

MAINE STATE LEGISLATURE

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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

the municipality. I think that was a good decision Mr. Speaker and I think that it was a job well done by the Chairs of the committee and by all of the committee members and I thank you Mr. Speaker.

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

Representative MILLS: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. As the sponsor of this bill I accept this amendment as a friendly amendment to my bill and as a good compromise considering the debate that we had last week and I would urge the members to support this amendment. Thank you.

Sent for concurrence. **ORDERED SENT FORTHWITH.**

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Amend the Maine Wind Energy Act"

(S.P. 477) (L.D. 1379)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-284) AS AMENDED BY HOUSE AMENDMENT "A" (H-667) AND SENATE AMENDMENT "A" (S-322) thereto in the House on June 9, 2005.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-365)** in **NON-CONCURRENCE.**

The House voted to **RECEDE AND CONCUR. ORDERED SENT FORTHWITH.**

CONSENT CALENDAR
First Day

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

(H.P. 1145) (L.D. 1622) Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-692)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

BILLS HELD

Bill "An Act To Authorize, Subject to State Referendum, a Tribal Commercial Track and Slot Machines in Washington County"

(H.P. 1197) (L.D. 1690)

- In House, **PASSED TO BE ENGROSSED.**

HELD at the Request of Representative DUDLEY of Portland.

Representative DUDLEY of Portland moved that the House **RECONSIDER** its action whereby the Bill was **PASSED TO BE ENGROSSED.**

Representative PATRICK of Rumford **REQUESTED** a roll call on **RECONSIDERATION.**

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 Portland, Representative Dudley.

Representative DUDLEY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I think that the situation we are in now is a good illustration why it is never a good idea to forgo the public hearing process or at least it is rarely a good idea. There are implications to our putting this on the ballot in November that relate to other matters that this body has considered this session and I am not sure that all of us have considered those implications. I think it would be in our interest to, at the very least, if we are not going to go through the public hearing process, to give this thing a few days and to give ourselves a little time before we have no further opportunity to amend. 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 would just like to ask the 97 people who voted on roll call 310, Passage to be Engrossed, authorizing tribal commercial track/slots in Washington County to stick with me and follow my light.

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

Representative TWOMEY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. To those same 90 some odd votes that went with the previous speaker I would like to remind them that this is still about procedure and it could be your bill next time. I tried to make this argument once before with my bill when it got sent over to Rules and I didn't win. It really, really shouldn't be about what you believe. I know that that is hard. It is so hard to separate what you believe. It is about procedure that protects every single one of us in this room. It is about having advertisements for our hearing. It is about people coming to that room and it is about the whole committee listening to the testimony that we provide. It is about us being nervous and having to go to a committee and present our ideas and things that we feel so passionate about and it is about a committee process that votes for that bill and out of committee comes a product and then, because the product isn't what we expected we are going to find a way to get around this? This is the issue. It is not about whether you agree that Washington County deserves it or whatever else you agree with. It is about the procedure and the precedent that we are setting and believe me, if you don't listen it is going to be your bill that you care about and you are going to feel the same way. That is what we have to be focused on – procedure, your bill and thing that you believe in. The rules that we live by here, that is what this is about. Thank you.

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 would like to talk about procedure and the importance of following procedure. Just the other day LD 1688 came before this body and, low and behold the gavel banged down on it and guess what. We accepted the bill that allowed reciprocity between Maine and New Hampshire on snowmobile trails and guess what, Mr. Speaker and Men and Women of the House, there wasn't a public hearing. We all accepted that. There was no public hearing. All I would say is continue to follow my light. Thank you.

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

Representative **DAIGLE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. One of the privileges of being a fourth term is that I have a little bit of history now with the House and in my recollection we have never declined a member's request to reconsider their vote and I think it would be a terrible precedent if, for the first time in my seven years up here, we will have done so and if there is anybody here with longer time in the House that can stand up and point to a precedent where we have ever done so before I would be surprised. I would hate to see us break with that decorum and I urge that we support this procedural motion, which, at the most, could just result in another couple of floor speeches and then some finality to what we have in front of us.

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. There will be times when emergencies do warrant bending the rules. I don't think that we can be slaves to rules absolutely. Washington County has been in a state of emergency for years and it just took the people of Maine a long time to realize it. When I drive on Route 1 from Aroostook into Washington County, and Aroostook is not that well off either, the change is noticeable. Many towns in Washington County have given up. This state cannot afford to have that go on. Mr. Speaker I hope that we support these good honorable people in Washington County.

