

# MAINE STATE LEGISLATURE

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**One Hundred and Twentieth Legislature**  
**State of Maine**

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I heard the issue in committee. I heard some folks come in and, quite honestly, a good example of people that came before the committee, was the Maine Oil Dealers Association. Think of any business that is not more transient in nature than maybe pumping gas or a store clerk in one of these convenience stores. I asked those folks very directly, how many of our people in your organization that are paying biweekly or monthly or something greater? The answer was none. These folks were paid on a weekly basis. I think the good Representative from Belfast, Representative Ash, is very clear. You know that most small businesses in Maine know their employees. If they have to hire employees on a weekly basis because they know the need is there to pay, I think that is what I have seen. I have not seen a great change from 1995 to 2001 in how a business treats their employees from the way they were treating them just three, four or five years ago. I don't see a big exodus from weekly to biweekly to monthly. I think the status quo that was going on before this bill was passed a few years ago is essentially the way it is operating now. It is running very smoothly and permissively. I understand there are some real heartfelt concerns on either side. I would ask you to vote your conscience on this. Please support whichever motion you think is most appropriate. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 287**

YEA - Andrews, Annis, Bagley, Belanger, Berry DP, Blanchette, Bowles, Brannigan, Bruno, Buck, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Clough, Collins, Cowger, Crabtree, Cressey, Davis, Desmond, Dugay, Duncan, Dunlap, Duprey, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Glynn, Green, Hall, Haskell, Hawes, Heidrich, Honey, Jodrey, Jones, Kane, Kasprzak, Koffman, Labrecque, LaVerdiere, Ledwin, Lemoine, Lessard, MacDougall, Madore, Mailhot, Mayo, McKee, McKenney, McNeil, Mendros, Morrison, Murphy E, Murphy T, Muse C, Nass, Nutting, O'Brien JA, O'Brien LL, O'Neil, Peavey, Perkins, Perry, Pinkham, Povich, Richardson, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Snowe-Mello, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

NAY - Ash, Baker, Berry RL, Bliss, Bouffard, Brooks, Bryant, Clark, Colwell, Cote, Cummings, Dorr, Dudley, Duplessie, Gerzofsky, Goodwin, Hatch, Hutton, Jacobs, Landry, Laverriere-Boucher, Lundeen, Marley, Matthews, McDonough, McGlocklin, McLaughlin, Michael, Michaud, Mitchell, Norbert, Norton, Paradis, Patrick, Pineau, Richard, Rines, Skoglund, Smith, Stanley, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Mr. Speaker.

ABSENT - Daigle, Gooley, Lovett, Marrache, McGowan, Muse K, Quint, Stedman, Wheeler GJ.

Yes, 95; No, 47; Absent, 9; Excused, 0.

95 having voted in the affirmative and 47 voted in the negative, with 9 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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Representative CHIZMAR of Lisbon assumed the Chair.  
The House was called to order by the Speaker Pro Tem.

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**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.

Resolve, to Establish the Commission to Study Ways to Eliminate Cigarette Litter in Maine (EMERGENCY)

(H.P. 1314) (L.D. 1778)

- In House, Minority (4) **OUGHT NOT TO PASS** Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** on May 23, 2001.

- In Senate, Majority (9) **OUGHT TO PASS AS AMENDED** Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-549)** in **NON-CONCURRENCE**.

TABLED - May 25, 2001 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - **FURTHER CONSIDERATION**.

Representative WATERHOUSE of Bridgton moved that the House **ADHERE**.

Representative RICHARDSON of Brunswick moved that the House **RECEDE AND CONCUR**.

Representative WATERHOUSE of Bridgton **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 Brunswick, Representative Richardson.

Representative **RICHARDSON**: Madam Speaker, Men and Women of the House. Very briefly, cigarette littering is the number one cause of littering in the state. We are asking to spend a few thousand dollars to perhaps limit the millions of dollars that the state and local governments spend in cleaning up their parks and beaches and so forth.

