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

Volume II

First Special Session

May 26, 2005 – June 17, 2005

Second Special Session

July 29, 2005

Second Regular Session

January 4, 2006 - April 6, 2006

Pages 737-1487

ROLL CALL NO. 222

YEA - Annis, Ash, Austin, Berube, Bierman, Bishop, Blanchard, Bowen, Bowles, Brown R, Browne W, Campbell, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Dugay, Duprey, Edgecomb, Emery, Finch, Fitts, Fletcher, Flood, Glynn, Greeley, Hamper, Hanley B, Hanley S, Hogan, Hotham, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Lundeen, Marean, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Millett, Moody, Moore G, Moulton, Muse, Nass, Nutting, Ott, Paradis, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Saviello, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Twomey, Vaughan.

NAY - Adams, Babbidge, Barstow, Beaudette, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Craven, Cummings, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Fischer, Gerzofsky, Goldman, Grose, Harlow, Hutton, Jackson, Koffman, Lerman, Makas, Marley, Marraché, Miller, Mills, Norton, O'Brien, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Sampson, Schatz, Thompson, Tuttle, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Bryant-Deschenes, Crosby, Fisher, Hall, Smith N, Smith W.

Yes, 86; No, 59; Absent, 6; Excused, 0.

86 having voted in the affirmative and 59 voted in the negative, with 6 being absent, and accordingly **House Amendment "A" (H-370) to Committee Amendment "A" (H-307) was ADOPTED.**

Committee Amendment "A" (H-307) as Amended by House Amendment "A" (H-370) thereto was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-307) as Amended by House Amendment "A" (H-370) thereto and sent for concurrence. ORDERED SENT FORTHWITH.**

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-563)** on Bill "An Act To Authorize a Tribal Commercial Track and Slot Machines in Washington County"

(H.P. 1111) (L.D. 1573)

Signed:

Senators:

PLOWMAN of Penobscot
MITCHELL of Kennebec
GAGNON of Kennebec

Representatives:

FISHER of Brewer
PINKHAM of Lexington Township
PATRICK of Rumford
TUTTLE of Sanford
HOTHAM of Dixfield
MOORE of Standish
BROWN of South Berwick

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representatives:

VALENTINO of Saco

OTT of York

BLANCHETTE of Bangor

Representative MOORE of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-563) Report.**

READ.

Representative PATRICK of Rumford moved that the House **ACCEPT the Majority Ought to Pass as Amended Report.**

Representative GLYNN of South Portland **REQUESTED** a roll call on the motion to **ACCEPT the Majority Ought to Pass as Amended 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 South Portland, Representative Glynn.

Representative GLYNN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion and I wanted to give the House a little bit of background information about this item.

Prior to serving on my current committees, I served last session on the Legal and Veteran's Affairs Committee and I dealt with the racino issue. The racino issue came to us as a public referendum that was voted on by the people and was put forward in a petition. Petition the law clearly stated, and I would like to read what the law states, it states, "The operation of slot machines at the commercial track is approved by the voters of the municipality in which the commercial track to be licensed is located by referendum election held at any time after December 31, 2002 and before December 31, 2003." The reason for this was that when the public adopted the racino issue, it was for a limited time, a time certain. It provided a very small window that other communities could use to consider the adoption of a casino. After the drop dead deadline of December 31, 2003 the public was assured that there would be no more casino referendums. They were assured that the local municipalities and their abutting municipalities wouldn't be considering it and there was a restriction put forth and brought forward to the Legislature that we, in turn, would not be going out around the public and putting more racino operations in other jurisdictions around the state.

This bill that has been brought forward is in violation of the public referendum that the people approved. The people said that they did not want racinos after December 31, 2003. If, in fact, legislation like this was to go forward it should go back out to the voters and be considered by the voters if we feel as though it is warranted. But, I don't believe that this Legislature is in any position to overrule the public referendum that was just held on this issue such a short period of time ago. For these reasons I hope that you join me in voting against the pending motion and, Mr. Speaker, when the vote is taken, I request the yeas and nays.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Blanchette.

Representative BLANCHETTE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I guess that I am rising in opposition to the Majority Ought to Pass as Amended Report, from a committee that I take a great deal of pride serving on and that is Legal and Vet's. I was one of the three defending votes on this bill and I need to give you a few reasons why I am going to be standing here opposing this today.

We are asked to debate this bill on the floor of the House the very day that the fiscal note was released to this body. That is not enough to time to analyze it, ask the questions and get the

answers that you need. The fiscal note predicts that there will be 750 slots generating revenue in June of 2006, one year from today. Before the slots operator can even apply for a slots license they must have received a license for a commercial track. There is no track in Washington County. A license for a commercial track requires final site inspection and takes months, even when the track already exists. A license for slots similarly takes months; up to six months by statute. It took Penn National ten months to get a license for an existing track and it is predicted that it will take Penn National eight months for a slots license. It is impossible to anticipate revenue in the next biennium if it will take more than 18 months to license the facility.

The fiscal note does not answer questions about the impact on Bangor and I guess that is why I am standing here fighting so hard to get you to defeat this motion. Bangor needs a chance to operate and prove that it can run. I am very, very sympathetic to my friends in Washington County, but I urge them to jump on board and seriously consider the \$8 million that the liquefied natural gas plant was going to give them a year. That is real money. That helps people on the reservation and in the county. It brings good paying jobs to Washington County.

This is a hit and miss that is going to antagonize people all over the place. I have to ask you where in the bill does it say that slots will be in Washington County? There are too many unanswered questions in this bill for you to be comfortable with it today. The title of the bill has no force of law. The bill says that beano must be in Washington County, but it isn't specific with respect to slots. The bill used to say that slots must be 45 miles from tribal land. When it was pointed out that the tribal land exists in York County the committee very quickly amended the bill to say that slots must be within 45 miles of a reservation. Yet, Matagaman dam is part of the Penobscot reservation and Houlton is 45 miles from the dam. It is an island in Medway that is part of the Penobscot reservation and Moosehead Lake, which is 45 miles from Medway. Do you know what you are being asked to vote for? Have you read the bill?

