

MAINE STATE LEGISLATURE

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McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pickett, Pierce T, Pouliot, Reckitt, Riley, Sanborn, Schneck, Sheats, Spear, Stanley, Stearns, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Malaby, Marean, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pierce J, Prescott, Reed, Sampson, Sanderson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Bryant, Frey, Guerin, Rykerson.

Yes, 81; No, 65; Absent, 4; Excused, 1.

81 having voted in the affirmative and 65 voted in the negative, with 4 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-98)** 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-98)** and sent for concurrence.

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-107)** on Bill "An Act To Include 50 Milliliter and Smaller Liquor Bottles in the Laws Governing Returnable Containers"

(H.P. 43) (L.D. 56)

Signed:

Senators:

SAVIELLO of Franklin
GRATWICK of Penobscot
VOLK of Cumberland

Representatives:

TUCKER of Brunswick
CAMPBELL of Orrington
DUCHESNE of Hudson
FAY of Raymond
HARLOW of Portland
MARTIN of Eagle Lake
ZEIGLER of Montville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-108)** on same Bill.

Signed:

Representatives:

KINNEY of Limington
PIERCE of Dresden
STROM of Pittsfield

READ.

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

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Mastraccio.

Representative **MASTRACCIO**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, I rise in support of the pending motion. When a constituent came to me last year with a request to put in a bill that would place a deposit on nips, I will confess, I didn't know what he was talking about. A short walk around the pond and it all became clear. Nips are 50 ml or smaller bottles of alcohol that are not covered under the bottle bill, have no deposit on them and are increasingly lining our roadsides, walkways, and ditches in every community in this state. More than 8 million nips were sold in Maine in 2016, according to the Maine Bureau of Alcoholic Beverages. It's estimated that number will jump to 12 million in 2017. LD 56 would place a 5-cent deposit on these tiny bottles and would surely increase the incentive for recycling. Madam Speaker, I have talked to many people in my community about this proposal and I have not found one person who is opposed to placing a deposit on these bottles. In fact, they do not understand why it has not already been done. It may have made sense in the past to exclude nips from the redemption process, but that is no longer the case. Maine's bottle bill is one of the most successful in the country. We recycle about 90 percent of our bottles and cans in Maine, which is more than double the state's average recycling rate for other materials.

The SPEAKER: The member will defer. The House will be in order. While one member is speaking, please keep comments to a minimum among yourselves and if you have conversations, please move them outside of the Chamber. The member may proceed.

Representative **MASTRACCIO**: Thank you, Madam Speaker. The deposit program supports over 1,000 jobs at hundreds of redemption centers, reduces cost for towns and taxpayers for litter clean up, container collection, and recycling, and provides a source of funds for charities. Expanding the bottle bill to include nips will, at the very least, prevent litter and encourage recycling of this ever-expanding multitude of bottles. I urge you to vote yes on the motion and support the passage of LD 56 and Madam Speaker, I request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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 Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Madam Speaker. But I would like to pose a question through the Chair.

The SPEAKER: The member may proceed.

Representative **FREDETTE**: My understanding is that there is a \$1.3 million fiscal note attached to this and so, I would like to know if that is in fact true or not and I would also like to ask the Clerk to read the Committee Report.

The same Representative **REQUESTED** that the Clerk **READ** the Committee Report.

The SPEAKER: The Representative from Newport, Representative Fredette, has posed a question through the Chair. The Chair recognizes the Representative from Brunswick, Representative Tucker.

Representative **TUCKER**: Thank you very much. I'd like to point out that the fiscal note does not pertain to the general fund. The fiscal note only applies to the alcohol beverage fund. The fiscal note indicates that it is anticipated that the Alcoholic Beverage Fund will have sufficient revenue to fund