The **SPEAKER**: The Chair recognizes the Representative from Rumford, Representative Patrick. 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 **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The good Representative from Arundel makes a good point. I think that out of respect I would ask you all to follow my light and reconsider the good Representative from Portland's right to reconsider the bill. I am going to follow it and we can take a vote on it after he moves his reconsideration motion. I thank the good Representative from Arundel for bringing up that point and I think that respect for members in the body is the most important thing. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Bath, Representative Watson.

Representative **WATSON**: Mr. Speaker, point of order.

The **SPEAKER**: The Representative may proceed.

Representative **WATSON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I may have misunderstood the good Representative from Rumford, but I took his comments to mean that he was withdrawing his objection to the reconsideration motion.

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 rescind my objection to the reconsideration motion.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Reconsideration of Engrossment. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 317

YEA - Adams, Annis, Ash, Babbidge, Barstow, Beaudette, Blanchard, Bliss, Brannigan, Brautigam, Brown R, Bryant, Burns, Cain, Canavan, Clough, Collins, Craven, Crosby, Crosthwaite, Cummings, Curtis, Daigle, Davis G, Driscoll, Duchesne, Dudley,

Dunn, Duplessie, Eberle, Faircloth, Finch, Fischer, Fisher, Flood, Gerzofsky, Glynn, Goldman, Greeley, Grose, Hamper, Harlow, Hogan, Hotham, Jackson, Jacobsen, Koffman, Lerman, Lindell, Lundeen, Makas, Marley, McKane, McKenney, Merrill, Miller, Mills, Nass, O'Brien, Ott, Paradis, Patrick, Pelletier-Simpson, Pilon, Pineau, Pingree, Piotti, Rector, Richardson D, Richardson E, Rines, Robinson, Sampson, Saviello, Schatz, Sherman, Shields, Smith N, Thomas, Thompson, Trahan, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury.

NAY - Austin, Berube, Bierman, Bishop, Bowen, Bowles, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clark, Cressey, Davis K, Dugay, Duprey, Eder, Edgecomb, Emery, Farrington, Fitts, Fletcher, Hall, Hanley B, Hanley S, Hutton, Jennings, Jodrey, Joy, Kaelin, Lansley, Lewin, Marean, Marraché, Mazurek, McCormick, McFadden, McLeod, Millett, Moody, Moore G, Moulton, Muse, Nutting, Percy, Perry, Pinkham, Plummer, Richardson M, Richardson W, Rosen, Seavey, Smith W, Stedman, Sykes, Tardy, Tuttle, Vaughan.

ABSENT - Blanchette, Curley, Norton, Mr. Speaker.

Yes, 88; No, 59; Absent, 4; Excused, 0.

88 having voted in the affirmative and 59 voted in the negative, with 4 being absent, and accordingly the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Dudley.

Representative **DUDLEY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would like to express my gratitude to all of those members who extended the courtesy to me of a reconsideration vote and I look forward to one day returning that courtesy to each of you.

I am in a difficult situation again because we are moving rather quickly on this at a very interesting time toward the end of the session where so many of us are so busy doing other things such as the budget or the like. I wish I had the amendment I want to propose before us, but I don't and I don't want to delay the end of the session and I don't want to waste everybody's time although it appears that I have already done that to a considerable degree here this evening. I hope my concerns can be addressed in the other body and in the event that they are not I am hoping that we will come back at this on this side as well at Enactment. Again, thank you to all of you and I have nothing to present at this time.

Representative **GLYNN** of South Portland **PRESENTED House Amendment "A" (H-695)** which was **READ** by the Clerk.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-695)**.

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. The amendment that I present to you seeks to add a part to the question that will be asked to the public. When the House last debated this issue there was a lot of discussion about allowing slot machines in the State of Maine and also allowing the tribes their ability to have a commercial racing track. It is my contention that the constituents in my area don't have a problem with the harness racing track in Washington County and would support that motion and would like to allow that. However, the exception that folks are having with their thoughts about slot machines in Maine is that many folks in my area would like a re-vote on the slot machine issue.

