

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fifth*

*Legislature*

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL  
AUGUSTA, MAINE

The **SPEAKER**: The Chair recognizes the gentleman from Scarborough, Mr. Gagnon.

Mr. **GAGNON**: Just briefly, ladies and gentlemen. I talked to the Secretary of State and the Director of Motor Vehicles. They are both completely in favor of this measure. They thought it would help them extremely. Our speeding laws are on the books not to be broken, and certainly anyone that knows me should realize that if I can make this great sacrifice certainly it shouldn't be too much of a problem for anyone else.

The **SPEAKER**: The Chair recognizes the gentleman from Lewiston, Mr. Call.

Mr. **CALL**: Mr. Speaker and Members of the House: I feel that this bill is a step in the right direction and I plan to vote against the motion to accept the "Ought not to pass" Report.

The **SPEAKER**: The pending question is on the motion of the gentleman from Lewiston, Mr. Orestis, that the House accept the Majority "Ought not to pass" Report on Bill "An Act relating to Suspension of Motor Vehicle Operator's License for Speeding Violation," House Paper 1151, L. D. 1602. A roll call has been ordered. If you are in favor of accepting the Majority Report you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

**YEA** — Albert, Bernier, Binnette, Boudreau, Bourgoin, Brawn, Carey, Carrier, Carter, Clemente, Conley, Cooney, Cote, Crosby, Cummings, Curran, Doyle, Drigotas, Dyar, Emery, D. F.; Faucher, Finemore, Fraser, Gauthier, Hall, Hancock, Hayes, Henley, Herrick, Jutras, Kelley, K. F.; Kelley, P. S.; Keyte, Lebel, Lee, Lessard, Lucas, Lund, Lynch, Mahany, Marsh, Marstaller, McCloskey, McCormick, McTeague, Mills, Orestis, Page, Pontbriand, Pratt, Rand, Rocheleau, Shute, Slane, Smith, E. H.; Vincent, Wheeler, White, Whitson, Wood, M. E.

**NAY** — Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Berube, Birt, Bither, Bragdon, Brown, Bunker, Bustin, Call, Churchill, Clark, Collins, Cottrell, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dam, Donaghy, Dow, Dudley,

Farrington, Fecteau, Gagnon, Genest, Gill, Good, Goodwin, Haskell, Hawkens, Hewes, Hodgdon, Immonen, Kelley, R. P.; Kilroy, Lewin, Lewis, Lincoln, Littlefield, Lizotte, MacLeod, Manchester, Martin, McNally, Millett, Morrell, Mosher, Murray, Norris, Parks, Payson, Porter, Rollins, Ross, Santoro, Scott, Shaw, Silverman, Simpson, L. E.; Simpson, T. R.; Smith, D. M.; Stillings, Susi, Theriault, Trask, Tyndale, Webber, Williams, Wood, M. W.; Woodbury.

**ABSENT**—Bedard, Berry, P. P.; Emery, E. M.; Evans, Hanson, Hardy, Jalbert, Kelleher, Lawry, Maddox, McKinnon, O'Brien, Shelta, Starbird, Tanguay, Wight.  
Yes, 60; No, 74; Absent, 16.

The **SPEAKER**: Sixty having voted in the affirmative and seventy-four in the negative, with sixteen being absent, the motion does not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted, the Bill read twice and tomorrow assigned.

#### Divided Report

Report "A" of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act Prohibiting the Use of Certain Nonrefundable Beverage Containers" (H. P. 940) (L. D. 1299)

Report was signed by the following members:

Mr. **CLIFFORD**

of Androscoggin  
— of the Senate.  
Messrs. **CURTIS** of Bowdoinham  
**CROSBY** of Kennebunk  
**FECTEAU** of Biddeford  
**NORRIS** of Brewer  
**COTE** of Lewiston  
— of the House.

Report "B" of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Messrs. **QUINN** of Penobscot  
**KELLAM** of Cumberland  
— of the Senate.  
Messrs. **BRAWN** of Oakland  
**EMERY** of Rockland  
**GAUTHIER** of Sanford  
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, I move that the House accept Report "A" "Ought not to pass."

