

MAINE STATE LEGISLATURE

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

VOLUME II

FIRST REGULAR SESSION

House of Representatives
May 24, 1995 to June 30, 1995

Lovett, Madore, Murphy, Nass, Pinkham, Poulin, Reed, W.; Rosebush, Savage, Shiah, Stevens, Townsend, True, Truman, Tufts, Vigue, Waterhouse, Winglass.

ABSENT - Bailey, Birney, Chase, Chizmar, Cloutier, Daggett, Dexter, DiPietro, Gamache, Greenlaw, Heino, Jacques, Kontos, LaFountain, Lemaire, Luther, Mitchell EH; Nadeau, Plowman, Ricker, Strout, Yackobitz, The Speaker.

Yes, 93; No, 35; Absent, 23; Excused, 0.

93 having voted in the affirmative and 35 voted in the negative, with 23 being absent, the Bill was passed to be engrossed as amended and sent up for concurrence.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following item which was Tabled and Today Assigned:

Bill "An Act Regarding Unredeemed Deposits on Beverage Containers" (H.P. 506) (L.D. 687)

TABLED - June 22, 1995 by Representative CARLETON of Wells.

PENDING - Motion of same Representative to reconsider whereby the Minority "Ought Not to Pass" Report of the Committee on Business and Economic Development was read and accepted.

The House voted to reconsider action whereby the Minority "Ought Not to Pass" Report was accepted.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Rowe.

Representative ROWE: Madam Speaker, Men and Women of the House: L.D. 687 is a bill that proposes to repeal the laws relating to unclaimed beverage container deposits, otherwise known as the bottle float laws. I urge you to vote against passage of L.D. 687 in any form, for the simple reason that I do not believe we have enough information to make an informed decision about whether to repeal the bottle float laws or not. The bottle float laws is part of a very complicated law, if you don't understand it, don't feel alone because on my committee we dealt with several bills that dealt with these laws and I never felt I fully had a grasp of the subject. As I stand here today, I can honestly tell you that I still don't.

As many of you know, the Maine Unclaimed Beverage Container Laws were enacted to reduce the amount of beverage containers ending up in solid-waste landfills in the state. The law basically works like this, when consumers buy beverages in Maine, they pay deposits and usually it is a nickel. The deposits are collected by the deposit initiators and even usually the distributors. A distributor must put all deposits collected in a special escrow account, they constitute a trust for consumers or for the state if the deposit is not claimed by consumers. When consumers redeem beverage containers, the distributor reimburses the consumer. Of course, redemption centers may serve as intermediaries in this transaction.

At the end of each quarter, the distributor computes the balance in the special account by subtracting the deposit amount returned to consumers from the total deposit amount collected. The money for Maine in the special account is called unclaimed deposits, this is the float. The float is the amount that is left with the distributor after the consumers have redeemed. After the quarter ends, the distributor removes the unclaimed deposit amounts

from the special account and pays 50 percent of that amount to the state treasury. The remaining 50 percent and an interest or income earned on the total unclaimed deposits are credited to the distributor. Again, on that float money, at the end of the quarter, 50 percent of it goes to the state treasurer and 50 percent and the interest is retained by the distributor. The 50 percent of unclaimed deposits that is paid to the state treasury is credited to the Solid Waste Management Fund.

The state's interest in unclaimed bottle deposits have been upheld by the Maine Law Court. The Law Court said because the law further clarifies and implements the legislature's original goal of reducing the cost to the state of litter collection and disposal by assessing a fee on the industry for the unreturned containers, it is neither irrational nor unreasonable. I agree completely with the Law Court. When you think about it, if you don't return beverage containers, where do they go? They end up in the trash. Where does the trash end up? It ends up in solid-waste landfills. It makes sense that that money would come back to the state to help defray the costs of maintaining those solid-waste landfills.

It would seem that redemption levels would never exceed 100 percent. After all, you would not expect to get back more bottles and cans than you sold. We know that some do find their way to solid-waste landfills. We all know we end up throwing a can in the trash from time to time. The problem comes when distributors and manufacturers sell beverages with the Maine deposit logo on them, out of Maine. You have a regional or national distributor or manufacturer that is selling cans and bottles that say, "Maine 5 cents." In New Hampshire, Massachusetts and other states, you run the risk of those empty containers being brought back into this state and being redeemed. Also, inaccurate reporting by distributors and manufacturers could also account for part of the overredemption.