the additional allocation for the foreseeable future. However, the additional expenditures from the fund may put required future payments to the Maine Municipal Bond Bank at risk. The position of the committee was that the Bureau of Alcoholic Beverages should be treated like any other business seller or bottle products distributor, just like Coke, Pepsi, or Budweiser. This is a case where the state is acting as a business. The Bureau of Alcoholic Beverages fiscal note assumes that their contractor, Pine State, will have to break down all of the ten bottle sleeves and attach stickers to each bottle and then renegotiate the contract with Pine State Distributors. This dollar impact on BABLO is based on shaky assumptions. It makes a wild assumption about the volume of sales. They are projecting 12 million nips sold in fiscal year '17 and 14 million in fiscal year '18. The assumption is that there will be an eight cent cost on each one of these. There's also the assumption that the distilleries will not simply print the redemption on bottle labels which would result in almost no cost whatsoever. Sazerac, a Maine Distillery, with 42 percent of all nip sales in Maine, plans to do exactly that but the fiscal office will not accept that fact. BABLO's estimate does not increase price to cover cost. Any business that needs money to run the cost of the business always has the ability to raise the price. The problem can be solved by distillers printing into their own labels or by raising the price of the product. I will point out an interesting fact that pertains to the potential costs. The per-ounce cost of whiskey and spirits in nip bottles is significantly lower than the per ounce cost when you purchase the same amount in larger pint bottles. The price increase to cover the bottle bill expenses, which is 8 cents per nip bottle, would still allow nips to be cheaper per ounce than the pint and larger bottles. Thank you.

The Clerk **READ** the Committee Report in its entirety.

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

Representative **AUSTIN**: Madam Speaker, thank you. Ladies and Gentlemen of the House, what a beautiful day, it's not the least bit nippy. By design in my earlier years here, the conception of the bottle bill was passed to address environmental concerns hoping to encourage the return of bottles and cans in order to reduce the litter along the roads and byways. A good deal of my workout routine is accomplished by walking a two-mile jaunt on the closest road to me. In the winter, I walk from my home towards Gray Village and back, while during the summer, I walk around Crystal Lake and I have done this for 20 years. Over the last two years, in particular, it has become blatantly obvious to me that there is a tremendous number of wee bottles, lovingly referred to as nips, on the roadside. At first I thought they had a deposit on them. However, I was quickly corrected. This intensified my attention to what looked like an increasing amount of nips and small red caps on the road shoulders, in the ditches, on people's front lawns. It appeared to me that the bottles were going to stay right where they were until I stooped over and picked them up. Do you know what a chore it is to collect the nips and then match them to their proper red caps? Which is often about 100 feet down the road. My attention to detail soon led me to think that these nips were being consumed by, guess what, drivers. And once empty, were being tossed out the vehicle to dispense with any hard evidence of their behavior while driving. By this time, I have become compulsive to get them all picked up and off the road. I knew that at least I could put them in a plastic bag, get them home, and then take them to the popular Gray Transfer Station, lovingly referred to as the dump, for recycling. That

may also be the behavior of those who enjoy a nip at home but when driving, it's out the window we go. Self-diagnosing myself with a bit of a compulsiveness now to get them into a bag and off the roadside, I realize that the diehard bottle collectors didn't care about these troublesome, worthless little nips. That is why they were keeping me company and being a constant eyesore on my jaunts. Disciplined bottle pickers are on the hunt for as many refundable bottles and cans as they can carry in one swipe. I'm sure you've all seen them, you must have them in your communities, folks who ride their bikes and as they go they perform this public service, which gives them a 5-cent tip for each effort. Just as an aside, during my research, I found that clearly, the Fireball is the most popular nip by far. Upon closer inspection as I washed my nips, bottles, I read on the back of a little bottle why it might be so much in demand. It says, and I quote -- get ready -- "Ignite the night." Well there you have it. There's the answer. Hence, I have arrived at my destination today to ask you to consider adding these little nips to the deposit-seal-bearing returnable container list. Had I not taken my exercise routine out to the streets, I would never have realized the extent of how much in finite detail true garbage there is on the side of the roads. But, it requires an up close and personal slow-moving relationship to really take it all in. If you are in your car driving by, you will not see these little critters. It's absolutely disgusting what behavior has led some to feel so free and uninhibited to use our great outdoors as their grand waste can and garbage disposal. Yuck. Just as an aside, I have quite a collection of these little bottles and they are here with me today in another room and I've even made jewelry. In case this doesn't pass, I may go into business being a high-end creative designer of really high-tech modern jewelry. But I did check with the good Honorable Clerk of the House to see if I could share those with you and I got a little bit of a scrunchy of the face, nodding of the head and I took that to be maybe you better not. Being the good girl that I am, the nip picker that I am, I'm going to ask you please, please consider this bill. If for nothing else, than it will keep me in an upright position and not let my good folks, constituents that go by me at 50 and 60 mph, day in and day out, bent over in the ditch picking these nips up and I do have for your consideration, as I close, two slogans that you can pick from. One, "Let's nip littering in the bud." Get a little, you know, you get that little bud thing there. Or, "Let's put a tip on the nip." You decide.

The **SPEAKER**: The Chair recognizes the Representative from Knox, Representative Kinney.