The SPEAKER: The gentleman from Brewer, Mr. Norris moves that the House accept Report "A" "Ought not to pass."

The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker and Ladies and Gentlemen of the House: As you know, this piece of legislation proposes to ban or prohibit the use of nonreturnable bottles and cans containing beer and pop. I am sure you are all aware of the need for this piece of legislation. You can see it every time you drive down a main highway. I am sure you are also aware of the disadvantages it is going to cause certain people. But I believe that the overwhelming advantage it could bring to the whole State of Maine far outweighs any of these disadvantages to certain individuals.

I would therefore hope you would vote nay on Mr. Norris's motion to accept Report "A" "Ought not to pass" and to accept Report "B" "Ought to pass."

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Smith.

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: I arise to oppose the motion of the gentleman from Brewer, Mr. Norris, to accept Committee Report "A" on L. D. 1299. I wish only to observe that governments of democracies for all time have had as their goal the creation of laws that most adequately reflect the wants and needs of the people. And certainly the quest of this goal motivates the actions of most members of the House most of the time.

It is my conviction that the people of Maine want this bill, that they are asking for this bill, and I believe that most people of Maine are prepared and are willing to make whatever small sacrifices that are necessary to help their environment in this most significant way. I hope you will oppose the motion and subsequently accept Report "B".

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to stand with Mr. Ault. I did serve on this committee, and I dare say that there was one of the largest crowds turned out to this hearing that I have ever seen at any hearing here in Augusta.

As I ride down the freeway each morning, for six weeks they have been picking up bottles and cans along the side of the road. I stopped and I talked with the foreman, and he says this has been one of the worst years that he has ever seen of bottles and cans. They had these big garbage containers, the plastic ones, and I dare say half the length of this room one of those was full.

So when we heard the testimony in our room that only 17 percent of the litter was cans and bottles, I kind of doubt the testimony. Now if this was only 17 percent, which they said was a very small figure, if my figures serve me right, 17 into 100 only goes approximately six times, and if six concerns are doing all the littering within our state, I think we better get rid of one sixth of this and this will save our country and our state in beautification. And I stand with Mr. Ault.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Cote.

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: Our committee heard this L. D. as well as legislation for more stringent litter control, and it was obvious to me that what the proponents of this bill are really after is to stop the littering of our highways, not only with bottles, returnable or nonreturnable, but with all litter. Enforcement is the problem with our present litter control legislation, and of course behind it is the unanswered question of solid waste management dealing with what we ultimately do with solid waste once it reaches a dump.

The question that this Legislature must come to grips with is not simply legislation such as this, which only requires a deposit upon soft drink and beer bottles, but

what this state intends to do with the underlying problems of litter on the highways and disposal of solid waste. I do not feel that focusing our entire attention upon one industry which would, should this legislation pass, be very seriously affected economically, and which is not to blame for throwing litter onto our highways, would be either responsible or equitable.

I think this Legislature must, rather than adopting arbitrary and piecemeal legislation, bring itself to grips with the basic problem and I would hope that you would join me in accepting the majority report on this bill and would further recommend that the entire problem with which we are faced be sent to Legislative Research which could recommend to the next legislature or a special session a broad, rather than narrow, solution to the entire problem.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Emery.

Mr. EMERY: Mr. Speaker and Members of the House: I am also a signer of Report "B" "Ought to pass." Now if you will notice, there are only signers of this report, and the other two were absent. So I am not entirely sure whether we are a minority or a majority.

At any rate, there are several points that I think we ought to bring out in this debate. First of all, I would not consider this to be piecemeal legislation. I think that despite the fact that 17 per cent of the litter on Maine's highways may be bottles, we must realize that bottles are very dangerous. I have never heard of anyone cutting his foot on a dixie cup. And we also must remember that most other pieces of litter, including cans that rust, are eventually degradable. Bottles just sit there and plastic just sits there.

