

MAINE STATE LEGISLATURE

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OF THE
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OF THE
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VOLUME V

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Index

HOUSE & SENATE LEGISLATIVE SENTIMENTS
December 7, 1988 to April 14, 1990

the public notice, it does not allow the public to have a comment period. I think that is very important. It is a public safety bill but the public should have a comment period where they can write in their concerns about the area and people who know about the concerns that my people in that facility have, can make those known. I think that is very important.

I would think also, when you look at the bill, the major difference between the two bills is the idea of what the inspection implies. The Majority Report makes sure that, when the inspection is done, it is not only going into make sure that the people who are doing the job have been trained to do the job, not just checking the records, but checking and making sure that those people actually have been trained. They also should check the equipment to make sure that that equipment is safe. I think we all know what happened in the Jay area when we had people in there who were working there and didn't know what they were doing. You had a tragedy that could have been one of the biggest tragedies in the state's history if it hadn't been for the way the wind was blowing that day. I think it is important for us to look at that particular example that happened in that town and say we have been warned and let's do something about it.

I think the strongest way to do something about it is to go with the Majority Report. It allows the businesses to keep going, still be operating the whole time the inspection is going on, and I think it is important to realize that we are not shutting somebody down, we are just going in to make sure that people are trained and are doing what the law already says they should be doing. Again, I hope you will realize that it is the Majority Report and I hope that you will go with that.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Pineau.

Representative PINEAU: Mr. Speaker, Men and Women of the House: I will be real brief. I think Representative Mills and Representative Reed hit the points very well on each issue.

The no-shutdown time on the Majority Report, the Department of Labor in charge of the inspection and being able to contract out people they need for their expertise, more than half the work force has to be replaced before the trigger would kick in, plus the fact that the municipality-at-large would have to at risk -- I think these were all worked on and worked on by the Committee as Representative Reed said.

However, what happened in Jay, I was there and it was my kids in those schools, I would like to believe that this body is going to act and promise the people of Maine, whatever municipality you are in, that if the situation arises again, the State Department of Labor, DEP, and the people in the know, will be able and will give them the enabling legislation to promulgate rules to see and do the best the state can do and be active rather than reactive.

Mr. Speaker, a wise man once said, "Those who disregard the past, condemn the future." I hope this body doesn't do that. I hope you vote for the Majority Report.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is the motion of the Representative from Jay, Representative Pineau, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 218

YEA - Adams, Aliberti, Allen, Anthony, Bell, Boutilier, Brewer, Burke, Cahill, M.; Carroll, D.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Gould, R. A.; Graham, Gurney, Gwadosky, Hale, Handy, Heesch, Hichborn, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Lawrence, Lisnik, Luther, Mahany, Manning, Martin, H.; Mayo, McHenry, McKeen, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Parent, Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Skoglund, Smith, Stevens, P.; Strout, D.; Swazey, Tammaro, Telow, Townsend, Tracy, Walker, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, Begley, Butland, Carroll, J.; Curran, Dellert, Dexter, Donald, Farren, Foss, Foster, Garland, Greenlaw, Hanley, Hastings, Higgins, Hutchins, Lebowitz, Libby, Look, Lord, MacBride, Marsano, Marsh, McCormick, McPherson, Merrill, Murphy, Norton, Paradis, E.; Pendleton, Pines, Reed, Richards, Ridley, Small, Stevens, A.; Stevenson, Strout, B.; Tupper, Webster, M.; Wentworth, Whitcomb.

ABSENT - Hepburn, Jackson, LaPointe, Larrivee, Macomber, Marston, McGowan, Richard, Rolde, Seavey, Sherburne, Tardy.

Yes, 93; No, 46; Absent, 12; Paired, 0; Excused, 0.

93 having voted in the affirmative and 46 in the negative with 12 being absent, the Majority "Ought to Pass" Report as amended by Committee Amendment "B" (H-1050) was accepted, the Bill read once.

Committee Amendment "B" (H-1050) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended and sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: Majority Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1069) on Bill "An Act to Correct Errors in the Solid Waste Laws" (H.P. 1705) (L.D. 2354) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Representative Constantine of Bar Harbor, the House reconsidered its action whereby Committee Amendment "A" (H-1069) was adopted.

The same Representative offered House Amendment "A" (H-1081) to Committee Amendment "A" (H-1069) and moved its adoption.

House Amendment "A" (H-1081) to Committee Amendment "A" (H-1069) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Bar Harbor, Representative Constantine.

Representative CONSTANTINE: Mr. Speaker, Members of the House: This amendment asks the legislature to delay the ban on aseptic packaging for soy milk until July 1, 1991. This delay will allow soy milk to be sold in Maine until manufacturers can modify their packages to comply with Maine's solid waste laws.