Secondly, I just want people to remember that, in fact, we will not bring the tobacco lobby to the study or to this problem unless they are forced to. This study enables us to bring, in fact, the tobacco companies to talk about a problem, which they share in terms of the solution. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winterport, Representative Brooks.

Representative **BROOKS**: Madam Speaker, Ladies and Gentlemen of the House. Please don't lose sight of the fact that this is just simply a study. This will, as the good Representative from Brunswick said, bring some people to the State of Maine, which as I understand it, Philip Morris and RJ Reynolds, it will probably be the only state in which they will come to us and be willing to work with us in trying to figure out a way to do this. I am going to be very brief about this, but during that period of time on the previous debate on this bill, I got huge amounts of publicity. By the way, that was certainly not intended. We talked about this way back last summer when I got together with the Maine Innkeepers Association and we talked about the potential for this to generate lots and lots of publicity. It did and it is very surprising.

I want you to know that during that period of time and since that time I have received a phenomenal amount of phone calls. I am still receiving phone calls from people from other states and other countries asking the status of the butt bill and wondering if we have done it. It is not a problem unique to the State of Maine. It is everywhere. Even today I received another note from a colleague here in the House about publicity, noting Maine and noting the butt bill. I think this is something that we do need to pursue. Again, it is just a study. It will be something that we will

struggle for, I am sure, on the Study Table and try to get it funded. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative **MURPHY**: Madam Speaker, Men and Women of the House. As we began to work this bill, we did spend a lot of time on it, really more time than we should have in terms of some of the other problems this state faces. We found that the retailers who really want to find a solution to this problem, because of the litter in front of their stores, and the manufacturers are working nationally and they have begun talking to each other on the state level. There is going to be progress made. When you can have that change take place voluntarily, sometimes it happens quicker and more efficiently than it can with government becoming involved in it. I think we have seen here on the State House grounds that when you clearly define where the smoking areas are and you provide safe disposal of a cigarette, then the litter is reduced.

I think the consequence for those people who litter with their cigarette butts will be the posting of no smoking. We have businesses where it is the policy of that business or state law to say you can't smoke and as soon as you step through the doorway to the outdoors then you dispose of the butts on the ground. I think many business owners and the innkeepers should possibly look that if that litter problem doesn't resolve itself, then they need to post no smoking outside of there.

I think we can play an individual role as well when we see someone flicking a cigarette, when we see someone emptying out their ashtray, I think we have a responsibility to say, that it unacceptable behavior. You can't treat our environment as if it is your ashtray. I think there are separate voluntary discussions going on, which I think we will find will be very positive. I think the smokers have to take some responsibility upon themselves to solve this problem as well. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Oxford, Representative Heidrich.

Representative **HEIDRICH**: Madam Speaker, Ladies and Gentlemen of the House. A few short years ago my wife and I took a trip to Bermuda. It is a beautiful, beautiful island, spotlessly clean. We were walking down one the lanes and there was an American tourist in front of us. He was smoking. The way Americans dispose of cigarettes is he flicked it. He was a very distinguished looking black man with his Bermuda shorts and a very eloquently dressed man approached him, with a British accent, and said, sir, we don't do that on our island.

All this study needs is a little pride. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Hallowell, Representative Cowger.

Representative **COWGER**: Madam Speaker, Colleagues of the House. I just have a couple of points I would like to make in support of the pending motion. I think this was a bill that actually helps many Maine small businesses. As you know, I am an innkeeper and I do pick up cigarette butts nearly every day. I think it is quite a stretch to suggest that we tell our customers not to smoke outside of the building. Many of us do already have nonsmoking establishments indoors. I think that would be pushing customers off. I think that we ought to be looking at some ways of reducing the litter outside, not only our establishments, but throughout our environment, especially our beaches where it is a huge problem.

