

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

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

like this come out of Committee, that didn't come out unanimous. That ought to send a flag up to you that there is a problem with this. Every time education reform and I could go through the whole list of them, it has always been a unanimous report, the Committees sit down, they work out their problems, they come out with a Bill and we pass a law.

I would ask you to support the motion here tonight to put this in a better parliamentary position. Let's be honest, I am not talking about the merits, this Amendment is exactly what I want, to be honest with you, it isn't. I didn't like particularly the Amendment we passed the other day which the good Senator put on. That wasn't perfect either. We need to position this Bill so that we can work on this Bill further to have a law that will be amicable to everyone. No one is going to be happy with what comes out of this Bill, in fact no one is going to be completely happy, but it is my sincere belief that we can come out with something by the time we come back here next Thursday. I would ask you to support this motion so we can put this Bill in a better position for us to enact a law that will be meaningful.

I represent an area of the state where there is a sanitary landfill. It is a major concern to the people who I represent. There are very few things in this Bill that I don't support, but I have never and will never vote for anything if there is something that offensive in the Bill that I don't agree with. I will vote against it. Just as I did several days ago on the video tax, because I didn't believe in the packaging concept, the idea of putting a bunch of things together and then passing it. There are things in this Bill that I don't like and I may end up voting against it in the end. I would ask the Senate tonight to put this Bill in the right position, parliamentarily, so we can discuss, debate, deal with the other Body, deal with the members of the Committee, deal with the Senate, and try to come up with a Bill that is better than what we have. The Committee did a good job, they worked hard, it is not an easy issue, I don't have the answers and I am glad I am not on that Committee, because I wouldn't have wanted to go through the grueling hours that Committee had to go through. But, obviously, with the amount of debate, the amount of concern, that has been expressed here and in the other Body, this issue is not perfect yet and needs to be addressed further. Tonight I would request you to vote and suggest that you ought to do that if you really want to Enact a law in this session of the Legislature to deal with solid waste, because I believe the best chance we have to Enact something reasonable is to put this Bill in the right posture and Senator Baldacci's Amendment puts it in that posture. Thank you.

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

Senator MATTHEWS: Thank you Madam President. Madam President, men and women of the Senate. Just to respond to the good Senator from Franklin, Senator Webster, there may not have been an unanimous Committee Report, but eleven members of the Energy and Natural Resources Committee voted in favor of this legislation, as Amended. Eleven members of the Energy and Natural Resources Committee.

It has been interesting for me to look through the Legislative Record of the bottle bill and the attempts at the beginning of solid waste management in this state ten years ago, even longer than that. We heard all the doom and gloom before, it has been said over and over again and it hasn't happened. We have made progress.

This Bill continues progress because the state belongs to our children, it belongs to all the citizens that will be living here in the future and we have an obligation to do what is right for them too. But as I listen to all the comments in opposition they have all been said before.

It was the leadership of some courageous Legislators, some are still in this Chamber, the good Senator from Kennebec, Senator Kany, the Governor of this State, Governor John McKernan, and a host of others that fought for solid waste management early in the 1970's. Here we are, ready to meet the year 2000, listening to the same old arguments over and over again. I hope you will vote for the Majority Report, the eleven to two Report, out of the Energy and Natural Resources Committee. Thank you.

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

Senator TITCOMB: Thank you Madam President. Madam President, men and women of the Senate. Having participated myself a little bit in some of the goings on in the Energy and Natural Resources Committee, I must commend them for the many hours, the endless hours, of work that they put forth on this Bill. As I looked at the number of Bills that various Committees covered this Legislative year, it seems like this Committee was especially burdened with not only many Bills, but very difficult Bills.

I haven't seen too many Bills this year that were perfect. I haven't seen too many Bills that we have voted on in these Chambers that were perfect. I am not standing up to say that I believe that this aspect of this Bill is perfect, that it is the best solution we can come up with, but frankly, I haven't heard another one that has been put forth that is the solution. What I have heard are proposals to delay, and to wait, and to put off, until another day when we might come up with a solution that is perfect. What I believe that this Bill does is take a very significant and very important step forward in a direction that we, being directed by our own environment, must take. A direction that appears our constituents are asking us to take and certainly that the economics of the waste business will mandate that we take. The Bill may not be perfect, but it is at hand. Are we going to wait, and wait, and wait, until we come up with a Bill that makes everyone happy and serves everyone's needs and many more years and many more tons of waste have gone before us, before we finally get the courage together to take another big step forward? I agree that the whole process of bits and pieces of this Bill did not satisfy everyone and I certainly can understand people's feelings and how they have come to feel the way they have, but I have to feel that this Committee, with the many hours of testimony they heard, has put together a Bill that is very important for us to support. I would ask you to do that. Thank you.

