

MAINE STATE LEGISLATURE

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from the Maine Chiefs of Police Association. He will be greatly missed and long remembered by his loving family, his friends and the community that he served so faithfully;

(HLS 530)

Presented by Representative KENT of Woolwich. Cosponsored by Senator GOODALL of Sagadahoc, Representative WATSON of Bath, Representative PERCY of Phippsburg, Representative MacDONALD of Boothbay.

On **OBJECTION** of Representative PERCY of Phippsburg, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Phippsburg, Representative Percy.

Representative **PERCY**: Thank you, Madam Speaker. As you can tell, everyone, we're all a little cross-eyed trying to figure out when to stand up or when to sit down in this place, and we're almost there. Bill Reed was born and raised in Bath, he continued his family's business in Bath, and he was involved, as you can see from the special sentiment, with every aspect of community in the City of Bath. It is with great sadness that we stop and think about Bill. He was very ill, he had enormous support from the community through his illness, and I would love to have the Legislature send out their best wishes and warm wishes to the family down in the mid-coast region. Thank you, Madam Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Bath, Representative Watson.

Representative **WATSON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. When you hear somebody say it takes a village, you think of a man like Bill Reed. His bus service was always available; the high school football team just ran it somewhere. They'd wake him up, crank up a driver, take his bus off. He was a member and an advisor to virtually every charitable organization and service organization in the city and in the mid-coast region. Bill's name was synonymous with service and community. His service station, as a matter of fact, is one of only two within 10, 15 miles that will come out and pump an elderly person's gas and clean a windshield and actually check oil still. The City of Bath and the surrounding area will miss Bill Reed. He was a great man, and we mourn his passing. Thank you.

Subsequently, the Sentiment was **ADOPTED** and sent for concurrence.

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

UNFINISHED BUSINESS

The following matters, 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.

SENATE DIVIDED REPORT - Report "A" (8) **Ought to Pass as Amended by Committee Amendment "A" (S-270)** - Report "B" (3) **Ought to Pass as Amended by Committee Amendment "B" (S-271)** - Report "C" (1) **Ought Not to Pass** - Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Laws Governing Bottle Redemption and To Establish the Department of Agriculture, Food and Rural Resources as the Agent in the State for the Purposes of Bottle Redemption"

(S.P. 139) (L.D. 397)

- In Senate, Report "A" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-270)**.

TABLED - June 2, 2009 (Till Later Today) by Representative SMITH of Monmouth.

PENDING - ACCEPTANCE OF ANY REPORT.

On motion of Representative SMITH of Monmouth, Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-270)** was **READ** by the Clerk.

Representative HUNT of Buxton **PRESENTED House Amendment "C" (H-564)** to **Committee Amendment "A" (S-270)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Buxton, Representative Hunt.

Representative **HUNT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This amendment is about compromise, a hallmark of our country. When two parties cannot agree, it is important that we create a solution that is fair to all, not just some. This amendment raises the handling fee a 1/2¢ for redemption centers, a raise of 14 percent, one of the highest in the nation. We're putting it on par with Vermont at 4¢. There will also be a cap on redemption centers, because one of the things we found that every time there was a raise on the handling fee is that new redemption centers would open up and the critical mass of bottles needed to maintain a sustainable redemption center was compromised. This is something that's both, both for the distributors and also for the redemption centers. Thirdly, there is a cap on bottles, of 2,500 bottles, and where you will need to provide information to cut down on fraud in the state, especially in more of our border areas, where people come over from New Hampshire and redeem their bottles here in the state and that not paying for the deposit system.

This is something that's good for everyone. I would stand here to represent all Maine people, not just redemption centers and not just the distributors. This amendment is about finding a middle ground. Thank you, Madam Speaker.

Representative CASAVANT of Biddeford **REQUESTED** a roll call on the motion to **ADOPT House Amendment "C" (H-564)** to **Committee Amendment "A" (S-270)**.

