

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Twenty-First Legislature
State of Maine

Volume III

Second Special Session

April 8, 2004 - April 30, 2004

Appendix
House Legislative Sentiments
Index

Pages 1563-2203

Representatives:

HONEY of Boothbay
 CARR of Lincoln
 CHURCHILL of Orland

READ.

Representative PINEAU of Jay moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

The following item was taken up out of order by unanimous consent:

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act To Increase Returnable Beverage Container Redemption Rates"

(H.P. 931) (L.D. 1257)

- In House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-855) AS AMENDED BY HOUSE AMENDMENT "A" (H-956)** thereto on April 27, 2004.

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-855)** in **NON-CONCURRENCE**.

TABLED - April 28, 2004 (Till Later Today) by Representative DUPLESSIE of Westbrook.

PENDING - FURTHER CONSIDERATION.

Representative SULLIVAN of Biddeford moved that the House **ADHERE**.

Representative AUSTIN of Gray moved that the House **RECEDE AND CONCUR**.

Representative SULLIVAN of Biddeford **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Biddeford, Representative Sullivan.

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. This is the returnable container redemption rate. It is almost as exciting as the dental bill that the Representative mentioned last night. I am still asking you to make whole what we promised the redemption centers, which include the small mom-and-pop stores and give them simply the half penny. Everything else in the bill would stand as is, but we promised this and we voted on this law. We had them go through a busy season last year, the summer season, with the promise that as of March 1st we would do something to correct it. We did not.

This one would totally undo 985 that we passed. It is a landmark decision moving the bottle bill forward. I simply would ask you to vote to send it down in non-concurrence. If the other chamber would like a committee, then we certainly could do it. Thank you.

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 504

YEA - Andrews, Annis, Austin, Berry, Berube, Bierman, Bowen, Bowles, Brown R, Browne W, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill E, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Fischer, Glynn, Heidrich,

Honey, Jodrey, Joy, Kaelin, Landry, Ledwin, Lewin, Maietta, McCormick, McNeil, Millett, Mills S, Moore, Muse, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson E, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Tardy, Tobin D, Tobin J, Treadwell, Vaughan, Young.

NAY - Adams, Barstow, Beaudette, Blanchette, Bliss, Brannigan, Breault, Bull, Canavan, Clark, Cowger, Cummings, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Gagne-Friel, Gerzofsky, Goodwin, Grose, Hatch, Hotham, Hutton, Jackson, Jennings, Kane, Ketterer, Koffman, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, McGowan, McLaughlin, Moody, Norton, O'Brien L, O'Neil, Paradis, Pellon, Pineau, Pingree, Richardson J, Rines, Saviello, Simpson, Smith W, Sukeforth, Sullivan, Suslovic, Thomas, Thompson, Trahan, Twomey, Walcott, Watson, Wheeler, Woodbury, Wotton, Mr. Speaker.

ABSENT - Ash, Bennett, Bunker, Churchill J, Craven, Duprey B, Fletcher, Greeley, Jacobsen, Marraché, McGlocklin, McKee, McKenney, Mills J, Murphy, Norbert, Patrick, Percy, Perry A, Perry J, Piotti, Sampson, Smith N, Sykes, Usher.

Yes, 58; No, 68; Absent, 25; Excused, 0.

58 having voted in the affirmative and 68 voted in the negative, with 25 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Gray, Representative Austin.

Representative **AUSTIN**: Mr. Speaker, Ladies and Gentlemen of the House. I urge you to oppose the pending measure. The original piece of legislation would have allowed those small businesses that we spoke about just a day or two ago who have started to enter into agreements prior to March 1, 2004 to be able to have until October 1st to set up the agreement with all concerned parties. This is the last piece of the bottle bill that enacts the procedures of understanding between distributors, initiators of deposit, pick up contractors and the redemption centers. Those not in the agreement and working towards implementation would be paying the redemption centers the extra half cent and those unclaimed deposits would go to the Maine Revenue Service as a float to help support the supervision of this program. There has been a lot of work around this entire subject matter and the original focus of all of this is for the environmental concerns. I urge you to follow my light and I ask for a roll call.

Representative **AUSTIN** of Gray **REQUESTED** a roll call on the motion to **ADHERE**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Biddeford, Representative Sullivan.

Representative **SULLIVAN**: Mr. Speaker, Ladies and Gentlemen of the House and certainly for the good Representative from Belmont, Representative Berry, it was not my intention to have to stand and speak on this on a second vote. It has been made necessary. Seriously, this bill was designed as a carry over vehicle like most of you do to correct any of the mistakes or anything that might have happened as we implemented something last year from LD 985.