Representative **KINNEY**: Thank you, Madam Speaker. I keep getting, keep going after someone who gives such a great speech. Although, I appreciate the intent of this bill, as a property owner, I don't see how this is going to solve the problem we have with littering. My family owns a large amount of land in the town of Knox and we're constantly picking up soda and beer cans off of our farm and throughout our woods and these are things that are already included in the bottle bill here in the state. We even have a convenient store that takes the returnables back right across the street from the field that gets most of these bottles and cans. I don't see how this is going to solve the problem and so encourage you to follow my light.

The **SPEAKER**: The Chair recognizes the Representative from Limington, Representative Kinney.

Representative **KINNEY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. I note that there was a flyer on my desk this morning, Madam Speaker, that says 5-cent deposit is

supported by the largest bottler of nips in Maine, Sazerac. I would like to note that I have my folder from the committee public hearing and work session on my desk. They never testified in favor of this bill. So, I don't know where that possibly could of came from.

I would also like to note that the returnable bottle bills were designed primarily as a tool to encourage recycling at a time when the concept of recycling did not have wide-spread acceptance in the State of Maine. That is no longer the case. Recycling rates across the country, and in the State of Maine, have improved and continue to evolve to keep pace with modern waste management. I'd also like to note that a recent visit to Eco Maine was informed that personally ecomaine wished they received all present returnables, specifically aluminum as it is very valuable to them. The State of Maine has a problem. We have an overall problem with trash pollution. I believe broader positive environmental effects could result from looking at other approaches to litter prevention. Some approaches should include working with state agencies and organizations on existing programs like Adopt-A-Highway and cleanup programs and updating education campaigns that reach out via our non-profits. Instead of spending state funds to implement the pending motion, I believe the fiscal note says in the ballpark of \$1.2 million, I feel these funds should be better utilized to implement new and creative public service announcements utilizing our Maine conservation non-profits which would address all the trash that we have throughout the state that needs to be cleaned up and off the roads. And, I would also like to note that in my landscaping business, I don't see many nip bottles, I have found three so far but the beer cans are outrageous. Thank you very much, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative **HARVELL**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. In the great bottle bill debate, it is now apparent in my opinion, that size, in fact, does matter and bigger is better when it comes to how our highways are treated. I co-sponsored this bill because there's a couple of stores, one of them in New Sharon, and one of the selectmen from New Sharon said, "Hey, I'd like you to take a ride with me." And you could basically tell how long it would have taken someone to either drink a nip or put it in a bottle as to the locations that these began to be seen in the distances from that store. While I can understand the intent of Amendment "B" to raise fines, the reality is, unless you're going to DNA test, or fingerprint these bottles, unless you actually catch the person doing it, it's very unlikely. Societies have decided how they're going to keep their highways clean for years. Some of it is that it's just cultural. You know, when I was a child if my father would have caught me littering, the fine would have not been monetary. In the south, there's been prevalent use of chain gangs but in Maine, we decided to use the bottle bill and one of its mechanisms that it has been is to get trash off the highways. And so, anybody that can find any better way than adding this to the bottle bill, I've asked for and sought, I don't see it. So, let's get this trash off the highways by using the same mechanism we've been using fairly successfully for the last few decades.

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

Representative **CAMPBELL**: Thank you, Madam Speaker, Men and Women of the House. Yes, this is about litter. I happen to live one-half mile exactly from a corner store. I have nip bottles all over the yard. Other Representatives talked

about the cause of that. It's not so much litter but it's the distance from picking it up at the store, depositing it in oneself, and then throwing it out the window. So, this in fact is an economic development bill. For those young people who walk the streets or ride their bicycles it's an opportunity to pick up a nickel and pick up some trash. I've been doing it for a long time, back when they had poles that had a basket on it that said litter bug with a picture of a bug on it. There were deposits in that trash, in the city of Bangor, of bottles. An enterprising older man now, used to walk the streets to go to the B&A at the Office he used to walk over the river to his office and home. One night I saw him walk by that litter basket about ten steps, turn around go back and pull a bottle out of that litter basket. He still does that today. I do the same thing on my jobs. I have carpenters, contractors, sub-contractors, and laborers who buy bottles of drink. They buy those bottles, drink half of it, set it on the window sills to clutter the jobs. So, I decided I'd go back after work and take those bottles and deposit. I have a two-year-old today, two-year-old grandson I've been depositing those bottles as I've collected them in an account for him for his future. I now have \$450 of bottles returned in an account for a two-year-old. This, in fact, is an economic development bill and it makes sense.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Babbidge.