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

Senator KANY: Thank you Madam President. Madam President, men and women of the Senate. The good Senator from Franklin, Senator Webster, mentioned that in order to be in a positive parliamentary stance, in order, perhaps, to put us in non-concurrence with the House, that we would have to Adopt this Amendment and I would like to note that we have already Adopted an Amendment which was sponsored by the Senator from Kennebec, Senator Bustin. So, we are already in non-concurrence. If that was your goal and your only reason for wanting to vote for the Amendment sponsored by the Senator from Penobscot,

Senator Baldacci, then I urge you not to do so, because you have already done that.

Second, I would like to review what is contained within the Amendment sponsored by the Penobscot Senator. It is really a negating of a large portion of the expansion of the bottle bill. It would leave, intact, the expansion to distilled spirits, or liquor, but would not expand to juice or wine bottles. In addition, it would not allow an increase of one cent in the handling fee.

I would just like to speak briefly to the handling fee, since others, such as the good Senator from Aroostook, spoke to the expansion of the bottle bill itself. To the handling fee, why should we add one cent to the two cents currently there? For one thing, it has not been raised since 1980 and really that means that it has lost about forty percent of its worth during that period since 1980, so clearly has not kept up with inflation. Second, about fifty percent of our beverage containers, under the current bottle bill, are picked up by our redemption centers and many of them, with only the two cents per container, are almost on the verge of going out of business and I believe it is everyone's interest to try to keep them there. Third, we hope to even expand the profusion of redemption centers by encouraging municipalities and groupings of municipalities to have redemption centers and we would allow that and they could use that three cents to pay their employees to do some sorting. So, it would encourage that, something that is not now done by municipalities and not authorized under the current law. So, those are some of the reasons. A final positive reason is it would help those small "mom and pop" stores too, because they would get that extra cent per container for handling fee. It would help them because they would get that, and in addition, it also helps those who choose not to collect, because it would keep some of the redemption centers in business. So, I think there are many reasons why that single cent in the handling fee is a positive and important element in this overall attempt to encourage more recycling. I just wanted to go into that a little bit.

Finally, Senator Baldacci of Penobscot, has mentioned feeling pushed into, perhaps, supporting a comprehensive package to deal with our solid waste crisis. If there is any pushing being done, I guess I would assert that it is coming from the public, from the folks back home. We have heard about the polls in which last October the Capitol News Service said that seventy-five percent of the public supported the expansion to include juice, wine, and liquor bottles.

Many of you have handed me some of your results from your questionnaires, my own questionnaire found that eighty-two percent of my constituents, and there are about two thousand of them that returned my questionnaire, eighty-two percent supported that expansion. That is a huge number.

I was reading in the Kennebec Journal about Senator Weymouth saying, "the thing that bothers me on that is the people want recycling, but the lobbyist in the State House are holding it up." He also said that, "lobbyists are stalling the expansion of Maine's bottle bill to include wine containers. I think that the people are looking for the state to do something about solid waste." Senator Carpenter shared his sixty-nine percent expansion of the bottle bill, no, twenty-seven percent, with some undecided. Senator Titcomb, seventy-two percent for the expansion, Senator Clark, eighty percent of Senator Clark's constituents support the expansion, Senator Hobbins, seventy-eight percent support the expansion,

and I remember Senator Holloway and others shared their results, but I have to admit my filing system is not perfect, so I can't locate them at this moment. In other words, I am sorry to say that the leadership, or the shoving, is not coming from the Legislature on this issue. The leadership and perhaps the shove is coming from the folks back home and I urge you to defeat the pending motion which is Adoption of Senator Baldacci's weakening Amendment. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Thank you Madam President. Madam President, men and women of the Senate. It is interesting to sit back here in the back row and look at the desks to my right and look at the desks to my left and know where the solid waste problem should really start as a solution as to the recycling of papers. I rise really tonight to compliment the members of the Energy and Natural Resources Committee in the package that they have provided us with for discussion. I, myself, have stood from this very chair in the past and talked about the solid waste problem. I think I have shared with this Chamber before that, some know and some don't, I sponsored the legislation that created MURC and PURC, because we had a solid waste problem and we attempted to do something and move forward in that area of trying to find some type of resolution to the landfills that were threatening and endangering the ground water that we have in this state.

