

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

NAYS: Senators BERUBE, HANDY, LUTHER
ABSENT: Senators DUTREMBLE, HALL, MARDEN, WEBSTER
EXCUSED: Senator O'DEA

27 Senators having voted in the affirmative and 3 Senators having voted in the negative, with 4 Senators being absent, and 1 Senator being excused, the motion by Senator **MCCORMICK** of Kennebec, to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-442) **READ** and **ADOPTED**.

The Bill, as **Amended**, **TOMORROW ASSIGNED FOR SECOND READING**.

Senate at Ease

Senate called to order by the President.

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 **BUSTIN** of Kennebec.

Pending - **ACCEPTANCE** of Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-798)** Report, in concurrence

(In Senate, March 10, 1994, Reports **READ**. **ACCEPTANCE** of Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (H-799)** Report in **NON-CONCURRENCE, FAILED**.)

(In House, March 9, 1994, 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)**.)

The Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-798)** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "B" (H-798) **READ**.

On motion by Senator **HANDY** of Androscoggin, Senate Amendment "A" (S-450) to Committee Amendment "B" (H-798) **READ**.

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 first want to thank the members of the Senate for their indulgence in allowing this amendment to be printed and offered today. The amendment before you proposes that this legislation be sunsetted February 1, 1996, thereby enabling a two year period for those in the aseptic container industry to go forward with any recycling plans that they say that they have and that have been suggested to the Committee. I would hope that you would adopt this so that we can go forward and extend that hand and that effort of faith to that community. I hope you will adopt this amendment. 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 hope you will follow your good judgement in the past vote and stay with the majority report and reject the amendment which has just been offered. Thank you.

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. I, too, would ask you to vote against this motion. In Committee we had this issue as a debate and the Committee did not go with this amendment because we felt it would delay the process, that the people who have made the commitment to do this would be very uncomfortable if they were going to make this initial investment and then have it go away in two years. So, it's the other side of the question and it is back to the matter of trust again. The Committee turned this concept down and I hope the Senate will. I would ask for the vote to be taken by the yeas and nays. Thank you.

Senator **CIANCHETTE** of Somerset requested a Roll Call.

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. I don't understand what is wrong with this amendment. I simply don't understand what is wrong with this amendment. It does everything that the majority report wants, which was to give them time to do it, and if they don't do it come back for review they said. This simply says it sunsets it and makes it reviewable automatically if it isn't done. What's the objection? I used to be a member of the Public Utilities Committee and I remember the debates back then centered around cable television and the cable television people said trust us, we'll do what's right. This is not a state issue it is a national issue and should be done in Washington, they ran down to Washington and said this is not a national issue this is a state issue, it should be done in the various states. They kept the ping pong ball going back and forth several times, finally the government in Washington passed a law that we are now under to

bring cable rates down, but they haven't come down. I think it's great to be trusting to some degree but you can't do it in every aspect of our living. This is called protecting Maine's environment and I think that is terribly important. For the life of me I cannot understand what is wrong with this amendment. 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 appreciate the confusion that could be brought to bear with this amendment but I would like to read the amendment to you, the part of it that has the sunset. "Effective February 1, 1996, in a container composed, in whole or in part, of aluminum and plastic or of aluminum and paper in combination where those materials are for practical reasons inseparable. Milk or dairy-derived products in liquid form to which additional flavoring ingredients have been added may not be sold in containers prohibited under this subsection." What this says to the industry who wants to sell their product in here is that automatically on February 1, 1996, they can't do it anymore and they would have to overturn this. With the term limits that have been approved by the voters and with the length of time in years that this bill has been debated you are asking for another five years probably of debate at which time an industry, although I do not believe this industry will come in with this amendment, will have been enticed into the State and then asked to leave the State at a date certain. That is what I find is the difference in this amendment. Thank you.

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

Senator **BERUBE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I guess I would like to pose a question to anyone who would answer. I notice there is also a fiscal note on this amendment, if that is the case does that mean that if there is no money to fund the fiscal note of \$6500 plus the bill would be dead?

THE PRESIDENT PRO TEM: The Senator from Androscoggin, Senator Berube, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Perhaps I have not read this as thoroughly as I should have. I would like to pose a question to the Senator from Androscoggin, Senator Handy, is this a sunset if they do not reach that level of recycling? Thank you.

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 Androscoggin, Senator Handy.

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. That is the intended effect of the amendment. Thank you.

Senator **CAHILL** of Sagadahoc moved the **INDEFINITE POSTPONEMENT** of Senate Amendment "A" (S-450) to Committee Amendment "B" (H-798).

The same Senator requested a Division.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by Senator **CAHILL** of Sagadahoc to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-450) to Committee Amendment "B" (H-798).

A Division has been requested.

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

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

15 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **CAHILL** of Sagadahoc to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-450) to Committee Amendment "B" (H-798), **PREVAILED**.

Committee Amendment "B" (H-798) **ADOPTED**, in concurrence.

The Bill, as **Amended**, **TOMORROW ASSIGNED FOR SECOND READING**.

Senator **CIANCHETTE** of Somerset was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **BUSTIN** of Kennebec, **ADJOURNED** until Tuesday, March 22, 1994, at 9:00 in the morning.