

MAINE STATE LEGISLATURE

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One Hundred and Twentieth Legislature
State of Maine

Volume 3

Second Regular Session (Continued)
April 2, 2002 to April 24, 2002

Third Confirmation Session
October 3, 2002

First Special Session
November 13, 2002

Interim Communications Appendix

Senate Legislative Sentiments

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Reports **READ**.

Senator **LAFOUNTAIN** of York moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

At the request of Senator **TURNER** of Cumberland a Division was had. 19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **LAFOUNTAIN** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Permit Small Game Hunting on Private Property on Sunday in Unorganized Territory"
H.P. 1698 L.D. 2196

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

CARPENTER of York
KILKELLY of Lincoln
WOODCOCK of Franklin

Representatives:

DUNLAP of Old Town
PERKINS of Penobscot
TRAHAN of Waldoboro
CHICK of Lebanon
HONEY of Boothbay

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-1038)**.

Signed:

Representatives:

McGLOCKLIN of Embden
CLARK of Millinocket
USHER of Westbrook
BRYANT of Dixfield

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

On motion by Senator **CARPENTER** of York, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committees on **BUSINESS AND ECONOMIC DEVELOPMENT** and **LEGAL AND VETERANS AFFAIRS** on Resolve, to Study the Impact of a Maine-based Casino on the Economy, Transportation Infrastructure, State Revenues and the Job Market

H.P. 1700 L.D. 2200

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1035)**.

Signed:

Senators:

SHOREY of Washington
BROMLEY of Cumberland
YOUNGBLOOD of Penobscot

Representatives:

THOMAS of Orono
RICHARDSON of Brunswick
BRYANT of Dixfield
DORR of Camden
MICHAUD of Fort Kent
MORRISON of Baileyville
DUPREY of Hampden
LABRECQUE of Gorham
CHIZMAR of Lisbon
COTE of Lewiston
PATRICK of Rumford
DUNCAN of Presque Isle
ESTES of Kittery
TUTTLE of Sanford
O'BRIEN of Lewiston
HEIDRICH of Oxford
HATCH of Skowhegan

The Minority of the same Committees on the same subject reported that the same **Ought Not To Pass**.

Signed:

Senators:

WOODCOCK of Franklin
DOUGLASS of Androscoggin

Representatives:

MAYO of Bath
MURPHY of Kennebunk
CLOUGH of Scarborough

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1035)**.

Reports **READ**.

Senator **SHOREY** of Washington moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On motion by Senator **SMALL** of Sagadahoc, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Mr. President and men and women of the Senate, I rise to oppose the pending motion and the proposed study. I do so because, perhaps our memories are short, the study proposed here has already been conducted. It was done pursuant to a Governor's Commission on Gambling back in 1995 and 1996, shortly after the defeat of the proposal to open a gambling casino downeast. The commission met for approximately a year. It was chaired, as I recall, by Gerald Rutman. I neglected to bring a copy of the report here today and I wish I had remembered to do so because I saved it at home. But the conclusion of this study, after a great deal of work on the part of the committee, was to recommend that there be no expansion of gambling within the State of Maine. They also recommended strongly that we eliminate the machines from the service clubs and from bars and other places where they were becoming prominent. It was a very thoughtful, very thorough study. I don't think anything has changed in the State of Maine in the past 6 years to warrant or justify another study. Obviously the people that are proposing this study, on such short notice in this legislature, are doing so for purposes of generating a different conclusion than that which was drawn by the people who did the other study. Without having the capacity to give you the conclusions in detail from memory, I think it's fair to say that we've plowed this ground before. I don't think the people of Maine are interested. The tenor of this proposed study this evening is not so much to determine whether any expansion of gambling is appropriate in this state, it is along the lines of where do we put it. The phrasing of the study is, 'gee, it's a good idea, but we just need to decide where and when and how to implement it.' I don't take that view toward this issue. I also do not take the view that the tribes are necessarily any part of the gambling expansion in this state. There is absolutely no reason for that association. There is certainly no reason for the state to consider this in the form of a casino. I have a great of sympathy towards the horse racing folks and the harness racing industry. I think that is an old and respected Maine tradition. I truly believe that the opening of a casino would be detrimental to the people that race horses. For a whole host of other reasons, I think that commissioning a redundant commission merely in the hopes that they will come up with a different conclusion from that which was reached 6 years ago is ill advised. Perhaps we are all victims of term limits and short memories, but it seems to me that we have visited this subject before. We did put it to rest and I think we

should leave it there. For that reason, I will be voting no on the pending motion.