I am perplexed to the point where a number of individuals have stood in this Chamber and talked about those who are offering amendments and to their intentions and to the process. The political process allows all one hundred and eighty-six members of the Legislature to participate in that process. To those who do not have the luxury of serving on a Committee, that process is when these proposals hit the floor and numerous amendments which some who have talked about at least a question as to why amendments are being proposed and talked about. The document may not be perfect, but we need to go with people who, themselves, have seen a document that they do not like, but offered amendments and attempted to change it. Sometimes we win, sometimes we lose, and the process survives and I think the people of this state are well-served in that process.

As I looked at the proposal the other night, I had a number of concerns, some of which have been answered, some which have not been answered. Some that I still have concerns in trying to represent my constituency. I have spent a fair proportion of the day bouncing between the Human Resources Committee talking about the AMHI situation, having several people stop and talk to me about this Bill and others talking about the budget and the adjournment of the session, and it has been difficult to get all of the answers that I want for this Bill. To feel that the Bill, itself, in its entirety is a perfect document, or does it best represent what is advantageous to the people who I represent. I know the situation in the large rural district that I have, that this Bill is important to them. I want people to understand that just because somebody supports and amendment to the Bill, doesn't mean that they are attempting to kill the whole document, because we understand the significance and the importance of that to those people who we represent.

I spent part of the day talking to several of my town managers who received a call from the lobby to say call your Senator and tell him to vote for the Bill. In each one of those calls, I said, "tell me, what is in this Bill?" They said, "I don't know, but

we were told that it is important for us, so we are calling you up to tell you that we need that Bill." I asked them if they were aware about the concerns that some members had in reference to liquor pricing, to make the Bill revenue neutral, that you will establish a liquor price to cover the handling costs in all state liquor stores, except for Kittery. That the stores in northern Maine, rural Maine, will increase their prices so that Kittery can keep an equal price to what it has today, but all of the other stores will have to raise their prices. I don't think that is fair to the constituents that I represent. They want to solve the solid waste problem too. I am sure that they, overwhelmingly, like the Senator from Kennebec, Senator Kany, mentioned that several members of this Chamber want to see a solution to that problem, but it has to be a proper solution and you have to have, and obviously one member of this Chamber who probably has stood more in their legislative history to let the sun shine in, and let an open process take place, has been the Senator from Kennebec, Senator Kany, the sponsor, the advocator of the Administrative Procedure Act. Every time there is an amendment added to it, everyone checks with Senator Kany to see that it is protected.

But, here we have a Bill that is going through and is being rather protected and guarded. Nobody wants anybody to really talk about all of the concerns that are really in there. Senator Kany has been available to talk about those concerns and is probably more knowledgeable than anyone else in the Chamber, but most of the members have been very busy in other areas and concerns. I, personally, run a small business and the handling fee would be advantageous to me as a small businessman in a class. I don't know if my son would be very happy about the fact that there may be more bottles for him to do. As the Senator from York, Senator Dutremble, stood here the other day and talked about when he was a boy, I also did that as a boy, and my son now carries on that same tradition.

I am perplexed at several things I see as I read through here and am curious as to the concerns of the payment in lieu of taxes, which have been debated on other issues. When we debated prisons in the past, we debated the location of the Capitol being in Augusta, the Universities in the various communities. I am concerned about transfers of revenues from a department so we can pay for this so there is no fiscal note on it. The type of tactic that the Senator from Penobscot, Senator Pearson, and other members of the Appropriations Committee have taken a great amount of heat from members of the Legislature for using the budget for similar types of tactics to fund or to take care of something that really shouldn't have been done in those committees. I hear the concerns of those who serve of the Business Legislation Committee to the recycling costs that is now being tendered in the amendment that the Senator from Penobscot, Senator Baldacci, has offered for consideration. I am not happy with what that Amendment does, but I want the members to know and I want the public to know that to spite how any individual votes on these various amendments, that it is the final vote that really counts. Are they for the Bill or against the Bill, not if they are for the various amendments. Sure, there are special interest in this back row of benches here, some of them have an interest in seeing the increase in handling fees, or others who are more interested or concerned about the solid waste solution provisions of this and not the returnable bottle provisions, but they all have their own particular interest.

