

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twenty-Third Legislature  
State of Maine

Daily Edition

First Special Session  
April 1, 2008 to April 18, 2008

Pages 1760 - 2135

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act To Implement the Recommendations of a Task Force Convened To Evaluate and Recommend Revisions Regarding the Statutory Definition of 'Service Dog'"

H.P. 1648 L.D. 2285  
(C "A" H-943)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-943)** (11 members)

Minority - **Ought Not to Pass** (1 member)

In House, April 7, 2008, Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **LABOR**.

In Senate, April 8, 2008, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-943)**, in **NON-CONCURRENCE**.

Comes from the House, that Body **ADHERED**.

On motion by Senator **STRIMLING** of Cumberland, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION**.

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Out of order and under suspension of the Rules, the Senate considered the following:

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act To Keep Bridges Safe"

H.P. 1673 L.D. 2313

Comes from the House, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

**REFERRED** to the Committee on **TRANSPORTATION** and ordered printed, in concurrence.

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Senate at Ease.

Senate called to order by the President.

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**ORDERS OF THE DAY**

**Unfinished Business**

The following matter in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later (4/7/08) Assigned matter:

HOUSE REPORT - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Authorize the Operation of Slot Machines on Indian Island in Old Town"

H.P. 532 L.D. 701

Report - **Ought to Pass as Amended by Committee Amendment "B" (H-788)**

Tabled - April 7, 2008, by Senator **MARRACHÉ** of Kennebec

Pending - **ACCEPTANCE OF REPORT**, in concurrence

(In House, April 4, 2008, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-788) AS AMENDED BY HOUSE AMENDMENT "B" (H-923)** thereto.)

(In Senate, April 7, 2008, Report **READ**.)

On motion by Senator **MILLS** of Somerset, 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 Cumberland, Senator Strimling.

Senator **STRIMLING:** Thank you, Madame President. I rise in opposition to this report. As you can imagine, I have been opposing the expansion of gambling through slot machines in the state of Maine for many, many years. I continue that opposition. There is nothing in bills like this that create any kind of economic development or prosperity for anyone. I go back to where I have always started these conversations, I run a social service agency so I work with people who are living on the edges. I can assure you that I do not need any more clients. People are already banging down our door looking for affordable housing and looking to find their way out of poverty. We know that slot machines only enhance and create more opportunity for people to lose more money. I see it in the folks I work with when they, unfortunately, see the ads on TV and go and buy lottery tickets. Let's make sure we don't compare, although I oppose those as well, because we know that slot machines are referred to as video crack because of how addictive they are.

There are many technical problems with this bill, for sure. I will certainly dive into some of those pieces as we move to the amendment. I would rise, Madame President, and request my colleagues vote against this bill because finally, and perhaps most importantly, the people of Maine have spoken over and over again. Just recently, this past fall, they voted against exactly what this is asking us to do, which is to put slot machines in Washington County. There was a referendum on the ballot within six months in which the people of Maine said, 'We don't want slot machines in Washington County.' This vote today is going directly against what they just said without going back and asking them again. Usually when the people of Maine vote against something we go back to them and ask them again. I understand that process. We go back. They have a chance. That is democracy. This is going right back and saying, 'Sorry, we disregard everything that you just did. We disregard your vote

entirely. You voted against slots in Washington County, we are putting slots in Washington County.' It could not be any more of a slam in their face without asking their opinion again. Above and beyond the fact that there is no economic development attached to this, you are going against the will of the people and the clearest poll that we have, which is an actual vote. Madame President, I rise in opposition and I strongly encourage my colleagues to unanimously reject this report.

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

Senator **SCHNEIDER:** Thank you, Madame President, men and women of the Senate. I didn't expect to rise. I've never been a person who has been a big supporter of any kind of gambling at all. However this is in Penobscot County. This is not in Washington County. I know that what is occurring right now in Penobscot County is that there are slots. Those machines have, unfortunately, detracted from revenues that people have been getting on Indian Island from their bingo games. As a result, they are asking for a little bit of fairness in having some slot machines during their bingo games so that they can attract some of those people who enjoy the slots back to Indian Island to enjoy themselves. I may not personally be somebody who finds this pleasurable, this kind of activity, but there are a lot of people who do. To talk about it as if it's some kind of addictiveness for calling it crack is absolutely outrageous and it's really an insult. I felt compelled to get up because I live in Penobscot County and that's where this bill is addressing. It's addressed to Penobscot County, not to Washington County. Let's set the record straight. There are slot machines in Penobscot County right now, so I think it's for fairness. It's only fair to allow the Penobscot Nation to have some slot machines in order to attract the people back to their bingo games. Thank you very much.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Strimling.

