

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

Senate at Ease
Senate called to order by the President.

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

Senator WEBSTER of Franklin, moved that this Bill, under suspension of the Rules, be sent forthwith to the Engrossing Department.

Senate at Ease
Senate called to order by the President.

THE PRESIDENT: The pending question before the Senate is the motion of Senator WEBSTER of Franklin, that the Bill, under suspension of the Rules, be sent forthwith to the Engrossing Department.

Senator BOST of Penobscot OBJECTED to Suspending the Rules.

The Chair ordered a Division.

Will all those Senators in favor of the motion of Senator WEBSTER of Franklin, that the Bill, under suspension of the Rules, be sent forthwith to the Engrossing Department, please rise in their places and remain standing until counted.

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

12 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion of Senator WEBSTER of Franklin, that the Rules be Suspended, FAILED.

ORDERS OF THE DAY

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act to Promote Reduction, Recycling and Integrated Management of Solid Waste and Sound Environmental Regulation

H.P. 1025 L.D. 1431
(H "D" H-661; H "E"
H-663; S "J" S-397 to C
"A" H-640)

Tabled - June 21, 1989, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In Senate, June 20, 1989, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "E" (H-663); HOUSE AMENDMENT "D" (H-661) TO COMMITTEE AMENDMENT "A" (H-640), in concurrence.)

(In House, June 21, 1989, PASSED TO BE ENACTED.)

THE PRESIDENT: The Chair recognizes the same Senator.

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. This is a solid waste Bill and it has come to our attention that it is in need of an Amendment dealing with a fiscal note, but I would like to clarify for the Record that nothing in this legislation would in any way interfere with the slow down or prevent the licensing or relicensing of the landfill proposed in township thirty for disposal of residue from MURC or PURC waste to energy plants which serve over one hundred and twenty Maine towns, including my own.

On motion by Senator BUSTIN of Kennebec, 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-640).

On further motion by same Senator, Senate Amendment "J" (S-397) to Committee Amendment "A" (H-640) READ and ADOPTED.

On motion by Senator BALDACCI of Penobscot, Senate Amendment "B" (S-356) to Committee Amendment "A" (H-640) READ.

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. This Amendment appears to have a purpose to expand Maine's returnable bottle law to cover liquor, but not to extend the law to cover other beverage containers. This Amendment also keeps the handling fee paid for by distributors at its current level.

Senator KANY of Kennebec requested a Division.

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. I stressed the evening before last that we were not considering the bottle bill, but we were considering "An Act to Promote Reduction, Recycling and Intergrated Management of Solid Waste and Sound Environmental Regulation". If we eliminate some of the proposed containers that is now under consideration, how much of the waste stream would be effected? I have received some estimates that were given to me that when we add the total amounts of what is in the bottle bill that we now have, plus the expanded bottle bill, we come up to about ten percent of the waste stream that is proposed to be managed under our Bill. Perhaps you don't think ten percent is much, but that is your privilege. There is something else that is involved here to that you should know, particularly you people who are from areas where you already have incinerators. Efficiency of your incinerators is vastly improved when you take out the glass, the metals, etc., your furnaces burn better, your grate in your furnace doesn't get glassed over as the heat will do with the glass. There are a lot of different things that you may or may not consider when you are voting on this Bill. But, I personally think that when you start shooting holes in a Bill, where do you really stop? We have worked long and hard, not just the Committee, but many other people also in trying to come up with a package. Perhaps you don't want that package and that is the right of the individuals here to decide. Thank you.

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

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. This particular issue is a troubling issue to me, because I want to do something about solid waste, I want to do something about the landfill situation, I want to do something about the litter situation. But at the same time, I would like to do something that makes sense.

This morning on one of the television shows, they had a guy who was an expert on trash, just as we are discussing this subject, they must have heard, because they had a special show on trash. I watched it. The guy was explaining that if we cut our grass and don't send it to a landfill, and if we stockpile our newspapers and recycle them, that is twenty-five to thirty percent of our landfill. We are talking about expanding the bottle bill to go beyond the bottle bill into another area. It doesn't have the

distribution, it doesn't have the franchisee, the single distributor. You are talking about taking a network and trying to expand it, but the problem is that there is seven or eight distributors who take care of Very Fine juices or Dole juices or the other types of juices. There is not just one. That is the problem with expanding it. We want to address the solid waste situation, there is no question about it, but let's do it in a way that makes sense. This particular avenue, as proposed, is something that has some problems and working it out.