If you notice the name of this, it is to increase returnable beverage container redemption rate. That is the name of the bill. That was the intention of this bill. When it came to the committee and it was voted on and then brought into the committee while I was gone and revoted. We are simply asking that of all the things, this goes down now to the other chamber and they certainly can put on the amendment. The amendment that I put on that would have done just one thing for the redemption

centers was stripped off. It has come back to us now without that amendment. I cannot offer the same amendment in the exact same words, but I am prepared to offer another amendment with some different words if need be. I simply ask you to pass this and let the other side decide if they want to put our amendment back on in order to make one piece whole, the people that have no lobbyists here fighting for them, no one grabbing our attention. They are back collecting bottles to make the Maine Bottle Bill work.

It simply will go to the other body and they may be able to put back the amendment that was stripped off. It is the only thing I want to do. It is my intention. I would like very much to see this go down and allow all of the other extensions to October 31st to remain, except for the redemption centers, which is the name of this bill, to increase returnable beverage container redemption rates. That is all this bill would do if we could get it back to the position that it was in. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative DAIGLE: Mr. Speaker, Ladies and Gentlemen of the House. I have tried to be a student of parliamentary procedures up here. I just would like to observe that the posture of the bill on this particular motion is to Adhere, meaning if it is not accepted, then the bill is dead. I am not really familiar with this bill, but I am sure there are many things in this bill that we are all trying to accomplish. What we have here is a situation where getting half a loaf may be better than getting none. I will point out to you that the motion could have been Adhere and Ask for a Committee of Conference suggesting there was a willingness to compromise and sit down and negotiate this. That was not the case. The case it take it this way or take it no way. I am concerned that at this late date how we would feel if we received a bill in this posture. I think I know exactly how we would handle it. I would encourage this body to oppose the current motion so that there might be a chance better than the chance offered right now that something would pass. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Freeport, Representative Bull.

Representative BULL: Mr. Speaker, Men and Women of the House. Just to clarify, if we Adhere on this bill, it goes back down to the other body. The other body at that point could Recede and Concur, which would keep the bill alive. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Gray, Representative Austin.

Representative AUSTIN: Mr. Speaker, Ladies and Gentlemen of the House. Let me add my words of concern. If we go with the previous motion, there is a high likelihood that all of this good work could be lost and go away. I think we need to consider some compromise and remember that there are some important pieces in here that do protect the very small bottlers and vintners. I just ask you to consider the whole consideration around this. Again, the bottle bill, all the work and all the assets that this entire program has brought to our state and with the Department of Agriculture now involved, let's not lose this. I move we Insist and ask for a Committee of Conference and a roll call. Thank you Mr. Speaker.

The same Representative moved that the House **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE**.

The same Representative **REQUESTED** a roll call on the motion to **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Biddeford, Representative Sullivan.

Representative SULLIVAN: Mr. Speaker, Men and Women of the House. I fully support the move to Insist and ask for a Committee of Conference. It is my desire to move this forward. I do want to say that as far as the protection for the small wineries, we put that into the omissions and errors bill because it was the intention of 985. We protected the microbreweries. They do not have to pay this. We protected certain water bottling up to a certain capacity. They are all protected. We have taken care of that piece of this already. It is my desire to do this. My desire to compromise was the reason I put the amendment on first. It only did one thing. I would hope that the entire body could vote to Insist and ask for a Committee of Conference.

I would be more than happy to support that. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Gray, Representative Austin.

Representative AUSTIN: Mr. Speaker, Ladies and Gentlemen of the House. Let me graciously correct the good chair, Representative Sullivan, the omission of the small winers and bottles was not put in an errors and omissions bill. That was the original intent, but to my knowledge while the good Representative was away, that move was changed and it was worked back into the original motion. Let's protect these folks. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Biddeford, Representative Sullivan.

Representative SULLIVAN: Mr. Speaker, Ladies and Gentlemen of the House. I quickly turned around to check with the lobbyist who represents the spirit company and he indeed tells me it was put into the errors and emissions bill. It was something we had worked on. I would say that I have shown at least one member of this House from the other side of the aisle the exact wording. Based on the fact that I was gone and many strange things did happen, I agree with that, but I did turn for confirmation to the lobbyist who is sitting in the gallery now. It is there. I do want to move this forward, sit down and talk about it. I have only one concern and it is for the people that are not here, the redemption, the stores, for a half penny more. I am more than willing to compromise on any piece other than that. Thank you very much. I hope we can positively move this forward.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brewer, Representative Rogers.