Now on the question of nonreturnable bottles versus returnable bottles, it seems to me that with returnable bottles at least we have a vehicle by which some of the litter, some of the bottles that evidently will always be left on the highway will be returned. Nonreturnable bottles will just sit there. No one has any incentive to pick

them up unless he works for the Highway Department. And, incidentally, it costs a quarter of a million dollars a year to pick up bottles and litter off Maine's highways.

Now I can remember a few years ago when I was in grade school and also in high school when we would have various clubs and organizations, we would have bottle drives. We would go and collect an untold number of bottles from beside the roads and people's basements. And this was a very convenient way to raise money, but it also accomplished something else. It removed some of these bottles from circulation. It took them out of homes; it took them off the sides of the streets and got them back to the distributors.

Now what impressed me, among other things, was the saving to the consumer through the use of returnable bottles. There was testimony from a man representing the Coca Cola Company that the consumer will save 29 cents on a six-pack of Coca Cola if he buys it in returnable bottles. Now very few people would take change from their pocket and throw it out the window. This is what you do every time you don't return a returnable bottle to the store. Therefore there is an incentive to return it.

Other people have testified before the committee that this would have little or no effect. The people would still continue to throw their bottles out the window. This may or may not be so; but at any rate, there is still a chance, there is still an opportunity for someone or an incentive for someone to pick these bottles up and return them to the store and get them off the street. This, I think, is a very important factor.

Now as far as the suggestion of the gentleman from Lewiston, Mr. Cote, that we send the whole of the problem to Legislative Research, this might be a good idea. But here we have a sensible piece of legislation that will work, that will aim at one of the most dangerous and unsightly problems that we have, which is bottles. Bottles bring on another problem. Bottles thrown out in the woods

will act as a prism. Although we have no statistics, it is known that some forest fires have been caused by sunlight filtering through the glass at such an angle that it would ignite dry leaves and grass. This is another factor that we must consider as well as the safety factor.

So I think all of these things put together, it would be very wise for us to accept Report "B," the "Ought to pass" Report, and take a first step in getting some of this litter, some of the glass, off the sides of our roads.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Fecteau.

Mr. FECTEAU: Mr. Speaker and Members of the House: As an ex-retailer, I was in that business for 24 years, and on the weekend I inquired of my children what they thought of this bill. And they said, "Dad, don't you remember the job that we had to do when we had to sort out these bottles, and these bottles would come back so darned dirty and all full of all kinds of material that wasn't fit in those bottles like kerosene and oil and anything like that? You want us to give you an idea of how we feel on these bottles? We are not buying returnable bottles right now because we feel it is more sanitary for us to buy these beverages in the nonreturnable bottles." So just to give you an idea of what it is.

And furthermore, if you pass this bill, each retailer will have to have a special place in order to receive those bottles because the Sanitary Department, if they happen to go in and inspect those stores and see all this mess, they are liable to lose their license for operating their place of business. So they would have to have a special place to keep those bottles and sort them out.

I feel that something else should be done to clean up the mess, but this is not the right way of doing it.

The SPEAKER: The Chair recognizes the gentlewoman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker and Members of the House: I spoke at the hearing and perhaps some of you were there, but those that weren't, I would like to give you

a few statistics. You remember a couple of weeks ago that Mr. Ault asked us as we drove home if we would look at the most attractive part of our journey home and see how many bottles there were along the side of the road. I can see that my friend from Oakland, Mr. Brawn, stopped. I am amazed because I follow him some days and I didn't think he ever stopped. But I can well see how he can hang on to trees in hunting raccoons because he is quite lively.

But however, I drive right along myself and I thought that this was poor judgment of Dave asking us to go slow enough home on a Friday afternoon to count bottles. But as I got up Route 95 on the Interstate, lo and behold, in front of me they had been all bagged for me, so I could see no reason why I shouldn't at least stop to count them.

I got out and looked at the bags two or three times along this stretch of road that I counted these bags, and almost entirely these bags were cans and bottles. Some of the other rubbish was stacked up alongside the bags, and in about four miles I counted 58 of these bags.