Earlier today, I distributed a fact sheet about soy milk which was presented by Soy Milk Association of America which just happens to be located in Bar Harbor and that is why I am speaking on this issue. On their behalf last October, I introduced a total exemption for soy milk to the Legislative Council. This request by soy milk consumers was intended to give soy milk products the same packaging exemption that dairy products have. Soy milk is a product that is recognized and prescribed by doctors and nutritionists as an important substitute for cow's milk for consumers who are allergic to cow's milk. Thousands of families in this state regularly drink soy milk using it as one of their primary sources of dietary protein. Unfortunately, the Legislative Council ruled that my request was essentially similar to the request for the total exemption of all aseptic packaging and the needs of soy milk consumers got tangled up in the juice box ban debate and, incidentally, seems to still be tangled up in that debate.

Currently, most soy milk is sold in two ways in the United States, the most popular method representing over 90 percent of all sales is in aseptic packages. The balance is sold fresh and refrigerated in paper milk cartons or plastic jugs. Fresh soy milk is primarily sold in metropolitan areas such as New York, San Francisco and Los Angeles where there are large Asian populations. The fresh products are produced by small companies with very limited production capacity. In Maine, there is no soy milk dairies. Four dairies existed in Maine over the last ten years but all have gone out of business.

The two soy milk types, aseptically packaged and fresh refrigerated differ tremendously in taste and usability. The fresh product is produced with much of the beany flavor left in, a taste which Orientals prefer but which Caucasians do not. These products are sold mostly in urban Oriental markets where demand and turnover is high. Fresh products have a shelf life of two to seven days and are difficult to distribute over distance. As for powdered soy milk, many consumers aren't willing to use this product because it takes additional time to prepare and doesn't taste as good.

All four manufacturers currently packaging soy milk in the U.S. have chosen aseptic packaging to facilitate distribution and handling. Soy milk manufacturers are committed to finding a package that will be acceptable for sale in Maine but need time to research and implement it. A deadline of September 1, 1990 is not ample time for these companies to respond to the State of Maine's new solid waste law, but moving the deadline to July 1991, will allow soy milk drinkers of Maine to continue to purchase aseptically packaged milk while manufacturers seek alternative forms of packaging to comply with that law.

Thank you, I urge your support to vote yes on House Amendment 1081 and respectfully request a roll call.

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

Representative MICHAUD: Mr. Speaker, I move the indefinite postponement of House Amendment "A."

It is with deep regret I have to get up to move indefinite postponement of House Amendment "A".

Although I do agree with the good Representative from Bar Harbor, when the committee had dealt with this issue in the solid waste bill, I was not there and they voted unanimously to leave the ban on. The basic reason is, as you know earlier in the solid waste bill, we banned aseptic packaging. The Tetra-Pak Company has been working pretty hard to try to find recycling for their packaging. The concern that the committee unanimously had on this amendment is that if we start weakening it, then the soy milk people will not make their best effort to try to find a different package. I hope you go along with the indefinite postponement of House Amendment "A."

Subsequently, House Amendment "A" (H-1081) to Committee Amendment "A" (H-1069) was indefinitely postponed.

Committee Amendment "A" (H-1069) was adopted.

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be engrossed and later today assigned.

The Chair laid before the House the following matter: Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-633) on Bill "An Act to Amend Maine's Underground Oil Storage Law" (S.P. 632) (L.D. 1725) which was tabled earlier in the day and later today pending passage to be engrossed.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I wanted to wait until the debate over the amendment had taken place but I do have some concerns with this bill and I want to share them with you.

This is not a simple little fund as it was referred to earlier. I am sure you are aware after the debate this morning that this bill includes increases in the price of gas and heating oil which can be viewed as an increase in the gas tax which in my opinion is the most regressive form of taxation and certainly a broadbased tax increase.

One has to wonder why this bill was not before either the Transportation or Taxation Committee but we do have it before us today from the Energy and Natural Resources Committee.

During the debate earlier today, it is my opinion that the Senate Amendment which was taken off only would have made a bad bill worse. I would like the Record to show that, contrary to a little fund, we are creating a \$100 million insurance fund over the next ten years for the oil dealers and we are in the process of creating 17 new positions, 15 in the DEP and two in the Attorney General's office at a time when we are laying off other employees and cutting programs like property tax relief and aid to education. I have a problem with that.

I am also concerned about those citizens, who only a few months ago, were unable to pay their heating bills and we were struggling in this body to find emergency aid which we could send to them. This certainly is not going to reduce their heating oil bills, in fact it will increase them.

I am also concerned on another level. In my opinion, this is an unfunded environmental mandate. I hear often at my local level that education mandates can be expensive, but in this year's budget, environmental mandates seem to be driving the property tax increase.

Not only are our citizens being asked to absorb the cost of this state insurance fund in their heating oil bills and at the gas pumps but let's not