This bill, as written, would allow slots in Aroostook County, Piscataquis County and also Washington County. The bill allows a four-tribe beano facility near - I have to point out - Schoodic Point and Acadia National Park. While most of the discussion is on slots and racetracks, presumably in Calais another section of the bill allows a four-tribe beano facility. There is no limitation on the location of this facility except in Washington County. This beano facility could be located on Route 1 in Stuben, just miles from Schoodic Point and Acadia National Park. Is this what we want for growth at Acadia National Park? Acadia National Park is one of the four heaviest visited parks in our state and I believe that we want to make sure that we don't have high priced gambling racino near there.

I am going to ask you once again, have you read the bill? Do you know what you are voting for? Think about this, there are too many unanswered questions for us to take any action on this bill today. I urge you to vote this majority Ought to Pass as Amended Down and move on to the Minority Ought Not to Pass Report and give us time to, as we should, do our homework before we enact any laws in the State of Maine. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Patrick.

Representative PATRICK: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I guess I will have to start one at a time. The good Representative from South Portland said that this bill does not meet the qualifications of the citizen's referendum and I would say that he is right in one respect. The people voted for the two racinos with a limited time

frame. But, I would have to ask who was the one who wrote the citizen's initiative happens to be someone by the name of Shawn Scott and to my knowledge he is looked upon as a shyster and a crook.

A lot of times the citizen's initiative aspect doesn't always come out the way that we wanted it. In LD 1820 we looked at that in committee two years ago and came out with what we believe is a real great compromise for Bangor. It was touted as economic development up there. Bangor was to get Millions in property tax revenue. Also 10% was supposed to go to the state for harness racing purses; 3% was supposed to benefit sire stakes funds, supposed to benefit agricultural fair support, 0% was supposed to go to the Fund for a Healthy Maine for prescription drugs and 2% was supposed to go to the University of Maine Scholarship funds.

There is no difference in this bill then there was in that one with the exception of Penn National. At one point we had them down to 59% revenue, but they thought that they could not possibly do their racino with only 59% so we bumped it put to 61%. The tribal nation had no problem saying that 59% was what they could live with and they were going to give an extra 2%. One percent will go to Washington County Development Authority and 1% will go to career and tech centers in Washington County. Of the 1% that was supposed to go to community colleges in LD 1820 that could go to community colleges throughout the state. In LD 1573 the 1% scholarships for community colleges will be located in Washington County. Washington County has been devastated economically and the only reason that I am fighting for that bill - I don't like slot machines and I am not really big on the ponies- is that I am big on helping the worst county dig themselves out of the quagmire that they are in. They don't have a lot going for them and I am sure that one of the good Representatives will get up and give you the statistics of just how bad things are.

There are many people who testified on behalf of this bill. Someone from the Saint Croix Chamber of Commerce stated, "I am here today on behalf of the Saint Croix Chamber of Commerce and I am also speaking for the Machias Chamber of Commerce to solicit your support." The president of the Standard Breeders Association spoke on behalf of the bill. Someone also spoke from the executive director of the Sunrise Development Council's office - a nonprofit organization working for economic development job creation in Washington County. They said that, in addition, provisions of the legislation would allow the tribe to share revenues throughout the region and to support economic development and vocational education that will contribute to scholarship programs for our students.

The town of Baileyville sent a resolution in support. The Town of Calais sent a resolution in support. There was an issue that I had to deal with where everyone was saying that I can't support that. It's going to be located throughout the state and that it was unbelievable. I got this email from a guy from Albany Township who I supported and which basically says, "I have seen the attached clarifying language and unfortunately it still does not address the main problem which is the failure to limit the facility to Washington County." Ten minutes later, according to the computer - and I don't think that the computer lies - "On the other hand, I stand corrected because the Penobscots would be eliminated by the 30 mile provision and I, therefore, say good work and thank you."

This is a good bill. It's mirrored on a bill that we have already passed. There are so few differences in LD 1820 to this one that I really can't see what we are squabbling about. You can say whether you are in favor of gambling or not in favor of gambling but the one thing I know is that the Chief Executive, to my

knowledge, doesn't have a silver ball or a magic wand to get economic development into Washington County. The tribal nations, through Representative Moore, brought, this forward and I think it will have a great impact. Will it have as great an impact as I would have hoped that it would? I don't know, but I am willing to take that chance. Are you?

Some of the questions in LD 1820 were, "What about the law enforcement? Oh my God, there is going to be crime, crime, crime." The Sheriff's Department in Washington County sent a letter saying that the benefits will far outweigh the limited risks. "Who else will benefit from this racino?" Well, I think it is going to be great because they are going to build an all weather track. This is going to be a little different than Bangor because I think that the focus on this bill is to help the state economy, as far as Washington County, because they will be able to race all year long. There are many dates that go unraced. The Breeders Association, the Sire Stakes Association, the horse breeders and everyone say that this is going to be wonderful. Right now they are breeding horses for Yonkers, New York, New Jersey, New Hampshire and all the other different horse racing venues throughout New England. As a matter of fact, we heard testimony this spring that they are rejoicing because they are going to have the opportunity to bring their horses here to Maine and so there will be many more horses right here and it will bring back the prominence of harness racing like it was back in the seventies when I can remember going with my dad.

