

# MAINE STATE LEGISLATURE

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HOUSE REPORT - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Joint Order, "To Amend the Joint Rules To Require Agreement with the Legislative Code of Ethics"  
H.P. 107

Report - **Pass as Amended by Committee Amendment "A" (H-591)**

Tabled - February 25, 2010, by Senator **BARTLETT** of Cumberland

Pending - **ACCEPTANCE OF REPORT, in NON-CONCURRENCE**

(In House, February 23, 2010, Report **READ**. Joint Order and accompanying papers **COMMITTED** to the Joint Select Committee on **JOINT RULES**.)

(In Senate, February 25, 2010, Report **READ**.)

On motion by Senator **SULLIVAN** of York, **COMMITTED** to the Joint Select Committee on **JOINT RULES**, in concurrence.

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The Chair laid before the Senate the following Tabled and Later (2/25/10) Assigned matter:

HOUSE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Distribute Funds Received from the Racino in Bangor to the Department of Health and Human Services, Office of Substance Abuse"  
H.P. 569 L.D. 833

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-612)** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-613)** (3 members)

Tabled - February 25, 2010, by Senator **SULLIVAN** of York

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, February 23, 2010, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-613)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-613) AS AMENDED BY HOUSE AMENDMENT "A" (H-635)** thereto.)

(In Senate, February 25, 2010, Reports **READ**.)

Senator **SULLIVAN** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-612)** Report, in **NON-CONCURRENCE**.

On motion by Senator **COURTNEY** of York, 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 Penobscot, Senator Plowman.

Senator **PLOWMAN:** Thank you, Madame President. I apologize for waiting until the last minute. I'm not sure what has been said but I would like to go on the record as opposing the Majority Ought to Pass Report and urge people to reject this. Madame President, if it would be in order, I would move that we Recede and Concur.

**THE PRESIDENT:** It is not in order. It is pending a roll call to accept the Majority Ought to Pass Report. The Chair recognizes the Senator from Hancock, Senator Rosen.

Senator **ROSEN:** Thank you, Madame President. Men and women of the chamber, I would just like to make a comment or two. I hope I can prevail on the membership to vote in opposition to the pending motion and take a closer look at this proposal. Those of us on the Appropriations Committee had an opportunity to examine the history involved with the funding and then ability to provide programming for gambling addiction services. Just a very quick recap. You will recall when the citizen initiative passed that authorized the creation of the Bangor racino, the gambling racino, there was a component of funding that was provided, rightfully so, to be applied for gambling addiction services. Estimates were made because there really was no track record and a particular line was funded and launched. As we discovered, there was essentially no utilization of those funds or that program. Now there is some disagreement as the policy committees have looked at that in terms of whether it's implementation was effective enough or not. Some of us feel that it was. With others I think there is a sense that it could have been delivered in a different way. Setting that aside, the bottom line is there are resources that weren't utilized. They were set aside for a good purpose. We saw an opportunity to generate some savings and pull it back. This proposal reverses that effort and, in fact, provides an opportunity and a plan to, again, ramp up the available funds that will be provided to utilize gambling addiction services. In the environment that we are in and the recession that we are facing and the short-falls that we're dealing with down in 228, here we have a program that had good intentions, I think well delivered in terms of its management, but no one is using. I think there is a real opportunity to be able to take savings from that, leave an amount that stays within that fund, and reject this proposal which is designed to ramp up funding and to increase outreach. We have other priorities that we really need to address and I don't think we need to be ramping up a program that hasn't been utilized. Thank you, Madame President.

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

Senator **PLOWMAN:** Thank you, Madame President. I've got a little more together and would like to continue on concerning a few of the comments that were made by the Senator from Hancock, Senator Rosen. This is probably the one item that you can bring up and drive me from the room because if for every single time we bring up this \$50,000 you took \$100 out of it and put it in a jar to be spent you'd have a lot of money. We have debated it for hours in my committee and more hours in the Appropriations Committee. It's \$50,000 that has never been used. It has never been used. Not one person has come forward

despite the posters, the 211 outreach program, or the mandatory information provided when you opt out or make sure that you can't gamble at the facility. Year after year we turn this \$50,000 back to the General Fund. We're growing a fund from \$50,000 to \$225,000 and the fund has never been used. When you go and look at the other report you will see that it grows it to a \$75,000 figure and takes the money out of Public Safety and moves it to the Department of Human Services where it can be accessed. For a program of \$50,000 that has never been used to grow to the amount of \$225,000 so that it can never be used is not the message that we want to be sending to the public in a year where we are decreasing what we pay to nursing homes, to home care aides, to our schools, for our mentally ill, and for our physically disabled. I can't even imagine that this is a message that you want to be sending to your constituents, that you are actually growing a program when all other programs are being cut and it's a program that hasn't been used. I will tell you that I was on the Majority Ought to Pass Report because I have negotiated this figure of \$225,000 down from a figure of \$600,000. I thought that was a long way to come. When I saw that we could bring this back down to \$75,000 and then take a look at it and have time to go forward it seemed a much more reasonable approach. I would urge you to take the reasonable approach here. Thank you, Madame President.

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

Senator **BARTLETT:** Thank you, Madame President. Just to briefly respond to some of the arguments that I've heard. The issue about the money not being used, we understand in this state there are issues around alcohol abuse and gambling addiction abuse. The fact that this money has not been used is very suggestive of the fact that it's not in the proper place, that there isn't the proper outreach to facilitate its use. What this bill is trying to do is simply put it into a place where it can be more readily accessible and make sure it is doing what it was intended to do. That is the purpose of the bill and I think that fact that it hasn't been used is a testament to the need for taking a new approach to this. Thank you.

At the request of Senator **SULLIVAN** of York, Reports **READ**.

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

Senator **PLOWMAN:** Thank you, Madame President. In response to the comments from the Senator from Cumberland, Senator Bartlett, both reports move this into the Department of Human Services. One creates a program with a \$75,000 budget and one creates a program of \$225,000. Those are the only differences. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Senator **SULLIVAN** of York to Accept the Majority Ought to Pass as Amended by Committee Amendment "A" (H-612) Report, in non-concurrence. 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 (#299)**

**YEAS:** Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, CRAVEN, DAMON, DIAMOND, GERZOFKY, GOODALL, HOBBS, JACKSON, MARRACHE, NUTTING, PERRY, SCHNEIDER, SIMPSON, SULLIVAN, THE PRESIDENT - ELIZABETH H. MITCHELL

**NAYS:** Senators: COURTNEY, DAVIS, HASTINGS, MCCORMICK, MILLS, NASS, PLOWMAN, RAYE, RECTOR, ROSEN, SHERMAN, SMITH, TRAHAN, WESTON

**ABSENT:** Senator: GOOLEY

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **SULLIVAN** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-612)** Report, in **NON-CONCURRENCE**, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (H-612) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

The Chair laid before the Senate the following Tabled and Later (2/25/10) Assigned matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Amend the Laws Governing the Somerset County Budget Procedure" (EMERGENCY)

H.P. 1061 L.D. 1512

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-639)** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-640)** (2 members)

Tabled - February 25, 2010, by Senator **JACKSON** of Aroostook

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, February 23, 2010, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-639)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-639)**.)

(In Senate, February 25, 2010, Reports **READ**.)