Representative ROGERS: Mr. Speaker, Ladies and Gentlemen of the House. We have spent two years of my term here and many, many days and months prior to that. I think at this time it is about time that we moved the motion that is on the floor and get it into conference where it can be discussed in a gentlemanly way and come to a conclusion that will benefit all people. This is not just about the redemption centers or the distributors. There are a lot of stakeholders in this. I personally sat through many, many evenings of long discussion. There is a lot of controversy on one side and on the other. Having gone to my local redemption centers, they are doing far better than the ones down in southern Maine from what they tell me. Let's get it to committee and get this thing put to rest. Thank you.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is to Insist and Ask for a Committee of Conference. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 505

YEA - Adams, Annis, Ash, Austin, Barstow, Beaudette, Bennett, Berry, Berube, Bierman, Blanchette, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Carr, Churchill E, Clark, Clough, Collins, Courtney, Cowger, Cressey, Crosthwaite, Cummings, Curley, Daigle, Davis, Dudley, Dunlap, Duplessie,

Duprey G, Earle, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Glynn, Goodwin, Grose, Hatch, Heidrich, Honey, Hotham, Hutton, Jackson, Jennings, Jodrey, Joy, Kaelin, Kane, Ketterer, Koffman, Landry, Ledwin, Lemoine, Lerman, Lessard, Lewin, Lundeen, Maietta, Mailhot, Makas, Marley, McCormick, McGlocklin, McGowan, McLaughlin, McNeil, Millett, Mills J, Mills S, Moody, Moore, Muse, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Peavey-Haskell, Pellon, Percy, Pineau, Pingree, Rector, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Saviello, Sherman, Shields, Simpson, Smith W, Snowe-Mello, Stone, Sukeforth, Sullivan, Suslovic, Tardy, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Twomey, Usher, Vaughan, Walcott, Watson, Wheeler, Woodbury, Wotton, Young.

NAY - NONE.

ABSENT - Andrews, Churchill J, Craven, Dugay, Duprey B, Eder, Fletcher, Greeley, Jacobsen, Marraché, McKee, McKenney, Murphy, Norbert, Patrick, Perry A, Perry J, Piotti, Sampson, Smith N, Sykes, Mr. Speaker.

Yes, 129; No, 0; Absent, 22; Excused, 0.

129 having voted in the affirmative and 0 voted in the negative, with 22 being absent, and accordingly the House voted to **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE**. Sent for concurrence.

SENATE PAPERS

The following Joint Resolution: (S.P. 814)

JOINT RESOLUTION RECOGNIZING THE CONTRIBUTIONS OF FOSTER FAMILIES

WHEREAS, stable homes help provide a wholesome environment for the healthy growth of children; and

WHEREAS, children whose homes lack the love and nurturing necessary to create a wholesome environment are provided this love and nurturing by foster families; and

WHEREAS, the goal of a foster family is to provide a safe, secure and stable home along with concern, understanding and nurturing; and

WHEREAS, foster families, who open their homes and hearts to children whose families are in crisis, often play a vital role in helping children and families heal and reconnect; and

WHEREAS, foster parenting is a difficult but rewarding profession that requires hard work and good communication, understanding and decision-making skills; and

WHEREAS, foster parenting often requires the commitment of the entire foster family; and

WHEREAS, Governor John E. Baldacci has officially proclaimed the month of May 2004 as Foster Families Month in recognition of the efforts of these very special families; now, therefore, be it

RESOLVED: That We, the members of the 121st Legislature now assembled in the Second Special Session, on behalf of the citizens we represent, join Governor John E. Baldacci and others throughout the State in expressing our heartfelt appreciation to the individuals and families providing foster care services in our State; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Commissioner of Human Services John Nicholas and to Adoptive and Foster Families of Maine, Inc. as an expression of our esteem.

Came from the Senate, **READ** and **ADOPTED**.

READ and **ADOPTED** in concurrence.

SENATE PAPERS

Non-Concurrent Matter

An Act To Establish the Maine Military Family Relief Fund
(S.P. 631) (L.D. 1699)

PASSED TO BE ENACTED in the House on March 30, 2004.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-438)**)

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**. **ORDERED SENT FORTHWITH**.

Non-Concurrent Matter

An Act To Streamline the Sales Tax Credit for Worthless Accounts To Eliminate Unnecessary Burdens on Certain Maine Businesses and Consumers

(S.P. 646) (L.D. 1714)

PASSED TO BE ENACTED in the House on April 13, 2004.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-451)**)

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**. **ORDERED SENT FORTHWITH**.

Non-Concurrent Matter

An Act To Recruit and Retain College Graduates through Loan Repayment

(H.P. 1387) (L.D. 1864)

PASSED TO BE ENACTED in the House on April 5, 2004.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-794)**)

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**. **ORDERED SENT FORTHWITH**.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

Non-Concurrent Matter

Resolve, Directing the Joint Standing Committee on Taxation To Study the State's Participation in the National Streamlined Sales and Use Tax Agreement and Report Legislation Necessary To Bring the State into Conformity with That Agreement

(H.P. 552) (L.D. 746)

(C. "A" H-672)

FINALLY PASSED in the House on April 5, 2004.

Came from the Senate with the Resolve and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On motion of Representative LERMAN of Augusta, the House voted to **RECEDE AND CONCUR**.

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.