When distributors report quarterly their overredemptions to the state treasurer and the state treasurer reimburses them at 50 percent of the overredemption amount, I want to say that again, if during a quarter there is an overredemption, meaning the distributor got more cans and bottles back than that distributor distributed, then the distributor can apply to the treasurer and the treasurer does pay the distributor 50 percent of the overredemption amount. The distributors have argued that they want 100 percent, but that is another argument. Currently it is paid at 50 percent.

During the public hearing, we had representatives testifying on behalf of the distributors in favor of this bill saying that the law should be repealed. Some of the reasons were that payment of the float money to the state is not good public policy. We also heard that the Unclaimed Deposit Law is actually a tax. They also claimed that the law has a greater negative impact on distributors doing business only in Maine, than those distributing regionally or nationwide. Again, if this is true, obviously it is an illegal redemption problem. It means that folks are coming in from New Hampshire or Massachusetts with bottles and cans and redeeming them in Maine.

If this bill is passed, L.D. 687, 50 percent of the unredeemed deposits would not be sent to the treasurer, all unredeemed deposits would stay with the distributor. It is true that we have a problem

with out-of-state beverage containers being brought into Maine for redemption. I admit that. I think the evidence that was showed to us is probably accurate and that is why we have an overredemption problem. That is why the cost of operating under a mandate deposit law is so high for distributors. I would submit that L.D. 687 is not the answer, at least not until we have a better understanding of the extent of the problem and whether better labeling and increased enforcement can help the overredemption problem.

This body has enacted a couple of bills already that I think will go a long way toward helping to alleviate the overredemption problem. We enacted L.D. 52, which would give an exclusive distributorship the right to put a deposit sticker on containers. The way that worked is if you only distribute beverages in Maine, if you put a distinct label on the beverage container and it is not being put on in New Hampshire or Massachusetts then when the container comes back in and doesn't have it, it shouldn't be redeemed. That is one way that we can get at the overredemption problem. Additionally we enacted L.D. 700, which will require that redemption centers post signs so that when people come up with bottles and cans to redeem, they are made aware that Maine law prohibits the redemptions of containers that were not purchased in this state. I am not sure that everyone understands that is a violation of state law.

The Department of Agriculture has also recently stepped its enforcement efforts to curtail out-of-state beverages from being redeemed in Maine. If we discontinue funding to the Solid Waste Management Fund, then we will have less funds in which to fund these efforts. I know we are dismantling the Maine Waste Management Agency, but this fund still exists and the work that the agency was doing is going to the State Planning Office and the Department of Environmental Protection. These efforts will continue and they should continue. I am suggesting to you that repeal of this at this time, without what I think is sufficient information, could actually cost us in terms of being able to deal with the solid waste disposal issue. This whole bottle bill area is very complicated.

The Business and Economic Development Committee realized that and we put out a bill that would set up a task force to study these laws and to bring back recommendations to the committee in January. That was L.D. 1345, which we enacted just two days ago. I just want to mention that L.D. 1345 specifically listed the items that would be examined. One of the items was the extent of fraudulent redemption and misredemption of beverage containers. I am not suggesting that we don't have a problem, we do. You are probably going to hear from speakers after me that the state treasury does not have a great surplus right now of this float money. That is because there have been a lot of distributors applying for overredemption refunds. There is a problem and I am not suggesting there is not.

What I am suggesting is I think we are hurrying into a solution here that we may regret. My suggestion is to wait until this task force does its work and comes back to the legislature in January, where we can take a conceptual look at this whole bottle bill and maybe we will determine that we should repeal this. Maybe there is an easier way to do it. Maybe the distributor should pay fees based

on the business they do in the state to help defray the costs of the unredeemed deposits for the bottles and cans that go into the solid-waste landfills. Maybe there is a less expensive way to do this, that is not before us today. I think this was a good law. The bottle bill, we all know this is a good law, we all know it works. You don't see cans and bottles beside the road. I just feel we are rushing into this and we are being premature.

Again, it may be very well in the end that we decide to do this, but I think to do it now would be tantamount to perhaps throwing the baby out with the bath water and I am afraid that may be what we are doing here. I would strongly encourage you to vote for the "Ought Not to Pass" motion. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Rumford, Representative Cameron.

