

MAINE STATE LEGISLATURE

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

VOLUME VI

SECOND REGULAR SESSION

Senate
January 5, 1994 to April 6, 1994

ORDERS OF THE DAY

On motion by Senator **BUSTIN** of Kennebec, the Senate removed from the Later Today Assigned Table the following:

Bill "An Act to Change the Maine Tort Claims Act Regarding Liability with Respect to Certain Vehicles, Machinery and Equipment" (Governor's Bill)
H.P. 1446 L.D. 1974

Tabled - March 10, 1994, by Senator **BUSTIN** of Kennebec.

Pending - **REFERENCE**

(In House March 10, 1994, referred to the Committee on **JUDICIARY** and **ORDERED PRINTED.**)

Which was referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**, in concurrence.

Off Record Remarks

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act Proposing a Referendum for the Issuance of General Obligation Bonds to Fund Municipal Infrastructure Improvements"
H.P. 1448 L.D. 1977

Reported that the same **Ought to Pass**, pursuant to Joint Order (H.P. 1435).

Comes from the House with the Report **READ** and the Bill and Accompanying Papers **COMMITTED** to the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS.**

Which Report was **READ.**

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Could you tell me the position of this? Thank you.

THE PRESIDENT PRO TEM: The pending question is acceptance of the Committee Report.

Senate at Ease

Senate called to order by the President Pro Tem.

On motion by Senator **PEARSON** of Penobscot, the Bill and Accompanying Papers **COMMITTED** to the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS**, in concurrence.

Off Record Remarks

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **BANKING & INSURANCE** on Bill "An Act to Repeal the Sunset on Rating Practices in Small Group Health Plans and Individual Health Insurance"
H.P. 1207 L.D. 1615

Majority - **Ought to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-793)**

Tabled - March 10, 1994, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, March 10, 1994, Reports **READ.**)

(In House, March 9, 1994, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED.**)

On motion by Senator **MCCORMICK** of Kennebec, the Majority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE.**

The Bill **TOMORROW ASSIGNED FOR SECOND READING.**

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

HOUSE REPORTS - from the Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Allow the Use of Advanced Lightweight Beverage Containers"
H.P. 193 L.D. 256

Majority - Ought to Pass as Amended by Committee Amendment "B" (H-798)

Minority - Ought to Pass as Amended by Committee Amendment "C" (H-799)

Tabled - March 10, 1994, by Senator ESTY of Cumberland.

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, March 10, 1994, Reports READ.)

(In House, March 9, 1994, the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-798) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-798).)

Senator LAWRENCE of York moved that the Senate ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (H-799) Report in NON-CONCURRENCE.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Aroostook, Senator Ludwig.

Senator LUDWIG: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to ask the Senate to reject the pending motion in order that we may consider the Majority Report of the Energy and Natural Resources Committee. I have been a member of the Energy and Natural Resources Committee for eight years now and obviously was there when we first banned aseptic packages four years ago. The Energy Committee has had a reputation for following the motto "Dirigo" in terms of leading the rest of the nation in environmental issues. Most of the time I have been in favor of this and for the past few years when this issue has come up I have voted against allowing aseptic packages in the State of Maine. However, unlike previous years when other states jumped on the bandwagon because they recognized when we had made a real improvement in environmental policy, no other state has seen fit to ban the juice containers. Over the past summer I spent quite a bit of time thinking about it and when the industry came before us this year I decided that they had proved that the boxes could be recycled and they had come up with a plan which I think makes a lot of sense, and which the majority of the members of the Committee believed should give them the right to have the ban lifted. The group that started meeting contained a number of nationally known companies and they formed a coalition in an effort to provide this legislature with a proposal in order to repeal the ban on these packages. They started meeting early last summer and the proposal that finally made it to the Energy and Natural Resources Committee, I think, is a fair resolution and represents a substantial commitment on the part of the industry. This is what they have agreed to do. Retain a person with experience in the recycling field for the purpose of providing assistance to Maine communities that express an interest in recycling drink boxes through December 1, 1996. They already retained an individual by the name of Jim Gara, who has already made a number of contacts with recyclers. The industry has agreed that the recycling coordinator will work with any community that expresses an interest in undertaking a recycling program. This technical assistance will allow the communities to develop appropriate collection strategies and public education at the community level for recycling the product. An initial report

will be made to the Energy and Natural Resources Committee by February 1, 1995 on these recycling efforts. There are several source reduction environmental benefits attributable to this packaging. In addition to energy conservation achieved through non-refrigeration, transportation, processing and storage, there are consumer benefits to diabetics who often rely on unrefrigerated juice and there are those with special dietary needs who can currently buy unflavored soy milk and rice milk in aseptic containers. Those are the only ones that we have allowed to exist since the ban was established, and it was because there was a real need by a segment of society to have those products.

