

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

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

**Volume III**

**Second Special Session**

April 8, 2004 - April 30, 2004

**Appendix**  
**House Legislative Sentiments**  
**Index**

Pages 1563-2203

The same Representative **PRESENTED** House Amendment "C" (H-947) to Committee Amendment "A" (H-907), which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-907) as Amended by House Amendments "A" (H-923), "B" (H-946) and "C" (H-947) thereto was **ADOPTED**.

On motion of Representative NORBERT of Portland, the House **RECONSIDERED** its action whereby Committee Amendment "A" (H-907) as Amended by House Amendments "A" (H-923), "B" (H-946) and "C" (H-947) thereto was **ADOPTED**.

On further motion of the same Representative, Joint Rule 311 was **SUSPENDED** for the purpose of offering amendments.

The same Representative **PRESENTED** House Amendment "D" (H-950) to Committee Amendment "A" (H-907), which was **READ** by the Clerk and **ADOPTED**.

The same Representative **PRESENTED** House Amendment "E" (H-952) to Committee Amendment "A" (H-907), which was **READ** by the Clerk and **ADOPTED**.

The same Representative **PRESENTED** House Amendment "F" (H-953) to Committee Amendment "A" (H-907), which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-907) as Amended by House Amendments "A" (H-923), "B" (H-946), "C" (H-947), "D" (H-950), "E" (H-952) and "F" (H-953) thereto was **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on Bills in the **Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** as Amended by Committee Amendment "A" (H-907) as Amended by House Amendments "A" (H-923), "B" (H-946), "C" (H-947), "D" (H-950), "E" (H-952) and "F" (H-953) thereto and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

**BILLS IN THE SECOND READING**  
**House**

Bill "An Act To Ensure the Economic Viability of the Harness Racing Industry"

(H.P. 472) (L.D. 642)

Was reported by the Committee on Bills in the **Second Reading** and **READ** the second time.

On motion of Representative DUPREY of Medway, was **SET ASIDE**.

The same Representative moved that the House **RECONSIDER** its action whereby the motion to **ADOPT** Committee Amendment "A" (H-906) as Amended by House Amendment "A" (H-912) thereto **FAILED**.

Representative GLYNN of South Portland **REQUESTED** a roll call on the motion to **RECONSIDER** whereby the motion to **ADOPT** Committee Amendment "A" (H-906) as Amended by House Amendment "A" (H-912) thereto **FAILED**.

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from South Portland, Representative Glynn.

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to point out that it is 11 o'clock at night and what we are contemplating is the reconsideration of an amendment that failed the House continuing the debate, which is going to be a very lengthy debate on this issue of high-stakes

Indian bingo being relocated off from tribal land. I would like to appeal to the body on its sense of business that we have to attain going over the these items over and over again isn't going to get us very far. This is going to be a very long debate. Please join with me in opposing this and let's move onto the business at hand.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. We are back here again. We have asked to compromise with different people and that failed to work. All we are asking to do is have the Passamaquoddy, about 5 hours ago, to come off sovereign land, which is federally recognized land at Indian Township and also Pleasant Point. It is 45 miles, which will bring it to either Calais or Machias. Those municipalities will have the right to approve it. It is local control. If they do not approve of it, then those people will not be able to operate high-stakes beano in that facility in that town and in that municipality. It is the right of local control, which this chamber talks about day in and day out. I ask you to support the pending motion.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Calais, Representative Perry.

Representative **PERRY**: Mr. Speaker, Ladies and Gentlemen of the House. This is more than just a bill about the Passamaquoddy being able to do this. This is also a bill about the ability for a town like Calais to work with the Passamaquoddy to do something that may help both. We are living in a depressed area. We are looking for those things that we can do to help the people in our area, both the Passamaquoddy and the Washington County people begin to be able to have jobs. We have an unemployment rate of 15. The state is 4. We are a few times over what the state's unemployment rate is. It has been chronic. We are looking for ways to find and bring business and tourism in. We are asking that you look at our area and you allow us to make the decision as to whether we can work together with our neighbors so that both of us may benefit. I would like to ask that you vote for reconsideration so that we can at least have the opportunity to try to do something together so that we can work within our area to improve our life. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Cornville, Representative Mills.