Representative CAMERON: Madam Speaker, Ladies and Gentlemen of the House: Make no mistake that repeal of this law will have no effect on the bottle bill in the State of Maine. The bottle bill in the State of Maine is the model for the nation and is one of the greatest things that has ever happened here. I will never be a party to anything that would affect that.

This is not the bottle bill, this is the unredeemed deposits law. Ladies and gentlemen, I don't think it is an issue of money. I think it is an issue of public policy. This law was passed in 1991 with no public hearing for people to have input on it. When there had been public hearings on this bill in previous legislatures, it was defeated soundly, time and time again. The good Representative from Portland is exactly right that they take half of the money in unredeemed deposits and send it to the state to be used in the fund in the manner in which he previously said. The fact of the matter is, we are at a point now where the Solid Waste Management Fund may end up owing this money back to the distributors because of the way the money is coming in.

The Natural Resources Committee, I hope you will hear from a little later, and the Maine Waste Management Agency, which is now defunct, effectively has recommended the elimination of the unredeemed deposits law. If they have recommended it and it is for them, then why would we want to keep it. It doesn't make sense to me. The unredeemed deposits that are presently being sent to the state, in my view, are not the state's money. It is true they are not the distributor's money, but ladies and gentlemen, when the expanded bottle bill was passed in the early 90s, Maine got into the redeemable bottle business because we are in the liquor business.

If you take the time to read the green sheet that is coming around with some very important details to help you make up your mind on this decision. When we got into that business in 92 and 93, it cost the state \$700,000 to handle the bottles. Don't get me wrong, I am not saying the bottle bill is a bad thing. That was just the portion that the state takes care of and you say, well they get 5 cents. That is true, but that is just a pass through. You pay in 5 cents and you get 5 cents back. There is another 3 cents, but the 3 cents ends up with the redemption center. And the \$700,000 cost to the State of Maine, ladies and gentlemen, comes right out of the state coffers or it is added onto the cost of what we are selling.

If you look at the private sector and we all know who they are, whether they are beer or soda

distributors, we are talking literally millions of dollars in additional costs that are not covered by the 5 cents or the 3 cents and that is ok. The point I am making is this bill was passed because unredeemed deposits were perceived by some folks to be a windfall for the distributors. The state has found out there is no windfall. It cost us \$700,000 in addition to the unredeemed deposits. I would submit to you that the unredeemed deposits at the state represent a higher percentage than they do in some of the other distributors because the return rate is less for the type of beverages that we distribute than they are for some of the beer and soda distributors.

If you follow the logic through, it cost us \$700,000. I have heard the figure of 90 million dollars to distributors around the State of Maine that the cost is and I don't know if that is right and it doesn't make any difference if it is right. The fact of the matter is, that the 90 million dollars is being past on through the consumers as we buy their beverages. We all know that. There is no windfall of unredeemed deposits. Again, that was why the law was passed in the early 90s, as I think we have heard here this year. We got money anywhere we could get it, whether it was ours or not. We used any scheme we possibly could and this is another gimmick.

I might add that as it stands right now the last I knew the state had not paid the distributors back the 50 percent that we are obligated to pay. None of them have been paid. I can talk for a long time about why that may or may not have happened, but it is not important. The fact that they have not been paid and now we owe them that money.

As the ratio of returnables increases, it is now in the 90-percent range in Maine, which is excellent. As that ratio increases the unredeemed deposits become less and when the 50 percent comes to the state, then we have to in turn send it back again. As the good Representative from Portland said, this is a very complicated system. The fact of the matter is, we are at a point now where the state is going to be losing money. When we first talked about this bill in committee, we were told that it would create a large hole. I have heard all kinds of numbers up into the 2 million dollar range in the budget. We can't possibly do this and we have no money. The next thing we heard was well, maybe it is only \$700,000. Then we heard it is probably around \$300,000.

The fact of the matter is it isn't going to create a hole now and we are not making any money on it either. If we take it out of the budget as far as from an income base, but it will create a hole because we are going to end up owing more than we are taking in and that doesn't make a lot of sense. You don't have to be a rocket scientist to figure that out, but there is no point in us being in it. Don't forget that in the short time, two years, it cost the state \$700,000 to handle the expanded bottle bill and the portion of the beverages that the state is involved in. When I mean handle, it has nothing to do with the redemption center, that is the state itself that the distribution building right here in this area and that has to do with facility maintenance, facility operation, paying the people to handle the empties and returning them to be processed.