People like the veterinarians will take a positive hit. The people who grow hay will take a positive hit. People don't know that you pay taxes on hay for horses but that you don't for cattle so, that is a plus. I can't think of anything that worries me in this bill anymore than LD 1820 did. We are wondering whether or not we are going to get done or how long it will take for a license? Well, did it take a long time for Penn National? Yes, it did but there were a lot of obstacles to overcome. Our committee and the gaming control board overcame those obstacles. By the time that the tribal track and racino gets up and running we are already going to have the Gaming Control Board up and running at the central monitoring site. I think the aspect of licensing is going to go a lot smoother because they have already got a track record of being able to do this. I see no real negative points to this and all I would ask you to do is think about it and support the Majority Ought to Pass as Amended Report.

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

Representative PERRY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Let me just give you an idea of what this means for Washington County and why. Washington County – I hate saying this – is the poorest county in the state. We have the lowest average family household income in this state. We also have maintained a double-digit unemployment rate. We have lost businesses, L&P and 50 people from DomTar yet, we educate our people and we don't have the jobs to give them, even with retraining them.

According to the Labor Market Digest, which we have here, in February of '05 there are only three towns, or areas that have double-digit unemployment. Two of them are in Washington County – Machias and Calais. According to the Governor's Report to the State of Maine Treasurer – it went to the Appropriations Committee as well – there is a page that describes business investment in Maine in 2004 as geographically and economically diverse. Now, yes it did go from south to north, but there are two counties that were not touched by economic development and that was Washington and Hancock Counties because we are not along the 95 corridors.

One economic development tool does not a county make whole. We need to do a number of different things. Eco tourism is one thing that we are working on. That doesn't make it all, nor does L&G. In order to turn a lot of this around we have got to have jobs that go county wide and we have got to have jobs that fit within our culture. We have had three harness racing tracks within the county at one point. That was a part of our culture; horse rearing was a part of our culture. We can do so much with the monies that will come from this. We have been working with the tribes and the tribes have been wonderful to work with us and to offer monies that will go into the Washington County Development Authority that will help us pull ourselves out of this.

We now have in this state the threat of three closing bases, which is going to hit jobs phenomenally and they are going to hit them in the areas that economic development has already gone and that will go there because they are going to be the first and foremost hit. You are going to see the biggest differences. But, Washington County, because it has always been there and it has always been poor, hasn't been this great big deficit that we suddenly have. It is going to be left looking at everybody else getting it. I am asking that you pass this and that you give us the opportunity to pull ourselves out of this quagmyre that we have been in for years. We are asking for our own solution and I am going to ask that you help us do that by voting for the Ought to Pass as Amended Report.

The SPEAKER: The Chair recognizes the Representative from Dennysville, Representative McFadden.

Representative MCFADDEN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My good friend from Rumford, Representative Patrick is pretty hard to follow because I had mostly the same things to say that he did and also the good Representative from Calais, Representative Perry. But, at any rate, I have lived in Washington County for most of my life except for two hitches in the military and eight years in college. This is a good bill. This is going to help the Maine Community College System and it is going to help the Washington County Development Authority and it is going to tremendously help the municipality where it is located. It is also going to help the General Fund of the state, which really needs help.

There are two old tracks right now that are located in Washington County. There is one in Pembroke and there is one in Machias. They are old and they have been there for years and years. You hear about crimes and so forth and so on, but I don't remember any special police protection or any crime around those racetracks. I don't even so much as remember a chicken house around those tracks any place.

I have many friends down in the area, including Governor Francis at Pleasant Point and I know how difficult it is for the tribe and the people of Washington County because I have been exposed to it for most of my life. I have seen businesses, go over and over and more and more all the time. Nothing new ever comes in.

A vote against LD 1573, as far as I am concerned, is a vote against the tribe. It is a vote against Washington County and it is also a vote against the state. The question is, do we want our money? Part of the money will be going to Penn National out of state, but do we want the money to stay in state with the tribe and the different things that it would benefit in Maine or do we want it to go to Pennsylvania where Penn is located and I know that part of it will? So, I urge you to vote yes on LD 1573 because it is going to help the tribe and it is going to help the county and it is going to help the economy of the state as a whole. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Faircloth.

Representative FAIRCLOTH: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the Majority Ought to Pass as Amended Report.

Men and Women of the House, I agree with Michael Heath on something - yes, you've heard it here. About, ten years ago I served in this Chamber and Michael Heath and I were allied because we had concerns about criminal elements with gambling facilities and we shared concerns about the rise in teen age gambling when you have racinos or casinos. Michael Heath and I agreed that there are issues about addictive gambling and I was on the Judiciary Committee that addressed this issue in detail for months and months and as Representative Moore knows, I was a strong opponent of a statutory proposal for a casino in the Calais area, but I have thought about this issue a lot in this last decade.

At that time I had argued that if there were a constitutional amendment that would limit such a facility to a remote resort location like Calais, I would have supported it then and that proposal did not succeed. I still feel that that was a valid point and a valid concern because what has happened in the last decade since that debate - in this chamber - is that we have seen racinos and casinos spread all over the United States of America. They have exploded around the United States and so for me I was left, in a sense, with a moral issue and I don't think that a referendum binds us to not modify a statute passed in referendum. A democratic republic came first and referendums and initiatives came second. We are the primary deciders of public policy and if we choose in a deliberative process to modify those statutes we are free to do so in this case and I think we should.

As I said, I spent a lot of time in that era on the Judiciary Committee looking at this issue and to the degree that racinos and casinos are beneficial to an economy, I think that the studies will show that the best way in which they are beneficial is if they are in rural, low income locations that will draw people from away to that facility. They don't work as well in urban areas but they work better in the remote rural locations to help generate strength for those economies that need it. This location is one where we might draw people from Atlantic Canada and we might draw people from Quebec to spend their money in this area. I have to look in the eye of friends of mine, and people who are in the tribe, and people in Washington County and consider this issue carefully. Given all that has happened in history in the last decade, I felt that I had no choice, not only to vote for the Majority Report, but to feel like these people - Washington County people and people in the tribe - you can't find more good people that need help, and they do and that is why I support this Majority Ought to Pass as Amended Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Hotham.

