

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Twenty-First Legislature
State of Maine

Volume II

First Regular Session

May 27, 2003 – June 14, 2003

First Special Session

August 21, 2003 – August 23, 2003

Second Regular Session

January 7, 2004 - January 30, 2004

Second Special Session

February 3, 2004 - April 7, 2004

Pages 777-1562

Sent for concurrence.

Bill "An Act To Amend the Laws Governing Purchase of Military Time Served under the Maine State Retirement System" (H.P. 1360) (L.D. 1836)

Sponsored by Representative DUPREY of Medway.
Cosponsored by Senator STANLEY of Penobscot and Representatives: BREault of Buxton, COLLINS of Wells, GOODWIN of Pembroke, LANDRY of Sanford, LUNDEEN of Mars Hill, PEAVEY-HASKELL of Greenbush, Senators: MARTIN of Aroostook, MAYO of Sagadahoc.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **LABOR** suggested and ordered printed.

REFERRED to the Committee on **LABOR** and ordered printed.

Sent for concurrence.

Pursuant to Resolve

Joint Standing Committee on Natural Resources

Representative KOFFMAN for the **Joint Standing Committee on Natural Resources** pursuant to Resolve 2003, chapter 14 asks leave to report that the accompanying Bill "An Act Relating to the Consideration of the Cumulative Effects on Protected Natural Resources"

(H.P. 1361) (L.D. 1837)

Be **REFERRED** to the Committee on **NATURAL RESOURCES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

REPORTS OF COMMITTEE

Change of Committee

Representative DUNLAP from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act Regarding Wildlife Habitat Conservation"

(H.P. 604) (L.D. 827)

Reporting that it be **REFERRED** to the Committee on **TAXATION**.

Report was **READ** and **ACCEPTED**.

On motion of Representative DUNLAP of Old Town, the Bill was **REFERRED** to the Committee on **TAXATION** and the Committee on **INLAND FISHERIES AND WILDLIFE**, ordered printed and sent for concurrence.

Divided Report

Majority Report of the Committee on **TRANSPORTATION** reporting **Refer to the Committee on Judiciary** on Bill "An Act To Increase Traffic Fines and Apportion a Part of the Increase to the Issuing Jurisdiction"

(H.P. 788) (L.D. 1070)

Signed:

Senators:

DAMON of Hancock

SAVAGE of Knox

Representatives:

USHER of Westbrook

PARADIS of Frenchville

MARRACHÉ of Waterville
SAMPSON of Auburn
McKENNEY of Cumberland
COLLINS of Wells
McNEIL of Rockland
JODREY of Bethel
BROWNE of Vassalboro

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-646)** on same Bill.

Signed:

Representative:

MARLEY of Portland

READ.

On motion of Representative PARADIS of Frenchville, the Majority **Refer to the Committee on Judiciary** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought Not to Pass** on Bill "An Act To Require the Owner or Operator of a Casino To Improve or Replace Utilities and Infrastructure in the Vicinity of the Casino" (H.P. 876) (L.D. 1201)

Signed:

Senators:

HALL of Lincoln

BROMLEY of Cumberland

Representatives:

RINES of Wiscasset

FLETCHER of Winslow

LUNDEEN of Mars Hill

MOODY of Manchester

BLISS of South Portland

BERRY of Belmont

GOODWIN of Pembroke

RICHARDSON of Skowhegan

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-645)** on same Bill.

Signed:

Representatives:

ADAMS of Portland

CRESSEY of Baldwin

READ.

Representative MOODY of Manchester moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The **SPEAKER**: The Chair recognizes the Representative from Wells, Representative Collins.

Representative **COLLINS**: Mr. Speaker, Ladies and Gentlemen of the House. This is my bill. It didn't fair very well in committee, however, I do want to speak to it and inform you of the reasons why this was brought to the Legislature last session.

We all remember the very controversial casino referendum in November. At that time the Town of Sanford was going to be the host community for the casino. The neighboring town east of Sanford is my community, the Town of Wells. We had concerns of the impact that would have on our community if, in fact, a casino was located in Sanford. That was the reason why we brought this legislation forward. It was carried over until the outcome of the vote in November. It went before the Committee on Utilities and Energy this session. We added some additional language. We worked with the committee and tried to find some common ground. As you can see from the outcome of the vote, we didn't see a whole lot of common ground.

I would like to add that I don't think the casino issue is over. It feels as though in my own mind's eye and with the Chief Executive that they will be back. I think they will be back at a later date. I think at that time the people representing the citizens of Maine should be prepared, there should be laws and regulations put in place to regulate gambling casinos. This is part of the process of the regulations. If you think it can't happen to you, think again. If a casino thinks about having a host community next to your town, you will be impacted.