Again, the bottle bill is one of the greatest things that ever happened in this state and I

wouldn't even consider doing anything to make that not work. This has nothing to do with the bottle bill. This, ladies and gentlemen, is a public policy issue and it is an area that the state has no business in and it is an area that can potentially cost us some money and there is not way we are ever going to make any money on it. I would urge you to vote against the pending motion so that we could go ahead and pass the "Ought to Pass" motion.

Representative CAMERON of Rumford requested the Clerk to read the Committee Report.

The Clerk read the Committee Report in its entirety.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Greenville, Representative Gould.

Representative GOULD: Madam Speaker, Ladies and Gentlemen of the House: We have discussed this long and hard in the Natural Resources Committee. I urge you to vote against the Minority "Ought Not to Pass" Report. We discussed this morning about rules and their are two rules I would like to mention. The rule of gravity and the rule of science. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Richardson.

Representative RICHARDSON: Madam Speaker, Members of the House: There are two additional points that I think need to be made here. This bill and this issue were brought before the Taxation Committee as well. First, the problem of overredemption, which is depleting the fund. It is not a problem of casual picnickers who are bringing over their pop cans from New Hampshire and turning them into the local variety. The problem is a major and systematic avoiding of the law with semis coming into Maine loaded with cans and bottles that are delivered to redemption centers. We discussed with the representative of the industry how they had video taped some of these trucks coming into the State of Maine bringing large numbers of cans and bottles into Maine, including cans or bottles that aren't sold in Maine and turning them in and getting the redemption back. It is a lucrative business.

I raised, repeatedly the question of why not deal with the fraud if, in effect, these cans and bottles are coming into Maine and depleting the fund and that was both the public and the distributor's money, ultimately. Why weren't we addressing systematic fraud for large numbers of cans and bottles coming into the state? I always got kind of a skin-scratching-sort-of-look-at-the-ceiling answer to that. Some references to the study that is upcoming and, of course, I look for the study to address the program. I began to understand the issue a bit more when I heard that in other states, particularly New York, they are recognizing that, in fact, the 50 percent money really doesn't belong to the distributor and it really does belong to the enforcement agencies, which is state government, that help supervise this general world, that this was a source of revenue to pay for those services, that it was a contribution to a clean economy surrounding the bottle bill.

Whether or not there was an attack ultimately conceived toward the bottle bill or not, I don't really know. I do know that the industry nationally is very interested in stopping New York, among others who are thinking about adopting a 50 percent policy on the float. Therefore, the industry was not particularly interested in taking the video tapes of

the semis that were coming into Maine and depleting our fund and turning it into an effective campaign against what it was, which was fraud or theft.

I would hope that the study between now and January would look carefully at the issue of the depletion of the funds, which, again, is not a casual and occasional depletion of the fund, it is a systematic one of major proportions. We should come up with some solutions in dealing with that, but preserve the resources not for the truckers who are evading the law, but for those who are trying, including the distributors, to maintain a good environment and an effective bottle bill. I would hope that we would postpone preliminary judgment on the float here and wait until the study reports back and take a more considered judgment.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Rumford, Representative Cameron.

Representative CAMERON: Madam Speaker, Ladies and Gentlemen of the House: Very briefly, the good Representative Richardson is exactly right about the overredemption and it has absolutely nothing to do with this bill. Please don't let that change your resolve to vote against this bill. We have a serious problem, whether we keep this or we don't it will not solve that issue. He is right, but that has nothing to do with this.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Belgrade, Representative Damren.

Representative DAMREN: Madam Speaker, Ladies and Gentlemen of the House: The unclaimed deposits bill that we have before us, parts of this have been to three committees, Natural Resources being one. We looked into this extensively when we were working on dissolving the Maine Waste Management Agency and checking into the types of revenue that helped fund that agency. This also, as well as providing money for Maine Waste Management, funded positions in the State Treasurer's Office and also in Administration.

It came to light during our deliberations that the estimated of income from this source was in error. When we were trying to plan a budget, what we had originally thought might be \$750,000 of income, ended up not to be any at all. In fact, the liability to the distributors for credits that were already owed them was about \$313,000 as of the end of December. They work on a calendar year and not a fiscal year where they are reporting. As near as we could work out to have this come out even at the end of 1995, the amount of money coming in in three quarters because they paid about the end of the second quarter for the first quarter, would approximately even out to what was owed back to the distributors.