The concerns that I have to the State of Maine and to the citizens that I represent, is do we put the very best document out into statute and do we address it properly? I am concerned when I see dates effective almost a year and a half from now. Are we being premature in passing today effective days that far into the future? If it is that much of a problem, why aren't we making it effective sooner?

I do want to express my appreciation to the Senator from Kennebec, Senator Kany, who has earlier on this evening, sat down in a Democratic caucus and responded to my concerns about a number of areas. One last one that I would like to have on the Record because I would hope that it would be clearly stated, because it doesn't say it in the Bill, is in reference to the liquor handling fees. My concern there is representing a large rural district that we have a margin percentage that if a liquor store does not make a certain percentage, then the state can close it down. A lot of people in my district like to see the state run the liquor stores, and I would like some type or assurance, on the Record, that this Bill and the requirements that those northern rural small communities that do have these types of facilities, that if the margin of operation decreases, because of the handling cost, that those stores are not going to be closed down because of other provisions of law. I think they are going to be.

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

Senator KANY: Thank you Madam President. Madam President, men and women of the Senate. I thought that I would address a couple of things that our Senate President, President Pray from Penobscot, said and that is the only reason I rise, I will try to be very brief.

One is having to do with agency liquor stores and the liquor stores. Certainly, it is not our intent at all to drive any of them out of business. In fact, knowing the people of Maine and knowing the people of Penobscot County and Piscataquis County, that Senator Pray of Penobscot represents, I have a feeling that the liquor sales are not going to go down up there at all. I will say that I am sure that is true throughout the rest of the state too. In fact, I was surprised to see that Maine was one of the few states in the country in which just recently the sales of alcohol and distilled spirits, liquor, has risen recently and that is really why I said that. The deposit will be on top of the price and I believe that those agency stores and the liquor stores will basically be able to use that float. In other words, deposits that are not returned and for many of their expenses, it may turn out to be a very positive thing there.

Some of the other things that Senator Pray, of Penobscot, mentioned I believe have already been addressed and I don't really want to go all the way through them, but if there are items in the future that the Legislature decides should be changed, of course, we will change them. When you do have major legislation, such as this is, you can expect that it will be refined in the future and, of course, we will be open to such refinements. One of the reasons we have differing starting dates is because we wanted to insure a time frame so that something could be put into place, such as the ban on connectors in which was are allowing two full years for those involved and their manufacturing, marketing, and distribution to be able to work with that. We are starting the liquor portion of the expanded bottle bill in January, because we thought it would be relatively easy, they didn't need a great deal of time to

implement that system. Then we were waiting until the following September for the further expansion. So, there are reasons for varying dates, in which we were trying to give the appropriate time in order to implement the system. I just want to remind you what this particular Amendment does, it deletes the expansion of the bottle bill other than for distilled spirits, that would still be in the Bill. It also deletes the one cent increase in the handling fee. I urge you to vote against the pending motion.

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

Senator BUSTIN: Thank you Madam President. Madam President, men and women of the Senate. I debated whether I was going to enter this debate, but apparently I can't resist it. I don't and I do want to vote for this Amendment. I don't want to vote for this Amendment because it has in it the deletion of the one cent handling fee and I am committed to a one cent handling fee. I think it is wrong for this handling fee to be in this particular Amendment, I think this is the wrong vehicle for it. It is not properly, in my estimation, before this Body, it should have had its own vehicle for that, because what that handling fee deals with is a litter problem. A litter problem on our highways that is very effectively dealt with. It is a completely different product, a completely different concept of what we are talking about.