As everyone in the chamber knows there is currently a citizens initiative being circulated in the State of Maine to repeal the racino law allowing there to be slot machines at the tracks. This would allow the question that is being asked to the voters to be a complete question. We have half the chamber in support of asking the voters in Maine if they would like to expand Maine's gambling laws to allow another racing track with slot machine. I contend that a number of folks would also like to be able to vote on the question of taking away the racinos and taking away the slot machines. This question would allow that or Part C might ask to leave things the way that they are and do none of the above. This amendment allows for the voters to be able to speak on the question and decide whether they would like to have slot machines in Maine. I urge you to vote for this amendment and allow the complete question to be asked of the voters so that they can either authorize more slot machines or take them away.

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

Representative **HOTHAM**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Here we go again. How many times is this body going to tell the electorate of the State of Maine that they got it wrong? I am disappointed with this amendment and I will tell you that I hope that you will join me in its defeat. We have been through this. Do you remember November of 2003? The voters rejected a casino in southern Maine, but accepted racinos. They were very selective. The people in Bangor voted to accept that project at Bangor Raceway and we should be hard at work making sure that it becomes a reality.

Many people in state government have already been working very hard. The Gambling Control Board has been jumping over hurdles trying to get things up and running in an expeditious way and in a way that says that this is being handled properly for the people of the State of Maine and they have done yeomen's work.

We have before you a bill that is for a racino in Washington County and it came from the Legal and Veterans Affairs Committee on a divided report, but with a very strong Ought to Pass. It passed through this House. It passed through the other body and it ended up on the second floor and it was vetoed. We could not, in either body, override that veto and I accept that. Here is a compromise. Send it out to the people. I agree with that. Let's move it forward. But, let's not insult them once again, as we tend to do around here when they have weighed in on a subject and then tell them that they got it wrong. Join with me in defeating this amendment, moving this along and putting it back in the hands of the people of the State of Maine where they can make a clear and concise choice about Washington County. Thank you very much.

Representative **PATRICK** of Rumford moved that **House Amendment "A" (H-695)** be **INDEFINITELY POSTPONED**.

Representative **GLYNN** of South Portland **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-695)**.

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, Men and Women of the House. Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The voters of Maine did speak and they did speak loud and they did speak clearly. They said that for a limited period of time until December 31, 2003, in the law enacted by the voters, that there would be one opportunity for communities to consider racinos as a trial test case. That time has passed. The legislature is now

saying that the voters were wrong in limiting that time to December 31, 2003 and that Mainers want to expand racinos and gambling and gambling machines. What I allege to this body is that if we are, in fact, going to ask the question then let's ask the whole question. We have had this test. We have seen what racinos are like and we have watched the kind of racinos that we have gotten and we are watching that process now. Mainers have an opinion on the subject and if we are going to ask their opinion then let's ask their opinion. Let's ask if they want expanded gambling as put forward in this LD, LD 1690 or, as put forward in this amendment, let's ask if they don't like what they see and if they would like to roll it back. Let's ask the whole question if we are going to ask the voters.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-695). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 318

YEA - Adams, Annis, Ash, Barstow, Beaudette, Berube, Bierman, Bishop, Blanchard, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carr, Churchill, Clark, Craven, Crosby, Cummings, Curtis, Davis K, Driscoll, Duchesne, Dugay, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Goldman, Greeley, Grose, Hall, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Koffman, Lerman, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McLeod, Merrill, Miller, Mills, Moody, Moore G, Moulton, Muse, Nass, Nutting, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Smith N, Smith W, Sykes, Tardy, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Woodbury.

NAY - Austin, Babbidge, Bryant-Deschenes, Cebra, Clough, Collins, Cressey, Crosthwaite, Daigle, Davis G, Dudley, Glynn, Hamper, Lansley, Lewin, Lindell, McKane, McKenney, Millett, Ott, Plummer, Rector, Robinson, Shields, Stedman, Thomas, Trahan, Wheeler.

ABSENT - Blanchette, Curley, Norton, O'Brien, Vaughan, Mr. Speaker.

Yes, 117; No, 28; Absent, 6; Excused, 0.

117 having voted in the affirmative and 28 voted in the negative, with 6 being absent, and accordingly **House Amendment "A" (H-695)** was **INDEFINITELY POSTPONED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence. **ORDERED SENT FORTHWITH**.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Ensure Integrity in the Voting Process"

(S.P. 446) (L.D. 1266)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-340) AS AMENDED BY HOUSE AMENDMENT "A" (H-677) thereto in the House on June 9, 2005.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-340) AS AMENDED BY HOUSE AMENDMENT "A" (H-677) AND SENATE AMENDMENT "B" (S-352)** thereto in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.