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

Senator **LEMONT:** Thank you, Mr. President, ladies and gentlemen of the Senate. I, too, rise in opposition to the pending motion. There are already many studies that have taken place on this issue. The good Senator from Somerset, Senator Mills, just reminded us of one. There are reams of information available on this issue on the internet, and in the libraries throughout our state. Also many other states are a resource on this issue. During tight budgets, and budgets are going to become much tighter, I think it's a poor use of public funds. I'm very sensitive to this issue, because my hometown of Kittery has been identified as a potential site of a casino. I also can see where this study could be the first step towards legalizing casino gambling in the State of Maine. I want to thank you for allowing me to share with you the concerns of my constituents and hope that you will join me in defeating this motion. Thank you.

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

Senator **CATHCART:** Thank you, Mr. President, men and women of the Senate. I urge you to accept this Majority Ought to Pass as Amended Report so that this study can be done to give us the information that we need when we consider a bill next year. On March 11th, the Chiefs of the Penobscot Nation and the Passamaquoddy tribes addressed a joint session of our legislature for the first time in Maine history. They spoke of the historic relationship between our state and tribal governments. They spoke of their sacred relationship with the land and their obligation to Earth Mother. They spoke of their struggle for survival and even mentioned an unemployment rate of 50% in their tribes. The Passamaquoddy and the Penobscot Nations have put forth a proposal from their tribal government to the government of the State of Maine and surely it deserves our serious consideration and study. This is a policy making body. I ask that we give the tribal government's proposal due diligence and respect. Thousands of jobs have been lost in our state. I was reading a clip about job cuts in Maine. We're all painfully aware of the cuts at Hathaway and Nautica in the last couple of weeks. So, in spite of the economy beginning to recover, we are still losing jobs. I think that any serious economic development proposal deserves full consideration. I would remind you that when our Governor proposed an unusual economic development initiative, what we call the laptop proposal, we gave it very serious consideration. We sat up a task force and studied it for a year before we came back and finally passed it. This is what we are being asked to do with this proposal. It is a proposal for economic development. Casinos are extremely controversial. Gambling is controversial. There has been more than one study done. Recently the Bangor Daily News cited a national study that was done that found that among all the forms of gambling, such as lotteries, etcetera, the casino was the least harmful form of gambling. So I think it's a bit hypocritical of us if we say we don't like gambling. But that being said, it certainly is an emotional issue and a controversial issue. The best way to decide how to resolve it, I think, is to have a study done. There is a lot of worry about this and a lot of emotion. I urge us to at least give it serious consideration, as it was given to us by our tribes as a

proposal for a sustainable economic venture. This has worked well for other tribes in other states across the country. I don't feel that the State of Maine can just afford to reject this proposal out of hand. I ask that you vote for the Majority Report. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Shorey.

Senator **SHOREY:** Thank you, Mr. President, men and women of the Senate. I held off pushing my request to speak button because I wanted to hear what some of the objections were to why we wouldn't want to have more information, as to why we wouldn't want to know what the facts are from an independent body, not a body that represents one side or a body that represents the other side. The good Senator from Somerset, Senator Mills, mentioned a study that was conducted in 1995 and 1996. Well, if I was doing a business plan for a bank, I certainly wouldn't want to present my financial information from 1995 and 1996 or my action plan or marketing plan from 1995 or 1996. I'd want something a little bit more current. I'd want some more accurate information. I don't know what was in that study. I have no idea what was in that study and if it was brought to me, if I am fortunate enough to be in this body, next session I would probably discount most of it because of its age. I would hope most other people would too. We don't know what the conclusion of the study would be. Nobody does. That is why we do the study. Also, I wouldn't want one side or the other side to provide me with information for the study, because one side will say, 'you know what, their information is tainted. They are bias.' The other side would say exactly the same thing. Our committee spent a great deal of time hashing out the members of this committee. I'd like to share with you some of this. We have 7 members from the legislature; 2 members of the public who are opposed to this; 2 members of the public who are supporting this; as far as law enforcement, we have the Chief of the State Police; the Attorney General, a representative from the Maine Chiefs of Police; a representative from the Maine Association of Independent Neighborhoods; a member from the Chamber of Commerce; a representative from the Maine Tourism Association; someone from the Office of Substance Abuse. The harness racing was very much considered in this, so we asked the Executive Director of the Maine Harness Racing Commission be included on this. You are looking at a group here that is going to be very much scrutinizing in the information that is passed forward to the people that are going to be sitting in these seats next session. I think we should allow that to go on. I think we should provide as much information as possible, unbiased information. There is nothing to be afraid of. Information is good. Information is not to be feared. I would ask you to support the committee report and support the Majority Ought to Pass. Thank you.