Representative HOTHAM: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I too rise in support of the Majority Ought to Pass Motion that we have before us. I don't know that I could add much more as far as what we need to try to do for the people in Washington County. The case has been made very well before you this afternoon.

I would suggest that we all think about what we would say to the folks if they were lining the hallways outside of the chamber. What opportunity would we offer them today? They have worked hard on putting this proposal forward. They have utilized the resources available to them in Washington County and what we have before us is a good proposal. I would tell you that it is enhanced even further by the committee amendment, which, as you read, you will see that it requires municipal approval before

moving forward with the racino license. I think it is in keeping with the spirit of the people's vote and knowing that they have waded into this subject once before and will get a chance again before any racino is built in their back yard.

I urge you to support the motion on the floor and to support those people in Washington County who have been suffering under double-digit unemployment, twice the state average unemployment; over 10% in most of the last four or five months. Again, I urge you to push the green light, make it work and help the people in Washington County to get to work. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Frenchville, Representative Paradis.

Representative PARADIS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I too rise in favor of this bill. I think that it is a very good one. Let's consider a few facts. Gambling is one of the fastest growing past times - some call it a recreational sport - in the United States. Right now we have busses going south to Connecticut everyday. We have people crossing the boarder into Canada just about everyday to gamble. People will go where the action is. Right now Rhode Island is building a resort casino. We must not miss the opportunity. New Hampshire will be next.

I was very proud last fall with the referendum campaign and with Chief Barry Dana in the Valley and I think that this is good. What is good for Bangor should also be good for Washington County. Certainly the economics in Washington County warrant it even more. As outlined, there is need of an infusion of money for good programs. Let's be honest too. We continue to expand lottery games and yet we try to stifle the growth of racinos. The situation is really somewhat analogous to the fight to outlaw alcohol in the thirties. People then continued to drink illegally for a time until they wised up and legalized the sale of alcohol and the consumption of it and we profit from the taxes of that today. So, why not legalize more gambling and profit from the tax revenue. By the way, studies have shown that gambling is 2-5% addictive and that alcohol is 15% and politics 30%. Join me in going green. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Blanchette.

Representative BLANCHETTE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am beginning to feel like the villain in Star Wars but I guess that that is what comes with the job and so we say that is what we get the big bucks for. I need you to look at your fiscal note that came out today before you vote. They are telling me that the Harness Racing Commission, the Department of Agriculture and Rural Resources will require General Fund appropriations of \$56,042 in the fiscal year '06 to '07. That is for the cost of two part time positions that, for operational costs, will be necessary to regulate the new commercial track. On top of that - and that is just one of many things that is in this note that you need to be aware of - the Gambling Control Board within the Department of Public Safety will require additional General Fund appropriations of \$303,000 in '06 and \$392,000 in '07 for the cost of one additional detective position, two additional public safety inspector positions and the operational costs necessary to regulate the new slot machine facility. This is a lot of money in a time where we need to be putting more money into the Computer Crimes Task Force to protect our families and friends that are being ripped off from their life savings out there, not pounding into an additional gambling facility.

I have to question that if the county had three existing racetracks than where are they now? I also need to point out to you that Bangor Raceway opened up its 122nd season of

continuous harness racing for the season this year. We have more money behind us than God. Penn National is behind us, but do you know how many horses we had? We barely, just barely, had enough to fill eight races. That is a short card. The handles were less. If you want to average the three nights out, they were less than \$30,000 a night. That is not a big ticket; that is not a big purse for horseman. I have listened to the arguments and I accept people at their word. I guess I reserve a smidgeon of doubt that the high stakes horses that they are paying a quarter of a million dollars for, a million dollars for, and a million and a half dollars for are, going to race at a small track in Washington County when it is 30 degrees below zero and they could be down sunbathing on Pompano Beach. Take your choice. Do you want to be in Washington County or do you want to down where the sun shines all the time?

Look at this bill. Look at the note and give yourself time to digest it. This is moving too fast, too furiously and I have to ask what has been swept under the rug. I asked the good Representative Moore some weeks ago where the financing was coming from. I had some concerns about that. He thought he answered me, but we corrected that miscommunication today and I heard some questions about Penn National going to Pennsylvania. Well guess what? This track is coming from tribes outside of Maine, the Pequots, another tribe that is going to finance this. Is the largest portion of the money going to stay in Maine? No, you bet it isn't going to stay in Maine. It is going to hit the gambling trail the way it all does. So I ask you, postpone this. Look at this note. Think about what you are doing before you open up another hornets nest like we faced last year on Legal and Vets trying to sort everything out. I am sorry. I'm really not the evil person from Star Wars. Thank you Mr. Speaker.

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. Mr. Speaker, Ladies and Gentlemen of the House. Representative Blanchette has already answered one of my questions which was who is financing this? The second question is how many days in a year will horse racing take place? Could anyone 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 Rumford, Representative Patrick.

Representative PATRICK: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I believe the number of race days that are licensed nowadays are between 180 and 186.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Moore.

Representative MOORE: Not to split a hair here but the number of racing days that would be offered would be closer to 60. I'm not trying to just split a hair here but it would be closer to 60 and it wouldn't be taking racing days away from other venues.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative DAIGLE: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I urge you to vote against the pending motion. I understand the desire upon many to have this as a great opportunity for Washington County, but let me please point out that the deception that is intrinsic to this idea of a casino is in thinking that if we put this there all of the gambling income will come from people from away and that has never proven the case. Studies consistently show that the

revenue from organized gambling takes place within a small radius of the facility. You are not going to have people flocking to Washington County and it is going to be people in that area already spending discretionary income there at the slot machines instead of in more constructive ways that they could do it.

