

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Sixth Legislature

State of Maine

Daily Edition

Second Regular Session
beginning January 8, 2014

beginning at Page 1544

The Chair laid before the Senate the following Tabled and Later Assigned (3/21/14) matter:

Bill "An Act To Increase Gaming Opportunities for Charitable Fraternal and Veterans' Organizations"
S.P. 20 L.D. 31

Tabled - March 21, 2014, by Senator **JACKSON** of Aroostook

Pending - **FURTHER CONSIDERATION**

(In Senate, March 19, 2014, on motion by Senator **PATRICK** of Oxford, Report "**B**", **OUGHT NOT TO PASS READ** and **ACCEPTED**.)

(In House, March 20, 2014, Report "**A**", **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-399)**, in **NON-CONCURRENCE**.)

Senator **TUTTLE** of York moved the Senate **INSIST** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

On motion by Senator **JACKSON** of Aroostook, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#504)

YEAS: Senators: **BOYLE, CAIN, CRAVEN, DUTREMBLE, GERZOFKY, HASKELL, JACKSON, JOHNSON, SAVIELLO, TUTTLE**

NAYS: Senators: **BURNS, CLEVELAND, COLLINS, CUSHING, FLOOD, GRATWICK, HAMPER, HILL, KATZ, LACHOWICZ, LANGLEY, MASON, MAZUREK, MILLETT, PATRICK, PLUMMER, SHERMAN, THIBODEAU, THOMAS, VALENTINO, VITELLI, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND**

10 Senators having voted in the affirmative and 25 Senators having voted in the negative, the motion by Senator **TUTTLE** of York to **INSIST** and **ASKED FOR A COMMITTEE OF CONFERENCE, FAILED**.

On motion by Senator **JACKSON** of Aroostook, the Senate **ADHERED**.

The Chair laid before the Senate the following Tabled and Later Assigned (3/26/14) matter:

HOUSE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Allow the Passamaquoddy Tribe To Operate Slot Machines in Washington County in Conjunction with High-stakes Beano"

H.P. 1091 L.D. 1520

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-630)** (3 members)

Tabled - March 26, 2014, by Senator **JACKSON** of Aroostook

Pending - **FURTHER CONSIDERATION**

(In House, March 6, 2014, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-630)**.)

(In Senate, March 19, 2014, Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.)

(In House, March 25, 2014, that Body **INSISTED**.)

Senator **TUTTLE** of York moved the Senate **RECEDE** and **CONCUR**.

On motion by Senator **JACKSON** of Aroostook, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

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

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, this is our last bill on gaming probably for a while. There is a long history of this bill. Many promises made by many Administrations. The promises were not kept. I wish I had been involved in the process over the last decade. I think things might have been a little bit better. If I would have had my way I think the tribes should have probably been given first dibs at this because it makes the most sense. I think they had a plan 20 years ago. I do give the present Executive credit. He says that if this bill gets presented to him he will sign it. I don't need to go into the economic factors of how this would impact the tribes, the benefits, how it would allow them to be self-determined, allow them to do the right thing for their folks. I know Senator Burns has submitted letters to us from the folks in Washington County. I'm just hoping that we have one vehicle left to do the right thing. Therefore, I would respectfully request that you would vote to Recede and Concur. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Craven.

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, I'm not a tribal member but my husband is half Penobscot, so I figure I have the permission to get up here and represent the tribes in the Senate. I'm actually reading a letter from Representative Soctomah, at her request. "Dear Ladies and

Gentlemen of the Senate. I have spoken on this issue many times before and I will not bore you with repeating my previous remarks." This is a quote, I am quoting so it sounds a little bit odd. "I will simply say that, as a Representative of the Passamaquoddy people, I implore you today to support L.D. 1520. If we are to continue as a people, to preserve our history and our culture, we must be able to earn a living on our ancestral lands. We must have economic development. I believe L.D. 1520 represents this economic development. For us, this bill represents what we believe to be a component of our economic future. The Passamaquoddy Tribe has been trying for over 20 years, since the 115th Legislature, before there was any gaming facilities in the state of Maine, to pass gaming legislation to promote strong, sustainable economic development within the community. These efforts have not always been successful, however, and currently our tribes are experiencing high unemployment and limited opportunities for business and development. While some have been discouraged by previous attempts which have not been successful, many of us continue to push for a new opportunity which could provide us with a true economic base. We have enough experience with government assistance programs to know that if we are to succeed we must lift each other as tribal members, and lift ourselves as a tribe. To my people this bill is not about gambling. It is about jobs in our local area. It's about investment in the surrounding region where we live. It is about establishing a commercial development that will stimulate long-term economic growth in that area. To that end, the Passamaquoddy Tribe is committed to bringing a tribal gaming facility to Washington County. We have watched for years as federal tribes across the country have opened gaming facilities and used the revenue they generate to build strong, sustainable communities. Since 1992 the Passamaquoddy Tribe has been working with the Legislature to make such a facility possible. Passage of this bill would represent the cultivation of this work. I ask you now, perhaps for the last time as the Representative of the Passamaquoddy people, for your support in voting for L.D. 1520. The passage of this has its own merits. Thank you." Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Mason.