Now I thought in being used to bagging apples, that most of them would hold about two bushels. But trying to be fair, I called the Highway Department and asked them the size of these bags and they were thirty-gallon bags. So figuring that most of them were about two-thirds full or over, I thought this would be fair and so at twenty gallons in each bag, there would be 1,160 gallons of this trash in four miles, or in other words, 290 gallons a mile, or if by bushels it would be 29 bushels a mile. This is a lot of trash and we are paying for this to be picked up. I tried to get the figure through the Highway Department of what it cost per mile, but I only got the figure that Mr. Emery here gave what it cost all over the state.

I have been asked by farmers to oppose this. They bale hay. You know, a lot of people think that the country doesn't belong to anybody and so they go out and have their fun and throw their bottles in the fields and this type of thing, and

the farmers are getting glass in their bales of hay and feeding it to cattle and are having difficulties this way. It costs the visit of a veterinarian many times for the farmer. And I, myself, as a housewife, had much rather take back a bottle than to have my garbage can cluttered up with it. And I would ask, who are we trying to cater to here in the state, the big business or the small taxpayers?

The SPEAKER: The Chair recognizes the gentleman from Mechanic Falls, Mr. Manchester.

Mr. MANCHESTER: Mr. Speaker and Members of the House: I rise to support the Majority "Ought not to pass" Report on this bill and would like to point out a few reasons why. For one thing, the retail personnel will be forced to handle unsanitary cans and bottles from the checkout counter to the back room. I have had them come in with cockroaches in them, bugs, and everything imaginable, which had to be completely kept away from any of your processing areas. There is no room in storerooms at this time for these bottles. There will have to be additional sheds built outside. And we certainly don't want our children risking life and limb on the side of the highways picking up bottles for a few cents.

All the vending machines, all the bottles will have to be brought back to the stores, which will be an added expense to them.

Last Saturday in the Portland area less than a hundred people were interested enough to bring less than one ton of glass back to the Cocoa Cola, Pepsi Cola and Cotts Plants in the Greater Portland area during the five-hour collection period, from 11 a.m. to 4 p.m., which had been well advertised in all mediums for two weeks.

Mr. Smith of Waterville requested a roll call.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Gill.

Mr. GILL: Mr. Speaker, I would like to pose a question to anyone that might answer; this is a question presented in a serious vein. Just what would protect our younger people or anyone from

crossing over the border into the State of New Hampshire where they have got the nonreturnable bottles and driving to a dump and perhaps getting three or four thousand of these, throwing them into a little truck, driving back across the border and collecting for these bottles?

The SPEAKER: The gentleman from South Portland, Mr. Gill, poses a question through the Chair to any member who may answer if they choose.

The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker and Members of the House: To answer Representative Gill's question, that was one of the things that was brought up at the hearing. There would be nothing of course to prohibit them from bringing bottles across the border.

While I am on my feet, to be very brief, we had a good hearing. At one time we asked for a show of hands in the hearing room, and it seemed that practically every person in the hearing was a proponent of the bill. We went into the opponents, and after we got into that we asked for a show of hands for all of the people opposed to the bill, and practically every person in the room raised their hands, or at least this is the way it looked to me, and I was sitting down front.

Now I would simply submit — and I signed the "A" Report on this — that people and not solid waste — solid waste is the problem, but the people are the problem, and particularly on the litter. It is the people that are throwing these bottles and cans and plastic containers, that was not amended in the bill, along the highway. It is the people that are doing it.

There are companies in the state at the present time that furnish drinks in returnable bottles, and the returnable bottles along with the nonreturnable bottles are ending up along your highways and in your woods and along your rivers and streams. So I submit to you that this legislation, along with the litter legislation, along with the solid waste management

problem, should be studied, and we should come in the next legislature, as Mr. Cote suggests, with legislation to take care of a gross problem. It is a terrible problem, but it certainly needs a lot of study, and we shouldn't discriminate against two small phases of this problem.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Santoro.