Senator **STRIMLING:** Thank you, Madame President. Forgive me for my geographic mistake. The point still stands very clearly. The people of this state rejected slots. I don't think that if you went to them and said, 'Oh, was it because it was Washington County that you rejected them and that you would be okay if was Penobscot County?' I think that is a farce. I think that is a joke and in some ways it is an insult to the people in Washington County to think that the state of Maine would say no to Washington County but somehow they would be okay with Penobscot County. Give me a break, Madame President. Give me a break. If you want to talk about it being an insult to talk about slot machines being called video crack then just do a quick Google search on the internet because there are people who have done research on this. That is not a phrase that I came up with. That is a phrase that researchers who have looked at casinos, racinos, and slot machines, and indeed the people who develop them, call them. That is their term because they have designed them to be addictive. They have designed them to suck money out of people's pockets. That's the insult that somehow or another we think that this is going to be okay. That somehow we think this is just some little piece of economic development that's going to help people when indeed all it does is hurt.

**THE PRESIDENT:** The Chair recognizes the Senator from Washington, Senator Raye.

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. As is often said in this Chamber, I didn't intend to speak. However the course of the debate has rather drawn me into it. Probably as for nobody else in this Chamber, this is an awkward moment for me. It is difficult, even painful, given the long travails that we have had in Washington County and that the Passamaquoddy Tribe has had in their efforts to bring gaming to our county. I was struck by the Senator from Cumberland, Senator Strimling, and his concern for insulting the good people of my district. I would say that there have been some insults to the people of my district. I don't think this bill is one of them. I think this is a matter of fairness. I think that we have not always done the right thing in this state when it comes to issues of fairness. I hope that the day will come when we do. As difficult as it is for me to envision the possibility of this happening somewhere else in our state, I intend to vote for the current motion because I believe it is an issue of fairness and I hope it's an issue of fairness that will one day be extended to the Passamaquoddy Tribe and the people of Washington County as well.

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

Senator **SCHNEIDER:** Thank you, Madame President. Once again I would like to point out there are all kinds of things that people refer to as some kind of an addictive thing. For example, a Blackberry being called a crackberry. I just want to say that you can refer to things all the time as some kind of addictive behavior but the fact of the matter is there are some people who simply enjoy bingo or the slots and that's just how they derive a bit of pleasure in their lives. Personally that is not how I choose to spend my time but I have been told by many people that this is how they enjoy their time. Penobscot County did allow slots in Penobscot County. They are there now and the Penobscot Nation is simply asking for some slot machines to be allowed on Indian Island. They have lost a great deal of revenue. They don't have a lot of ways to derive revenue. This is one of their means to acquire revenue and they are asking us, out of fairness, to allow some slots on Indian Island. This is a Penobscot County issue and because there are slots already in Penobscot County I do not think it's reasonable to assume that the people in the state of Maine would say no given that they already exist there. I do not think that it is fair to just simply assume that the people of the state of Maine have turned these down for Penobscot County given that they are there right now. I think there are a lot of people who are simply against any kind of gambling and they will say anything in their means to try to turn down any kind of expansion. I happen to believe that this is about fairness. Pure and simple fairness.

**THE PRESIDENT:** The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President and members of the Senate. To my friends at Casinos No, their effort to be purists should have started a long time ago when the Maine Senate had to balance the budget and put the sale of those nice things that you buy at stores for \$1 and \$5 and \$10. We've been

on that roll, and don't tell me we don't gamble in this state. If I had my druthers I'd rather have a casino any day than having what we have in our stores today because going to a casino would mean maybe one time. I will speak about my own community with the scratch tickets and the new machine that we put in a few years ago. The population of my hometown is less than 1,000 and \$300,000 was spent in my hometown buying those things. Tell me that this doesn't affect poor people. It's far worse than slots and far worse than casinos because I know my people wouldn't drive a hundred miles every day to go to a casino or go to slot machines. I wish Casinos No would wake up and get off our backs.

