lawn, they will get you for littering.

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 Chair recognizes the Representative from Canaan, Representative McGowan.

Representative MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: I have been following this solid waste bill in the committee since the public hearing date. As a matter of fact, it was referred to yesterday on the floor of the House that I made a specific proposal to that committee on Energy and Natural Resources about some of the problems associated with the legislation that we are dealing with. I want to tell you today that I fully intend to support this legislation on enactment but I do want to bring out to you, the members of this House and the members of the Maine Legislature and the public, some of the things that are indeed in this bill.

There are some tax provisions in this bill that I think were never fully considered by the Taxation Committee, although they were brought out in the last couple of days. We have had to absorb a 100 page amendment in the last 24 hours to a bill which I believe may economically affect the consumers of the State of Maine immediately between \$30 and \$40 million. I challenge anyone on the committee to dispute the direct cost to the consumers of the State of Maine. I believe that the cost effectiveness in this legislation to the municipalities is not great enough for them to be in the recycling business.

I will tell you exactly what I did propose to the Committee on Energy and Natural Resources to consider for a solid waste recycling. I have had more than one of those people say to me, "Representative McGowan, your thoughts on this issue are right on, but they are not something that we can adopt right now. They are something that you should think about for the year 2000." I think that is probably one of the things that we have for a problem in this legislature is that we deal with solutions at a two year period and it coincides with a November election. I think that what I am talking about is something that we should be thinking about 20 years down the road.

Now, what will happen as a result of this legislation is that 11 to 12 percent of your solid waste, which will be the material that has been expanded through the bottle bill proposal, will be taken to the redemption centers and the stores (of which I own, as you all know); the rest of that material will be taken to the solid waste recycling center. What I was proposing was that we take it all to one place. I think that the cost of items in the recycling areas such as aluminum which will probably be in the year 2000 the most costly item in recycling in the United States because of the shortages of bauxite and other raw materials used in producing aluminum, and the glass. I think that is something that will, if this proposal continues through those years, limit the municipalities ability to recycle with some cost effectiveness.

I think that the proposal which is before you will raise the cost of liquor to all of your consumers if you are not in an area that has a discount liquor store. You should know that because that has been an issue that this legislature has dealt with over the years about different prices of liquor throughout the State of Maine. I think that you will find that this indeed will raise those costs to the people inland. I think that is something that you should understand.

The bottle bill, as originally proposed, which I supported 17 years ago and my family supported as owners of a small store, is something that was never intended to make anybody any money. I can tell you ladies and gentlemen of the House that it indeed makes people money. With the handling fee increase, it will make people more money. It makes a little store like I have some money, but it will make Hannaford Brothers and Shaw's millions of dollars.

What I proposed to the Energy and Natural Resources Committee was that they take that money that is generated by the bottle bill and give it to municipalities for recycling programs, for capital investments. Take the float that is now being used by the beverage distributors for whatever purpose and give it to the municipalities for recycling, recycling capital needs, and recycling personnel needs that they are going to have for future years.

I would say that this legislation has been given a great deal of thought by the Energy Committee but I also think it has been bombarded by people from outside of the legislative process on both sides of the issue. I feel very badly about that because I think that what you are voting on here today has some impact on generations to come and that we may not fully realize at this date in time, 24 hours after we were presented the amendment.

I will tell you that it is a major step, that there are provisions of this bill that are a major step in recycling and getting us down the road to recycling but I think that some of the little things that are in here are not only going to peel off certain segments of the population but will in the future hurt one's ability in this state to promote further municipal recycling facilities.

I think that we should vote for this bill but I think that we should indeed realize exactly what it does. One of the major things that it does is, as I said earlier, was a \$30 to \$40 million retail increase to your consumer. Now, you may not call that a tax, you may not call that a fee, but it will do that, ladies and gentlemen and I think you should know that before you vote for it. I intend to vote for it but I will tell you that some of the things in this bill were not fully thought out and that we will be back in January and we may have an opportunity to deal with the year 2000 or the year 2010 but I think that right now that we ought to get on down the road to recycling and just keep those things in the back of your mind.

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

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: The good gentleman from Canaan, Representative McGowan, raises some valid points. However, there is always two sides to each coin. There is no question that there is going to be an added cost to John Q. Citizen, now and in the future. The question is, how much greater will it be if we don't bite the bullet now? My community -- the cost kipping fee is now set at \$19 a ton when it goes into effect. Some other communities are not so fortunate, they are already set at \$24 and some at

\$29. I know for a fact that some of our neighbors to the south of us, the kipping fee is set at \$100 a ton.

What this simply means is that the more that we can recycle, the more we will experience avoided cost. How much that will be will greatly outnumber the figure that Representative McGowan has raised. There is no question that recycling is the answer.