Senator **MASON:** Thank you Mr. President. Men and women of the Senate, I rise again in opposition to this pending motion. I would just like to say that we can start the process of comprehensive casino gaming in the state of Maine. We have the opportunity to do that in the Veterans and Legal Affairs Committee. We could have started it last summer, out of the commission that met over the summer and fall that looked at the gaming industry in the state of Maine. We could have had a study. We could have talked about how to deal with these things and we might have been able to deal with it in this session had we had a study that answered very specific questions. We need to ask the questions of: is there a market to be expanded on gaming in Maine? If there is, how are we going to create the most jobs and create the most money for the General Fund? These are questions that must be answered before we expand gaming any further in the state. We have not answered these questions as a Legislature. We need to do that before we continue on and vote for more casinos in the state of Maine. Mr. President, I would urge the Body to vote against the pending motion so that we can move forward with a truly comprehensive

study on a plan for gaming for the future of the state of Maine. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Patrick.

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I stand here today speaking both in favor of and opposition to this motion. Anyone who knows me, I've been here since 2000, in the 120th. I've supported a couple of tribal bills. I helped get them down on the Chief Executive's desk and they were vetoed. We didn't override the veto. The one thing I want to get on the record is I will continuously say that gaming is not economic development. It's not economic development in Bangor. It's not economic development in Oxford. It's not economic development. If you take a look at a gaming business, you have people coming in and spending their money there. The company is going to be either profitable or not profitable. It happens to be that most gaming facilities are profitable, and that depends on how many are within the state of Maine. If you really want to take a look at the local issue; who pays the bills for most casinos? If you take a look at it, it's the local people. The local people actually, from what I honestly believe in my heart of hearts, pay that electricity, the bills, the mortgage, if there is one on the building, and the extra people that come into the area help make and generate a lot more of the profit. From that standpoint, I'm actually in opposition. I think Bangor has done fairly well. I think Oxford has done fairly well. Between the two of them they have generated \$1 billion of income, or at least revenue, that's filtered through those two businesses. The State has gained some on that through the cascade, which is one word I really don't like because cascade is just a bunch of carrots that entice us to say this is a good idea. I wish we were voting right now to not allow any gaming in the state of Maine, or at least casino gaming. I would be voting for that. As a person who does game, what do I get out of my money? A brief moment of fun and then my money is vaporized. When you game, the static analysis basically is, they pay back 82%, 83%, or 92%. All that means is; how long are you going to have your money in your hands in order to get it? That's probably the reasons why I'm in opposition to the bill. I will say also that former Senate President Raye poured his heart out in the same Chamber in the 125th. I know he did in the 123rd, and I think the 122nd, in order to help the tribes. Do I think it's a total injustice? Well that's kind of the way politics work. If we did decide to pass this bill, if this bill goes forward, it does have many things wrong with it. Just as my good colleague from York says it doesn't do a lot of things. That doesn't mean, for this instance and on this one bill for Washington County, you can't make changes. That doesn't mean that we're not going to make state policy as to gaming. In this bill we're not going to have a huge study, which we should. We don't know what the economic viability is within the area. What you would actually be doing is voting to allow the tribe that's probably been trying the hardest and the longest to have an opportunity. I'm still not 100% sure where I'm going, but let's get it all out on this one, ladies and gentlemen. This tribe has been trying for year after year after year. Sometimes they shot themselves in their own foot on what happened near the end of the bill. We're here today. We're going to look at the merits. We know what's inside the bill. Vote your conscience. I want to thank you for your time, Mr. President.