The utility costs for making major improvements and utilities, adding personnel to fire departments, police departments will be on the shoulders of your taxpayers locally. I just don't feel that neighboring communities, even host communities should absorb all the burden of making these major improvement to utilities, police and fire, to accommodate a casino. I think they should be responsible for the improvements. It is a huge impact on any community if you can imagine. That is the reason why I urge you to vote for the Minority Report and pass this and send it down to the other chamber. It is getting our ducks in a row. It is getting prepared for the next onslaught of groups coming in from wherever, Las Vegas, Atlantic City, New Jersey or wherever. They are going to come in and attempt to build a casino here in Maine. Let's be prepared this time. Let's not sit idly back and hope for the best. Let's put some legislation into law that will give protection to our communities here in Maine. Thank you.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Shields.

Representative SHIELDS: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative SHIELDS: Thank you Mr. Speaker. I am kind of an outsider in this casino business, but reading through the bill, it gives some responsibility and accountability to the casino for creating infrastructure problems. My question to those who were on this committee voting against this, is it because the casino issue was defeated or was it because you don't think the casinos are responsible for the problems that they are going to create in the infrastructure? If anybody could answer that.

The SPEAKER: The Representative from Auburn, Representative Shields has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Manchester, Representative Moody.

Representative MOODY: Mr. Speaker, Men and Women of the House. In answer to the good Representative's question, it was generally felt that the permitting process was sufficient. The state agencies and so forth were called into the process to pass on the traffic issues and also on sewer and water and power infrastructure issues. This would be a complicating bill to do that. Whether it is completely as thorough as it ought to be is something that we really can't answer. You asked if it were in reaction to the fact that the casino had already been defeated. We were very conscience not to make this a casino bill. What we were worried about as well was this same kind of procedure might be imposed on a General Motors Plant, for example, if that were ever to be the case.

Naturally all the state agencies and the impact on the infrastructure are very much a concern to our outlying communities. Basically we felt that this was a redundant piece of legislation.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Collins.

Representative COLLINS: Mr. Speaker, Ladies and Gentlemen of the House. The language clearly states casino. There is no mention of any other industry except the gambling

industry, construction of a gambling facility, a casino. It clearly states that. It has no hidden agenda, no ramifications in any kind of other industry. It clearly states casinos, gambling establishments. Mr. Speaker, I would like to request a roll call too.

Representative COLLINS of Wells REQUESTED a roll call on the motion to ACCEPT the Majority Ought Not to Pass Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Landry.

Representative LANDRY: Mr. Speaker, Ladies and Gentlemen of the House. This whole casino issue hit pretty close to home for me. During the process I noticed a very strange development within the surrounding communities of Sanford. Once it looked like there was a very good possibility that the casino may very well come into Sanford, everybody within a 20 mile radius suddenly thought about jumping on the bandwagon, when they realized that the casino would be advantageous to help support some of their infrastructure costs that were needed before the casino ever came up. These types of infrastructure costs could be taken care and would have been taken care of in the negotiating process. Should that casino have come to Sanford, I can guarantee you that the fathers in downtown Sanford would, in fact, sit down and ensure that the infrastructure costs that would be incurred in the construction of this facility would be incurred by the casino people. That would be covered in the negotiating process. If there were an infrastructure cost involving another community where the power or whatever had from or where the water may be affected by it, I'm sure, at that point it would have been brought to light and would have been handled. I think that any future casino that is suggested or voted in, should that happen; these types of costs are going to be covered in the negotiating phase. Any host community knows to do that. I, unfortunately disagree with the concept behind this bill. I see it as a way for surrounding communities to jump on the bandwagon and get a piece of the action, as they say. Thank you.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Twomey.

Representative TWOMEY: Mr. Speaker, Men and Women of the House. I signed onto this legislation because I really believed it was good. Coming from a community, Biddeford, where the leaders of my town were very much in favor of this. Contrary to what the townspeople wanted because we went to referendum and we beat it two to one. I am not so sure that the politics in Biddeford would have not had this in their contract. They were so eager to get something without thinking of what the people in the town wanted. I think this is a good insurance policy to protect those towns to make sure that if this does come to your area that you will have something to protect you. I will be supporting this. 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. 286

YEA - Ash, Barstow, Berry, Blanchette, Bowles, Brannigan, Bruno, Bull, Canavan, Clark, Craven, Cummings, Davis, Dudley, Dunlap, Duplessie, Duprey G, Earle, Faircloth, Fischer, Gagne-Friel, Gerzofsky, Goodwin, Greeley, Grose, Hutton, Jackson, Kaelin, Koffman, Landry, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, McCormick, McGlocklin, McGowan, McLaughlin, Mills S, Moody, Moore, Norbert, Norton, O'Brien L, Paradis, Patrick, Pellon, Percy, Perry J, Pineau, Pingree, Piotti, Rector,

Richardson E, Richardson J, Richardson M, Rines, Sampson, Simpson, Smith N, Snowe-Mello, Sukeforth, Suslovic, Thomas, Trahan, Watson, Woodbury, Wotton, Mr. Speaker.

