

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

Dore, Dutremble, L.; Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Gwadosky, Hale, Hanley, Hastings, Hepburn, Hogle, Hussey, Hutchins, Jackson, Ketover, Kilkelly, Libby, Lord, Luther, MacBride, Marsano, Marsh, Martin, H.; McHenry, McPherson, Melendy, Merrill, Mills, Murphy, Norton, O'Gara, Pendleton, Rand, Reed, Small, Smith, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Tammaro, Tardy, Telow, Tracy, Tupper, Walker, Wentworth, Whitcomb.

ABSENT - Donald, Duffy, LaPointe, Larrivee, Look, Marston, Nutting, Pines, Ruhlin, Sherburne.

Yes, 79; No, 62; Absent, 10; Paired, 0; Excused, 0.

79 having voted in the affirmative and 62 in the negative with 10 being absent, the Bill failed of enactment.

Representative Gwadosky of Fairfield moved that the House reconsider its action whereby L.D. 2312 failed of enactment.

On further motion of the same Representative, tabled pending his motion to reconsider action whereby Bill failed of passage to be enacted and later today assigned.

ENACTOR

**Emergency Measure
Later Today Assigned**

An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1990, and June 30, 1991 (H.P. 1776) (L.D. 2444) (C. "A" H-1064)

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

On motion of Representative Carter of Winslow, tabled pending passage to be enacted and later today assigned.

FINALLY PASSED

Emergency Measure

Resolve, to Establish a Select Committee on Comprehensive Tax Reform (S.P. 999) (L.D. 2466) (C. "A" S-667)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Clarify the Role of the Board of Environmental Protection (H.P. 1602) (L.D. 2214) (S. "A" S-665 and H. "A" H-1040 to C. "A" H-950)

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

ENACTOR

(Reconsidered)

An Act to Correct Errors and Facilitate Implementation of the Solid Waste Laws (H.P. 1705) (L.D. 2354) (C. "A" H-1069)

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

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

Representative HUTCHINS: Mr. Speaker, I move that we reconsider our action whereby L.D. 2354 was passed to be engrossed.

Ladies and Gentlemen of the House: I rise today in opposition to L.D. 2354, trying to put Amendment "B" on, which will remove the additional deposit that has been enacted by the Solid Waste Law.

What I am interested in removing is only the additional deposit, the 15 cent deposit that is talked about for one gallon or smaller beverage containers and I am not interested in touching what is already on the books as a deposit law.

I asked in a questionnaire recently to my constituents and I will read to you what the question was. It was, "Do you think the state and the municipalities could improve the collection of all bottles in glass packaging with cost saving incentives at the point of collection, i.e., recycling centers, as opposed to what was enacted in the Solid Waste Bill of last year, which only adds beverage containers up to one gallon and exempting dairy products?" Eighty-five percent of the people that responded to this felt that we could do a better job collecting all glass bottles and plastic containers by doing it at the point of collection rather than through an additional redemption process. This splits our efforts, which I believe is counterproductive. I think if we were to take, for instance, two bottles of wine that would be added to this particular program, take them from the store, they get emptied and get taken back to the store, one of them in the process of being saved gets dropped and broken, it gets taken to the local landfill which already as you know have set up many different avenues of recycling all types of glass, plastic and things of that nature. So this broken bottle, perhaps it was a green wine bottle and it will get thrown into the green container. The one that didn't get broken will get returned through the process of delivery and pickup and 15 cent deposit and get back to the distributor. At that point, it will be saved for some undetermined period of time and it will also get taken and destroyed after the 15 cents has been worked around two or three times and it will end up in a green glass container, broken up, and both of these containers, one that comes from the landfill and the one that comes from the supermarket, will end being recycled as they should be and they will be used again to make glass for containers. One of them has had to go around and around robinhood's barn to get there. I think by separating this process, we are just adding costs. In fact, it has been estimated that it will cost \$50 million statewide to institute this, that is extra space for stores and even the state is going to have to do the same with extra space at liquor stores and that type of thing.

The amendment that I have actually saves two positions and deallocates some \$45,000 for the two positions which is only this particular bill. It will save much more money than that in the long run. It will also concentrate our efforts where they belong and that is recycling in the most efficient way. This 25 and 50 percent goals that we are trying to reach are excellent goals and we should not try to derail them. I am not trying to derail them with this amendment.