Representative **MILLS**: Mr. Speaker, Men and Women of the House. It seems that for the last three and a half months about all that this institution has done is dodge lobbyists on gambling issues from one end of the hall to the other. I, for one, am sick and tired of it. I would like to stop this. I would like to vote against reconsideration and start closing down this interminable discussion about the expansion of gambling in this state. The people have told us repeatedly they don't want this. I don't understand why we in this Legislature persist in punishing ourselves with this interminable discussion. I want to go home at some point. We have serious issues facing this state and high-stakes beano and expanding of casinos and messing around with the gambling industry is not one of the things that we ought to be occupying our time with. I am done with it.

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is to Reconsider whereby the motion to Adopt Committee Amendment "A" (H-906) as amended by House Amendment "A" (H-912) thereto failed. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 487**

YEA - Barstow, Bennett, Bowles, Brannigan, Bruno, Bull, Bunker, Canavan, Clark, Cowger, Craven, Cummings, Dugay, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Fischer, Gagne-Friel, Gerzofsky, Goodwin, Hatch, Hutton, Jackson,

Jennings, Ketterer, Koffman, Lundeen, Marley, Moody, Norbert, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Pingree, Richardson J, Saviello, Sherman, Simpson, Smith N, Smith W, Suslovic, Tardy, Thomas, Thompson, Usher, Walcott, Watson, Wheeler, Wotton, Mr. Speaker.

NAY - Adams, Andrews, Annis, Austin, Beaudette, Berry, Bierman, Blanchette, Bliss, Bowen, Browne W, Bryant-Deschenes, Campbell, Carr, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Dudley, Finch, Fletcher, Glynn, Greeley, Grose, Heidrich, Honey, Jacobsen, Jodrey, Lemoine, Lerman, Lessard, Lewin, Maietta, Mailhot, Makas, Marraché, McCormick, McGowan, McKee, McKenney, McLaughlin, McNeil, Millett, Mills J, Mills S, Moore, Murphy, Muse, Norton, Nutting, O'Brien L, Perry J, Pineau, Rector, Richardson E, Richardson M, Rines, Rogers, Rosen, Sampson, Snowe-Mello, Stone, Sukeforth, Sullivan, Sykes, Tobin D, Tobin J, Trahan, Treadwell, Twomey, Woodbury.

ABSENT - Ash, Berube, Breault, Brown R, Churchill E, Duprey B, Hotham, Joy, Kaelin, Kane, Landry, Ledwin, McGlocklin, O'Brien J, Peavey-Haskell, Piotti, Shields, Vaughan, Young.

Yes, 56; No, 76; Absent, 19; Excused, 0.

56 having voted in the affirmative and 76 voted in the negative, with 19 being absent, and accordingly the motion to **RECONSIDER** whereby the motion to **ADOPT Committee Amendment "A" (H-906) as Amended by House Amendment "A" (H-912)** thereto **FAILED, FAILED.**

Representative GLYNN of South Portland moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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

The **SPEAKER PRO TEM:** The Chair recognizes the Representative from South Portland, Representative Glynn.

Representative **GLYNN:** Mr. Speaker, Ladies and Gentlemen of the House. We are at a very precarious position with this bill. I refer you to the original bill document, LD 642, "An Act to Insure the Economic Viability of the Harness Racing Industry". This is a very dangerous bill and I would like to go over briefly what this bill does. This bill relates very, very remotely almost not at all to the amendments that we have been debating today. What this bill allows is it allows for slot machine like devices to be installed at the commercial racetracks that are currently in Maine, which would be Scarborough Downs, which was rejected by the voters and at the Bangor site. What these slot machine like devices are is they will take and they will replay simulcast and live harness racing on these Para mutual pool devices and folks will bet on them.

