

MAINE STATE LEGISLATURE

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ROLL CALL (#175)

YEAS: Senators: BARTLETT, BOWMAN, BRYANT, COURTNEY, DOW, GOOLEY, HOBBS, MARRACHE, MARTIN, MILLS, NUTTING, PLOWMAN, RAYE, SNOWE-MELLO, STRIMLING, SULLIVAN, WESTON, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BRANNIGAN, BROMLEY, DAMON, DIAMOND, HASTINGS, MCCORMICK, MITCHELL, NASS, PERRY, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SHERMAN, SMITH, TURNER

ABSENT: Senator: BENOIT

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator SULLIVAN of York to **ACCEPT** Report "C", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-326), PREVAILED.**

READ ONCE.

Committee Amendment "B" (S-326) **READ** and **ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-326).**

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later (6/15/07) Assigned matter:

HOUSE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Allow the Awarding of Prize Money from Gambling Machines Run by Nonprofit Organizations"

H.P. 675 L.D. 890

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-564)** (5 members)

Tabled - June 15, 2007, by Senator **BRYANT** of Oxford

Pending - motion by Senator **MARRACHÉ** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**

(In House, June 15, 2007, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-564).**)

(In Senate, June 15, 2007, Reports **READ.**)

Senator **MARRACHÉ** of Kennebec requested and received leave of the Senate to withdraw her motion to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE.**

Senator **BRYANT** of Oxford moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On motion by Senator **ROSEN** of Hancock, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

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

Senator **COURTNEY:** Thank you, Madame President. Could someone please read Senate Amendment "A" or give us a nice explanation.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Bryant.

Senator **BRYANT:** Thank you, Madame President, ladies and gentlemen of the Senate. What you have before you is a bill that's been around a little bit. It's a very important bill. It's important to non-profits, and according to the VFW, it's important to non-profits that within a community that are trying to maintain monies to help the community and keep that money within the community. The bill is different now because we have a central monitoring system that will allow poker machines to be monitored and the money monitored to reflect exactly what's going on. What this bill will allow you to do is to have five machines within an establishment that's already established. As we've talked about this before, there have been a number of, what has been termed, gray machines or gray areas. What this bill does is clarify that, puts controls around that, and use the central monitoring system that was created by the State to monitor that. I think all the pieces are put back together now and I urge you to vote for the pending motion.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Weston.

Senator **WESTON:** Thank you, Madame President. May I pose a question to the Chair?

THE PRESIDENT: The Senator may pose her question.

Senator **WESTON:** Thank you, Madame President. I believe I'm reading that this is a change in the distribution of income. The non-profit keeps 50% and the General Fund 39%. Can someone tell me what the original formula was?

THE PRESIDENT: The Senator from Waldo, Senator Weston poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Oxford, Senator Bryant.

Senator **BRYANT:** Thank you, Madame President, ladies and gentlemen of the Senate. The original piece for the distribution didn't change. What we did change was some of the, I was trying to remember for Senator Plowman, drafting language that made it

so that the town must be aware of it and it must go through the board, and a number of scenarios around strengthening through the town.

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

Senator **MILLS:** Thank you, Madame President, men and women of the Senate. I get complaints quite regularly from people who are trying to operate for-profit bars, restaurants, nightclubs, and night spots in the area around where I live because they say that the non-profit entities, the clubs, have an unfair advantage over them in regard to smoking, for example. If this bill passes, in the form proposed here, it will allow non-profit bars to go into the gambling business, into the casino business, and draw away what little business there is left from legitimate night places that are trying to make a living the good old-fashioned way. If this bill passes, the next thing down the pike would be that the for-profit night places will want to be casinos as well. There's no end to where this extension of slot machines will go. It just seems to me a shame that we even got started on this, and if we continue down this path, prepare yourselves for many more bills in the future. I think this bill, as presently written, is dreadfully unfair to for-profit business enterprises that are trying desperately to compete with some of the non-profit clubs that already have an unfair advantage over them with regard to smoking.

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

Senator **PLOWMAN:** Thank you, Madame President. I stand just to correct one thing that was said on the floor. This is not the bill to which I asked for the local control. The local control was the games of skills tournaments that would be held in different towns. This bill has to do with slot machines. The amendment that you were told had my local control issues on it is not on this bill. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Oxford, Senator Bryant to Accept the Minority Ought to Pass as Amended Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#176)

YEAS: Senators: BENOIT, BRYANT, DAMON, DIAMOND, MCCORMICK, MITCHELL, NUTTING, RAYE, SHERMAN

NAYS: Senators: BARTLETT, BOWMAN, BRANNIGAN, COURTNEY, DOW, GOOLEY, HASTINGS, HOBBS, MARRACHE, MARTIN, MILLS, NASS, PERRY, PLOWMAN, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SMITH, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: BROMLEY

9 Senators having voted in the affirmative and 25 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **BRYANT** of Oxford to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED.**

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE.**

Sent down for concurrence.

All matters thus acted upon were ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

Bill "An Act To Enact the Home Care Consumer and Worker Protection Act"

H.P. 1069 L.D. 1544

Tabled - June 18, 2007, by Senator **BRANNIGAN** of Cumberland

Pending - **FURTHER CONSIDERATION**

(In House, June 15, 2007, **PASSED TO BE ENACTED.**)

(In Senate, June 18, 2007, on motion by Senator **BRANNIGAN** of Cumberland, the Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE.**)

(In House, June 18, 2007, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**, in **NON-CONCURRENCE.**)

On motion by Senator **MITCHELL** of Kennebec, the Senate **ADHERED.**

All matters thus acted upon were ordered sent down forthwith for concurrence.

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, to Tuesday, June 19, 2007, at 9:00 in the morning.