Representative **BABBIDGE**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, we all remember in history class the discussion between or differentiating between protective tariffs and revenue tariffs: protective being high enough to discourage purchase and revenue being low enough to raise money but not discourage the purchase. Yes, I address this issue as a former teacher of young students. This product is problematic to me, not only because it's a blight to our landscape and in ponds, and not just because of its contents, but in the combination of contents and packaging. The product permits deception. And, I'm talking about both in the classroom and in the workplace which has consequences for productivity and for safety. So, the bill before us, the motion before us is not going to discourage purchase, much to my dismay, but it is environmentally sound and it's a baby step in the right direction. I hope you will support the motion. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 79

YEA - Ackley, Alley, Austin B, Austin S, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Black, Blume, Bradstreet, Brooks, Campbell, Cardone, Casas, Chapman, Collings, Cooper, Corey, Craig, Daughtry, DeChant, Denno, Devin, Dillingham, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Foley, Fuller, Gattine, Gerrish, Ginzler, Golden, Grant, Grignon, Grohman, Hamann, Handy, Hanington, Harlow, Harrington, Harvell, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Lyford, Madigan C, Madigan J, Marean, Martin J, Martin R, Mason, Mastraccio, McCrea, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perkins, Perry, Pierce T, Reckitt, Riley, Schneck, Seavey, Sheats, Sherman, Simmons, Skolfield, Spear, Stanley, Stearns, Stewart, Sylvester, Talbot Ross, Tepler, Terry, Theriault, Tipping, Tucker, Tuell, Vachon, Wadsworth, Ward, Warren, White, Wood, Zeigler, Madam Speaker.

NAY - Bickford, Cebra, Chace, Espling, Farrin, Fredette, Gillway, Haggan, Hanley, Hawke, Johansen, Kinney J, Kinney M, Lockman, Malaby, O'Connor, Ordway, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Sirocki, Stetkis, Strom, Sutton, Timberlake, Turner, Wallace, Winsor.

ABSENT - Bryant, Frey, Guerin, Rykerson, Sanborn.

Yes, 111; No, 34; Absent, 5; Excused, 1.

111 having voted in the affirmative and 34 voted in the negative, with 5 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-107)** was **READ** by the Clerk.

Representative TUCKER of Brunswick **PRESENTED House Amendment "A" (H-132) to Committee Amendment "A" (H-107)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-107) as Amended by House Amendment "A" (H-132) 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" (H-107) as Amended by House Amendment "A" (H-132)** thereto and sent for concurrence. **ORDERED SENT FORTHWITH**.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act Concerning Screening of Newborns for Lysosomal Storage Disorders"

(H.P. 198) (L.D. 265)

Signed:

Senators:

BRAKEY of Androscoggin
HAMPER of Oxford

Representatives:

HYMANSON of York
CHACE of Durham
DENNO of Cumberland
MALABY of Hancock
PERRY of Calais
SANDERSON of Chelsea

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-110)** on same Bill.

Signed:

Senator:

CHIPMAN of Cumberland

Representatives:

MADIGAN of Waterville
PARKER of South Berwick

READ.

Representative HYMANSON of York moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The **SPEAKER**: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative **HARVELL**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, I believe we're not in sync up here on the. Are we on 6-5? Okay.

The **SPEAKER**: The Chair will answer in the affirmative.

Representative **HARVELL**: Okay, in that case, I want to rise and speak on this just for a moment. I stuck this bill in a couple of times, it's been for a woman named Jamie Davis, who lives in a District of mine, who had daughter named Addilyn and while I understand a lot of the problems come out of this in the committee, I just look forward to the day that one day we can actually pass something that would be effective.

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-109)** on Bill "An Act To Require Reimbursement to Hospitals for Patients Awaiting Placement in Nursing Facilities"

(H.P. 292) (L.D. 401)

Signed:

Senators:

BRAKEY of Androscoggin
CHIPMAN of Cumberland

Representatives:

HYMANSON of York
CHACE of Durham
DENNO of Cumberland
HAMANN of South Portland
HEAD of Bethel
MADIGAN of Waterville
MALABY of Hancock
PARKER of South Berwick
PERRY of Calais

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

HAMPER of Oxford

Representative:

SANDERSON of Chelsea

READ.

On motion of Representative HYMANSON of York, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-109)** 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-109)** and sent for concurrence.