Most impacted by the unavailability of these packages are school children who used to take them in their lunches and on school trips. I believe it is time to give this industry another opportunity to do business in the State of Maine. I have no doubt that if future Natural Energy and Resources Committees will look at the efforts of the industry and be capable of determining whether or not they have achieved their goals. They have been warned that the ban will be reinstated if they do not perform as promised. I would ask that you vote against the pending motion so that we may pass the Majority vote of the Committee. Thank you.

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

Senator LAWRENCE: Thank you Mr. President, Ladies and Gentlemen of the Senate. There are few people on the Energy and Natural Resources Committee I respect more than the Senator from Aroostook, Senator Ludwig. She rarely expresses her opinion unless she is certain of what she talks about and on a Committee like Energy and Natural Resources anybody who rarely expresses their opinion certainly wins great approval from the Chair. She and I have been in agreement on this issue in the past. We have both, at times in Committee, voted against the removal of the ban on aseptic packaging. There is a couple of things about this Committee report which you should understand. Both Committee reports, the minority and the majority, lift the ban on aseptic packaging. The difference is the conditions that are placed on the lifting of the ban. The majority report does not place any conditions on aseptic packages coming back into this State. In other words, we bring aseptic packages back into this State, it goes into the waste stream, it doesn't have to meet any of our State recycling goals, it doesn't have to meet any of the good things we have done about recycling in this State. In fact, it would have an advantage over any other type of container. It would have an advantage over juice in bottles, it would have an advantage over carbonated beverages, it would have an advantage over every other beverage. What the minority report seeks to do is create an even playing field within the industry. It says to bring the aseptic packaging back in, and it's not just aseptic packaging we are talking about, we are also talking about the foil packets which are a new item which were not on the market when this ban was first introduced, it says in order to bring these back you have to meet simple, modest recycling goals or you can pay what you do, what the industry pays, on aluminum cans and juice bottles. That is three cents per container to go towards establishing a recycling program for this material in the State of Maine. In fact, we are giving them an advantage other containers don't have. We are not placing them under the bottle bill, so whereas if you are selling apple juice in Maine, if you put it in a glass bottle

you have to be under the bottle bill but if you put it in the juice packs, the aseptic container, under the minority report, the one I am asking you to vote for, all that will happen is either they have to meet the modest recycling goals, which is 10% by 1996, or you pay the same handling fee that you would for the bottle, three cents, but you don't have to have a deposit. It's very simple, it's very straight forward, and I think it is a fair way to deal with this issue. Thank you.