Mr. SANTORO: Mr. Speaker and Members of the House: I would like to inject a little bit of humor in this rubbish discussion here. I remember a few years ago, I had been practicing medicine, and they would bring the urine in the bottles, and soft stools in containers, and I would throw it in the rubbish bag afterwards. At the end of the week the garbage man would come along and pick up all these bottles. That was his first idea, pick up all the bottles because they were returnable bottles. Now after you see the fate of those bottles, now I hate like hell to see this back again. (laughter)

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker and Members of the House: I would like to give you my two or three reasons why I voted for Report "B". First we were told at the hearing, like Mr. Emery mentioned to you, that it costs the consumer, the family people, 29 cents more per six-pack, which is 30% more than the nonreturnables.

Number two, we had a letter from the head of the Forestry Department that these bottles do start fires in the fields and all around where they are thrown.

And thirdly, this costs the state also, we were told, \$205,000 a year to collect. So if this bill can help in any way to reduce this cost quite a lot I think it is worthwhile.

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker and Members of the House: I would like to answer Mr. Gill's ques-

tion, if I may. I believe he asked what would stop the young people from going over to New Hampshire and getting a truckload of nonreturnable bottles and bringing them back here and getting a refund. Is that correct? Well, I would think that it would be obvious to any store owner when he sees one of these nonreturnable bottles, that says no deposit-no return on it, that he wouldn't give them any money.

Which brings up another interesting point that came out at the hearing. One of the bottlers said that they had always supplied and do supply returnable containers right now, but the people just don't bring them back. And one member of the committee asked him, "You do have it stamped on the nonreturnables that there is no deposit and no return. Do you have it stamped on the returnables that they are refundable?" And he said, "No, we never do this." This piece of legislation would require that they do do this, and I think this would help the problem.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Emery.

Mr. EMERY: Mr. Speaker and Members of the House: Another point that I think we ought to bring out is the enforceability factor. Now we have another bill in Legal Affairs which would provide for a litter control act. And essentially all this bill would do is to impose some very very strong and I think unfair penalties, far in excess of the offense that had been committed. But the important point here is that, although you may drive down a highway and see all kinds of litter on the road, whether it is cans or plastic or paper or bottles, out of every two or three hundred pieces thrown on the side of the road, I doubt very much if any law enforcement official is going to see any more than one or two of them. You can't very well arrest people for throwing trash on the road unless you see them do it.

Now this points out the fact that you have got a basic enforceability problem with this particular

bill. But the nonreturnable bottle bill that we are debating here today is enforceable because we can require that only returnable bottles be sold in Maine. This we can do. And including in this factor what I mentioned before about the kids picking the bottles up and the incentive to remove them from the side of the roads, we have a bill here that can work. It has worked in other states. In fact the State of Vermont passed a similar bill a few weeks ago. I think we ought to give it some very serious consideration.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Gill.

Mr. GILL: Mr. Speaker and Members of the House: In reading over Legislative Document 1299 possibly I have interpreted it wrong, but it more or less states that they shall not sell them, etcetera, that is commonly known as soda pop or soft drink for consumption in this state, and in a container which does not possess a refund value of at least four cents.

Now this doesn't state that it cannot be a nonreturnable bottle. This simply states that the bottle shall have a value of four cents. And I submit that the situation that exists is, your bottling plants are geared up for the production of nonreturnable bottles, they have got a great stock of these bottles, of course, all over the country, and they are used. And it is my understanding that it would be more financially proper for the companies to continue to use the same bottle they are now. And that is the reason why I asked that question. And according to this bill it does not state that the bottle has got to be that of a returnable nature.

The SPEAKER: The Chair recognizes the gentleman from Alton, Mr. Barnes.

Mr. BARNES: Mr. Speaker and Members of the House: Everything has been pretty well covered, so about all I can say is, let's ban the can and throttle the bottle.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. Crosby.

Mr. CROSBY: Mr. Speaker and Members of the House: As a signer of the "Ought not to pass" Report I feel that I should justify my stand. I think that this bill is discriminating against a small segment of the state in that it includes only two of the industries, that is the beer bottlers and the soft drink bottlers.

