

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Fourteenth Legislature
OF THE
State Of Maine

VOLUME V

SECOND REGULAR SESSION
March 20, 1990 to April 14, 1990
Index

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

HOGLUND of Portland
COLES of Harpswell
JACQUES of Waterville
SIMPSON of Casco
MICHAUD of East Millinocket
MITCHELL of Freeport

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1083).

Signed:

Senator:

LUDWIG of Aroostook

Representatives:

LORD of Waterboro
ANDERSON of Woodland
GOULD of Greenville
DEXTER of Kingfield

Comes from the House the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.

Which Reports were READ.

Senator KANY of Kennebec, moved to ACCEPT the Majorily OUGHT NOT TO PASS Report, in concurrence.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending the motion of Senator KANY of Kennebec to ACCEPT the Majority OUGHT NOT TO PASS Report, in concurrence.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

ENACTORS

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

An Act to Establish the Department of Families and Children

H.P. 1199 L.D. 1666
(H "A" H-1008 to C
"C" H-820)

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending ENACTMENT.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

On motion by Senator TITCOMB of Cumberland, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

ORDERS OF THE DAY
Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Senate Rule 29.

The Chair laid before the Senate the Tabled and Later (4/5/90) Assigned matter:

Bill "An Act to Regain Full Use of Maine Waters through the Establishment of Color Standards"

H.P. 1418 L.D. 1970

Tabled - April 5, 1990, by Senator DUTREMBLE of York.

Pending - Motion of Senator MATTHEWS of Kennebec to ADOPT Senate Amendment "A" (S-662) to Committee Amendment "B" (H-1068) in NON-CONCURRENCE

(In House, April 5, 1990, Report A, OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1067).)

(In Senate, April 5, 1990, Reports READ. ACCEPTANCE of Report A, OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1067) FAILED. Report B OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1068) ACCEPTED in NON-CONCURRENCE. Committee Amendment "B" (H-1068) READ. On Motion of Senator MATTHEWS of Kennebec, Senate Amendment "A" (S-662) to Committee Amendment "B" (H-1068) READ.)

At this time, The Honorable Edmund S. Muskie, entered the Senate Chamber and was escorted to the Rostrom, amid applause, the Members rising.

THE HONORABLE EDMUND S. MUSKIE: Mr. President. Members of the Senate. I am delighted to be here. My nose lead me to this room, apparently it had something to do with the legislation you're dealing with.

I am delighted that this issue is growing in importance and visibility, and attention around the country. I think when I was Governor back in the fifties, we tried to do something very minor, to deal with the problem, and didn't succeed. Well, the problem has grown since that time, and the attention given has grown, and I think the measures taken have grown since that time.

I think it is a wonderful coincidence that in the same week that the U.S. Senate passed a Clean Air Act in Washington, that the Maine Legislature should be working on this water legislation today. I congratulate you and wish you success.

I am not sure that it is possible to anticipate unanimity, but that is not the hallmark of our system. The hallmark of our system is that we can disagree, and still, the right causes can win. So for the cause, I wish you luck, and thank you very much for your warm welcome.

Whereupon, the Honorable Edmund S. Muskie retired from the Senate Chamber, amid applause, the Members rising.

Senator MATTHEWS of Kennebec requested and received Leave of the Senate to withdraw his motion to ADOPT Senate Amendment "A" (S-662) to Committee Amendment "B" (H-1068).

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending ADOPTION of Committee Amendment "B" (H-1068).

The Chair laid before the Senate the Tabled and Later (4/5/90) Assigned matter:

Bill "An Act to Correct Errors in the Solid Waste Laws"

H.P. 1705 L.D. 2354

Tabled - April 5, 1990, by Senator CLARK of Cumberland.

Pending - ADOPTION of Committee Amendment "B" (H-1070) in NON-CONCURRENCE

(In House, April 5, 1990, Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1069) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1069).)

(In Senate, Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1070) Report READ and ACCEPTED in NON-CONCURRENCE. Committee Amendment "B" (H-1070) READ.)

On motion by Senator BUSTIN of Kennebec, Senate Amendment "A" (S-660) to Committee Amendment "B" (H-1070) READ.