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

Senator **BUSTIN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I was the sponsor of not this Bill but another one that has been killed in this Senate, as a lot of my bills are, so this is not my bill but it is an issue that I have been involved in. I rise in opposition to the present motion and in support of the majority report on this bill. I sponsored the bill last session that was blended into this one and therefore, have a deep commitment to this bill's passage as well. Let me take a few moments to put this bill into what I feel is an objective and dispassionate perspective. In 1989 Maine banned aseptic juice boxes because they were made of composite material unseparable by practical means. That's the reason they banned them. The aseptic packaging industry woke up, they began developing technology to separate the composite materials and they began developing markets for the post consumer fibers. In 1991 they had the technology on line and a pilot recycling program in place in one State. They proved that the materials were separable by practical means and they came back to this legislature and asked that the ban be lifted. We turned them down because we wanted to see more than one pilot program in one State. Now here it is 1994, recycling programs are up and running in 22 States, more than 2 million households are recycling both aseptic and polycoated packaging materials. Solid waste streams in those 22 States are being reduced by the efforts begun by the Aseptic Packaging Council that all started when we banned them. I think it's very important to understand the magnitude of the waste stream involved. We presently have, by conservative estimates, over 3000 tons of polycoated paper packaging going into our waste stream. You may not know it but the wax coated cardboard milk cartons of our youth are long gone. They have been replaced by plastic coated cardboard which, unlike its predecessor, does not biodegrade. It sits there in our landfills, and sits and sits and sits, all 3000 tons of it. The industry will sign a service agreement with the Maine State Waste Management Agency which details three points. It details the efforts they will expend to set up recycling of polycoated material in Maine. They have hired a recycling coordinator for the State of Maine. They are laying the groundwork for community programs in communities state wide even as we speak. The Committee Amendment requires the Maine Waste Management Agency to report back in less than one year from now to the Energy and Natural Resources Committee. If the report shows that the industry has not moved as aggressively as they should on recycling polycoated packaging the Committee can require another report the following year. If the industry has reneged on its commitments the Committee can report out legislation reinstating the ban, that's reasonable. At its heyday, liberal estimates put the amount of aseptic packaging in our waste stream at less than 200 tons, which closely corresponds to the ratios experienced nationally. Aseptic packaging doesn't biodegrade either but it can be recycled and

it is being recycled and where it is the added benefit occurs that polycoated milk cartons also get recycled using the exact same process. That's those milk cartons we all use whenever we go to purchase milk.

When we spoke to folks around the country involved with recycling this and other products they were unanimous in their praise of the aseptic packaging industry. The United States Conference of Mayors heartily recommends their programs to their member cities located in States where consumers have the choice to purchase these incredibly convenient and energy efficient packages. Which is, as you know, every single State in the union except one, Maine. The Senior Environmental Advisor for the Conference of Mayors is a strong supporter of the aseptic packaging industries recycling efforts and recounted a time when he was inspecting a bale of polycoated and aseptic packaging material collected at a school in Pittsburg. Aseptic packaging made up less than 5% of the bale, the rest of it was yes, milk cartons. He remembered wondering why is it that the aseptic packaging industry is driving this program. The reason why is that we banned them and that gave them the wake up call they needed to rise to meet their environmental obligations. One other thing that I might bring up at this point in my speech is that when you go into any of the restrooms in the State House the paper that you use their is done with recycled material from yes, juice boxes. The bottom line is juice boxes are a convenient, energy efficient, consumer friendly package available and in wide use in every other State in the union. They are being recycled in 22 States and that number keeps growing. Where they are being recycled they are also causing milk cartons and other polycoated packages to be recycled as well. The whole reason that they ever started to be recycled in the first place was the ban that Maine put on them.

We should be proud. We should declare victory. We should let them come back under the provisions of the Committee amendment that was approved in the House. It is my understanding that if they have to meet what is a much higher standard of recycling, the 10%, the 25%, the 40%, the 50%, the 60% that you have before you on this red paper that is a much higher standard than any other standard for recycling that is set in this State. That is unreasonable and because Maine is a small State and because it wouldn't serve the industry well they probably would not come into the State. That may or may not turn you on but that's the fact. I urge you all to vote for this measure as one that is good for Maine's citizens and good for our environment. Thank you.

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

Senator **AMERO:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise today to urge you to vote today against the pending motion and to vote in favor of the majority report. I think that we have an opportunity here to use this bill, the elimination of the ban on aseptic packaging, as an educational tool for children in our schools. It is children taking juice boxes to school in their lunches that would be the biggest users of this packaging. I think it is an opportunity for the Department of Waste Management and the Department of Education to work together to encourage children in our schools to recycle these packages. It can be a learning tool and I think if the two Departments are willing to work together to encourage our schools to do this that there would not need to be a three cent

charge, that we would be recycling most of these products. So I would urge you to please vote for the majority report. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Androscoggin, Senator Handy.

