

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fourteenth Legislature

OF THE

State Of Maine

VOLUME III

FIRST REGULAR SESSION
June 15, 1989 to July 1, 1989
Index

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

Emergency
An Act to Establish a Budget Committee for
Kennebec County

S.P. 592 L.D. 1669
(H "A" H-634 to C "A"
S-323)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

HOUSE REPORT - from the Committee on TAXATION on Bill "An Act Regarding State Forest Practice Laws" H.P. 315 L.D. 429

REPORT - Ought to Pass as Amended by Committee Amendment "B" (H-635).

Tabled - June 20, 1989, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF THE COMMITTEE REPORT (In Senate, June 20, 1989, Report READ.)

(In House, June 20, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-635).)

Which Report was ACCEPTED, in concurrence. The Bill READ ONCE.

Committee Amendment "B" (H-635) READ. On motion by Senator ANDREWS of Cumberland, Senate Amendment "B" (S-379) to Committee Amendment "B" (H-635) READ.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Emerson.

Senator EMERSON: Thank you Mr. President. Could someone please explain this Amendment?

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

Senator ANDREWS: Thank you Mr. President. Mr. President, men and women of the Senate. From the nod across the way, I understand that Senator Emerson from Penobscot, does, in fact know what this Amendment does. It is a very technical Amendment dealing with the effective date of the law.

On further motion by same Senator, Senate Amendment "B" (S-379) to Committee Amendment "B" (H-635) ADOPTED.

Committee Amendment "B" (H-635) as Amended by Senate Amendment "B" (S-379) thereto, ADOPTED in NON-CONCURRENCE.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (Emergency) S.P. 594 L.D. 1671

Tabled - June 20, 1989, by Senator HOBBS of York.

Pending - ADOPTION OF COMMITTEE AMENDMENT "A" (S-344) AS AMENDED BY SENATE AMENDMENTS "A" (S-360), "C" (S-362), "E" (S-364), "H" (S-367), "B" (S-361), "D" (S-363), "F" (S-365), "G" (S-366), "I" (S-368), "J" (S-369), "K" (S-370), "Q" (S-376), "L" (S-371), "N" (S-373), "R" (S-377), "M" (S-372), "P" (S-375), "O" (S-374), and "S" (S-378) thereto.

(In Senate, June 20, 1989, Committee Amendment "A" (S-344) READ. Senate Amendment "A" (S-360) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "C" (S-362) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "E" (S-364) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "H" (S-367) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "B" (S-361) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "D" (S-363) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "F" (S-365) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "G" (S-366) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "I" (S-368) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "J" (S-369) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "K" (S-370) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "Q" (S-376) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "L" (S-371) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "N" (S-373) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "M" (S-372) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "P" (S-375) to Committee Amendment "A" (S-344) READ and ADOPTED.)

On motion by Senator HOBBS of York, the Senate SUSPENDED THE RULES.

On further motion by same Senator, Senate Amendment "O" (S-374) to Committee Amendment "A" (S-344) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. This Amendment looks substantive, but it basically is technical. When we changed the law regarding the use and utilization of intensive supervision we did not clarify into statute the appropriate provisions. This Amendment clarifies the references to those provisions in the Maine Criminal Code relating to general principles of criminal law, punishment, and other offense applicable to crimes outside of the code, specifically including the chapter on intensive supervision. It is consistent with the spirit of the law that was passed establishing intensive supervision as an alternative to sentencing.

On further motion by same Senator, Senate Amendment "O" (S-374) to Committee Amendment "A" (S-344) ADOPTED.

On motion by Senator HOBBS of York, the Senate SUSPENDED THE RULES.

On further motion by same Senator, Senate Amendment "S" (S-378) to Committee Amendment "A" (S-344) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. This Amendment makes it clear that the limit on local firearms regulations does not interfere with law enforcement agency authority to regulate the guns used by law enforcement officers as employees of that

agency. This is an important Amendment, which is consistent with the preemption Bill that passed this Session and we needed to clarify that matter.

On further motion by same Senator, Senate Amendment "S" (S-378) to Committee Amendment "A" (S-344) ADOPTED.