What you will do is you will walk up to this machine and you will pull the handle or you will press the button and you bet on the horse races and it will operate much like betting in a regular traditional slot machine. It is very much like that. This bill provides for absolutely no minimum amount of payback. There is 70 percent or 80 percent or 10 percent, we don't know. It is not in the bill. Additionally this sets a brand new round of gambling initiatives in the State of Maine, which includes for the first time for for-profit institutions, the race tracks at Scarborough Downs and the race track in Bangor will be running high-stakes bingo games in direct competition with the non-profits and in direct competition with the Indian nation. Additionally, this bill provides for Lucky 7 tickets to be sold in direct competition at these events. This represents a massive expansion in gambling with absolutely none of the control measures that we find in 1820. In

fact, it places that the rules will be set by the Harness Racing Commission to oversee these slot machine like devices. This is a bad idea for Maine. It is something that has been soundly rejected by the voters in Scarborough as well as other communities in southern Maine. It puts at risk all of our other achievements in gambling to keep that environment controlled with protections for consumers. I urge you to join me in Indefinitely Postponing this bill.

The **SPEAKER PRO TEM:** The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK:** Mr. Speaker, Ladies and Gentlemen of the House. The Lucky 7 tickets that the good Representative from South Portland, Representative Glynn, mentioned in his debate, we already have them in beano halls. That is why we used this bill as a vehicle. We don't like anything else in this bill, that is why we used it as a vehicle. I move Indefinite Postponement and I will be voting for it. Thank you.

The **SPEAKER PRO TEM:** The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative **MURPHY:** Mr. Speaker, Men and Women of the House. I really thought as an old dog that I knew and heard about all the possible tricks that could be played. It has been a real education. I would hope that those of you who are coming back could pull out the LD 642, because you are going to have to be vigilant in the future. I think when you let the gaming interests under this dome, you will be amazed at the tricks they will use, the language they will use and how they will try to get around your judgment and your values.

As the good Representative from South Portland said, and I have spent most of the afternoon saying you have to be kidding, are you for sure, are you sure you aren't trying to get me up on the floor to make a fool out of myself more than I usually do? Just to repeat in Section 1 and Section 3, they have filmed horse races in a machine. Instead of having numbers or a symbol, the horses become the slot machine. You bet on the slot machine, except they are horses. It is so obscene that you can be at home and call in and bet on the slot machine. When you read that language, it sounds like horses. We are all for horses and we are all for the industry, but they found a slick way of not calling a slot a slot. You look at Section 2, Section 1, it goes along and talks about language. It doesn't say Scarborough Downs, but that is the only one in the State of Maine that has more than 100 days. I would urge you, for those of you who are coming back to the next Legislature, when they get under the dome and the high-powered lobbyists get in here and they start to sing their song, it is not going to be in easy to read language. You have to be vigilant and keep those people out.

The **SPEAKER PRO TEM:** A roll call has been ordered. The pending question before the House is Indefinitely Postpone the bill and all accompanying papers. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 488

YEA - Adams, Andrews, Annis, Austin, Barstow, Beaudette, Berry, Bliss, Bowen, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Carr, Clough, Collins, Courtney, Cowger, Cressey, Crosthwaite, Cummings, Curley, Daigle, Davis, Dudley, Duprey G, Earle, Eder, Finch, Fischer, Fletcher, Gagne-Friel, Glynn, Greeley, Heidrich, Honey, Hutton, Jackson, Jacobsen, Jodrey, Ketterer, Koffman, Lemoine, Lerman, Lewin, Maietta, Mailhot, Marley, Marraché, McCormick, McKee, McKenney, McLaughlin, McNeil, Millett, Mills J, Mills S, Moody, Moore, Murphy, Muse, Norbert, Nutting, Percy, Perry A, Pingree, Rector, Richardson E, Richardson M, Rogers, Rosen, Sampson, Sherman, Simpson, Smith W, Snowe-Mello, Stone, Suslovic,

Sykes, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Womey, Wheeler, Woodbury, Wotton, Mr. Speaker.

**NAY** - Bennett, Bierman, Blanchette, Bowles, Brannigan, Browne W, Bruno, Churchill J, Clark, Craven, Dugay, Dunlap, Duplessie, Faircloth, Gerzofsky, Grose, Hatch, Jennings, Lessard, Lundeen, Makas, McGowan, Norton, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Perry J, Pineau, Richardson J, Rines, Saviello, Smith N, Sukeforth, Sullivan, Tardy, Usher, Walcott, Watson.

**ABSENT** - Ash, Berube, Breault, Brown R, Churchill E, Duprey B, Goodwin, Hotham, Joy, Kaelin, Kane, Landry, Ledwin, McGlocklin, O'Brien J, Peavey-Haskell, Piotti, Shields, Vaughan, Young.