Another problem that is caused by this amendment is an inadvertent one, I think. We have a number of small cider producers in this state and I happen to have one in my town, probably produces a few thousand bottles a year. There is no way for this gentleman to set up a return process for his plastic bottles that will get the bottles back to him. So he probably will not be able to bottle apple cider,

which is unfortunate doing a small business, when in fact those very bottles that he is now filling and sending out do make it back into the waste stream but they make it back through the landfills. They are taken in, either by the person who uses them or the person who picks it up for them and they are put into these barrels that are either plastic, white, brown or green glass or whatever the container might be.

We have set up a process of exceptions through the dairy industries. These exceptions that we have, which might be a mayonnaise bottle that is not part of this process, is exactly for this purpose to pick up all of the extra glass and packaging. So my amendment is just merely to do away with the duplication and the extra cost that will be involved with that duplication. We throw away approximately 900,000 tons of waste in this state each year, approximately 20 percent of that is bottles of one type or another. This 15 cent incentive, if that is what you want to call it, for people to return a wine bottle or a liquor bottle that probably cost (I don't know how much they cost, I don't buy much) maybe an average of \$7.00 or \$8.00, that 15 cents is roughly 2 percent of the cost. The soda bottles of which I do buy some of that have a 5 percent return deposit and is approximately 7 percent of the cost of the single soda so the incentive to return the soda bottle is perhaps a little bit more because you are talking about 7 percent of its cost. With a wine or liquor bottle, you are only talking about a couple of percent of its costs so I think the incentive isn't there. I am not saying they won't get returned because I think they will. They probably will get returned through the landfills and the people that run the landfills, if they are not broken, will take them out of their waste stream and take them to the recycling centers to get the 15 cents as a good business person might do but I don't think you are going to see the average person on the street returning a wine or liquor bottle that costs anywhere from \$4.00 to \$100 for a 15 cent return.

I think I have taken up enough of your time and I thank you.

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

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

Do the rules have to be suspended for the purpose of reconsideration?

The SPEAKER: The Chair would answer in the affirmative, the bill having been passed to be engrossed in this House on April 5th. Today is Saturday, April 7th. Therefore, the motion to reconsider is out of order.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Webster.

Representative WEBSTER: Mr. Speaker, I move that the rules be suspended for the purposes of reconsideration.

The SPEAKER: The Representative from Cape Elizabeth, Representative Webster, moves that the rules be suspended for the purpose of reconsideration.

Representative Michaud of East Millinocket requested a division on the motion to suspend the rules.

The SPEAKER: The pending question before the House is the motion of the Representative from Cape Elizabeth, Representative Webster, that the rules be suspended for the purpose of reconsideration. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

104 having voted in the affirmative and 28 in the negative, the motion did prevail.

On motion of Representative Hutchins of Penobscot, under suspension of the rules, the House reconsidered its action whereby L.D. 2354 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-1069) was adopted.

The same Representative offered House Amendment "B" (H-1089) to Committee Amendment "A" (H-1069) and moved its adoption.

House Amendment "B" (H-1089) to Committee Amendment "A" (H-1069) was read by the Clerk.

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

Representative MICHAUD: Mr. Speaker, Members of the House: I move indefinite postponement of House Amendment "B" to Committee Amendment "A" and I request a roll call.

What House Amendment "B" does is that it removes what the committee had done last year regarding spirits, wine and non-alcoholic beverages — it removes them from the bottle bill. I hope that this body will go along with me and indefinitely postpone House Amendment "B" so we will not gut the solid waste bill that we passed last year.

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

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

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

Representative HUTCHINS: Mr. Speaker, Ladies and Gentlemen of the House: With this amendment, I do not intend to gut the solid waste amendment of last year. I believe that it had many good points, this not being one of them. The bottle bill that we now have and deal with is not a recycling law, it is a litter law. The particular items that we have added to the solid waste bill that this amendment is trying to do away with are not the types of bottles and containers that are normally found along side the road. I don't mean to say that there are none because naturally there are. I do believe it is a duplication of effort and to stand here and talk about it any longer would be just beating a dead horse to death.

I do thank you for giving me this opportunity to point out what I think is an inaccurate way of addressing a problem that we have. I believe we are already addressing it through our solid waste facilities with the mandates that we passed last year which are going to require 25 percent and 50 percent reductions over the next few years. Those restrictions alone will take these extra containers out of the waste stream without duplicating efforts.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Men and Women of the House: I voted to allow Representative Hutchins the opportunity to offer his amendment. I will vote against his amendment because I do not want to unravel the solid waste act we passed last session.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: You just heard the contention that the bottle bill is not a recycling bill, it is a litter bill. I would disagree with that. I think the bottle bill is the best recycling bill there is. In fact, Maine achieves 94 percent recycling rate on those bottles that are sold in the state which is far in excess of the recycling rate that is achieved at any place in this country in jurisdictions that don't have the bottle bill. In fact, the best recycling rate in the area without the bottle bill in the United States is some town in New Hampshire that has around 62 to 64 percent. So, we have a very good recycling law and the bottle bill is an intricate, important part of that law. I think that fact ought to be brought out before we vote.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Men and Women of the House: I rise to just correct an error in Representative Hutchins' comments. We did not mandate recycling in that law, we did not mandate recycling -- the editorial papers in this state seem to think we did but it simply means they haven't read the law. They are only incentives to do it and discourages disincentives if you don't but there is no mandation. Any town may follow any course it wishes.