We did make the recommendations to both committees, that these credits are owed by the state to the distributors and they should be allowed to balance out. We owe them and Maine should pay them. Before we increase our liability any further, we should seriously consider not passing the "Ought Not to Pass," but go on to pass the "Ought to Pass" Report. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Rowe.

Representative ROWE: Madam Speaker, Men and Women of the House: I won't go on very long. I know we have other bills to get to, but I just take exception to one thing that the good Representative from Rumford, Representative Cameron has said, that overredemption has nothing to do with this bill. I think overredemption has a lot to do with this bill.

If we didn't have overredemption then we probably wouldn't have this bill before us. If we correct the overredemption problem, this concern, I think, would go away.

Another statement that I heard, the state has no business in this area, the Maine Law Court didn't think so. The Maine Law Court thought that the legislature's original goal of reducing the cost to the state of litter collection and disposal by assessing a fee on the industry for the unreturned containers was neither irrational or unreasonable. I would commit the state has a very real interest in the unclaimed deposit laws. It has a very real interest in the future. If we pass this bill today, we are going to have no mechanism to receive any help in dealing with the solid-waste landfill issue. It troubles me that we haven't given this issue more thoughtful deliberation.

I wasn't on Natural Resources and I don't know what they did. It is my understanding that, I see on the sheet today, that the Maine Waste Management Agency is in favor of this bill. I never heard that from the agency. Maybe they said that, but in my committee, I didn't hear that. Even if they had said that, I don't think we have enough information. I think we may regret this. This is the only reason I am asking you to hold off. If we come back in January, after we have assessed this issue and we feel then that this is a problem and the state is going to go in the hole and we are going to have to appropriate general fund revenues to pay these distributors for overredemption, then I would be the first one to say that this isn't the way to go about this. I am not there yet and I would submit to you that we don't have enough information for anybody to be there yet.

I just wanted to make those points. I appreciate you very much, your listening today. Again, I would appreciate your consideration of the pending motion. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Adams.

Representative ADAMS: Madam Speaker, Men and Women of the House: I believe my friend and colleague in the House, Representative Rowe has correctly put his finger on the problem and, I think, also pointed toward the answer. The effect of term limits in some respects is already felt in a body like ours, which has a naturally high turn over anyway before you start doing it by statute. I would say there are in the chamber now, perhaps only about four or five of us who worked on the original laws that brought us to the point where we can even discuss things about redemption levels and all of that. Those were totally unknown when I arrived as a freshman in 1989 knowing nothing about them myself.

The bottle law we have today was achieved by a series of very hard steps. Each one of them hard won. Running down them backward and blindfolded, thinking we are finding the answer is not, I think, the way to deal with it. I can recall very clearly when, first, the idea was brought up about this bottle float. It is good to think of it as the nickel you pay when you buy a bottle or a can of soda. It sort of floats the bottle or can through the process. As Representative Rowe has pointed out, if you fail to return that bottle or can, drop it or break it and it vanishes, the nickel still goes on. Where did it go? That was our concern.

It took us a great struggle to pass a law to say how much there was and who had it. It turned out, although we were told there was absolutely no money there, that there was indeed 3 or 4 million dollars. There were plenty of folks who didn't want us to know that. It turns out that once we discovered how much there was and wanted to know who it belonged to, indeed, there was quite a struggle to find that out.

It is not, with respect, quite accurate to say this bill has never had a public hearing. I just ran up from the law library and brought with me the records of indeed the public hearings this concept has had over the years. The most recent occurred in 1989 and 1991, again, in the Second Regular Session in 1991. That one was the bill of my own. Well heard, completely discussed and in many cases very much liked by whatever committee it went to.

Who actually owned the money was the question? The answer came, indeed, in the form of a public policy question as my friend Representative Cameron points out. The policy was expressed by the legislature's committees and said that we believe that we, the people of the State of Maine, own it. The Maine Supreme Court in 1991 agreed with that and said that you own every penny of it. All of it.

Recall, money, first of all, we were told didn't exist and wasn't there, turned out to be 3 or 4 million dollars that someone knew very well was there. Number two, money that we were told we had no business asking about or knowing who owned, turned out, indeed, that you and I and everybody at home owned it. What we decided to do with it was a series of things that you have, indeed, heard about. We won't review them again.