Yes, 91; No, 40; Absent, 20; Excused, 0.

91 having voted in the affirmative and 40 voted in the negative, with 20 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

---

The Speaker resumed the Chair.  
The House was called to order by the Speaker.

---

### ENACTORS Acts

An Act To Require Law Enforcement Agencies To Adopt Policies Concerning Recording and Preservation of Interviews

(S.P. 286) (L.D. 891)

(H. "A" H-880 to C. "A" S-405)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative BRUNO of Raymond, was **SET ASIDE.**

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

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

The SPEAKER: The Representative may pose his question.

Representative BRUNO: Mr. Speaker, Ladies and Gentlemen of the House. This was a mandate not too long ago. I see it coming through under enactors without the mandate label. Am I missing something?

The SPEAKER: The Representative from Raymond, Representative Bruno has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bangor, Representative Blanchette.

Representative BLANCHETTE: Mr. Speaker, Ladies and Gentlemen of the House. To answer the good Representative Bruno's question, the mandate was stripped off down in the Senate. It will go to the Appropriations Table to be dissolved or to be approved.

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

Representative BRUNO: Mr. Speaker, Men and Women of the House. Now I am assuming that we strip the mandate off and it goes back to the original posture of the bill, which Representative Carr of Lincoln said was not a good bill. Am I wrong here? I will throw that question out to Representative Carr. You had some concerns about the original bill. Supposedly the amendment fixed it and now that amendment is off the bill. Where are we?

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Carr.

Representative CARR: Mr. Speaker, Ladies and Gentlemen of the House. I would like to defer that to the Representative from Farmington, Representative Mills. I believe she is more familiar with that. We just had a conversation and I would rather let her explain it.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Mills.

Representative MILLS: Mr. Speaker, Ladies and Gentlemen of the House. It is my understanding that the mandate was stripped in the Senate sometime earlier this evening. It comes back to us for enactment as a regular piece of legislation, not with a mandate. If upon enactment it ends up on the Appropriations Table with an undetermined amount of money on it, it is the same bill that was amended with my amendment (H-880) on Monday of this week, which changed the bill substantially so that it no longer requires certain kinds of interrogations to be video taped or audiotaped in certain situations. Rather, still, it requires that a policy be developed with the assistance of the Maine Criminal Justice Academy and adopted by the various departments as they see it. That is where it stands. It is still substantively the bill that we passed and amended on Monday, but without the mandate preamble that I put on earlier today and failed of enactment with a mandate. It is a good bill.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative McKenney.

Representative MCKENNEY: Mr. Speaker, Ladies and Gentlemen of the House. Are we sure after all that, I didn't digest everything you said, that the bill is in concurrence.

The SPEAKER: The Chair would answer in the affirmative, yes.

The Chair recognizes the Representative from Windham, Representative Tobin.

Representative TOBIN: Mr. Speaker, Ladies and Gentlemen of the House. I guess maybe it is because of my age, maybe it is because of the night, it was my understanding that that mandate was put on because there was a charge to the local municipalities to adopt this. I don't see how anything that the Legislature can change that it is going to cost the municipalities some money and that is a mandate as far as I know. It is late and my brain isn't working too well.

The SPEAKER: The Chair would answer that the fiscal information is the information that was provided to this House by the Office of Fiscal and Program Review and the Engrossing Division as well.

Representative CHURCHILL of Washburn **REQUESTED** a roll call on **PASSAGE TO BE ENACTED.**

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 Farmington, Representative Mills.

Representative MILLS: Mr. Speaker, Ladies and Gentlemen of the House. Maybe I should explain. I had a conversation earlier this evening with the Office of Fiscal and Program Review. It is a mandate in a sense because it requires somebody to do something. It doesn't require them to spend any money. That is the sort of conceptual difficulty with those mandate issues. It might require somebody's time at the local, municipal or county level, it has fiscal implications. Therefore, it ends up on the Appropriations Table. We are not asking the towns or counties to spend any money. We are simply asking them to adopt a policy with the assistance of the Criminal Justice Academy, just like we are asking them to adopt a policy on domestic violence, high-speed pursuit, death investigations and so many different things that affect law enforcement duties.