NAY - Adams, Andrews, Annis, Austin, Bennett, Bierman, Bowen, Breault, Brown R, Browne W, Bryant-Deschenes, Campbell, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cowger, Cressey, Crosthwaite, Curley, Duprey B, Eder, Fletcher, Glynn, Heidrich, Honey, Hotham, Jacobsen, Jodrey, Joy, Kane, Ledwin, Lemoine, Lewin, Maietta, McKenney, McNeil, Millett, Mills J, Murphy, Muse, O'Brien J, O'Neil, Peavey-Haskell, Rogers, Rosen, Saviello, Sherman, Shields, Stone, Sykes, Thompson, Tobin D, Tobin J, Treadwell, Twomey, Walcott, Wheeler.

ABSENT - Berube, Bliss, Bunker, Daigle, Dugay, Finch, Hatch, Jennings, Ketterer, Marraché, McKee, Nutting, Perry A, Smith W, Sullivan, Tardy, Usher, Vaughan, Young.

Yes, 71; No, 60; Absent, 19; Excused, 0.

71 having voted in the affirmative and 60 voted in the negative, with 19 being absent, and accordingly the Majority Ought Not to Pass Report was **ACCEPTED** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(H.P. 995) (L.D. 1353) Bill "An Act To Ensure Women's Health Care Coverage for All Maine Women" (EMERGENCY) Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-648)**

(H.P. 1266) (L.D. 1744) Bill "An Act To Amend the Laws Governing the Display of Fireworks and Indoor Pyrotechnics" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-644)**

(H.P. 1280) (L.D. 1758) Bill "An Act To Correct Certain Errors and Inconsistencies in Marine Resources Laws" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-647)**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

CONSENT CALENDAR

Second Day

In accordance with House Rule 519, the following item appeared on the Consent Calendar for the Second Day:

(H.P. 1278) (L.D. 1756) Bill "An Act To Amend the Uniform Federal Lien Registration Act"

No objections having been noted at the end of the Second Legislative Day, the House Paper was **PASSED TO BE ENGROSSED** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

The following items were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary for the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005" (EMERGENCY)

(H.P. 1351) (L.D. 1828)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-642) AS AMENDED BY HOUSE AMENDMENTS "I" (H-658) AND "L" (H-661) thereto in the House on January 29, 2004.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-642) AS AMENDED BY SENATE AMENDMENT "F" (S-371) AND HOUSE AMENDMENTS "I" (H-658) AND "L" (H-661)** thereto in **NON-CONCURRENCE**.

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

The **SPEAKER**: The Chair recognizes the Representative from Raymond, Representative **Bruno**.

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. I think we all know this is a foregone conclusion and we are heading to a majority budget. As I said last night, I think that is a bad day for the State of Maine. I think people are going to suffer for it. There are a couple of things that I want to say. First of all, I appreciate the members from the other side of the aisle still coming to me and talking to me and not treating my like a pariah. I think we have disagreed on this budget, but we need to move on so let's move on. That is one lesson that I hope many of us take away from these kinds of budgets. It is okay to disagree. This is a policy disagreement, don't take it personally.

I noticed there is a new amendment on from the Senator from Penobscot, which finally balances your budget as I pointed out last night. Your budget wasn't balanced. Senate Amendment "F" finally balances your budget. Thank you for doing that. Part P, I didn't see any correction so I guess it wasn't a typographical error that it will cost you \$800,000 after a year to pay back that health insurance fund, that is if you ever pay it back. There is just one section in your budget that I want to read. If you go to Page 41 in your amendment and you look at lines 22 to 28, I have just never seen this in a budget document before. It says, "Any tuition increase must be attributed to the implementation of collective bargaining, increased health insurance costs and any other measures that have created increased costs to the University of Maine System." What does that mean? Does it mean that it is okay to de-appropriate \$6 million, but don't blame us if you have to raise tuition? That's how I read it. I have never seen it put into statute, the budget bill is statute. What are you afraid of? What are you afraid to admit? That they are going to have to increase tuition because of your actions today. That is what you ought to admit. You ought to be up front about it. Don't try and hide behind language.