Specifically referring to Penobscot County and the bill before us, I had no intension, like the Senator from Washington, Senator Raye, but I got driven to it by the good Senator from Cumberland, Senator Strimling. This issue applies to the Penobscots that, frankly, were impacted by a vote of the people when they granted 1,500 slots in the city of Bangor. The net result of that is what we had given them as an income producer of bingo has suffered and what we are trying to do is equal the playing field. They will only be able to play the slots when that event takes place, most of them being driven by bus from outside this state. Frankly, to me this issue is not the kind of issue that Casinos No has become best known for, raising funds from outside the state to impact the voters of Maine.

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

Senator **PLOWMAN:** Thank you, Madame President, men and women of the Senate. Sometimes there comes such a day in your life that you have to stand and talk and that would be a day when you agree with the Senator from Aroostook, Senator Martin. Thank you, Senator Martin. This state has been a gambling state since I sat at my grandmother's side and played bingo when I was 5 years old. It was sanctioned by the state. We now have rip off tickets that you can get at the agricultural fairs. We have every kind of ticket, 55 or more, that you can get at your local stores, and that is what you just heard about. We have machines that spit out tickets faster than you can even fill out the numbers yourself. That would be the government's gambling. We have video lottery terminals that sit in different places around the state where you can play. With the advent of the internet, you can gamble in your home all night. You can now gamble in cribbage tournaments. You can gamble anywhere you want. Maine is a gambling state. If you don't like it the spokesman for Casinos No offered the other day in our hearing to work against the Maine State Lottery and get rid of it if somebody would just pony up the money. That's what I like. Somebody with a sense of principle. Until then I guess the Maine State Lottery is not really gambling. Anytime you want to compare Penobscot County to downtown Portland please find the dens of inequity down there and then try to find them in downtown Bangor. I'm pretty sure we are doing okay. I would refer you to the back pages of the Portland Phoenix if you are looking for the highlights of the Senator from Cumberland, Senator Strimling's district. While we are shooting everybody in the foot around here as to who has the best district and who's holding the higher ground, I'd say that the state of Maine already took the lower road many years ago.

This is an issue of fairness. I really didn't like this bill when it first came up but when I saw what Casinos No did to the Passamaquoddy Tribe and their people in the last go-round, the

misinformation, the outright lies, the attacks, and the innuendoes, I think I changed my mind because fair seems to not be what goes on around here because the end does not seem to justify the means. When I looked back and said you are being impacted, the tribe is being impacted, and this is a way of keeping their customers that they bus here on weekends from out of state by providing them with the entertainment that is available downtown by having one hundred machines right there. Basically that one hundred machines are not going to go very far because you just don't know how many people come in on that weekend, but it's one hundred and hopefully it will keep people from going to downtown Bangor. What will happen is that they will stay with their host. They will stay with the people who brought them to Maine. These aren't open year-round. They are not open all day long. They are open on the weekends when there is actually high stakes gambling going on. It is very limited and by law there are a few days more that they can open up. Don't be surprised if there are a few more days that you hear about high stakes bingo. That's limited as well. It's nothing like what was put on the ballot last year. It's nothing like that at all.

I appreciate that the people feel that they didn't want one in Washington County but the people weren't asked this, we were. The bill was put here before us. If you don't like it, that's great. Don't vote for it. Don't go there and leave the people who are going to go there to do what they are going to do because, guess what, they are not going to end up in Portland. They are going to get back on the bus and go back where they came from because they had a weekend of entertainment on Indian Island in Penobscot County. Penobscot County. They may come back in about three or four months and do it again because they had a real good time. On the way by I hope they stop at Cabellas. Thank you, Madame President.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Strimling.

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

**THE PRESIDENT:** The Senator may pose his question.

Senator **STRIMLING:** Thank you, Madame President. I have heard that this will only be for one tribe and to have 400. In the bill it says, and I am confused, 'A slot machine operated as a federally recognized Indian tribe that operates high stakes bingo may not operate more than 400. A federally recognized Indian tribe in the state licensed to conduct high stakes bingo as of January 1, 2007.' I have heard that this means that this is the only tribe that is allowed to do that, however I have a letter from the Yes On One folks, who were disputing something that Casinos No did back in 2007, in which they state that the Chief of the Maine State Police states that one license was issued to the Penobscots and one license was issued to the Passamaquoddy for high stakes bingo. That was dated last summer. I'm just curious, if somebody could clarify for me, it seems pretty clear. Yes On One stated their lawyers stated that both the Penobscots and the Passamaquoddy have a license to operate bingo. Could somebody clarify that for me?