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'm glad the Senator from Cumberland, Senator Amero, brought up the issue of children and schools. I think most of the recycling efforts in a lot of our communities have been supported very strongly by children in Kindergarten on up. Sometimes they have brought to life for many of us some issues that wouldn't ordinarily come to mind. I have seen nothing but the aseptic packaging trade association target the advertising through children so that it would get to adults, such as their advertising on television which is usually done during children's programming time, and then my daughter Alexis comes to me and says why can't we have that. Once we explain to her that there is no recycling program for such packaging, there is no way for us to control that kind of packaging making its way into our waste stream, she perfectly understands that, just as she and her contemporaries understand the importance of recycling paper, and using both sides, and when both sides of a sheet of paper are not used it goes into a box that is taken to be recycled. I would submit that although children may find this attractive in terms of convenience I think once they get it in their schools they would find out how reprehensible this kind of overpackaging is while we have packaging that is certainly recyclable and we have recycling programs already on line. My real problem with the legislation that comprises the majority report is that there is no stick, there is no way that we can take any side agreement, any letter of commitment faithfully. We have seen it done so many times before where a trade association says we are going to do this or we are going to that and we have seen nothing but ourselves fall flat on our faces and come back to the legislature and grapple with the problem. I would hope that you would support the Senator from York, Senator Lawrence, and his motion and support the minority report. Thank you.

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

Senator **TITCOMB:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to request a member of the Committee to answer a question for me. As many of you know this is an issue that has had personal importance to my over the last several years, having Chaired the Energy and Natural Resources Committee and going through a lot of the very early stages when the aseptic industry was here in Maine trying to convince the Committee that they in fact had a recycling program in place that would meet reasonable standards of recycling. So having not been able to participate in that Committee process this year, because I am no longer a member, I would like very much to know if this question can be answered by a member of that Committee. What the accountability piece is going to be under the majority report. How are we going to, as a State, wield the big stick and make sure that those who make a commitment actually are held accountable to the commitment they make for recycling versus what the other piece would be under the minority report. Thank you.

THE PRESIDENT PRO TEM: The Senator from Cumberland, Senator Titcomb, has posed a question

through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from York, Senator Lawrence.

Senator **LAWRENCE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd like to respond to the question from the Senator from Cumberland, Senator Titcomb. The majority report contains no guarantee that any recycling will occur. During the negotiations there was one company, I believe it was Tetrapak, who signed a letter agreeing to bargain in good faith, to work in good faith with the Maine Waste Management Agency, to establish a recycling program in this State. But there is no guarantee. There is the possibility that if they don't do that then a future legislature could re-enact the ban, but it would take a positive action by the legislature in order to re-enact the ban. The minority report, on the other hand, says that you meet the recycling goals or you get treated as other containers do. You get charged the three cents the same way the juice bottles do, the same way the Coke cans do. In fact, we are giving them a little more preferential treatment in that we are not requiring them to go under the bottle bill. I think when you examine the two alternatives you will see the minority report is a fair treatment of this package coming back into the system. I think it is using economic forces to encourage recycling. I don't think we ought to be giving any type of package preferential treatment in this State.

Just to correct one point that was made earlier about the percentages. The percentages mentioned were 10%, 25%, 40%, 50% and 60%, those are not higher than current recycling programs. In fact, the bottle bill is estimated at picking up 80% of the items that fall under the bottle bill. If we really wanted to do that we could put the juice box, the aseptic container under the bottle bill and we would pick up 80%. This way, in the minority report, we have allowed a much less stringent phase in of a recycling program. I think it is a fair alternative. Thank you.

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

Senator **TITCOMB:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to just add a couple of thoughts to the debate process that you may have going on in your minds as you decide to support the minority or the majority report. One of the areas of greatest concern during the time that I was dealing with the aseptic debate was the whole idea of volume, of the amount of waste that could be coming into the State if the aseptic package became a saleable product here in Maine. Very early on we looked at figures of how aseptic packages were being used and they did not seem terribly overwhelming. My very real concern is if this product comes back into the State what is the volume going to be in ten years, in the waste stream, of the aseptic package and what is the cost of that volume going to mean in terms of tax dollars back home where waste products are being paid for. I think we need to look very closely at the numbers that we have before us and the accountability that we have before us. I have no problem with the aseptic industry coming back into Maine and putting a product on the shelves. I do have a problem if that product then becomes a significant portion and a very costly portion of the waste stream if recycling in fact does not take place. It appears to me that the majority report does not hold the industry accountable to any numbers and I would love to take the word of any