The second thing that I just cannot accept to be true is that the gambling revenue will be spent the way that we are told. Certainly, we were all sold about the lottery being spent on education. How many believe that that has happened lately? The racino money from Bangor was already tapped to pay off a credit card debt. It just isn't going to happen. The general idea is that gambling will make winners out of Washington County, but it is impossible to be a winner when the very premise of the business is the only time that you can make money is when somebody loses. This cannot ever be a win-win situation. What is striking to me is that the people who are proposing this are taking the despair that exists in Washington County and they are using that as the very motive to get in there and it is really just preying upon people who are desperate and saying that in your desperation we will give you this.

Let me ask you this question, if things were good in Washington County do you think anybody would ever be seriously considering doing this here in Maine? Of course not. I just cannot imagine that. The final deception is that this is using the very term racino and that is simply somehow trying to conjure up the old farmhouse image of a horse track with a couple of slot machines. It would be intellectually more honest if the supporters of this had gone through and said let's have a casino in Washington County because that is what it is. It is not a racino. It is not a horse track with slot machines. It's slot machines with horse manure. That is where it has come from. That is what is being sold to us and there is good reason to say no to this in the State of Maine so, please vote red on the pending motion.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative CAMPBELL: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My good colleague Representative Blanchette from the other side of the aisle keeps talking about Bangor and about native Americans coming in from somewhere else. Let me tell the good Representative that the native Americans were in Bangor, they were in Rhode Island, they were in Connecticut and they were everywhere else long before you got to Bangor or I got here or any one of us.

Why is it that every time that the Native Americans step up to the plate, whether it is natural gas or this or that and everything else we make the decision for them? It is about time that they made their own decision and we turn around and stand up as Americans with the Native Americans and supported them for once.

The SPEAKER: The Chair recognizes the Representative from Cutler, Representative Emery.

Representative EMERY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am from Washington County, I live in Cutler and there are two harness racing tracks. The point I want to make here – and I am not interested in duplicating the responses that have been put forth here in the last half hour – is that I think the big issue is letting this racino occur at another location in Maine. It has already been approved in one location, in Bangor, and I can't see why this isn't something that wouldn't be well received at another location in this state.

I am looking at the fiscal note right now and it appears as though the General Fund will actually receive quite a bit of money over the next four years according to the projections that I am

seeing from 2005. In 2006 there is over \$600,000 worth of increases in the General Fund and it goes up to \$2 million, to \$4 million and almost \$5 million in the 2008 to 2009 year. So, in terms of economic development and its impact on the state, there is certainly going to be a wonderful addition to the General Fund. In terms of the county there is not a whole lot going in the county right now and we have the natural resource based industries and we have some service industries, but for the large part we have an unemployment problem. It is over 10% and it has been like that for a long time. So why not give this proposal a chance to fly?

The tribe has worked real hard over the years with different economic programs. We saw the LNG proposal and they brought other economic development plans to the state. One that is being considered right now is in aeronautics manufacturing. They continually keep coming to the table with ideas and a lot of times they are looked at and half heartedly supported so here is a perfect opportunity. I know there is a lot of support in this body, so I would encourage everyone here to support the pending motion and I thank you for your time.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Harlow.

Representative HARLOW: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This venture will or will not be successful. It is not something that I am worried about. It is up to the investors to make up their minds whether it is going to be successful or not successful. Is it right or is it wrong? In a country that bets billions of dollars on football we wonder whether gambling is right or wrong and I never win. In my own community we have three shopping centers going up within two miles of my home. I will tell you that some of them will fail or will they not fail? I don't know. I am not into this business. I am going to let somebody take their own chances with their own money. I was against this when I walked in here today.

Free enterprise is a very strong market force. It may or may not be successful in Washington County. I think that it will only be successful when it becomes a vacation destination and I think that that is what will happen. I am kind of in a quandary here because I know that in Portland we want to start off track betting downtown and our studies indicated that it would not be successful. The reason that was deemed that way is because it didn't produce a product. But, I think that in Washington County it does produce a product. It produces a vacationland. I think that there is a chance. The only thing that I hope is that it does not have its biggest offshoot be pawnshops. Thank you.

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

Representative BOWLES: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think it is a shame that the debate so far has centered around slot machines and on the gaming aspect of this proposal. This proposal is for a harness racing track. Harness racing is an honored tradition in Maine. It goes back I think probably to the origin of the state itself and many thousands of Mainers earned their livelihood from the sport of harness racing.

A track in Washington County will have innumerable benefits including the additional race stakes that it will bring to the industry. Someone asked a question about race stakes and let me tell you that Scarborough races just over a hundred days a season, Bangor only races 26 days a season and so if we were to add 40, 50, or 60 race dates in Washington County then there would be a considerable boom to this industry.

There will be horses. After a couple of years there will be a better supply of horses. The horses will be of better quality and there will be more of them. More people will enter the industry

and harness racing will thrive. The increased purse revenues will see to that. How are increased purse revenues generated? They are generated through the gaming operation that accompanies the racetrack. If some of you watched the Preakness, the famous horse race that was run a week ago Saturday, you saw not only a wonderful horse race, but you saw the Governor of Maryland – when he presented the trophy to the owners of the winning horse Fleet Alex – say that slot machines were desperately needed to keep Pimlico race track an operating and functional track in Maryland.

Every state that has racing and has brought in a limited amount of gaming to support that industry has benefited both the industry and the state. We have spent a lot of time in here worrying about vanishing farmland and we worry about sprawl. Many of you know that I was raised in the Finger Lakes area of New York. Once a year I go out there and I visit my folk's graves. One of the things that I have noticed as I have been going out there recently is how all of the farmland is still farmland. Now, they don't do much dairy farming anymore but they have a wonderful, healthy equine industry. Why, because major racetracks out there have gaming and that gaming have allowed those farms to covert to equine. The ancillary businesses feed veterinary equipment and farm equipment. All of them are prospering. We still have farms in eastern New York.