The other point I would like to make is, as I was home over the weekend, I heard of two fires in Maine that were burning over the weekend, small fires, they were put out, but the likely cause of these fires was cigarette butts carelessly discarded out of car windows. I think this is much more than a littering problem. We can address it though this study, but I think you are also looking

at ways to help prevent damage to our employers. I urge you to support the pending motion. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Gardiner, Representative Colwell.

Representative **COLWELL**: Madam Speaker, Men and Women of the House. It is a little unusual for the corner to rise on an issue like a study, but I am rising to support the Recede and Concur motion. I am doing that for a number of reasons. The good Representative from Kennebunk stated that more time than they should have spent was probably spent on this issue. I think the implication was that this was not a consequential issue. I rise to say that it is. Over the Memorial Day weekend I was driving over to my hunting camp over in Township 37, middle district, the heart of Washington County, and many of you know the airline is a difficult road to pass on. I got behind a vehicle and I don't know they had synchronized their cigarette smoking, two people in the vehicle, and every five minutes they, together, threw a butt out in the middle of Washington County in the middle of the driest spring we have ever had in a long, long time in this state. My family has lived here for a good long time. I couldn't believe it.

This is not the butt bill. This is a study to consider all options to deal with a very serious littering, public safety and an environmental problem. I say environmental for one simple reason. I was driving over to Washington County to go fishing. Many game fish, trout, salmon, bass eat these filters. If they eat enough of them, they don't digest them, their stomachs get all bound up and, especially young trout, will die. I know that perhaps it seemed to some that this was an inconsequential issue. I have to tell you that I didn't support my good friend from Winterport's idea of returnable butts, but I certainly give him a lot of credit for raising the public awareness of a very serious problem in this state. I think we need, at the very least, to take a look at this. That is all this bill before us will allow us to do, weigh all of the options. At the end of the day we may decide that maybe perhaps it doesn't reach that level of consequence or perhaps it will. By bringing all of the members and the various players together in this study, we might just come up with a good idea. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Farmingdale, Representative Watson.

Representative **WATSON**: Madam Speaker, Men and Women of the House. I am going to speak just briefly in support of the Recede and Concur motion. I think that it is timely to have this study brought forward. Some of you in this chamber may know that there has been a number of years that I have been sort of on the cases of smoking here in our State House. I was following in the lead of our good former Speaker, John Martin, in continuing the pursue the cause of a clean environment for all of us that work in this building. Senator Martin, when he was Speaker previously, did, in fact, unpopularly, ban smoking from this very chamber that we are working in. I am sure there aren't many of us around that remember those good old days when everyone had an ashtray on their desk and were allowed, when we were at ease, to light up cigarettes, cigars, pipes or whatever.

I appreciate that the good Representative Murphy as alluded to the fact that we finally have come from ceasing smoking in the chamber to ceasing smoking except in designated areas around this beautiful State House. Sometimes things, especially in state government and certainly in our legislative bodies, move slowly. I understand that probably more than anybody in regards to clean air issues here at the State House. What this study is going to do is it isn't going to address clean air. It is going to address an environmental issue that I have been concerned about, even as a smoker myself for 22 years, what happens to the butts?

I worked in a greenhouse environment in the Augusta area and we spend, I can't even tell you hours in a week, I had to direct people that worked under me on a daily basis to pick up the butts. We knew back then, as everybody knows now, they are not biodegradable. They have a life span of a long time. A greenhouse is no place for butts to be littering the ground. We even had opportunities where we would pick them out of the boxes of seedlings. People found them as convenient ashtrays. Where do I put my butt? I will just put it out in this flat of petunias. I think that there is an educational process that people that smoke need to probably go through. We have heard people on this floor talk about how people choose to dispose of their cigarettes with no regard for the environment, in particular around fire safety in wooded areas. I think that this study is timely. I think that the small amount of money that would be appropriated for the study would be very well spent. In particular, if we could get the producers of this particular product to come to the table and to help find solutions. There may even be a filter that they have already developed that is biodegradable. We won't know until we ask the hard questions and have the cooperation of the industry in finding the solutions to these problems.