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

Senator **TURNER:** Thank you, Mr. President, ladies and gentlemen of the Senate. I pride myself on trying to keep an open mind on matters. But I must confess to you that on this matter my mind is closed. I think there is plenty of information on which to base an opinion regarding this matter. I don't think it needs to be studied further. I also believe that whatever revenues we might generate from such a gambling venture would be more than offset by the social ills and the programs we would

have to generate to cure those social ills. I would urge that you vote against the pending motion. Thank you.

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

Senator **NUTTING:** Thank you, Mr. President, ladies and gentlemen of the Senate. I'm going to be supporting the majority report of this particular L.D. I was very pleased to see in the committee amendment that the Executive Director of the Maine Harness Racing Commission was added to the study. I had considered offering an amendment. I've since decided not to offer the amendment. But I do want to read into the record just the intent of those supporting this from discussions I've had with them earlier. On the majority report amendment, on page 2, on line 47, it says, 'the study is going to estimate the impact on other forms of gambling that are legally conducted in the state.' My amendment would have clarified that one of the things they were going to study was the affect of this on the harness racing industry. I have been assured by those people supporting this amendment that is indeed the intent of line 47. It is to look at this casino and see what affect it would have on the harness racing industry in Maine. So I'm satisfied with that. But I did want to bring this up and put it on the record. It is my intent that line 47 does mean to have the study look at the affects on harness racing. Harness racing, like much other agriculture, results in much open space, especially in south and central Maine where the animals are kept. That's another phase of agriculture that creates open space that people so desperately want in this state. So that is why I was pleased to learn that the affects on harness racing is going to be looked at in this study, with new information. So I am going to be supporting the majority report. I just wanted to clarify the intent. Thank you.

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

Senator **MCALLEVEE:** Thank you, Mr. President, men and women of the Senate. In my 8-year tenure in this legislature, I have never supported the expansion of gambling. In fact, in a couple of cases I have work towards eliminating some of it. I do support this study. I don't believe my support of the study is any indication of my support for or against the issue of a casino or the issue of gambling. But I didn't have the opportunity to attend those hearings to hear the people back in 1994, 1995, and 1996. I'd like to afford myself that ability now. I have always supported the horse racing industry and I don't look at that as gambling, I look at that as a Maine tradition, a Maine culture, a Maine sport. But my support of this is that I have nothing to fear from information. The more information one is armed with, the better decision one eventually can make. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Washington, Senator Shorey to Accept the Majority Ought to Pass as Amended Report. 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 (#287)

YEAS: Senators: BROMLEY, CATHCART, DAGGETT, DOUGLASS, FERGUSON, GAGNON, KILKELLY, LONGLEY, MARTIN, MCALEVEY, MICHAUD, MITCHELL, NUTTING, O'GARA, PENDLETON, RAND, ROTUNDO, SAWYER, SHOREY, YOUNGBLOOD

NAYS: Senators: BRENNAN, CARPENTER, DAVIS, EDMONDS, GOLDTHWAIT, KNEELAND, LAFOUNTAIN, LEMONT, MILLS, SAVAGE, SMALL, TREAT, TURNER, WOODCOCK, THE PRESIDENT - RICHARD A. BENNETT

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **SHOREY** of Washington to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-1035) **READ**.

On motion by Senator **SMALL** of Sagadahoc, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-1035), in concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committees on **EDUCATION AND CULTURAL AFFAIRS** and **TAXATION** on Bill "An Act to Supplement Maine's Academic Attainment and to Retain Talent" H.P. 1655 L.D. 2162

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1055)**.

Signed:

Senators:

MITCHELL of Penobscot
GAGNON of Kennebec
LEMONT of York
KNEELAND of Aroostook

Representatives:

RICHARD of Madison
DESMOND of Mapleton
SKOGLUND of St. George
WATSON of Farmingdale
ESTES of Kittery
CUMMINGS of Portland

WESTON of Montville
LEDWIN of Holden
GREEN of Monmouth
GAGNE of Buckfield
McGOWAN of Pittsfield
MURPHY of Berwick
BUCK of Yarmouth
BUMPS of China
BOWLES of Sanford
McLAUGHLIN of Cape Elizabeth

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**.

Signed:

Representatives:

STEDMAN of Hartland
ANDREWS of York
STANLEY of Medway

Comes from the House with 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-1055)**.

Reports **READ**.

Senator **MITCHELL** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On motion by Senator **GAGNON** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by Senator **MITCHELL** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill, "An Act to Control Internet 'Spam'"

H.P. 1538 L.D. 2041
(S "A" S-520 to C "A" H-906)

In House, March 22, 2002, **PASSED TO BE ENACTED**.

In Senate, April 2, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-906) AS AMENDED BY SENATE AMENDMENT "A" (S-520)** thereto, in **NON-CONCURRENCE**.

Comes from the House, that Body **ADHERED**.

Senator **TREAT** of Kennebec moved the Senate **RECEDE** and **CONCUR**.