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

Senator KANY: Thank you Mr. President. Ladies and Gentlemen of the Senate. I ask for a Division, and I hope you vote against the pending motion, the Amendment being offered by the Gentlewoman from Kennebec, Senator Bustin, would allow the continuation of a number of things that the Maine Legislature chose to ban.

It would allow continuation of the existence of the connectors, the six-pack connectors until the end of December, and the ban would go into effect this fall without the Amendment. There is no need to continue to have those, they threaten our wildlife, and obviously, they are just a litter throughout the state, and they would allow a number of other items to continue in existence.

Among them would be the aseptic packaging, and our Committee unanimously chose to kill a Bill earlier this year that would have allowed the continuation of aseptic packaging. The reason was, it is something in which there is a lamination of two or more types of materials such as plastic and or aluminum, and the usual aseptic packaging, or brick packs, has three different materials laminated together, and they are not separated. If they were separated, they could be recycled, but we have not seen any actual recycling of these laminated materials. In fact, what was offered to us, was a suggestion that aseptic packaging come under the Bottle Bill, which would have been ridiculous. It was ludicrous, in that, what it would have meant was that our poor retailers and redemption centers would have had to collect all this laminated material, the brick packs, or the aseptic packaging, and what would they do with them? Up to that point, 100% of what was under the Bottle Bill was being recycled, about 100%! But the aseptic packaging, because of the lamination of the materials together, could not be recycled, so what would they have to do, they would have to take it to a dump, or do something like that. That the purchaser and consumer could have done just as well. So it was really a ludicrous proposal, it was absolutely ludicrous.

And in addition, those who wanted to continue to allow aseptic packaging in the state, actually said, that they could compost it. By the way, the person who came with the composting proposal, just a couple months earlier had written and said at the Common Ground Fair, for three days they were able to recycle everything, except for a minute percentage of the waste from the Common Ground Fair, which primarily consisted of this aseptic packaging. That same individual came and suddenly said it could be composted. But we looked at that compost, and you know what it looked like, it was as if you had just torn up in little tiny pieces of those laminated materials and thrown them in with compost. You could have just as easily thrown them here on the rug, on the carpeting, and vacuumed it up. So it was really kind of ludicrous.

And I urge you not to go along with this Amendment, there is no need to keep these particular materials here in the state. And if they ever can recycle them, perhaps they will come across some process in the future, and it could be economically possible, then I am certain the Maine Legislature

would be very reasonable and be happy to allow them in the state again. But that is not the case now, and we have a solid waste crisis. We all know that. So please, vote against the pending motion.

Senator KANY of Kennebec requested a Division.

Off Record Remarks

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

Senator BUSTIN: Thank you Mr. President. Ladies and Gentlemen of the Senate. This was a Bill that was defeated in Committee, and I was a co-sponsor of that Bill, and I was at that Hearing, and I did see the composting in the three different jars, and I think there is a possibility of composting and recycling that material.

However, I would not have offered that kind of Amendment to this Bill, had it not come to my attention, that in fact, the non-carbonated juice containers are being pushed off until December 31, 1990, and I think that all aspects of that particular part of the Waste Management Law ought to be treated the same, and if you are going to do that for the non-carbonated juice containers, then you ought to extend the same kind of courtesy to the aseptic packaging. As a matter of fact, and that is the only thing that I am asking for, the plastic six-pack rings are not, are not part of this Amendment. That is not what we are asking for here. All we are asking is that both the juice packs and the juice glasses be treated at this time frame, December 31, 1990.

It is in fact, on these juice boxes, the aseptic packaging, recycling is starting in Canada this month. That additional four months will give us in this state, reason to believe or not believe these aseptic packaging items can be recycled. I think we owe it to the industry, to at least extend them that four months, seeing you are doing it for the juice containers. I would appreciate your supporting the motion.

Off Record Remarks

On motion by Senator LUDWIG of Aroostook, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

Senator BUSTIN of Kennebec requested and received Leave of the Senate to withdraw her motion to ADOPT Senate Amendment "A" (S-660) to Committee Amendment "B" (H-1070).

Committee Amendment "B" (H-1070) ADOPTED, in NON-CONCURRENCE.

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

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

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

The Chair laid before the Senate the Tabled and Later (4/5/90) Assigned matter:

Bill "An Act to Clarify the Role of the Board of Environmental Protection"