LEGISLATIVE RECORD - SENATE, THURSDAY, MARCH 27, 2014 (CORRECTED COPY)

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

Senator **VALENTINO:** Thank you Mr. President. Men and women of the Senate, I fully intended to vote for this bill if L.D. 1111 had gone through, but it didn't. We've turned down \$50 million for \$250,000. I certainly appreciate all the work that they have done, but I strongly feel if one of the bills goes through it will ruin the entire concept of trying to do a comprehensive plan. I think we need to start a comprehensive plan and that's why I'm voting against this motion.

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

Senator **TUTTLE:** Thank you Mr. President. Briefly, I'd agree with the good Senator from Oxford. They promised us 4,800 jobs. They delivered 400. In Bangor they promised us they were going to save the harness racing industry. What they did was they built a building across the street. Now harness racing is going out of Bangor. The reason why the Commission failed, it was doomed to failure because of the makeup of the committee. Instead of having the Committee on Veterans and Legal Affairs do the work, we got every stakeholder come in and they couldn't agree. We were doomed for failure. Hopefully we can do better in the future.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Tuttle to Recede and Concur. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#505)

YEAS: Senators: BOYLE, BURNS, CAIN, CRAVEN, DUTREMBLE, FLOOD, HASKELL, JACKSON, JOHNSON, LANGLEY, MAZUREK, PATRICK, SAVIELLO, SHERMAN, TUTTLE

NAYS: Senators: CLEVELAND, COLLINS, CUSHING, GERZOFISKY, GRATWICK, HAMPER, HILL, KATZ, LACHOWICZ, MASON, MILLETT, PLUMMER, THIBODEAU, THOMAS, VALENTINO, VITELLI, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion by Senator **TUTTLE** of York to **RECEDE** and **CONCUR**, **FAILED**.

On motion by Senator **JACKSON** of Aroostook, the Senate **ADHERED**.

The Chair laid before the Senate the following Tabled and Later Assigned (3/26/14) matter:

Bill "An Act To Amend the Composition and Duties of the Maine Children's Growth Council"

S.P. 531 L.D. 1449
(C "A" S-401)

Tabled - March 26, 2014, by Senator **HASKELL** of Cumberland

Pending - **CONSIDERATION**

(In Senate, March 12, 2014, **PASSED TO BE ENACTED**, in concurrence.)

(In Senate, March 26, 2014, Veto Communication (S.C. 842) **READ** and **PLACED ON FILE**.)

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

Senator **MILLETT:** Thank you Mr. President. Colleagues and members of the Senate, we know that investing in early childhood translates into long-term economic benefits for our state. We know this, our business partners know this, our armed forces know this, and our law enforcement knows this. In order to achieve this we need a comprehensive plan to meet the whole needs of our children. Cognitive, social, emotional, and health needs of our children are complex and involve many members of our community. In recognition of the importance of robust and seamless early childhood programs this bill strengthens the Maine Children's Growth Council. If Maine Children's Growth Council doesn't help coordinate the myriad of programs and services I ask who will. We are losing precious time in our efforts to help all of our children grow into healthy, happy, and productive members of our community. How much longer must we wait? How much longer must our children wait? Less than half of Maine's school districts offer public pre-K programs and less than one-third of eligible 4 years olds are enrolled. We are failing to make progress in establishing early childhood education plans. This bill is a direct response to Maine's Chief Executive's request. In 2011 the Chief Executive, in a previous veto letter, noted that the Maine Children's Growth Council is the place where the conversation regarding early childhood should happen. He urged the removal of silos, like CDS, pre-K, Head Start, and private early childhood programs. He said, "The MCGC was the voice of young Maine children and families." I agree. As Chair of the Education and Cultural Affairs Committee I see many opportunities for increased cooperation, communication, and efficiencies. I see the need for a comprehensive approach that involves all members of our state's community. L.D. 1449 does that in a meaningful, constructive, and productive manner. I urge my fellow colleagues to get Maine moving in the right direction for our children, our families, and our state and not let politics get in the way. Support strengthening the Maine Children's Growth Council and join me in voting to override the veto. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Vitelli.

Senator **VITELLI:** Thank you Mr. President. Men and women of the Senate, I, too, rise to support the override of this veto. I had the pleasure of serving on the Children's Growth Council a couple of years ago for about a year and a half, so I was surprised by