There have been other issues that this Legislature has dealt with that we can deal with and we can discuss. What I resent, tremendously, is being put into a position where we have to act or the Bill dies. If there are people in this building that want to act irresponsibly, if there are people in this building that don't want to listen to some of the problems as we may see it or as I may see it and they think that their way is the only way, take it or leave it, I don't think that is appropriate. I don't appreciate being put into that particular position. This particular document has over one hundred pages in it. This document has sections A-F, we are taking about section D and amending a portion of section D. There are tax implications in this legislation, there are fees, there is rescheduling, there is municipal reimbursement, there is different ranges of pay, there is different collection of people and sorts. There is a lot within this legislation. I don't appreciate it when somebody tries to shove it down my throat. If they don't like being able to discuss an issue, that is what we are here for, to work out our differences collectively. To figure out that there may be another side to the issue. I don't appreciate that. I am willing to work with these people and come out with something that makes sense and can do something about the solid waste problem. If there are people in this building who don't want to do that and feel that now they have the Senate, because they are going to have to Enact it, and they don't want to kill it, that is not a position for us to be in to develop good legislation. This is poor legislation in sections. It is legislation that has been worked on very hard by the Committee, the Senators on the Committee have done a terrific job, they spent a lot of time working on it. They poured in endless amounts of energies and industries. In some areas it is, in my opinion, something that needs to be reworked. I would like the opportunity to be able to work together with the people involved to come out with some legislation that makes sense. But, if the other members in this building feel that it is their way or no way, they are asking for trouble. As far as I am concerned, I might give them their option. I think that is why I would appreciate it if we would Adopt Senate Amendment "B". Thank you Mr. President.

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 make sure that the good Senator from Penobscot, Senator Baldacci, realizes that there was no intent on the Committee's part of offend him in any way or to try to force anything down his throat. I am glad that he noted on the news this morning there was a story about trash. Most of you will realize that it is hard to watch television for any amount of time, or to pick up a newspaper, or a magazine, without reading something about garbage, trash, or solid waste. It is the crisis of our day and that is why there is so much of it around. I noticed just this week on my desk, two different magazines appeared having to do with recycling and waste alternatives,

you may have received the same. It is an enormous problem, it is not going to go away without our help. As I mentioned the other day, we did manage recently to add wine coolers to the original bottle bill, which had worked so well, and it worked very smoothly, we have managed to add that additional source of recycling or refillable returns to our way of life. We have managed to accept them. Because the problem is now so large and because the public is so much aware, and has shown us through our questionnaires and a great many other avenues, that they are eager and willing to help us solve this solid waste problem. We are trying to take a larger step now and we do believe the majority of people are ready to accept the additional expense, the additional nuisance, and to acquire the pride of knowing that they are helping to clean up our environment and free additional space in our landfills.

I would like to let you know that over last summer I was very fortunate in being able to be part of a solid waste study group which was composed of a group of Legislators, a bipartisan group. You may have received one of the reports on your desk earlier this year, "Study of Recycling Options From Municipal Solid Waste", published in December of 1988. Representative Donald Carter was the Chairman of that Committee, Representatives Reed Coles, Richard Gould, Willis Lord, Malachi Anderson, and Vinton Ridley were members of that study Committee. We traveled all over, looking at landfills, recycling centers, watching bottles be crushed to be made into new bottles, cans being crushed to be taken back to be made into new aluminum cans. We saw how many small communities had learned to change their ways of life to recycle, to separate, and to make do and save future expense by not having to have their trash hauled away. It is becoming a very expensive business. So, we are not asking you to do something simple, it is going to be a difficult task, but we are asking you to take the responsibility of handling it and to bite the bullet now before the bullet becomes too big to swallow.

I would like to read one section from this bipartisan Report, which the study committee produced last year, "The study committee unanimously recommends the expansion of the existing beverage container deposit law to include all types of beverage containers, with the exception of dairy products. The bottle bill has proven to be the most efficient collection and recycling mechanism in Maine today, with a container return rate estimated at approximately ninety-five percent. While the current law may account for approximately five percent of Maine's municipal solid waste, a very substantial additional quantity of waste remains in the form of beverage containers not subject to the law. It is those containers we now ask you to address." I hope you would defeat the current motion by the Senator from Penobscot, Senator Baldacci, for the Amendment that he proposed. 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. I would like to echo the gentlewoman from Aroostook, Senator Ludwig's remarks that no one that is a member of this Senate, that is a member of the Energy and Natural Resources Committee, has tried, or is trying, to shove anything down anybody's throat. All I did a while ago is try to share with you some information I received on the percentage that was given to me on the waste stream that we are talking about, plus to point out for you some simple facts about the

efficiency of the boilers that are burning some of the waste now. In no way do I see how my remarks can be interpreted as trying to shove anything down anybody's throat, because it certainly is the last thing that the three of us will be trying to do.

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.