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

The **SPEAKER**: The Chair recognizes the Representative from Biddeford, Representative Casavant.

Representative **CASAVANT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I believe that the 1/2¢ increase is not going to be effective in solving the problems of redemption centers. Now you could argue this philosophically, depending on where you're coming from, and you can probably provide a rational explanation for both sides. But when I look at the number of closings in various districts and I look at what I saw in viewing the work done by various redemption centers, I quickly came to the conclusion that there was something wrong in the picture, that they couldn't make ends meet. Now when I talk to some bottlers and distributors, they indicated that, well, that's probably inefficiency, that they weren't working to their full capacity or whatever, and I didn't find that. Oh, I'm sure that maybe in some situations that's true, but I didn't find that in where I looked or toured. I started doing this a couple of years ago, and what I discovered is this: that the people who own the redemption work incredibly hard, they do work that's not exactly clean, they're doing something for the good of our environment, and not only that, but they have to do enormous amounts of paperwork to process all the bottles. I mean, I never really knew until I got into this that a bottle, when you purchase a bottle in the store, it has to be tracked from the time that it's bought to the time it's redeemed, because you have to account for the deposit. So it's labor intensive. The half penny tax is not

going to do that. Now distributors have also told me, well, if we put the full penny in, that's going to be a tax on the consumers. I had to scratch my head at that. A tax? The State of Maine's not going to get any of this money. How can it be a tax? It's a cost of doing business. If a bottler has an increase in sugar prices, what happens? The consumer inevitably pays. The redemption centers themselves cannot control what they charge, it sticks by this Legislature, we grant the rates.

Now supporters of the current amendment would suggest that, well, five years ago there was a half penny granted, part of the commingling agreement, but to understand the complexity of this issue. And I applaud the work of the BRED Committee. I mean, I know this is emotional, I know it's hardworking, but it's so fuzzy. The people that I talked to, for example, said that, oh, there was a half cent given, but it only accounted for 5 percent of the bottles that we took in. Now the committee has argued that, no, that's not true, that it's 30 percent. My point is where do we find the truth in those numbers? There's a lot of fuzziness and, again, unfortunately that's something that you're going to have to decide.

The amendment that has been offered is problematic for those that own the redemption centers, and let me explain why. First, inflationary costs. If you assume that they haven't had a raise in 20 years, or even if you assume they haven't had a raise in five years, depending on what your standpoint is, you've got to understand the price of doing business has gone up. It's eaten away at that half penny. The plastic bags, it's clearly put in this particular amendment that the redemption dealers have to purchase the plastic bags. They would hope that that would be negotiated because plastic is based on what? Petroleum. The cost is escalating for that, so again, that would automatically eat away at the profits. The date of implementation of the amendment, March 1, 2010, if it would pass, they would say, well, why can't it be like every other law in October? So they'd wonder about that because, again, it puts them behind the curve. Lastly, in many of your districts, and again, I understand some of you have no redemption centers at all, but in many of your districts, when a new business comes into being, they often offer extra money to try to lure people to their business at the beginning. So in other words, for a 5¢ deposit, they will offer 6¢. Inevitably, that kills some body, it destroys one business, and so they would like something in the law to offset that.

I guess my last point is this: There are some good things in the amendment that is offered by the good Representative from Buxton. I can't argue that. But I suggest that we can do better. And also, remember it's a cost of doing business. That's all it is. It is not a tax whatsoever, but it is something to help out the small business owner who looks to us for some sort of guidance and help in a marketplace and economy that is really undercutting them. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Of all the phone calls and emails I've received, no one complained about a half a penny. They can all accept that, but not the penny. So I want to make sure when I vote this morning, I'm voting for a half a penny and not a penny. Thank you.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Prescott.