The policy of the State of Maine is to get as many of these bottles and cans off the road as possible. That worked awfully well. We have the best redemption rate in the United States. State policy to try to get all of them off the road, which would mean you would have a completely closed loop in a perfect world, which would be great. What we didn't anticipate was that professionals from out-of-state, as you have heard, would make it their whole job to find ways to dodge the system, which is by bringing in a lot of bottles from somewhere else. If you didn't buy the bottle in Maine, there is no nickel floating around here to pay for it.

I believe this legislature having fought so hard to come to those points, shouldn't back up upon them without taking a darn good deep breath and a hard look. That brings us to the point that, I believe, Representative Rowe pointed toward as a solution, which is, the fact that since we know how much money there is, we know how successful the bottle law has been and we know why the problem exists today and we should deal with the problem and that is overredemption. We already started to do it two ways. Number one, we passed a law earlier in the session without much fanfare requiring that bottles sold by exclusive distributors, that is those who work only in Maine, use only Maine labels. Not a bad idea. That gives us an absolutely firm grip on a firm chunk of the market.

Secondly, we have this opportunity for a study to try to figure out how to deal with the bigger problem. I have not the least doubt that our distributors, being clever folks, can help us put together with legislators, who I hope are clever folks and our staffers who we have dealt with for years, who I know are clever folks, can come up with

an answer to dealing with those people who live out-of-state, don't care whether we succeed or not and are just looking for a way to beat our system. That is the problem.

If you simply abolish the law, Representative Rowe is completely correct, you are not going to have any method of getting your hands upon the true people causing problems with the law, that is those from out-of-state who are bilking both distributors and bottle returners and all of the citizens of the State of Maine, who own every penny of that money, according to the Maine State Supreme Court decision, which I have here and which you could read, if you would like. It is well within the ability of the layman to read. It is blunt and very factual. Given the public policy issue that we fought so long to fight for and given the fact that every step of it came out in the people's favor, I think we ought to be real careful before we take another step that would back away from what the Supreme Court of the State, this legislature and what the people of the state have overwhelmingly said is right and that they like. It has had wonderful results.

In 1991, there was an excellent report done by the University of Maine, Agricultural Experimentation Station at Orono, called an Economic and Waste Management Analysis of Maine's Bottle Legislation. Maine is one of only 10 states that has bottle laws. The industry has been very effective in preventing every other state from trying to pass one. It assessing Maine's law, this is what they found. They found thousands of jobs were created by the Maine bottle law. Millions of dollars moved through the Maine economy in different ways. Remember every package of food on the shelf next to the cooler when you buy the beer or the soda is also something you may pick up and take home.

Hundreds of thousands of dollars, which has been returned to your own town, through the Maine Waste Management Agency's recycling programs, which you and I in our home towns have turned into millions of dollars through wise recycling programs. I had no idea that I would ever live to see the day when scrap newspaper would be worth \$120 a ton unsorted, but it is today, right now. We wouldn't be able to get a penny of that back into your own town, if we didn't have a recycling program there. Many of your towns would not have recycling programs, if you hadn't gotten the grants from the state. The state wouldn't have had the grant money to give you if the bottle law hadn't have had a hole knocked in it. That is my fear.

If you start to take any piece of it apart because it took us so long to get the circle together and the whole circle is either going to get smaller or fall apart. Before we do that, I think we should go with the study. It has been well and forcibly pointed out by my friend, Representative Rowe from Portland, because I do suspect he has also put his finger right upon the problem, which is that out-of-staters who would love to see the whole system collapse, don't give a hoot about the fact it is doing us beautifully and well, making us money and employing thousands who could care less about all of those things. To take what money they can and if it falls apart on us, so what, they don't live here. I do, your neighbors do and we all do and I would like to keep it and do the best thing we can with it.

For that reason, I would urge us all to follow the suggestion now on the floor that we endorse the

"Ought Not to Pass" Report, because within a little less than six months we are going to have some pretty solid answers in our hands and we can move from them with the study that we now have. Just think of it this way folks, if you have a hole in your boat, but it is a darn good boat, you don't burn the boat, you plug the hole and hopefully someday build an even better boat using the old one. Let's wait until January when it is cold outside and we can be inside building boats and do that and not simply just abolish a good law that has worked very well. Thank you.