You heard me talk yesterday about how complex this system is and until it gets put in place, there is going to be some upheaval in some areas, discomforts in others. For example, in my community the ratio or the mix is 80 percent commercial and 20 percent household. In Representative McGowan's ancestral community of Wyttopitlock, the mix is 80 percent household and 20 percent commercial. It is very difficult to set up a system that can accommodate these great different degrees or ratio of mix and make it work. It takes time, you are going to have to work the bugs out. The answer is simply recycling. First of all, we must create a market for the recyclable goods and that takes time.

We know for a fact that it is much more economical to make new glass from existing glass, so the bottle bill in time will self-destruct. The same thing holds true for aluminum. We know that it is much more economical to make new aluminum cans from used aluminum cans, it requires less energy. Furthermore, we are not only running out of boxite to make aluminum, but we are also running out of sand to make glass.

When I went to school, we were told that this was the land of plenty, we would never run out of anything. Ladies and gentlemen, we are running out. We could also very well be running out of trees in the future. It is much more economical to make new paper from recycled paper. So it behooves us to bite the bullet now. We know there are going to be some problems, we can't possibly draft a bill that is going to take in all the problems that we may encounter in this area, it is virtually impossible. I think what you have before you now is the best possible draft. I think we should get along with the business, vote this measure through and work out the bugs later.

The SPEAKER: The Chair recognizes the Representative from Kingfield, Representative Dexter.

Representative DEXTER: Mr. Speaker, Men and Women of the House: Due to a slight error in communication, I was unable to get up on this before, but today I will have an opportunity to say a few words.

I would say to the Representative from Winslow, there are two sides to a coin but it may be two heads or two tails.

In answer to Representative Aliberti, yes, there will be increased costs and there will be inconvenience.

We are going too far, too soon. What some of us wanted to do was set up the authority and have a plan of action. You don't solve a problem by creating one. When the day comes that your little Mom and Pop store is told they are going to have to build a 20 by 40 addition, you want to hold the phone way away from your ear. There are a lot of problems here. I realize that we do have to bite the bullet, so to speak, but I feel that there was a better way to go about it. We had some options, we had Representative McGowan's option which I thought was a good one. We had the gentleman from Bowdoinham who is successfully recycling. The incentive is this, you bring your recycled goods there, you don't pay for it. You bring the goods that are not recycled, you pay. That is good old yankee ingenuity. Once again, you don't solve a problem by creating one.

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

Representative LORD: Mr. Speaker, my Learned Colleagues: A week ago Sunday in the paper, it may have been last Sunday, but anyway it was a week or so ago, there was an article in there regarding the regional waste system plant in Portland. Sixteen towns and cities from Cumberland County and four towns from York County ship material into this plant. Last year, we paid a kipping fee of \$25 a ton, it generated \$1,855,325. The coming year, we would be paying \$33.50 a ton which is going to generate \$2,486,135. This is a \$600,000 increase in the cost of getting rid of this material. In my little town of Waterboro, we paid \$55,225 this year, next year we are going to pay \$74,000 — quite an increase.

Let's take the City of Portland, they have gone up from \$595,350 to \$849,000, so it is going to cost us more. I am sure if it is costing these 20 towns more, it is going to cost a lot of other towns a lot more.

A lot of people have the idea too that we have got these dumps and we are going to close these dumps down and we are going to go into a secure landfill. When you build a secure landfill and you are going to pay millions of dollars to build these things with the liners and everything else, they have to be paid for. Your kipping fees or whatever they are are going to go up and your costs are going to go up. Now, how are you going to bring these costs down? Through recycling. It is the only way you can bring these costs down because we are generating the stuff and you have to get rid of it.

As Representative McGowan said, yes, I think his plan is good but I don't think you are going to get all of the State of Maine into that type of a program.

In our package here, we are allowing for this. We have the technology and the language in there so that anybody that wants to go into that type of redemption center can do it. It is going to take time and we are hoping through the grant program that we will get pilot programs around the state to show that this system can work. But goodness gracious, we don't say this is a perfect bill. There isn't a major bill that has ever been passed in this House that you don't have to do extra work on. We are coming back next January. I know we have probably made some mistakes, but we worked hard and I think we have come up with a complete package and I hope you continue with it.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Hutchins.

Representative HUTCHINS: Mr. Speaker, Members of the House: It seems that everyone that has spoken to this bill has spoken to the same side of it and yet they are still going to vote for it, which I don't quite understand. Everybody points out what is wrong with it and nobody tells you what is right with it. There is very little right with it. The idea of recycling is here and we have to have it. But when we are talking about increasing the Bottle Bill, why are we going to take and add a deposit fee to bottles that stores are going to have to handle and then distributors are going to have to handle and then the bottles are then going to be crushed and disposed of when what we are forgetting is that towns are already starting to recycle and the more it costs them, the sooner the more they realize that they are spending a lot of money for waste reduction by getting into the recycling.