Representative **PRESCOTT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. The bottle bill is an extremely complex issue with many, many details, one that recurs every legislative session. A 1/2¢ is an increase that all five involved have agreed to and a raise in these

economic times and with the hard work of the BRED Committee can come to fruition. This compromise is the result of many, many days of negotiating, communicating, listening and acting to find a solution, and the majority of the BRED Committee has done this. And I ask the Men and Women of the House to recognize their committee's incredibly hard work together, both sides of the aisle, and above all this is about compromise. So please support this amendment as I will be doing and follow my light. Thank you.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Hunt.

Representative **HUNT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Running a redemption center is no doubt a difficult job, nobody is arguing that point whatsoever. It's a dirty job, many times a thankless job, but let's look at the facts: Maine has 811 redemption centers; Connecticut has 19. Maine has a 4 percent handling fee, if this is passed; Massachusetts has 2 1/4¢; Delaware has a penny. Maine has one of the most generous redemption systems in the nation.

When it comes to cost of the bags that was mentioned before, I talked to my local redemption center and he pays for the bags right now, and the cost of the bags would be determined by the Agricultural Committee, the Department of Ag. They will do some rulemaking on who will pay what for the bags. So it most likely will come out in favor of the redemption centers. They'll only pay half of what they were paying before. This is all about compromise. We were posed of the positions of distributors wanting zero cents and redemption centers wanting a penny. This is the happy medium. Thank you.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Giles.

Representative **GILES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I'm not going to add a lot to the debate, but I did want to thank the good Representative Hunt for his work on this, and Representative Casavant for bringing forward just more discussion on it. But I just did want to point out in terms of, on a percentage basis, the proposed increase in the amendment before us is a 17 percent increase in what they're receiving now and the 1 percent one, which has been discussed, would be a 33 percent increase. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "C" (H-564) to Committee Amendment "A" (S-270). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 240

YEA - Austin, Ayotte, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Bolduc, Bryant, Burns, Butterfield, Cain, Campbell, Cebra, Celli, Chase, Clark T, Cleary, Cohen, Cornell du Houx, Cotta, Cray, Crockett J, Davis, Dill, Dostie, Driscoll, Duchesne, Eberle, Edgecomb, Eves, Flaherty, Flemings, Fletcher, Flood, Fossel, Giles, Goode, Greeley, Hamper, Hanley, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Kaenrath, Kent, Knapp, Knight, Kruger, Langley, Lewin, MacDonald, Martin JR, Mazurek, McCabe, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rotundo, Sanborn, Sarty, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Tardy, Tilton, Treat, Valentino, Van Wie, Wagner J, Watson, Weaver, Webster, Welsh, Willette, Wright, Madam Speaker.

NAY - Adams, Beaudoin, Boland, Briggs, Casavant, Clark H, Connor, Crafts, Crockett P, Eaton, Finch, Fitts, Gilbert,

Innes Walsh, Johnson, Jones, Lajoie, Legg, Lovejoy, Magnan, Martin JL, McFadden, McKane, McLeod, Russell, Saviello, Schatz, Shaw, Sirois, Theriault, Thibodeau, Thomas, Trinward, Tuttle, Wagner R, Wheeler.

ABSENT - Beaudette, Browne W, Carey, Curtis, Cushing, Gifford, Harlow, Joy, Rosen.

Yes, 106; No, 36; Absent, 9; Excused, 0.

106 having voted in the affirmative and 36 voted in the negative, with 9 being absent, and accordingly **House Amendment "C" (H-564) to Committee Amendment "A" (S-270) was ADOPTED.**

Committee Amendment "A" (S-270) as Amended by House Amendment "C" (H-564) thereto was 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" (S-270) as Amended by House Amendment "C" (H-564) thereto in NON-CONCURRENCE** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

Bill "An Act Regarding Saltwater Recreational Fishing"

(H.P. 935) (L.D. 1331)

- In House, Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **MARINE RESOURCES READ and ACCEPTED** on June 8, 2009.

- In Senate, Bill and accompanying papers **COMMITTED** to the Committee on **MARINE RESOURCES** in **NON-CONCURRENCE.**

TABLED - June 11, 2009 (Till Later Today) by Representative PIOTTI of Unity.