industry and depend on good will but things change and industries change and businesses move in when they see an industry growing. Who exactly do we have that word from, if its from one company that's fine if they stay in business and no one else moves in. For this moment I would prefer to see more accountability in the law and therefore I will support the minority report. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise to ask you to defeat the pending motion so we can go on and accept the majority report of the Energy and Natural Resources Committee. The reason why I have decided to vote for that report is two fold. The first one is that I think it goes a long way in helping to dispel the reputation Maine has of being anti-business. We tend to do many things to send a message to businesses in other States that Maine is not a very good place to do business. I think this sends a very positive message and says that Maine is very forward in their thinking and if you can prove that technology has caught up, that we will reverse our decisions on some of these environmental regulations. The second area that I am impressed with in this particular legislation is that these juice boxes can only be recycled with the gabled top milk cartons, which means that these gabled top milk carton which currently are not being recycled to a great extent will be taken out of the waste stream. I think this is a reasonable compromise and I would ask for a Division. Thank you.

Senator **CAHILL** of Sagadahoc requested a Division.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Senator **CIANCHETTE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. First I would like to say this about the Energy and Natural Resources Committee, it has been a real pleasure to serve on a Committee with so many dedicated, responsible people, and I say that with the most sincerity. It's an excellent Committee, they work real hard and they do a real good job. There is a diverse series of opinions about that Committee and it is very healthy discussions that we have and that is the way things should be. I just wanted to commend the Energy and Natural Resources Committee and let you know that it is a real pleasure to serve on it. This issue was debated for a long time. I think most of you know how you are going to vote on this anyway. One of the things that we talked about in the Committee was accountability and we said it's time for us to start trusting and extending our hand to business in this State. The difference in these two reports, in my opinion, is trust. That's all it is, the difference is trust. I feel it is the appropriate thing for us to do, we have a letter of commitment that is a good faith commitment, it is not a binding contract but this company who is leading the charge here has made a commitment in writing that they will make a good faith effort to work at recycling. Nobody else is doing that, nobody is working at that now. This company has said they will. The accountability is the question we are talking about here and I'm telling you I am supporting this because I think it's time that we do extend our hand in trust because it is very basic and very simple. We all talk about jobs, we all talk about how we don't have jobs without business, it's

another message we are sending and I will guarantee you this, that if we don't trust business, there is no way they are going to trust us. Trust is a two way street. This is a very important issue to me. I think this legislature should extend its hand and say we are going to trust you to do this, we are going to hold you accountable, because if you come in here and mess things up we do have the option to shut you down again. I think they know that and I can't picture them getting into this thing with the intention of failing. I urge you to vote against the pending motion and accept the majority report. Thank you.

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

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

Senator **TITCOMB:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Again, before this goes to a vote, there are a couple of comments that I would like to put on the Record that have been of great concern to me for the last several years, not just this year. As I said, I have been considerably less active in the debate this year than I have been in the past. I would like to make it very clear that over the last several years when the Energy and Natural Resources Committee dealt with this issue they dealt with this issue with absolute fairness, and evenhandedness and they expected nothing less in return. I would also like to state for the Record, as I did not when this happened a couple of years ago, that at the time that we were doing that, and I would repeat with fairness and even handedness, the industry took it on to print full page advertisements in out of state publications including the New York Times stating that Maine was not a good place to do business. If holding people accountable and if being concerned about bringing what could potentially be a very large portion of a waste stream into our State, and at that time knowing that the tax payers at the local level would have to pay for it, is not being a good business partner then I guess that will have to be. I happen to disagree with that considerably. I, too, have seen a number of different efforts, some very whole heartedly embarked on by the industry to try to figure out a way that this juice pack can get back into Maine. I saw the Energy and Natural Resources Committee very cooperative in that effort. Certainly not trying to be a blockade and again and again it became apparent to the Committee that the things that were being said that would be done were not done. We kept an open mind on that issue and other than this year, if my recollection is correct, the reports of that Committee were unanimous in support, and that is bipartisan unanimous in support of not allowing this industry to come back into the State. I see this year that some people that I also respect very highly have voted opposite from what I will vote today. I understand that there may very well be a lot of this debate that I have not been able to hear first hand and I respect that fully, but I do feel that as we vote on this issue that we be very cautious that when we do open our borders to a product that we do it, not just because someone might say Maine is a good place to do business, which I would like to see be our reputation, but to say that that industry has been accountable and that we have provided a measure that is very clear and direct that holds them accountable. That is not anti-business, I think that is good policy and when I go back home to my towns and they talk to me about what percentage I may well be adding to the waste stream and what that is going

to do to their property taxes I want to tell them that I put in some measure of control to do my best to make sure that that doesn't happen. So with all due respect to both sides of this debate I again would concur with the Senate Chair of that Committee and ask that you support the minority report. Thank you.