I urge my good colleagues here that care about the environment to vote to Recede and Concur. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Madam Speaker, Men and Women of the House. As we draw near, hopefully, the end of our first session, we have seen in the Part I Budget and the continuing discussions on the budget, that there is a shortage of funds. We begin to make our choices. We begin to set priorities. We begin to make decisions. If anyone believes in this economic environment that there is going to be two study committees or three study committees coming out of each committee, I think they are mistaken. I think we begin to look at what are our top priorities. Also coming out of our committee is a very important study request looking at recycling centers, bottle recycling centers. What has happened is that that industry is extremely wobbly right now and hundreds of jobs are involved, potentially the loss of hundreds of jobs. That bottle bill is the flagship of all of our anti-litter efforts. We could very easily go with the cigarette butt bill and say that is our type of top priority and shut our eyes to a more important study that needs to be done. If that isn't our priority study, if that doesn't get funded and we lose the effectiveness of the bottle bill, concentrating instead on the butts, within a year or year and a half when that industry collapses, our roadsides will start to look like a Massachusetts roadside.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waldoboro, Representative Trahan.

Representative TRAHAN: Madam Speaker, Ladies and Gentlemen of the House. I stand today to tell you a couple of stories about some trips that I took. I will start with the one first to Acadia National Park with my wife. My wife and I, we enjoy walking. While we were in Acadia, we took some long walks. What surprised us was all of the trash that was in the ditches as we walk along in the spring when the green grass had died back and we could see all the garbage that had been thrown in the ditches. We both were quite disgusted, but partly ashamed too.

I want to tell you about another trip I took. I went to Quebec City with some friends. I was amazed as we crossed the border how little garbage there was on the side of the road. As a matter of fact, we didn't see any. We went into Quebec City and we stayed at night. We came out in the morning and people were

hosing down the streets. We asked why are you hosing down the streets. They said that they keep a clean city.

Ladies and gentlemen of the House, we don't need a study to tell us what is wrong. I can tell you today what is wrong. People need to appreciate their environment. They need to appreciate their environment by not throwing garbage into it. Right now it is against the law to litter. It is against the law to take a cigarette butt and flick it into the ditch, but do we enforce it? No. The signs used to be on our roadsides that said, littering is a crime. They are gone. They fell over and they were never replaced. We don't need studies, ladies and gentlemen. We need to respect our environment and that is the kind of message that we should be sending. We don't need a study to do that. What we need is to teach it. We need to enforce it by putting up signs and by penalizing people when they do it. I ask you to defeat this, ladies and gentlemen.

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. 288

YEA - Ash, Bagley, Baker, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Cummings, Desmond, Dorr, Dudley, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Matthews, McDonough, McGlocklin, McKee, McLaughlin, Michaud, Mitchell, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tuttle, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bowles, Bruno, Buck, Bumps, Carr, Chase, Clough, Crabtree, Cressey, Davis, Dugay, Duncan, Duprey, Foster, Glynn, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, MacDougall, Madore, Mayo, McKenney, McNeil, Mendros, Michael, Morrison, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Berry RL, Daigle, Goodwin, Gooley, Lovett, Marrache, McGowan, Muse K, Quint, Stedman, Twomey.

Yes, 83; No, 57; Absent, 11; Excused, 0.

83 having voted in the affirmative and 57 voted in the negative, with 11 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

SENATE DIVIDED REPORT – Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (S-167)** – Minority (5) **Ought Not to Pass** – Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Amend the Laws Governing Municipal Citizen Initiatives and Referenda" (EMERGENCY)

(S.P. 231) (L.D. 796)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-167)**.

TABLED – May 25, 2001 (Till Later Today) by Representative McDONOUGH of Portland.

PENDING – Motion of same Representative to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.