For your information, at the hearing it was brought out that probably the soft drink bottlers are as interested in cleaning up the litter as anybody. In fact they have started a recycling program, and I am sure that all of you people who come from the metropolitan area of Portland have seen the advertisements where there are four recycling stations set up in the city. I heard on the news this weekend that there was approximately one ton of glass collected over the weekend.

Now it would seem to me if all of these people that were at the hearing the other day were as interested in anti-litter laws as they appear to be, that they would have worked hard over this weekend to take these glass bottles back and have them recycled.

There is another thing, that we are talking about beer bottles and soft drink bottles. Now that we have put wine into our grocery stores there is nothing that says that you can take an empty wine bottle back and get four cents, and I am sure that we are going to see wine bottles distributed along the side of the road as well as beer bottles, because according to statistics, wine is gaining in popularity every day, and I am sure that it is not all consumed in the home.

So I will go along with Mr. Cote in his suggestion that this be turned over to Legislative Research. I think that it is much more of a problem than we can handle right here by this little bill, and it is something that has got to have the cooperation of everybody in the state. As was brought out, bottling plants do not litter, it is people. And as long

as people litter our highways we are going to have the problem.

Another thing that is in this bill is that bottles taken out of a dispenser are exempt. How many gas stations along our roads have bottle dispensers where people stop for their gas and oil, pick up a few Cokes or soft drinks, ride along the road and when the bottle is empty, toss it out? There is nothing that will prohibit perhaps in the future some enterprising company from putting out a dispenser that will dispense six-packs of beer or six-packs of soft drinks. This is purely possible.

So I think that we have to give this a lot more study and consideration before we pass an emotional bill.

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker and Members of the House: As a sponsor of one of the returnable bottle bills in this Legislature, I feel I should have something to say on this bill. I firmly approve of it; I shall vote for it. I hope that the majority of this House votes for it. It is a good bill.

We are not necessarily picking on certain industries any more than any other. They are named here. We recognize that there is a problem in other areas, but at the moment it is not as great. Pop bottles and beer bottles at the moment are the chief offenders.

Now I think it makes a great deal of sense to take a bottle that has been filled and take it back and fill it again and again and again. Now there are those that have told you here this morning that it makes more sense to fill the bottle once, throw it away, or take it to a recycling plant, smash it up or melt it up, and make more bottles and fill them once and proceed through the same process all over again.

I feel it is far more sensible to take the bottle and keep refilling it until the thing is worn out, if it ever does wear out, and then what is left then you can recycle it. But to just take a bottle and use it once and then melt it down and use it over, it just doesn't make sense.

This is a good bill. It will clean up litter, because despite the fact that people throw bottles out and throw cans out, even though there is, I think, a hundred dollar fine for doing so if they are caught, there are also just as many little boys and girls that will trot right along behind those cars that are throwing them out and pick them up. I know I did when I was a kid, and I presume kids today are no different than they were then, if they can get a few cents out of a bottle. I think the bottles would be cleaned up at relatively little expense to anyone.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: Just one thing I would like to take exception to with my good friend, Representative Starbird from Kingman Township. I do think that this has been overplayed on the fact that the children can travel along these high speed highways that we have with the amount of traffic we have on the roads today, that the children out there picking up bottles would certainly be a much greater harm than any litter.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Brewer, Mr. Norris, that the House accept Report "A" "Ought not to pass" on Bill "An Act Prohibiting the Use of Certain Nonrefundable Beverage Containers," House Paper 940, L. D. 1299. All in favor of accepting Report "A" will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bailey, Berube, Binnette, Birt, Bither, Boudreau, Bourgoin, Bragdon, Call, Carey, Carrier,

Churchill, Clark, Clemente, Collins, Conley, Cote, Cottrell, Crosby, Curran, Curtis, A. P.; Dam, Donaghy, Drigotas, Dudley, Emery, E. M.; Evans, Faucher, Fecteau, Fraser, Genest, Henley, Herrick, Hewes, Jutras, Keyte, Kilroy, Lawry, Lebel, Lee, Lessard, Lincoln, Lizotte, Lucas, Lynch, Maddox, Mahany, Manchester, Marsh, McKinnon, Mosher, Norris, Orestis, Parks, Payson, Pontbriand, Pratt, Rand, Rocheleau, Ross, Santoro, Scott, Shaw, Simpson, T. R.; Slane, Stillings, Tanguay, Theriault, Trask, Webber, Wheeler, White, Wight.