I saw some of the pieces of information that were being distributed and one of them caught my eye. It says that Maine is poised to become the next Nevada. One of the sentences asks whether or not the state should become the Las Vegas of the east. There are really dozens of states that have hundreds and thousands of slot machines. We are in no danger of becoming Las Vegas east, although Las Vegas is one of the most prosperous and fastest growing places in the country. I know we don't want to emulate that.

Earlier today during the debate I listened to the gentlelady from Biddeford, Representative Twomey and she was talking about the trash incinerator in Biddeford that has been a thorn in her side for many years. She said that she is tired of people from away telling the people in Biddeford how to live their lives. Just imagine what it is like to be from Washington County. I want you to know, those of you from Washington County and those of you who want to support an equine industry and those of you who are going to support this project, that not everybody from southern Maine is opposed to economic opportunity in the north and in the east. Some of us do support you. I come from a town that, while we don't have double-digit unemployment, does have one of the high-test unemployment rates in southern Maine. We share a little bit of your pain and we are willing to help your pain go away.

The SPEAKER: The Chair recognizes the Representative from Hollis, Representative Marean.

Representative MAREAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Twenty years ago when I became involved in the harness racing industry the industry was thriving. Since that time it has gone down the drain, and I mean down the drain. I rode it from the top to the bottom. It has been an extremely exasperating business to be in. It is only a business that I stayed in because I love it. I have spent hundreds of thousands of dollars on my farm in southern Maine. This bill in Washington County, believe it or not, is going to have a huge effect on all of the farms in Maine and especially in southern Maine.

I get called an average of three times a month by someone who wants to buy my farm. It is in York County, it is on the Saco River and I could sell it any day of the week for a heck of a lot more than I paid for it and it can be turned into house lots. There was another farm in Saco, 400 acres; this lady and I are the

largest breeders in the State of Maine. We mean a lot to our communities. This industry means a lot to the communities. We can help you. You can help us. This bill is very important for Washington County. It is very important for people in the harness racing industry.

The Representative from Rumford, Representative Patrick made mention of someone breeding their mares out of state. That is me, I am one of them. I have invested a tremendous amount of money in stallions in other states because it is not economically feasible to breed horses and raise them here and try to sell them.

Just since Bangor has been approved, and because this looks like this could be a viable situation as well, my phone rings continually about what I have for babies on the ground or what I have for pregnant mare carrying Maine bred fowles. This is going to be a boon to our industry. We need your support. The tribe needs your support. Washington County needs your support and thank you very much Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Moore.

Representative MOORE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. To follow up for just a moment on what Representative Marean from Hollis commented upon. A short time ago, about four years ago, my wife and I contemplated selling a small farm that we have in Standish. We contemplated that because we had been involved in the harness racing world and we were no longer able to afford to do that. The need for the farm was slipping away from us. My family was involved in harness racing for our entire lives. You probably heard that story a thousand times last year when we were talking about LD 1820. Not to go on and on about this, but I haven't had the great opportunity to ever race over in Washington County. We have raced in every other venue that exists in the state including one in Gorham that used to be a great place to go – I wish there was another one there. My point is that since the conversations began about the Bangor racino friends of mine have called and said, "Do you still have room for horses at your house? Could you board my mare and her fowles over there for a few months because we don't have the space anymore; we are breeding again." It is so great to have this opportunity. I guarantee that I will be right in line with a couple of horses to go over to Washington County.

One of the fun things that Representative Marean and others will tell you is that one of the fun things that you do when you have a couple of babies is try to pick a name that suits the situation. I had one several years ago that was named Balance the Budget. We know where that went, but at any rate I think he is pulling a wagon in Pennsylvania at the moment. I certainly hope so. However, there are two babies at our place right now that stand a good chance of racing over at this all weather, brand new facility in Washington County, where Representative Moore hails from. Two of the names that we are going to look at are Passamaquoddy Pal for the little guy or Washington County Girl for the little girl; the County Girl. Let's go with that one for her. Enough said about that, but there is enthusiasm here and we are having a great time with it. Please support Brother Moore and the people from Washington County

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

Representative MILLS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to pose a number of questions about this bill. If this bill were simply a matter of economic development or sympathy for the people of Washington County I would support it. If it were only a matter of economic development I would support a similar facility for

Franklin County which has a high unemployment rate and a similar facility for Aroostook County, which lost the bases 10 years ago and has high unemployment rates. I support a similar facility for Piscataquis County, which has a high poverty and unemployment rate, but this kind of proposal is not the solution to our economic development problems. If it were then the State of California, which has 15 tribal casinos and a number of non-tribal casinos, wouldn't be in the hole that it is in with billions and billions and billions of dollars in debt.

Casinos, racinos and slots are not the solution to our economic development problems. This bill is not simply about racinos. I was sitting here and trying to listen to the debate and also trying to read the bill and amendment, which came across our desks earlier today. It is, to me, a very confounding amendment and bill because it talks about a commercial racetrack and then it talks about off-track betting facilities and that those facilities might be operated within the market area of a tribal commercial track. There is the possibility that that off-track betting facility, whatever and wherever, will receive a percentage of slot machine income from the fund to stabilize off track betting facilities. Then it talks about slot machines, which has been the focus of the discussion here. But, it then also talks about a high stakes beano operation in Washington County on non-tribal lands in § 21 of the bill.

I am a little concerned about how much and what exactly we are talking about and where we are talking about it going and what it is supposed to do, whatever it is. I do not think it is as clear as the Gentleman from Rumford tells us it is about where the facility or facilities will be located. I don't think it is clear that they will be located in Washington County based on the language itself.