The Chair ordered a division on the motion to accept the Minority "Ought Not to Pass" Report.

Representative MARSHALL of Eliot requested a roll call on the motion to accept the Minority "Ought Not to Pass" Report.

The SPEAKER PRO TEM: 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 members present and voting. All 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 pending question before the House is to accept the Minority "Ought Not to Pass" Report. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 229

YEA - Adams, Ahearne, Benedikt, Brennan, Chartrand, Daggett, Desmond, Driscoll, Etnier, Fitzpatrick, Gates, Gerry, Green, Hatch, Heeschen, Johnson, Jones, K.; Kil Kelly, Look, Martin, McAlevey, Meres, Mitchell EH; Mitchell JE; O'Neal, Paul, Richardson, Rosebush, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Stevens, Thompson, Townsend, Treat, Truman, Underwood, Volenik, Watson.

NAY - Aikman, Ault, Bailey, Barth, Berry, Bigl, Bouffard, Cameron, Campbell, Carleton, Chick, Clark, Clukey, Cross, Damren, Davidson, Donnelly, Dore, Dunn, Farnum, Fisher, Gieringer, Gooley, Gould, Guerrette, Hartnett, Hichborn, Jones, S.; Joseph, Joy, Joyce, Joyner, Keane, Kerr, Kneeland, Labrecque, Lane, Layton, Lemont, Libby JD; Libby JL; Lindahl, Lovett, Lumbr, Madore, Marshall, Marvin, Mayo, McElroy, Morrison, Murphy, Nass, Nickerson, O'Gara, Ott, Peavey, Pendleton, Perkins, Pinkham, Poulin, Povich, Reed, G.; Reed, W.; Rice, Robichaud, Savage, Simoneau, Sirois, Spear, Stedman, Stone, Taylor, Tripp, True, Tufts, Tyler, Waterhouse, Wheeler, Whitcomb, Winglass, Winn, Winsor.

ABSENT - Birney, Buck, Bunker, Chase, Chizmar, Cloutier, Dexter, DiPietro, Gamache, Greenlaw, Heino, Jacques, Kontos, LaFountain, Lemaire, Lemke, Luther, Nadeau, Plowman, Poirier, Pouliot, Ricker, Rotondi, Strout, Tuttle, Vigue, Yackobitz, The Speaker.

Yes, 41; No, 82; Absent, 28; Excused, 0.

41 having voted in the affirmative and 82 voted in the negative, with 28 being absent, the Minority "Ought Not to Pass" Report was not accepted.

Subsequently, the Majority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-498) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was given its second reading without reference to the Committee on Bills in the Second Reading.

Under further suspension of the rules, the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-498) and sent up for concurrence.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

The Speaker resumed the Chair.
The House was called to Order by the Speaker.

The following items were taken up out of order by unanimous consent:

SENATE PAPERS

The following Communication: (H.C. 229)

Maine State Senate
State House Station 3
Augusta, Maine 04333

June 23, 1995

The Honorable Joseph W. Mayo
Clerk of the House
State House Station 2
Augusta, Maine 04333

Dear Clerk Mayo:

Please be advised that the Senate today Insisted on its former action whereby it Accepted the Majority Ought Not To Pass Report from the Committee on Education and Cultural Affairs on Bill "An Act Concerning a Moment of Silence in Maine Public Schools" (H.P. 656) (L.D. 879).

Sincerely,
S/May M. Ross
Secretary of the Senate
Was read and ordered placed on file.

The following Communication: (H.C. 230)

Maine State Senate
State House Station 3
Augusta, Maine 04333

June 23, 1995

The Honorable Joseph W. Mayo
Clerk of the House
State House Station 2
Augusta, Maine 04333

Dear Clerk Mayo:

Please be advised that the Senate today Adhered to its former action whereby it Indefinitely Postponed Bill and Accompanying Papers on Bill "An Act to Provide Equal Political Rights for Classified State Employees" (S.P. 407) (L.D. 1095).

Sincerely,
S/May M. Ross
Secretary of the Senate
Was read and ordered placed on file.

Ought to Pass as Amended

Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-316) on Bill "An Act Concerning the Termination of Parental Rights" (S.P. 508) (L.D. 1367)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-316).

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-316) was read by the Clerk and adopted.