**NAY** — Albert, Ault, Baker, Barnes, Bartlett, Bernier, Berry, G. W.; Brawn, Brown, Bunker, Bustin, Carter, Cooney, Cummings, Curtis, T. S., Jr.; Cyr, Dow, Doyle, Dyar, Emery, D. F.; Farrington, Finemore, Gauthier, Gill, Good, Goodwin, Hancock, Haskell, Hawkins, Hayes, Immonen, Kelleher, Kelley, K. F.; Kelley, P. S.; Kelley, R. P.; Lewin, Lewis, Littlefield, Lund, MacLeod, Marstaller, Martin, McCloskey, McNally, McTeague, Millett, Murray, Page, Porter, Rollins, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, E. H.; Starbird, Susi, Tyndale, Whitson, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

**ABSENT** — Bedard, Berry, P. P.; Gagnon, Hall, Hanson, Hardy, Hodgdon, Jalbert, McCormick, Mills, Morrell, O'Brien, Sheltra, Vincent.

Yes, 73; No, 63; Absent, 14.

The **SPEAKER**: Seventy-three having voted in the affirmative and sixty-three in the negative, with fourteen being absent, the motion does prevail.

Sent up for concurrence.

The **SPEAKER**: The Sergeant-at-Arms will escort the gentleman from Bridgewater, Mr. Finemore, to the rostrum to serve as Speaker pro tem.

Thereupon, Mr. Finemore assumed the Chair as Speaker pro tem and Speaker Kennedy retired from the Hall.

#### Passed to Be Engrossed

Bill "An Act to Prohibit the Importing and Introduction to our Coastal Waters of any Uncertified

Marine Species" (S. P. 513) (L. D. 1370)

Bill "An Act to Increase Fees for Junkyards and Auto Graveyards" (H. P. 616) (L. D. 827)

Bill "An Act relating to Fees of Municipal Police Officers as Witnesses" (H. P. 709) (L. D. 955)

Bill "An Act relating to Weight Tolerance for Vehicles Loaded with Road Salt" (H. P. 726) (L. D. 971)

Bill "An Act relating to Political Designations on Nomination Petitions" (H. P. 806) (L. D. 1079)

Bill "An Act relating to Transcript in Hearings in Cases Where a Person is Acquitted of Murder by Reason of Mental Disease" (H. P. 884) (L. D. 1205)

Bill "An Act to Correct Inconsistencies in the Town Election Law" (H. P. 1049) (L. D. 1439)

Bill "An Act relating to the Retail Sale of Wine in Department Stores" (H. P. 1171) (L. D. 1630)

Bill "An Act to Provide Funds for the Construction and Equipping of a Maine Information Center at Kittery" (H. P. 1290) (L. D. 1689)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

#### Third Reader

##### Tabled and Assigned

Bill "An Act relating to Search by Coastal Wardens" (H. P. 1291) (L. D. 1690)

Was reported by the Committee on Bills in the Third Reading and read the third time.

(On motion of Mr. Tyndale of Kennebunkport, tabled pending passage to be engrossed and tomorrow assigned.)

Resolution Proposing an Amendment to the Constitution to Provide for the Selection and Duties of a Lieutenant Governor (S. P. 545) (L. D. 1678)

Was reported by the Committee on Bills in the Third Reading, read the second time, passed to be engrossed and sent to the Senate.

#### Passed to Be Enacted

An Act relating to Use of Weapons in the Allagash Wilderness Waterway (S. P. 307) (L. D. 901)