On another level I am deeply concerned that this bill may represent a very drastic amendment and change to the Maine Indian Land Claims Settlement Act of 1980, an act that was negotiated in good faith, both sides being aptly represented by counsel and both sides having come to a conclusion that was ratified by the U.S. Congress and ratified by the tribes in question, both sides, having come to an agreement on statutory language, which is contained in Title 30 and relates to jurisdiction in tribal lands and tribal territories and relates to law enforcement. It relates to the procuring of lands and a number of other things contained in that thirty pages or so of that document that is codified in Title 30 of our Maine Revised Statutes.

I don't think it is clear at all what kind of interplay there is between this bill and that very important act that took years to negotiate and conclude and this bill also raises serious, serious concerns of whether or not it would open up the door for the Indian Gaming Regulatory Act to come into play and take over jurisdiction. I don't see any ready answers to any of these questions because I have so many questions about this bill. It is just so confoundedly worded and the amendment as well, that I am voting against the motion.

The SPEAKER: The Chair recognizes the Representative from York, Representative Moulton.

Representative MOULTON: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. They say that confession is good for the soul and I have a confession to make. Not too long in the recent past I voted very strongly, or as strongly as I could against a gambling facility down in York County and I rise today in support of this legislation however, reluctantly. The idea of gambling I find troubling as a basis for our state economy. The method by which the money comes in causes problems for people. Having said that, and in order to keep peace with my closest constituent, I still have to consider the other portions of this proposal that is before this body today,

together with the request of the legislators not only from Washington County, but elsewhere around the state. On the economic side this will be good for Washington County and for the State of Maine. So, Mr. Speaker and Ladies and Gentlemen I rise today in favor of the bill and will give it my vote and encourage you to do the same. Thank you.

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

Representative GLYNN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will be very brief. The debate began with reading the public referendum that the voters had approved saying that there would be no more racinos coming to communities near you following the December 21, 2003 deadline. We are less than a year and a half beyond the deadline and already we have commercial tracks shopping for places for slot machines in other municipalities in Maine against the wishes of the voters as expressed at the ballot box. Over 50,000 registered voters in Maine signed those petitions. That the voters approved that law, make no bones about it your voting to overrule the voters and place a facility with slot machines against that public vote. If, in fact, this is done we will return to the day, which many of us remember in southern Maine as race track facilities shop their proposals from community to community as they started going through Westbrook, Saco and Scarborough shopping for a place for their slot machines to have a home because the precedent will be set that this deadline, put in statute by the voters, was a soft deadline. Please say no to slot machines and say no to this measure. Thank you.

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

Representative PERRY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just a bit of a clarification. I do believe that LD 1820 said that there would only be 3,000 slot machines in Maine. We are not asking for an increase in slot machines we are just asking for some of them to be put in Washington County and I ask that you vote for this.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Patrick.

Representative PATRICK: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just want to touch upon a couple of points that some have made that I think I would like to clarify.

One, I can't remember how many years Bangor has been racing. It's been 100 years plus that they have been racing, but they usually only race something like 1- to 25 days a year out of 180 days that are available with the bulk of those around 70 or 80. I think Scarborough Downs has carried harness racing.

We talk about the fiscal note, \$300,000 or \$400,000 whatever it is. There is a \$200,000 license fee that the tribal nation will have to pay in order to get a license. Penn National actually blazed a trail for that. They paid a couple of hundred thousand dollars for that. There was a question of whether \$250,000 thoroughbreds will race in Washington County or Bangor and I would answer that they will probably not. That wasn't the intent. The idea of the whole thing is that right now there are very few horses, but there is nobody who wants to breed them in Maine because they have to truck them all the way down to New York and New Jersey and Massachusetts. This year in our committee they came and said that they are breeding a lot more because this bill has the possibility of passing.

Financing the tribe. I don't know about any one of you folks, but I will tell you right now that if I am going to go buy a car and if I can't afford to pay cash, I would look to find whatever place I

could get my money as long as it was the lowest possible interest rate to get the best deal for me and my family.

We talk about revenue, whether it comes from Maine or whether it comes from away I would ask the Chief Executive to have his number crunchers crunch the numbers of how many \$100s of millions of dollars are leaving the state of Maine that are coming out of the pockets of the people of the State of Maine. I know hundreds of people that go to Las Vegas, they go to New Jersey, they go to Connecticut to all these gambling facilities that live here in Maine. I went down and visited Foxwoods myself just to do a little research thing and I actually spent a lot of money in the motels and restaurants in Mystic, Connecticut and my wife loved it, but I didn't spend a lot in the casinos.

A couple things that I would like to say, Bangor had the opportunity to come down and voice their opinion for or against and Penn National did. I probably had ten meetings with Penn National over the course of the time and they didn't complain about this issue. This is an issue of if you want to have an opportunity for economic development through building a harness racing track and slots in Washington County and I look at what the actual fiscal note was in LD 1820, and I think it was around \$2 million total. We actually waived part of that for income reasons in the Part I Budget or maybe in last year's budget because it wasn't going to be up and running. Well, now that they bought Miller's and it is going to be up and running as a pilot one in December, then we have to spend the monies to get that one up and running. I am glad we are because it is going to make it that much easier to get this one running. With that I would once again urge you to accept the Majority Ought to Pass as Amended Report.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Blanchette. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative BLANCHETTE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am going to be very, very brief. I just need to correct a statement that was made here. LD 1820 and the law that is on the books in the State of Maine says that there will only be 1500 slot machines in the State of Maine and those 1500 are going to Bangor. If this bill passes the law would have to be amended to go back and allow for additional slot machines.

The SPEAKER: The Chair recognizes the Representative from Dennysville, Representative McFadden.