The reasons that I kind of like it is because I finally get a better sheet factor, that is the float that you hear about, because if we just have the liquor bottles that come back into the state liquor stores, there is no where for that float to do, so I kind of like that to be able to get a hold of that, but that is not really a reason to vote for the Amendment either.

The reasons that I would vote for the Amendment is to send a message, and I hope those people who are listening, listen to that. It is to send a message. We need compromise here, we need to come out with a very good solid waste management Bill and, in fact, we do need to bite that bullet, but the bullet is asking me, the consumer, to do something about my trash in my home. That is what we are talking about. Instead what you are saying to me is that I should then take that trash back to the store where I bought it and ask them to take care of it for me. Well, traditionally, what we have done is have somebody pick it up at our home and take it to a dump, that is what we have done. Now, you want me to go and take that trash to a store and that doesn't make a whole lot of sense to me. If we really want to bite the bullet on resource management, on recycling, you will ask me, the consumer, to do that in my home. You will ask me to do separation, that is what you will ask me to do and then you will set up the systems that will take care of that. You won't ask store owners to do that for you, that is inappropriate. That is what we are talking about here. Yes, bite the bullet, mandate source recovery, or source separation. Start with that, that is what is really recycling, that is what is really biting the bullet on solid waste management. Let's do that and let's also deal with that one cent handling fee for the people who are helping us clean up the litter on our highways. That is the way that I think is responsible, that my vote on this Amendment is to send a message that I want something done and I want to compromise and I think it is time we started putting ourselves in that posture.

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

Senator BRAWN: Thank you Madam President. Madam President, men and women of the Senate. I concur with the good Senator from Kennebec, Senator Bustin. I don't agree totally with this Amendment tonight, but in the interest of continuing discussion of this complex issue, I am voting for this Amendment. It is my understanding that passing this Amendment is a vehicle for us to continue discussion and reach compromise. I do, however, hope it will be noted for the Record that there are still many questions about this bottle bill, but I also want it noted that I do not want to see this whole solid waste Bill die. I, too, wish to add high commendations to the Energy and Natural Resources Committee and I do hope that we can all work together so that the best concerns for the citizens of the State of Maine will be worked out. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion of Senator BALDACCIO of Penobscot, to ADOPT Senate Amendment "B" (S-356) to Committee Amendment "A" (H-640).

A vote of Yes will be in favor to ADOPT Senate Amendment "B" (S-356) 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 BALDACCIO, BERUBE, BRAWN, BUSTIN, CAHILL, CARPENTER, DILLENBACK, DUTREMBLE, GILL, GOULD, PERKINS, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE, THE PRESIDENT PRO TEM - NANCY RANDALL CLARK

NAYS: Senators ANDREWS, BOST, BRANNIGAN, COLLINS, EMERSON, ERWIN, ESTES, ESTY, GAUVREAU, HOBBS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PRAY, RANDALL, PEARSON, TITCOMB

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 BALDACCIO of Penobscot, to ADOPT Senate Amendment "B" (S-356) to Committee Amendment "A" (H-640), FAILED.

On motion by Senator WEBSTER of Franklin, Senate Amendment "G" (S-384) to Committee Amendment "A" (H-640) READ.

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

Senator KANY: Thank you Madam President. Madam President, men and women of the Senate. Senator Webster's Amendment would keep the handling fee the same and would not allow that one cent to go to the "mom and pop" store back home, or to the redemption centers, or would it encourage others to join and become a redemption center, remembering that fifty percent of our containers under the current bottle law now are taken up by those redemption centers. If you think the small stores have a problem now, then think what they might have if you do this and the redemption centers go out of business and they don't get any more money. That would really hurt those little stores.

Senator KANY of Kennebec requested a Division.