Committee Amendment "A" (S-344) as Amended by Senate Amendments "A" (S-360); "C" (S-362); "E" (S-364); "H" (S-367); "B" (S-361); "D" (S-363); "F" (S-365); "G" (S-366); "I" (S-368); "J" (S-369); "K" (S-370); "Q" (S-376); "L" (S-371); "N" (S-373); "R" (S-377); "M" (S-372); "P" (S-375); "O" (S-374); and "S" (S-378) thereto, ADOPTED.

Under suspension of the Rules. READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

Senate at Ease

Senate called to order by the President.

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

An Act to Strengthen an Injured Employee's Right to Rehabilitation and to Improve the Workers' Compensation Rehabilitation System

H.P. 1176 L.D. 1630
(C "A" H-586)

Tabled - June 20, 1989, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In Senate, June 16, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-586), in concurrence.)

(In House, June 19, 1989, PASSED TO BE ENACTED.)

On motion by Senator ESTY of Cumberland, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby the Bill was PASSED TO BE ENGROSSED AS AMENDED.

On further motion by same Senator, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-586).

On further motion by same Senator, Senate Amendment "B" (S-380) to Committee Amendment "A" (H-586) READ and ADOPTED.

Committee Amendment "A" (H-586) as Amended by Senate Amendment "B" (S-380) thereto, ADOPTED in NON-CONCURRENCE.

Which was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

Bill "An Act to Promote Reduction, Recycling and Integrated Management of Solid Waste and Sound Environmental Regulation" (Emergency)

H.P. 1025 L.D. 1431

Tabled - June 20, 1989, by Senator KANY of Kennebec.

Pending - ADOPTION OF COMMITTEE AMENDMENT "A" (H-640), in concurrence.

(In Senate, June 20, 1989, the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-640) Report READ and ACCEPTED, in concurrence. Committee Amendment "A" (H-640) READ.)

(In House, June 20, 1989, the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-640) AS AMENDED BY HOUSE AMENDMENTS "D" (H-661) AND "E" (H-663) thereto.)

On motion by Senator BALDACCI of Penobscot, Senate Amendment "A" (S-353) to Committee Amendment "A" (H-640) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. This Amendment deletes the provisions of the Committee Report pertains to wine, soft drinks, and liquor, it does because at the nub of this issue, we are talking about a distribution network. Presently, the bottle bill works, because of the distribution network that there is in place. It comes from a national manufacturer to a franchisee, who has a particular area of the state, a particular geography, to cover and it goes then to a retailer. Once the retailer has sold it to the consumer and the consumer returns it back to the retailer, the franchise distributor can then pick it up and then return it for recycling or redemption. That is the present system.

The proposal by the Committee is not a bad idea to try to solve the solid waste situation, but it is the distribution network that is at issue here. That little grocery store that is handling all of those bottles and cans that has recently expanded, added a little shed, so that they can store their bottles and cans, or the big grocery stores, that have a little room that they take in bottles and cans that are overflowing with bottles and cans, it is that area that is going to have to be expanded.

It is that area that nobody knows who is going to pick up those bottles and cans. It is the redemption center that is going to have those additional bottles, cans, and plastic containers that doesn't know who is going to come and pick them up, because they don't have a common distributor. We are talking about an area where there is no common distributors. There are five or six different companies that distribute very fine juices, or dole juices, or the other types of juices, that is the problem. Nobody is going to take responsibility for it. How are you going to enforce a law to require somebody to pick it up when nobody is going to say I delivered that? The first problem that has to be addressed is the distribution network. If you want to changed the distribution network and have a common banker who collects it and then distributes it, then say that in the Bill. Say that you are going to increase the cost to the consumer, tremendously. There is no question about it. That is what you are purporting here today. What it ultimately is going to do is tremendously reorganize the entire system and it is going to eliminate the choices that consumers have and it is going to tremendously increase the prices that consumers have to pay. But, it is not addressed anywhere here in this legislation.

I think in proposing the Amendment, we are saying that there is a problem with solid waste. There is a problem with landfills, there is not enough of them and you can get anybody to start citing, designing, engineering, and building landfills to handle the situation. There is no provision in this Bill that is encouraging anybody to do any recycling or any redemption. There is no incentive here. Is my little corner grocery store going to have to add on as big of a building to house what he has now, to handle what he is going to be receiving back? Is he going to be forced to do that? I think those are the issues that are of concern that are not being