Representative MCFADDEN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I heard a while ago that there weren't 't horses enough for the Bangor racetrack, but I disagree with that statement I heard and I will tell you why. Down in St. John, New Brunswick at an exhibition park that they have been running down there they have a full slight of horses there and when it comes time they bring their horses across the border into Bangor and they take them down to Scarborough. I am sure that they would be taking them into Calais so, I am sure that this is not an excuse; not having enough horses to fulfill the programs. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative CAMPBELL: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We seem to hear so much about Bangor that maybe we should put in an amendment to do away with the Bangor track too.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to

Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 223

YEA - Annis, Ash, Berube, Bierman, Bishop, Blanchard, Bliss, Bowles, Brannigan, Brown R, Browne W, Bryant, Cain, Campbell, Canavan, Churchill, Clark, Craven, Crosby, Davis K, Duchesne, Dugay, Dunn, Duplessie, Duprey, Eder, Edgecomb, Emery, Faircloth, Farrington, Fischer, Fisher, Fitts, Fletcher, Gerzofsky, Greeley, Grose, Hall, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jennings, Kaelin, Lerman, Lindell, Lundeen, Makas, Marean, Marley, Marraché, McCormick, McFadden, McLeod, Miller, Millett, Moody, Moore G, Moulton, Muse, Nass, Nutting, Paradis, Patrick, Pelletier-Simpson, Perry, Pineau, Pingree, Pinkham, Piotti, Richardson D, Richardson M, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Sherman, Smith N, Sykes, Tardy, Thompson, Tuttle, Vaughan, Walcott, Watson, Webster, Mr. Speaker.

NAY - Adams, Austin, Babbidge, Barstow, Beaudette, Blanchette, Bowen, Brautigam, Carr, Cebra, Clough, Collins, Cressey, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Driscoll, Dudley, Eberle, Finch, Flood, Glynn, Goldman, Hamper, Jodrey, Koffman, Lansley, Lewin, Mazurek, McKane, McKenney, Merrill, Mills, Norton, O'Brien, Ott, Percy, Pilon, Plummer, Rector, Richardson E, Seavey, Shields, Stedman, Thomas, Trahan, Twomey, Valentino, Wheeler, Woodbury.

ABSENT - Bryant-Deschenes, Burns, Joy, Smith W.

Yes, 94; No, 53; Absent, 4; Excused, 0.

94 having voted in the affirmative and 53 voted in the negative, with 4 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-563)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, June 1, 2005.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-592)** on Resolve, Regarding Legislative Review of Chapter 120: Release of Data to the Public, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY)

(H.P. 967) (L.D. 1390)

Signed:

Senators:

MAYO of Sagadahoc

MARTIN of Aroostook

ROSEN of Hancock

Representatives:

PINGREE of North Haven

WALCOTT of Lewiston

GROSE of Woolwich

WEBSTER of Freeport

MILLER of Somerville

BURNS of Berwick

SHIELDS of Auburn

CAMPBELL of Newfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-593)** on same Resolve.

Signed:

Representatives:

LEWIN of Eliot

GLYNN of South Portland

Representative SOCKALEXIS of the Penobscot Nation - of the House - supports the Majority Ought to Pass as Amended

by **Committee Amendment "A" (H-592)** Report.

READ.

Representative PINGREE of North Haven moved that the House **ACCEPT** the Majority Ought to Pass as Amended Report.

The **SPEAKER**: The Chair recognizes the Representative from Elliot, Representative Lewin.

Representative **LEWIN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just have a couple of comments that I would like to make about this bill and the Maine Healthcare Data Organization.

Hospitals and some other providers and pharmacies have to pay to submit data to this organization. They not only have to pay for the privilege of submitting data to the state, but if they want a report than they get the privilege of paying to get a report, which by the way they need to design themselves. I don't think that that is a really good thing.

As to the issue of confidentiality of data, we have a bill before us and I was told that there was a \$250,000 fine for anyone misusing any data and so I asked what I thought was a logical question and that was, "Exactly what are we going to do to police this? How are we going to know if anybody misuses this data which is confidential and should remain so in my view?" I was told that there was no plan for policing it, but I was told that there were lots of teeth in this bill and my remark at the time was that this bill has about as many teeth in it as Gabby Hays did when he made his last movie. It doesn't have teeth in it and I am very concerned about all of the data that the state continues to collect and that I do not see going to productive problem solving in a meaningful way and in a meaningful timeframe. I see lots of studies, lots of task forces and lots of committees that have come through here and I would submit to you, Ladies and Gentlemen that most of them are in a closet somewhere or in a box buried under someone's desk. So, I am very alarmed about the amount of data we are requesting, the nature of it and I really think that we need to take another long hard look at that. Thank you Ladies and Gentlemen.

The **SPEAKER**: The Chair recognizes the Representative from Summersville, Representative Miller.

Representative **MILLER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I appreciate the comments from the good Representative, colleague on Health and Human Services and I rise to kind of clarify a little bit what this is all about.

This bill does allow the production of a lot of healthcare data in this state and uses healthcare data to look at the quality of care in the state. Yes, hospitals pay for the collection of this data and hospitals use this data. Hospitals order studies themselves using this data and have like type data for the past 20 to 25 years. This state is one of the best states in the country for the production and use of healthcare data for studies of quality of care. That is precisely what this bill is for and what this data is for. There are not many hospitals that complain about high quality, 100% accessible data about their care in their hospitals.

What this major substantive rule - I remind you that it is a substantive rule and can only be amended but will pass otherwise - does it allow us and Maine Quality Forum to hold up a mirror to healthcare in this state and to the quality of healthcare in this state. We have many, many discussions in this chamber about the cost of healthcare, but what good is expensive healthcare if it is not quality healthcare and effective healthcare? By and large healthcare in our state and our country is high quality, but not all. Data like this permits us to look at the quality of care in this state and ensure good quality healthcare for the