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. What this Amendment does is it eliminates a seven million dollar tax on the consumers of this state. Currently, as you know, when an individual takes their bottles back to the store, to the redemption

center, they receive their nickel back. The gentleman who owns the redemption center receives a two cent handling fee. I have some problem with even the idea that we ought to be giving a handling fee, but I surely don't want the government subsidizing anybody. It seems to me that if I bring in a bottle to you and you give me back a nickel, and you get seven cents, that is a forty percent return. I run a business and many people in this Chamber run a business and I will tell you that is a pretty good place to start with a forty percent return. If you raise it a penny you are going to give them a sixty percent return on their money. It seems to me that this Legislature has shown great wisdom year, after year, after year, when it comes to raising this fee. Raising it several years ago, as the good Senator from Cumberland, Senator Brannigan, has said, from one cent to two cents, I believe made sense. To be honest with you, there is actually competition in this business. In my area of the state, as a matter of fact, the town I live in, there are two of these places and both of these people happen to be supporters of mine, they may not be after tonight, but they sure are up to this point. These people run a business, they have overhead, they have costs that go up, but it seems to me that when we pass this solid waste Bill, what we are going to be doing is increasing their volume, which means they are going to be handling more money and still receiving a forty percent return.

My real concern here is that we are talking a tax. It may not be the kind of tax that we normally talk about here, but the consumers of this state are going to pay and I will tell you something I don't believe that those bottles out there are just going to charge a penny, I think they are going to charge two or three cents. So, the consumers are going to pay more, and more, and more every time you pass a law like this. This is one of the offensive things that I find in this Bill and I could talk about the other ones, but that isn't appropriate since we are not discussing that. It seems to me that this Bill should not contain this particular section. We have dealt with this issue over and over again and the Legislature has consistently said we don't need this. I am offended and I don't like the idea of being wrapped into this Bill, so I ask you to help me by voting to separate this section out of the Bill. Thank you.

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

Senator DUTREMBLE: Thank you Madam President. Madam President, men and women of the Senate. I have been voting all along with the amendments that the good Senator from Penobscot, Senator Baldacci has been putting in to do away with the expansion of the bottle bill, but I understand that is a battle we have lost and now we have to move on with the solid waste package. If those bottles are to be included, then by all means we have to make sure that it works.

Even though I was opposed to that part of the Bill, now that the Senate and I am sure the House will agree have gone ahead and put that part in, we have to make sure that the thing works. I don't really want to be responsible for having a part of a bill that goes out there and fails either. So, I will not be supporting this Amendment, I will be supportive of making sure this whole program works.

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

Senator TITCOMB: Thank you Madam President. Madam President, men and women of the Senate. When the bottle bill was first set into motion, and I am not looking at some of the bigger redemption centers,

I am thinking about down home in my district, it was many people, home town people, who started their own small businesses of redemption. In my communities some of these redemption centers are made up of a dozen or half a dozen people, wives, kids after school, who have either a part-time or full-time job doing all the doings that go on in a redemption center. I have been down and I have gone through some of them, because some of them, frankly, are owned by friends. These people are busy all day long doing all the things that have to be done at these redemption centers. There aren't idle hours, they put in their hours and they earn their money. If we increase the volume of the bottles, which of course I am in great support of, if we increase the volume, we are going to have to do something to provide for the extra hands that are going to be needed and perhaps the extra storage space that is going to be needed to take care of this added volume. I support the increase, I feel that these redemption centers deserve it and I believe they are going to have the extra work on hand so they are going to earn it. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion of Senator WEBSTER of Franklin, to ADOPT Senate Amendment "G" (S-384) to Committee Amendment "A" (H-640).

A Division has been requested.

Will all those Senators in favor of the motion of Senator WEBSTER of Franklin, to ADOPT Senate Amendment "G" (S-384) 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.

2 Senators having voted in the affirmative and 30 Senators having voted in the negative, the motion of Senator WEBSTER of Franklin, to ADOPT Senate Amendment "G" (S-384) to Committee Amendment "A" (H-640), FAILED.

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

Senator PEARSON: Thank you Madam President. Madam President, men and women of the Senate. I would like to pose a question to the Chair of the Energy and Natural Resources Committee, if I may please.

Is it true that the state landfill siting agency proposed in this legislation will not have any jurisdiction over licensing or relicensing of the MURC and PURC landfill in township thirty? That the landfill project continues to be exempt from the definition of commercial solid waste disposal facility under this legislation?

THE PRESIDENT PRO TEM: The Senator from Penobscot, Senator Pearson, 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 Madam President. Madam President, men and women of the Senate. Yes, it is true.

Senator BUSTIN of Kennebec moved to RECOMMIT the Bill and Accompanying Papers to the Committee on ENERGY AND NATURAL RESOURCES.