**THE PRESIDENT:** The Senator from Cumberland, Senator Strimling poses a question through the Chair to anyone who may

wish to answer. The Chair recognizes the Senator from Kennebec, Senator Marraché.

Senator **MARRACHÉ**: Thank you, Madame President. That will be addressed in an amendment, if we can get to it. It will clarify who can and cannot.

**THE PRESIDENT**: The Chair recognizes the Senator from Cumberland, Senator Strimling.

Senator **STRIMLING**: Thank you, Madame President. If I may pose another question?

**THE PRESIDENT**: The Senator may pose his question.

Senator **STRIMLING**: Thank you, Madame President. Am I to understand that if we vote on this right now that we are voting to allow at least two tribes to have at least 400 slot machines? It seems pretty clear. I may be wrong. I heard that only one was licensed to do bingo, but Yes On One told us that there were two. I'm just trying to clarify it. Maybe I'm wrong. Are we voting now to have two tribes, because that is all we can talk about?

**THE PRESIDENT**: The Senator from Cumberland, Senator Strimling poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN**: Thank you, Madame President. If the Senator from Cumberland, Senator Strimling, would look at the Committee Amendment, it goes to 100. The amendment that has also been distributed but not yet adopted but will be introduced later by the Senator from Kennebec, Senator Marraché, restricts it to one tribe, the Penobscot Nation in Old Town.

**THE PRESIDENT**: The Chair recognizes the Senator from Cumberland, Senator Strimling.

Senator **STRIMLING**: Thank you, Madame President. I'm looking at Committee Amendment "B" from the committee. It says, 'A slot machine operated --- that operates high stakes bingo may not operate more than 400 slot machines.' Does the Committee Amendment say 100 somewhere?

**THE PRESIDENT**: The Senator from Cumberland, Senator Strimling poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Kennebec, Senator Marraché.

Senator **MARRACHÉ**: Thank you, Madame President. The answer to that is that there is an amendment from the House that restricts it to 100. There will then be another amendment that will be introduced that will restrict it to this location.

**THE PRESIDENT**: The Chair recognizes the Senator from Cumberland, Senator Strimling.

Senator **STRIMLING**: Thank you, Madame President. I'm just trying to get a straight answer here. There are two questions on the table. The first one is, are we about to authorize two tribes to be able to have 400 slot machines? I get that there may be an

amendment down the road, but I'm just asking what the bill does. If somebody could answer that question.

**THE PRESIDENT**: The Senator from Cumberland, Senator Strimling poses a question through the Chair. The Chair will answer that the pending question is acceptance of the bill and the Committee Amendment. The Chair recognizes the Senator from Penobscot, Senator Plowman.

Senator **PLOWMAN**: Thank you, Madame President. If you read the language it says the tribes that, as of January 1 2007, are licensed to conduct high stakes bingo may be allowed to have slots. In our committee, for lack of time, we agreed to bring a floor amendment down. Everyone has committed that it will not be 400 and it will be 100. Yes, there are two tribes in the state of Maine who are licensed to do high stakes bingo. One is the Penobscots and the other is the Passamaquoddys. The Passamaquoddys, even though they have been allowed, have never pursued having a high stakes bingo hall. If they do they must apply to the State of Maine and they must be approved by the Maine State Police and jump through all the hoops that are necessary to make sure that what they have is legal. Then they may apply to have 100 slots. This bill has been made as specific as possible and will continue to be narrowed down as we go through the process. Upon enactment, this bill will allow 100 machines. Yes, there is the possibility in the future that another tribe, the Passamaquoddys, can apply to have high stakes bingo and then they must jump through the hoops to get 100 machines. Does that answer the question of the Senator? Thank you.