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

Senator **HARRIMAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I, too, rise and ask you to defeat the pending motion so that we can go on to accept the majority ought to pass report. I do it for a couple of reasons. Let me say at the onset I hail from a town that I grew up in and still live in and we take a lot of pride in the reputation that we have earned, and we have earned it because we have worked very hard at recycling. We were one of the first to no longer accept Christmas trees into the waste stream. We were one of the first to go out into the neighborhoods and teach people how to compost and we continue to do that to this day. A neighboring town in my district, Freeport, on an initiative started by the children in the school, have banned styrofoam containers in the school system. That was started many years ago and it continues to this day. I could go on, as I'm sure you can, of example of what is going on in the communities of the State about recycling. We have all, as consumers, gotten the message that it is important, it is necessary for our environment for us to reuse, reduce and recycle. As the Senator from Somerset, Senator Cianchette, so eloquently stated, what this bill comes down to is an element of trust. I have had a chance, as I'm sure all of you have, to read the majority and the minority report. I have also had an opportunity, as I'm sure perhaps you have, to read the joint memorandum agreement with the Waste Management Agency, I've had a chance to read the letter from Great Northern Recycling, a company who is interested in taking this project on and in fact indicates that one of the towns in my district is looking at this favorably and wants to participate. All of the reasons that have been spoken to earlier about the opportunity to involve the children in the educational process because, at least in my instance, I have learned a lot more from my children then they have learned from me at this point in time. I mention it because we have failed to recognize that one of the problems that we have in this State with the gabled top milk containers was an existing problem. There was no effort to ban them, or at least if there was it didn't pass. So through the work that has gone on on this issue over the past several years we have found a solution to not one but two problems. Two problems we are solving with this. I think it is an opportunity for this legislature to stand up, number one and say we encourage you, we applaud you, continue. The people who have an interest in this issue on both sides of the issues, after this vote is taken, aren't going to ignore the issue. The legislation before us requires and demands that they come back to the Energy and Natural Resources Committee and be held accountable and if they are not living up to our expectations, your expectations, this legislature, I'm sure, will take the appropriate action. We both want to reach the same destination, it's just a difference of how we are going to take the journey. I hope that you will take the journey by extending an opportunity for people who take the risk of providing jobs in this State, to let them know that we want to work with them and not against them. Thank you.

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

Senator **LAWRENCE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I just would like to close this debate with a quote from Ronald Reagan, who said "You should always be willing to trust but you should always verify." Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Aroostook, Senator Ludwig.

Senator **LUDWIG:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I know everyone wants to go to lunch and I will be very brief but I was very pleased that Senator Harriman, the good Senator from Cumberland, spoke about the milk boxes being included in this mix because that speaks to the concern raised by the former Chairman of Energy and Natural Resources, whom I respect very highly. I was just an incensed as she was the last time this issue came around at the way the industry mishandled it but we are taking additional volume out of the waste stream by combining these boxes with the milk cartons and I think it will make a tremendous difference in volume. The other thing I wanted to say may not seem to you like much of a threat but while we scolded the industry for its past mistake I did say in giving my final approval to this plan that if you do not follow through on this I will be back here in front of this Committee, even if it's in a wheelchair, to insist that the ban be reinstated. Thank you.

The President Pro Tem noted the absence of Senator **O'DEA** of Penobscot, and excused him from today's Roll Call votes.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion of Senator **LAWRENCE** of York to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (H-799)** Report in **NON-CONCURRENCE**.

A vote of Yes will be in favor of **ACCEPTANCE**.

A vote of No will be opposed.

Is the Senate ready for the question?