Senator KANY of Kennebec requested a Division.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion of Senator BUSTIN of Kennebec, to RECOMMIT the Bill and Accompanying Papers to the Committee on ENERGY AND NATURAL RESOURCES.

A Division has been requested.

Will all those Senators in favor of the motion of Senator BUSTIN of Kennebec, to RECOMMIT the Bill and Accompanying Papers to the Committee on ENERGY AND NATURAL RESOURCES, please rise in their places and remain standing until counted.

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

8 Senators having voted in the affirmative and 27 Senators having voted in the negative, the motion of Senator BUSTIN of Kennebec, to RECOMMIT the Bill and Accompanying Papers to the Committee on ENERGY AND NATURAL RESOURCES, FAILED.

Committee Amendment "A" (H-640) as Amended by House Amendments "D" (H-661) and "E" (H-663) and Senate Amendment "J" (S-397) thereto, ADOPTED in NON-CONCURRENCE.

THE PRESIDENT PRO TEM: The pending question before the Senate is PASSAGE TO BE ENGROSSED AS AMENDED in NON-CONCURRENCE.

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

THE PRESIDENT PRO TEM: The pending question before the Senate is PASSAGE TO BE ENGROSSED in NON-CONCURRENCE.

A vote of Yes will be in favor of PASSAGE TO BE ENGROSSED AS AMENDED.

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, BALDACCI, BERUBE, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOBBS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, PRAY, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEYMOUTH, WHITMORE, THE PRESIDENT PRO TEM - NANCY RANDALL CLARK

MAYS: Senator WEBSTER

ABSENT: Senators None

34 Senators having voted in the affirmative and 1 Senator having voted in the negative, with No Senators being absent, the Bill was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

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

The President Pro Tem requested that the Sergeant-At-Arms escort the Senator from Penobscot, Senator PRAY to the Rostrum where he resumed his duties as President.

The Sergeant-at-Arms escorted the Senator from Cumberland, Senator CLARK to her seat on the Senate floor.

Senate called to order by the President.

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

COMMITTEE REPORTS

House

Committee of Conference

The Committee of Conference on the disagreeing action between the two branches of the Legislature, on Bill "An Act to Require Liquor Sellers' Permits"

S.P. 151 L.D. 271

Have had the same under consideration and ask leave to report that the House Recede from its action

whereby it Indefinitely Postponed Bill and Accompanying Papers; Indefinitely Postpone Committee Amendment "A" (S-265); Read and Adopt Conference Committee Amendment "A" (H-685) and Pass the Bill to be Engrossed as Amended by Conference Committee Amendment "A" (H-685) in Non-Concurrence

That the Senate Recede and Concur with the House.

Signed on the part of the House:

Speaker MARTIN of Eagle Lake

Representative MCGOWAN of Canaan

Representative MARSH of West Gardiner

Signed on the part of the Senate:

Senator MATTHEWS of Kennebec

Senator BALDACCI of Penobscot

Senator DILLENBACK of Cumberland

Comes from the House with the Conference Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY CONFERENCE COMMITTEE AMENDMENT "A" (H-685).

Which Report was READ and ACCEPTED, in concurrence.

The Senate RECEDED and CONCURRED.

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

ENACTORS

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

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 to Provide Funds for Acquiring and Preserving Land for Affordable Housing and for the Development of Affordable Housing

H.P. 1000 L.D. 1389

(H "B" H-671 to C "A"

H-617)

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$49,500,000 for Construction and Renovation of Correctional Facilities"

S.P. 608 L.D. 1702

(C "A" S-332)

In Senate, June 19, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-332).

In House, June 20, 1989, Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

In Senate, June 20, 1989, Bill and Accompanying Papers COMMITTED to the Joint Select Committee on CORRECTIONS in NON-CONCURRENCE.

Comes from the House, that Body INSISTED and ASKED FOR A COMMITTEE OF CONFERENCE.

On motion by Senator BUSTIN of Kennebec, the Senate INSISTED AND JOINED IN A COMMITTEE ON CONFERENCE.

The Chair appointed as conferees on the part of the Senate:

Senator PRAY of Penobscot

Senator BUSTIN of Kennebec

Senator PERKINS of Hancock

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

PAPERS FROM THE HOUSE

Non-concurrent Matter