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

Representative HUTCHINS: Mr. Speaker, Ladies and Gentlemen of the House: When I talked about mandating recycling, Representative Coles is right when he says that we don't actually mandate it but any time that we use costs as a way of trying to encourage recycling, that is a kind of a voluntary mandate, I think. I think it is a good way to do it. I think if more of our landfills worked the way perhaps Bowdoinham works which encourages recycling and, if you don't recycle, it costs you more money -- you will find that more people will go to recycling and be much more careful.

I think the fact that we have a 94 percent return rate on the bottle bill that we now have can be attributed to some extent at least to the fact that the education that has come about in the last couple of years with this recycling effort that we are pushing is showing the importance of recycling. They are recycling them that way naturally because it is the way that they are going to get some of their money back. A lot of that comes at the landfill sites where people just take them and throw them away. Then, like I mentioned earlier, take them back through the system by the people that run the landfills.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Michaud of East Millinocket that House Amendment "B" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 238

YEA - Adams, Aikman, Aliberti, Allen, Anderson, Anthony, Ault, Bailey, Begley, Bell, Boutilier, Brewer, Burke, Cahill, M.; Carroll, D.; Carroll, J.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Curran, Daggett, Dellert, DiPietro, Dore, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Foss, Foster, Garland, Gould, R. A.; Graham, Greenlaw, Gwadosky, Hale, Handy, Hanley, Hastings, Heeschen, Hepburn, Hichborn, Hickey, Higgins, Hogle, Holt, Hussey, Jacques, Joseph, Ketover, Kilkelly, Lawrence, Lebowitz, Lisnik, Lord, Luther, MacBride, Macomber,

Mahany, Manning, Marsano, Marsh, Martin, H.; Mayo, McGowan, McHenry, McKeen, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, Nadeau, G. G.; Nadeau, G. R.; Norton, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pendleton, Pineau, Plourde, Pouliot, Priest, Rand, Reed, Ridley, Rolde, Rotondi, Rydell, Seavey, Sheltra, Simpson, Skoglund, Small, Smith, Stevens, A.; Stevens, P.; Strout, D.; Swazey, Tamaro, Tardy, Telow, Townsend, Tracy, Tupper, Walker, Webster, M.; Whitcomb, The Speaker.

NAY - Butland, Dexter, Farren, Gurney, Hutchins, Jackson, Jalbert, Libby, McCormick, Merrill, Paradis, E.; Parent, Stevenson, Strout, B.; Wentworth.

ABSENT - Donald, Duffy, LaPointe, Larrivee, Look, Marston, Nutting, Pines, Richard, Richards, Ruhlin, Sherburne.

Yes, 124; No, 15; Absent, 12; Paired, 0; Excused, 0.

124 having voted in the affirmative, 15 in the negative, with 12 being absent, the motion did prevail.

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

The bill was passed to be engrossed as amended by Committee Amendment "A."

Under suspension of the rules, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Provide Tax Amnesty and Necessary Administrative Support to the Bureau of Taxation (H.P. 1731) (L.D. 2390) (C. "A" H-1093)

An Act to Provide an Income Tax Credit for the Use of Reclaimed Wood Waste as Fuel (H.P. 1785) (L.D. 2455) (C. "A" H-1091)

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

The following items appearing on Supplement No. 2 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Provide Funds for the Maine Solid Waste Management Fund (H.P. 1821) (L.D. 2494)

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

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Hanley.

Representative HANLEY: Mr. Speaker, I would like to pose a question through the Chair to any member of the Taxation Committee.

As far as the one dollar that is going to be retained for the tires for the advanced disposal fee, will this advance disposal fee cover the present disposal fee that is being charged at the transfer stations?

The SPEAKER: Representative Hanley of Paris has posed a question through the Chair to any member on the Taxation Committee who may respond if they so desire.

The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: To answer that question, let me give you a brief description of what this bill is. As you all know, there is a \$15 fee that is going to go into effect July 1st on brown goods and white goods enacted by the last session of the legislature.