When you can take this same glass bottle and all of your glass bottles, any white glass, any green

glass, any brown glass, and take it to your landfill or have the person who hauls it take it there, and it is crushed up, you are doing away with the middle man, you are also doing away with a bureaucracy of state people to help run it. We are talking about an up-front disposal fee with this for white goods which at least in the southern part of the state will negate any more sales of appliances in this state, they will be sold from New Hampshire and trucked into the state and we will still have to take care of them, and we don't even have the up-front fee on them at that time. If we are ever going to get a handle on the cost, and control the amount of solid waste, we are going to have to do it at the source and when we dump something, we should pay for it.

Some people will tell you that is going to have a lot of people throwing things in the woods. The same mentality that will throw things in the woods are going to throw it in the woods either end of the time they have to pay the disposal fee. The fact that the towns can do it much more economically and are doing it. There hasn't been a thing discussed here today that mentions the fact that the towns are already addressing this problem in great numbers and they will continue to address it. What we need to do is encourage recycling, not more state bureaucracy.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 132

YEA - Adams, Aikman, Allen, Anderson, Anthony, Ault, Begley, Bell, Boutilier, Brewer, Burke, Butland, Cahill, M.; Carroll, D.; Carroll, J.; Carter, Cashman, Cathcart, Chonko, Clark, M.; Coles, Conley, Constantine, Crowley, Curran, Daggett, Dellert, Dipietro, Donald, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Foss, Garland, Graham, Greenlaw, Gurney, Gwadosky, Hale, Handy, Hanley, Hastings, Heeschen, Hepburn, Hichborn, Hickey, Higgins, Hoglund, Holt, Jacques, Joseph, Ketover, Kilkelly, Larrivee, Lawrence, Lebowitz, Libby, Lisnik, Look, Lord, Luther, MacBride, Macomber, Mahany, Manning, Marsano, Marsh, Marston, Martin, H.; Mayo, McCormick, McGowan, McHenry, McKeen, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Paul, Pederson, Pendleton, Pineau, Pines, Priest, Rand, Reed, Richard, Richards, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Sherburne, Simpson, Skoglund, Small, Smith, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Swazey, Tammaro, Tardy, Townsend, Tracy, Tupper, Walker, Webster, M.; Wentworth, Whitcomb, The Speaker.

NAY - Aliberti, Bailey, Clark, H.; Cote, Dexter, Farren, Foster, Gould, R. A.; Hussey, Hutchins, Jackson, Jalbert, LaPointe, Merrill, Parent, Plourde, Pouliot, Seavey, Strout, D.; Telow.

Yes, 131; No, 20; Absent, 0; Paired, 0; Excused, 0.

131 having voted in the affirmative and 20 in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Protect Tenant's Rights by Authorizing Municipalities to Escrow Certain Funds under the General Assistance Laws (H.P. 1225) (L.D. 1697) (S. "A" S-341 to C. "A" H-514)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Authorize Cumberland County to Raise up to \$25,000,000 for Construction of a New Jail Facility for Cumberland County (H.P. 1258) (L.D. 1755) (C. "A" H-628)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

Representative Mitchell of Freeport requested a roll call vote on enactment.

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 passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 133

YEA - Adams, Aikman, Aliberti, Allen, Anderson, Anthony, Ault, Bailey, Begley, Bell, Boutilier, Brewer, Burke, Butland, Cahill, M.; Carroll, D.; Carroll, J.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Conley, Constantine, Cote, Crowley, Curran, Daggett, Dexter, Dipietro, Donald, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Foss, Foster, Garland, Gould, R. A.; Graham, Greenlaw, Gurney, Gwadosky, Hale, Handy, Hanley, Hastings, Heeschen, Hepburn, Hichborn, Hickey, Higgins, Hoglund, Hussey, Hutchins, Jackson, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Lebowitz, Libby, Lisnik, Look, Lord, Luther, MacBride, Mahany, Manning, Marsano, Marsh, Mayo, McCormick, McGowan, McHenry, McSweeney, Melendy, Merrill, Michaud, Mills, Murphy, Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Paul, Pederson, Pendleton, Pineau, Pines, Plourde, Pouliot, Priest, Rand, Reed, Richard, Richards, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Seavey, Sherburne, Simpson, Skoglund, Small, Smith, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Swazey, Tammaro, Tardy, Telow, Townsend, Tracy, Tupper, Walker, Webster, M.; Wentworth, Whitcomb.

NAY - Coles, Holt, Marston, McKeen, Mitchell.

ABSENT - Dellert, Macomber, Martin, H.; McPherson, Moholland, Sheltra, Strout, D.; The Speaker.

Yes, 138; No, 5; Absent, 8; Paired, 0; Excused, 0.

138 having voted in the affirmative, 5 in the negative, with 8 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Resolve, Regarding the Release of Certain Ballots to the Municipal Officers of the Town of Jay (H.P. 1237) (L.D. 1728) (C. "A" H-646)

Resolve, Concerning the Dam on Mattawamkeag Lake (H.P. 1247) (L.D. 1740) (C. "A" H-647)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, signed by the Speaker and sent to the Senate.