**THE PRESIDENT**: The pending question before the Senate is Acceptance of the 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 (#399)

YEAS: Senators: BENOIT, BRANNIGAN, BRYANT, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, MARRACHE, MARTIN, MCCORMICK, MITCHELL, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, TURNER, WESTON

NAYS: Senators: BARTLETT, BOWMAN, COURTNEY, HOBBS, MILLS, NASS, SHERMAN, SMITH, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: BROMLEY

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being absent, the **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-788) Report, ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "B" (H-788) **READ.**

House Amendment "B" (H-923) to Committee Amendment "B" (H-788) **READ**.

Senator **STRIMLING** of Cumberland inquired if House Amendment "B" (H-923) to Committee Amendment "B" (H-788) was **GERMANE**.

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Senate at Ease.

Senate called to order by the President.

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The Chair **RULED HOUSE AMENDMENT "B" (H-923) TO COMMITTEE AMENDMENT "B" (H-788) GERMANE**.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Strimling.

Senator **STRIMLING:** Thank you, Madame President. I rise in opposition to this amendment. I think, for all the reasons that were stated before, that it's becoming clear from this amendment that these could be, and this question came up in our caucus, anywhere in the state because it is not designating in this amendment that it needs to be in a certain place. It's designating that it has to be on land that is owned by the tribe. We know that there are lands all over the state. I think what we are about to vote on is problematic at a minimum. It's no longer keeping it restricted to what we had talked about. Thank you, Madame President.

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

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. I just want to understand, is the good Senator from Cumberland, Senator Strimling, opposed to reducing the number of slots from 400 to 100? Is that what this amendment does?

**THE PRESIDENT:** The Senator from York, Senator Courtney poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Penobscot, Senator Plowman.

Senator **PLOWMAN:** Thank you, Madame President. I believe we are speaking about House Amendment "B" which was adopted in the House with a filing number of H-923 that specifically addresses the Senator's first question of how many machines there will be. This drops it from 400 to 100. I would suggest if you were concerned about getting 400 that this would be the amendment you would be talking about. Should you have any further questions I would save them for the amendments that are coming forward that will address where this will actually be located. No, this amendment answers your first question and I would be glad to have you join us to make sure that it stays below 400.

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

Senator **SCHNEIDER:** Thank you, Madame President, men and women of the Senate. I would suggest that anybody who votes against this motion would be in opposition to reducing from 400 to 100.

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

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. I think I've got this straight. By voting against this amendment you are voting to keep more slots in the state. My good friend from Cumberland would like to keep more slots in the state if this passes. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Strimling.

Senator **STRIMLING:** Thank you, Madame President. I appreciate people trying to twist logic beyond belief. I will be opposing this amendment because I oppose the expansion of slot machines. I'll be happy to have that conversation one more time. Whether it is 100 slot machines, whether it is one slot machine, whether it is 400 slot machines, or 1,500 in Bangor I will oppose it because creating more slot machines in the state of Maine is going to do nothing but harm to the state of Maine. Nothing but harm. All you have to do is look at the evidence and see what it has done to communities across the country. The people of Maine have voted this down time and time and time again because they have understood it. Not because of Casinos No. Not because of anybody in particular. Because, in their wisdom, they have voted it down because it is bad for our economy and is bad for our people. We know it. I will oppose this amendment. I will oppose it because I do not believe that there should be any expansion of slot machines. If we want to do economic development in this state, if we want to help folks who are in poverty, I would be happy to have the conversation. I work with people in poverty every day. I understand what it is that you need to do to help somebody to move from that situation to a better situation. Usually what it has to do with, fundamentally, is education. If you want to help people move out of poverty then let's fund education and teach people. Give them the skills. Provide opportunities to walk a different path. Create jobs in communities. This is not an answer. This does not create economic development. We know it. Massachusetts just overwhelmingly rejected creating slot machines and casinos in Massachusetts. I would say overwhelmingly in a Democratic legislature because they recognized this doesn't help poor people. This doesn't help working-class people. This takes money and funnels it away from those who need it most. That's why it's wrong. Whether it's 400 or 100 I will oppose it until the end.

**THE PRESIDENT:** The Chair recognizes the Senator from Aroostook, Senator Sherman.

Senator **SHERMAN:** Thank you, Madame President. I have a question I would like to pose through the Chair.

**THE PRESIDENT:** The Senator may pose his question.