Senator **BUSTIN** of Kennebec who would have voted **NAY** requested and received Leave of the Senate to pair her vote with Senator **DUTREMBLE** of York who would have voted **YEA**.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators **BRANNIGAN, CLEVELAND, CONLEY, HANDY, LAWRENCE, LUTHER, MCCORMICK, PEARSON, PINGREE, TITCOMB, PRESIDENT PRO TEM - DONALD E. ESTY, JR.**

NAYS: Senators **AMERO, BALDACCI, BEGLEY, BERUBE, BUTLAND, CAHILL, CAREY, CARPENTER, CIANCHETTE, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LUDWIG, MARDEN, PARADIS, SUMMERS, VOSE**

ABSENT: Senator **WEBSTER**

EXCUSED: Senator **O'DEA**

PAIRED: Senators BUSTIN, DUTREMBLE

11 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 1 Senator having been excused, and 2 Senators having paired their votes and 1 Senator being absent, the motion of Senator LAWRENCE of York to ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (H-799) Report in NON-CONCURRENCE, FAILED.

THE PRESIDENT PRO TEM: The pending question before the Senate is ACCEPTANCE of the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-798) Report, in concurrence.

On motion by Senator BUSTIN of Kennebec, Tabled until Later in Today's Session, pending ACCEPTANCE of the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-798) Report, in concurrence.

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:

Emergency

An Act to Ensure Continued Federal Support for Unemployed Workers during Periods of High Unemployment
S.P. 625 L.D. 1744
(S "B" S-446 to C "A" S-438)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on BANKING & INSURANCE on Bill "An Act to Promote Economic and Employment Growth in the Financial Services Sector"
S.P. 620 L.D. 1722

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-442)

Minority - Ought Not to Pass

Tabled - March 10, 1994, by Senator ESTY of Cumberland.

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, March 10, 1994, Reports READ.)

Senator MCCORMICK of Kennebec moved that the Senate ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.

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

Senator MCCORMICK: Thank you Mr. President, Ladies and Gentlemen of the Senate. Maine is hiding its light under a bushel basket. We are the second best state in the nation in terms of fiber optics and infrastructure and availability for financial service sector and credit card jobs, and yet we are the second worst state in the nation in terms of our regulatory environment. We have a work force that is 22% more productive than New York's work force, that is some testimony of Dick Malano, President of Key Bank. We have fully digitized switching in this state, we have more miles of fiber optic cable than any other state in the nation and yet almost all of our credit card jobs in the last couple of years have fled out of state. In 1991 Fleet Bank sold their credit card portfolio out of state, Key Bank followed in 1992 and Peoples Heritage in 1993, and now there are only 27,000 credit cards issued in state. There are a million credit cards, estimated, that we Mainer's carry that are from out of state banks. This bill will deregulate our usury laws and do three things. Remove the 18% interest rate cap, allow a late fee which is currently prohibited in Maine and currently allowed in 47 other states, and that late fee will be the lesser of either 5% of the unpaid balance or a maximum of \$10.00 and it will change our interest rate calculation to the balance computation method which is the method used in 99.5% of the other states, and that extra .5% percent are states that use a more rigorous or less consumer friendly interest rate calculation method.

You may wonder why I have chosen to support this bill, I am a big consumer advocate and I did so not without a lot of study and consideration and I made this decision to support this bill and I truly and heartily do because the market place has moved beyond our credit card laws. Will Lund, the Director of the Bureau of Consumer Credit Protection, has for years objected to this bill and just this year took back his objection and testified neither for nor against, testifying about four national federal truth in lending laws that protect consumers. The largest one is the Fair Credit and Charge Card Disclosure Act which mandates that there be a box on every solicitation that you get for a credit card that is easy and simple to read and tells us the interest rate, annual fees, grace periods, etc. of the card that they are trying to sell you. Then there is the Fair Credit Billing Act which gives us rights in resolving bill disputes. Then there is the Fair Credit Reporting Act which impacts how reporting agencies use our credit information and gives us access to that. Lastly there is the Equal Credit Opportunity Act which guarantees all of us equal access to credit. So Mainer's have actually been voting with their feet, by only holding 27,000 in state issued credit cards, which are the only cards that have to abide by our usury laws, and by instead choosing to hold a million out of state issued credit