

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Second Legislature

State of Maine

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First Special Session
April 4, 2005 to June 17, 2005

Pages 411 - 1350

Out of order and under suspension of the Rules, the Senate considered the following:

ENACTORS

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

Acts

An Act To Promote the Commonsense Consumption of Food
S.P. 200 L.D. 645
(C "A" S-324)

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

An Act To Recruit and Retain College Graduates through Loan Repayment

H.P. 302 L.D. 399
(C "A" H-553)

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

Out of order and under suspension of the Rules, the Senate considered the following:

ENACTORS

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

Emergency Resolve

Resolve, To Reestablish the Health Care System and Health Security Board

H.P. 35 L.D. 32
(C "A" H-513)

Comes From the House, **FAILED FINAL PASSAGE**.

On motion by Senator **GAGNON** of Kennebec, placed on the **SPECIAL STUDY TABLE**, pending **FINAL PASSAGE**, in **NON-CONCURRENCE**.

Out of order and under suspension of the Rules, the Senate considered the following:

COMMUNICATIONS

The Following Communication: S.C. 373

**OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0003**

June 6, 2005

The Honorable Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary O'Brien:

With reference to the Senate's action whereby it insisted and joined in a Committee of Conference on the disagreeing action between the two branches of the Legislature on the Bill, "An Act To Allow Counties a One-year Exemption For Jail Costs from the Limitation on County Assessments" (H.P. 1175) (L.D. 1666)

I have appointed as conferees on the part of the Senate the following:

Senator Elizabeth Schneider of Penobscot
Senator John Martin of Aroostook
Senator Mary Black Andrews of York

Sincerely,

S/Beth Edmonds
President of the Senate

READ and ORDERED PLACED ON FILE.

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 (6/1/05) Assigned matter:

Bill "An Act To Clarify the Smoking Ban for Off-track Betting Facilities"

H.P. 815 L.D. 1186

Tabled - June 1, 2005, by Senator **TURNER** of Cumberland

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-528)**, in concurrence

(In House, June 1, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-528)**.)

(In Senate, June 1, 2005, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED**, in concurrence. **READ ONCE**. Committee Amendment "A" (H-528) **READ**.)

On motion by Senator **TURNER** of Cumberland, Senate Amendment "B" (S-313) to Committee Amendment "A" (H-528) **READ**.

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

Senator **TURNER:** Thank you, Madame President. This bill seeks to clarify where an off-track betting facility may physically be located in reference to a racino. Under the current bill that is before you, without this amendment, it would be possible for an off-track betting facility with a smoking venue to be physically housed or encased inside a racino. The amendment simply clarifies that the racino must be physically separated from the off-track betting facility. It's an attempt to try to ensure that smoking in a racino is kept physically separate from an off-track betting facility. Thank you.

Senator **MAYO** of Sagadahoc moved to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-313) to Committee Amendment "A" (H-528).

On motion by Senator **DAVIS** of Piscataquis, 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 Sagadahoc, Senator Mayo.

Senator **MAYO:** Thank you, Madame President, ladies and gentlemen of the Senate. While I understand what the good Senator from Cumberland, Senator Turner, is attempting with the amendment, I think a careful reading of Committee Amendment "A" (H-528) does address some of this particular issue and that this amendment is placing a restriction on the racino and OTB that is not needed and could work against both situations. It is for that reason that I strongly urge indefinite postponement.

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

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. In an ever so brief response, I am glad I did not begin by saying this was a friendly amendment since the good Senator from Sagadahoc, Senator Mayo, does not construe it to be thus. It does seem to me that clarification is needed. I read the bill as it is currently before us and do believe that it is possible to house an off-track betting facility physically inside or allow it to be encased by a racino. I don't think that is the intent of what we want to have. This simply makes it crystal clear that it would not be allowed. A racino could be adjacent to an off-track betting facility but would not encase it. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Sagadahoc, Senator Mayo to Indefinitely Postpone Senate Amendment "B" (S-313). 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 (#228)

YEAS: Senators: BARTLETT, BRENNAN, BROMLEY, BRYANT, COWGER, DAMON, DIAMOND, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MITCHELL, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, STRIMLING, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: ANDREWS, CLUKEY, COURTNEY, DAVIS, DOW, MILLS, NASS, SNOWE-MELLO, TURNER, WESTON, WOODCOCK

ABSENT: Senator: SULLIVAN

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **MAYO** of Sagadahoc to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-313) to Committee Amendment "A" (H-528), **PREVAILED**.

Committee Amendment "A" (H-528) **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later (6/2/05) Assigned matter:

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Prohibit Private Nonmedical Institutions from Passing Along the Service Provider Tax to Residents"

H.P. 332 L.D. 454

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-572)** (5 members)

Tabled - June 2, 2005, by Senator **MAYO** of Sagadahoc

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence

(In House, June 2, 2005, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, June 2, 2005, Reports **READ**.)