PENDING - **FURTHER CONSIDERATION.**

Representative PINGREE of North Haven moved that the House **RECEDE AND CONCUR.**

Representative McKANE of Newcastle **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: The Chair recognizes the Representative from Newcastle, Representative McKane.

Representative **McKANE:** Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Yesterday members of the Joint Standing Committee on Marine Resources were told that this bill was dead and would be left on the table to die a quiet death. It turns out it's not dead, it's coming back. Today we're told that it will be recommitted. A few days ago, this body voted 96-45 to kill this saltwater fishing license. This Recede and Concur motion is in direct opposition to that vote. We voted against it because our constituents abhor the idea of a saltwater fishing license. We also voted against it because it's completely unnecessary. A registry, if even that.

The SPEAKER: The Chair recognizes the Representative from Phippsburg, Representative Percy, and inquires as to why the Representative rises.

Representative **PERCY:** Point of Order, Madam Speaker. Regarding the motion before us, it is to Recede and Concur, it is not to debate the issue of the bill. Thank you.

On **POINT OF ORDER,** Representative PERCY of Phippsburg asked the Chair if the remarks of Representative McKANE of Newcastle were germane to the pending question.

The SPEAKER: The Chair would remind the House that the motion before us is to Recede and Concur with the Senate motion to Commit back to the committee. So the debate now is whether or not the bill should go back to committee.

The Chair reminded Representative McKANE of Newcastle to stay as close as possible to the pending question.

The SPEAKER: The Chair recognizes the Representative from Newcastle, Representative McKane.

Representative **McKANE:** I thank the Representative from Phippsburg for keeping me on track. I don't believe we need to knuckle under the whims of the Senate. This came from the Senate with the Commit to poise this back to the committee.

The SPEAKER: The Chair would remind the member that we refer to them as the other body.

The Chair advised Representative McKANE of Newcastle that it is inappropriate to refer to the other body as the Senate.

Representative **McKANE:** Down at the other end of the hall, the other body, to poise this back to the committee. We in this body said no the first time this came up, I thought we meant it. It's disturbing that we would even consider that, a bill so completely unnecessary and so offensive to our constituents.

Something else: Two years ago, we were told that we had to implement a saltwater fishing license. This is a saltwater fishing license. I believe what I am saying is germane to this motion to Recede and Concur. Or the feds would do the saltwater fishing license and they would get to keep all the revenue, that was the big scare tactic. Well, we found out that that wasn't true. We found out that a license isn't necessary, that only a registry.

The SPEAKER: The Chair recognizes the Representative from Phippsburg, Representative Percy, and inquires as to why the Representative rises.

Representative **PERCY:** Point of Order for the same reason as before, Madam Speaker. This is not about the bill before us, it's about the recommitment. Thank you.

On **POINT OF ORDER,** Representative PERCY of Phippsburg asked the Chair if the remarks of Representative McKANE of Newcastle were germane to the pending question.

The SPEAKER: The Chair would just remind members that we are debating the motion to Recommit, which does include some merits of the bill but not the full debate of the bill.

The Chair reminded Representative McKANE of Newcastle to stay as close as possible to the pending question.

The SPEAKER: The Chair recognizes the Representative from Newcastle, Representative McKane.

Representative **McKANE:** It's beginning to look like a saltwater fishing license, I think that's what it says on the board, is not necessary, nor is a registry, nor is the registry as we've been told, which is included in this fishing license. It's looking like the only thing written in statute is the only people that have to be registered for saltwater fishing are those who fish outside the three mile limit or fish in state waters for anadromous species. Madam Speaker, I encourage this body to stand by their original vote, represent your constituents and defeat this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Prescott.

Representative **PRESCOTT:** Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. As a member of the Marine Resources Committee, I urge all members of the House to please vote against the Recede and Concur motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Berry.

Representative **BERRY:** Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I just want to