On motion by the Chair, Tabled until Later in Today's Session, pending the motion of Senator BALDACCI of Penobscot, to ADOPT Senate Amendment "B" (S-356) to Committee Amendment "A" (H-640).

The Majority of the Committee on TAXATION on Bill "An Act to Amend the Maine Income Tax Laws"

H.P. 124 L.D. 161

In House, June 21, 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-674).

In Senate, June 21, 1989, the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED, in concurrence and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-674) AS AMENDED BY SENATE AMENDMENT "A" (S-394) thereto in NON-CONCURRENCE.

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

ORDERS OF THE DAY

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

An Act to Promote Reduction, Recycling and Integrated Management of Solid Waste and Sound Environmental Regulation

H.P. 1025 L.D. 1431

(H "D" H-661; H "E" H-663; S "J" S-397 to C "A" H-640)

Tabled - June 21, 1989, by the Chair.

Pending - Motion of Senator BALDACCI of Penobscot, to ADOPT Senate Amendment "B" (S-356) to Committee Amendment "A" (H-640)

(In Senate, June 21, 1989, RECONSIDERED ADOPTION of Committee Amendment "A" (H-640). Senate Amendment "J" (S-397) to Committee Amendment "A" (H-640) READ and ADOPTED. Senate Amendment "B" (S-356) to Committee Amendment "A" (H-640) READ.)

(In House, June 21, 1989, PASSED TO BE ENACTED.)

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

Senator BRANNIGAN: Thank you Mr. President. Mr. President, men and women of the Senate. For many years, as a member and chairman of the Business Legislation Committee, I opposed the expansion of the bottle bill. I worked as I felt was best to work to protect it as an anti-litter measure and this Senator from Penobscot, Senator Baldacci, was using my name last night and was surprised that I voted against him last evening because we had fought so hard to eliminate wine coolers a year ago and lost miserably. I would now explain why I voted, last night seemed to be a night for confessions, tonight is also my night for confession, reminding you that the Senator from Cumberland, Senator Clark, was also co-chair with me for many years on that Committee.

The fact is, and why I think so many of us have been ambivalent during this debate, is that we are facing a major change. The change is the bottle bill is no longer to be just an anti-litter bill, it is now to be the recycling bill, the recycling way. There may have been other ways, some of us would have

wished that other ways had been chosen, but they have not been chosen. This issue has been put in the hands of another Committee, the Committee dealing the solid waste, and we have known this has been coming for many years. Those of us on Business Legislation for several years knew that packaging was an issue that had to be addressed. So, it has been a decision of this major Committee, on this major issue, that they would put together a Bill that would deal with solid waste and in the issue of recycling they have made the bottle bill a centerpiece. So, it seems to me that I must support, as I supported last night and will again tonight, the expansion of the bottle bill.

The second confession is that I was opposed to the increasing of the handling fee when it went from one cent to two. Redemption centers were on the line. I felt at that time for the bottle bill it would have been okay for redemption centers to pass away, but the decision of the Legislature was that we would keep them, we would go from one cent to two.

We did, redemption centers flourished a bit and have been able to come along and in many cases to be a very important part of the recycling effort. In my town, I can go to my redemption center and I can be the twelfth car in line, with many, many bottles. If you go to the local supermarket and there are seven or eight carts in line. It is very important that the redemption center, at least in my area, stay healthy.

So, I am now supporting an increase in the handling fee for two reasons. One, redemption centers that are now in practice must stay in business. They are going to be part of this recycling thing, but more than that, I think the community and other people are going to get into the recycling business. We know that we are going to have to pay for recycling. It is going to be put into the cost of the product. This is one of the ways we are going to pay for it, there is going to be three cents put on the product rather than two. We are ready to do that, my constituents are in my questionnaires, and I am ready to do it. So, this is all part of the effort of dealing with solid waste, this is that part of recycling, I would urge you to defeat this Amendment and to allow this major piece of legislation to be passed tonight. Thank you.

The President requested that the Sergeant-At-Arms escort the Senator from Cumberland, Senator Clark, to the Rostrum where she assumed the duties as President Pro Tem.

The President then took a seat of the floor of the Senate.

Senate called to order by the President Pro Tem.

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

Senator WEBSTER: Thank you Madam President. Madam President, men and women of the Senate. I would ask you tonight to support the good Senator from Penobscot, Senator Baldacci, on his Amendment. Many of us have a lot of concerns about this Bill, and I greatly respect the hard work that was put into this measure by the members of the Senate who serve on the Energy and Natural Resources Committee, as well as those who serve in the House. The real problem with this issue is that this is a tremendously large bite of the apple, too fast, too soon, and, in my opinion, not well thought out. At least not well thought out enough. It is unusual for a major Bill like this, as a matter of fact as long as I can remember there has never been a major Bill