

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Ninth Legislature

State of Maine

Daily Edition

First Regular Session
beginning December 5, 2018

beginning at Page 1

Representatives:

AUSTIN of Gray
BABINE of Scarborough
CROCKETT of Portland
HANDY of Lewiston
PERRY of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-62)**.

Signed:

Representative:

HIGGINS of Dover-Foxcroft

Reports **READ**.

On motion by Senator **HERBIG** of Waldo, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

All matters thus acted upon were ordered sent down forthwith for concurrence.

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

Acts

An Act To Clarify Local Referendum Ballots

S.P. 17 L.D. 53
(C "A" S-41)

An Act To Strengthen the Integrity of the Legislature

S.P. 29 L.D. 76
(C "A" S-43)

An Act Regarding Credit Ratings Related to Overdue Medical Expenses

H.P. 92 L.D. 110
(C "A" H-89)

An Act To Amend the Laws Governing Beano

S.P. 45 L.D. 158
(C "A" S-42)

An Act Regarding Licensing Fees for Certain Tournament Games

H.P. 278 L.D. 352
(C "A" H-95)

An Act To Amend the Laws Governing the Political Party Representation of Election Clerks

H.P. 371 L.D. 514
(C "A" H-93)

PASSED TO BE ENACTED and, having been signed by the President, were presented by the Secretary to the Governor for approval.

An Act To Amend the Law Governing MaineCare Coverage of Chiropractic Treatment

S.P. 41 L.D. 154
(C "A" S-37)

On motion by Senator **BREEN** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **ENACTMENT**, in concurrence.

An Act To Provide Funding for a Ranger Pilot Position in the Maine Forest Service

H.P. 167 L.D. 204
(C "A" H-66)

On motion by Senator **BREEN** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **ENACTMENT**, in concurrence.

ORDERS OF THE DAY

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later Assigned (3/26/19) matter:

SENATE REPORTS - from the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Increase the Handling Fee for Beverage Containers Reimbursed to Redemption Centers"

S.P. 60 L.D. 248

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-20)** (9 members)

Minority - **Ought Not to Pass** (3 members)

Tabled - March 26, 2019 by Senator **CARSON** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report

Senate at Ease.

The Senate was called to order by the President.

The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-20) **READ**.

On motion by Senator **FOLEY** of York, Senate Amendment "A" (S-56) to Committee Amendment "A" (S-20) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Foley.

Senator **FOLEY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise to offer this amendment to L.D. 248. This bill came before the Environment and Natural Resources Committee with a host of other related bills attempting to provide financial resources to the bottle redemption centers throughout the state as they were suffering under the increasing minimum wage and lack of opportunity to raise revenues without our help. The Committee settled on L.D. 248 as a means to provide some relief. The bill proposed increasing the reimbursement rate by .5¢ in May of this year and another .5¢ in January of 2020. While I supported the concept of increasing the reimbursement rates, I voted against the bill as I was concerned that we didn't identify who would pay these amounts and I felt that there were other issues that should be addressed in the entire bottle redemption law at the same time. I worked with the DEP, the bill sponsor, and other members of the House and Senate to come up with the amendment before you for your consideration. Currently there are two payers of the redemption fee: the local distributors like our craft brewers and small juice producers, who pay 4¢ per container, and the larger distributors like Coke, Pepsi, and Anheuser-Busch, known as co-mingling arrangements, who pay 3.5¢ per container because they pick up their containers in bulk, not sorted by individual brands. Under the current arrangement any non-returned bottle deposits of the local distributors goes to the State into the General Fund, which accounts for about \$1.2 million per year. For the co-mingling groups, they get to keep whatever revenue remains from their un-returned deposits. That dollar amount is unknown but it is calculated that the local distributors represent about 20% of the total redemption deposits and that leaves 80% to the co-mingling groups. One can surmise that their remaining revenues far exceed that that the local groups return to the State. One estimate I've seen has given between \$7 and \$9 million annually for these held deposits.

It is my feeling that several things need to happen and, thus, my amendment. First, we need to even the playing field, at least temporarily. So I proposed the first .5¢ increase starting this May be paid by the co-mingling groups so everyone will be paying the 4¢ per container. The second increase in January of 2020 will be paid by all distributors, both local and co-mingling groups. Next, we need a better reporting of all containers being sold and returned so that we have a better sense as to the revenue and recycling rates. The amendment requires all distributors to report to the DEP their 2018 numbers of containers sold and containers returned by July of this year. We need a comprehensive review of the entire bottling redemption system to better streamline the

process and OPEGA and the DEP have reviewed the process and have several recommendations to make changes to the system. The amendment requires DEP to report back to the Committee by January 15, 2020 with their recommendations of better ways to manage and account for the entire bottle redemption system. Finally, place a moratorium on any new redemption centers until we can better assess the availability and needs throughout the state to better serve the population. The exception would be to replace a redemption center that closes in an area that isn't serviced by another available site. This would be at the discretion of the DEP. That is my proposed amendment to L.D. 248. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Carson.

Senator **CARSON:** Thank you, Mr. President. I rise simply to thank my colleague from York, Senator Foley, for his hard work in bringing the parties together and arriving at an amendment that has untied a Gordian knot, at least for the time being. Thank you.

On motion by Senator **FOLEY** of York, Senate Amendment "A" (S-56) to Committee Amendment "A" (S-20) **ADOPTED**.

Committee Amendment "A" (S-20) as Amended by Senate Amendment "A" (S-56) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-20) AS AMENDED BY SENATE AMENDMENT "A" (S-56)** thereto.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/18/19) matter:

An Act To Align State Law with Current Practice Regarding Required School Attendance

S.P. 38 L.D. 151
(S "A" S-324 to C "A" S-30)

Tabled - April 18, 2019 by Senator **BREEN** of Cumberland

Pending - **ENACTMENT**

(In House, **PASSED TO BE ENACTED**.)

On motion by Senator **BREEN** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **ENACTMENT**, in concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/23/19) matter: