

# MAINE STATE LEGISLATURE

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

**Volume III**

**Second Regular Session**

March 24, 2010 - April 12, 2010

**Appendix**  
**House Legislative Sentiments**  
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four years, so he's got to be doing something right, and I congratulate him as well. Thank you.

Subsequently, the Sentiments were **PASSED** and sent for concurrence.

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**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Resolve, To Repeal the Fee Increase for Copies of Vital Records (EMERGENCY) (S.P. 613) (L.D. 1648)

Signed:

Senators:

BRANNIGAN of Cumberland  
MARRACHÉ of Kennebec

Representatives:

PERRY of Calais  
PETERSON of Rumford  
JONES of Mount Vernon  
SANBORN of Gorham  
STUCKEY of Portland  
EVES of North Berwick

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-409)** on same Resolve.

Signed:

Senator:

MILLS of Somerset

Representatives:

JOY of Crystal  
CAMPBELL of Newfield  
LEWIN of Eliot  
STRANG BURGESS of Cumberland

Came from the Senate with the Reports **READ** and the Resolve and accompanying papers **INDEFINITELY POSTPONED**.

**READ.**

On motion of Representative PERRY of Calais, the Resolve and all accompanying papers were **INDEFINITELY POSTPONED** in concurrence.

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Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Allow a Casino in Oxford County"

(I.B. 5) (L.D. 1808)

Signed:

Senators:

SULLIVAN of York  
GOODALL of Sagadahoc

Representatives:

CORNELL du HOUX of Brunswick  
PINKHAM of Lexington Township  
VALENTINO of Saco  
TRINWARD of Waterville  
CAREY of Lewiston  
RUSSELL of Portland  
TUTTLE of Sanford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-804)** on same Bill.

Signed:

Senator:

PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn  
FITTS of Pittsfield  
NASS of Acton

**READ.**

Representative TRINWARD of Waterville moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Trinward.

Representative **TRINWARD**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. The Oxford County initiative came to our committee at the very end of the meeting schedule. The committee felt very pressured and did not believe we had enough time to truly work a competing measure through the committee process and do it justice. The committee also has the highest respect for the process of the citizen initiative. This petition had over 100,000 citizens sign it, and out of respect for these citizens, we supported the concept of sending this initiative to the people to let them decide. We also had a few other concerns. That the citizens were bringing to us, the Legislature, the request to consider one casino in Oxford County, and the concept of the Legislature turning around and sending it back to the citizens asking for three casinos gave us reason to pause. But at the end of the day, we felt that the Oxford County casino was not the best deal for the State of Maine, that there was not enough benefit for all the citizens of Maine. My hope would be that something that would be a true benefit to all the citizens of Maine would be what the final Legislature would consider, so I ask you to follow my light and vote Ought Not to Pass. Let the citizens of Maine decide the fate of the Oxford County casino.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Fitts.

Representative **FITTS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. LD 1808 was submitted a citizen's initiated bill which garnered approximately 105,000 signatures in just over two weeks. As written, this bill has issues, primarily regarding the opportunities for others that could come later and even the existing facility that we have in Maine to go forward and eventually have table games. The bill, as written, has obstacles to that. Some look at it as pulling up the drawbridge behind them. But this bill was heard in the LVA Committee, as we heard, late in the session, and I would contend that it was not so late that the committee could not have worked it. But we weren't given that opportunity. We were told "vote it out", and the result was predictable. If there is somebody in a committee that doesn't have time to consider a bill, the safest vote is no. But I felt, as did three other members, that there could be merit in working on a compromise and a competing measure. As it turned out, the original sponsor, Black Bear Entertainment, endorsed the idea of a competing measure along with the two other parties, and that's what the Minority Report is.

Now the easy answer is to vote for the Majority Report, send this to the people and move on. If we defeat the Majority Report and move to the Minority Report, that also is fraught with danger, danger for those 105,000 signers, but I was willing to put that out there in front of this House and let the House decide. We often

hear that when dealing with issues concerning gaming that we should send it to the people. I propose that the Minority Report, which we can't get into great detail on but I can tell you why I would like to you to oppose the Majority Report, the Minority Report doesn't create three new casinos. It allows for the Oxford proposal to go forward, it allows table games to be added to Hollywood Slots, Penn National's facility in Bangor, and it affords Washington County an opportunity to finally vote along with all of the other people in Maine on a proposal that we all potentially could support in regional fashion.

The issue that's historically happened and was demonstrated in the previous vote on the last Oxford proposal was that it was defeated in a regional way. Hancock County and Washington County overwhelmingly defeated the original Oxford proposal that we had in front of us last year. This proposal that's in the Minority Report would afford the State of Maine to consider this on a statewide basis rather than pitting one region against another. I thought that that had merit. I certainly want to thank those who worked on the compromise. A lot of time went into it, and I think they deserve at least to be recognized for that effort. If the Majority Report succeeds, I would pledge that this Legislature should move forward with an alternative that we could consider next session. But mark my words, it won't look a lot different than what the Minority Report is, and we have an opportunity to vote that Minority Report out, let the people decide now and put this to bed once and for all. So that's where I stand on it. I would ask you to follow my light, but if you feel that your reason for voting down this report is to move on and put amendments on the Minority Report to advance some other agenda, I would ask you to support the Majority Report because I don't want us to get into a division within this state pitting one region against another and I think the Minority Report would take care of that. Thank you, Madam Speaker.

The SPEAKER: The Chair would just remind members of the House that during this debate that the current motion is the Majority Ought Not to Pass Report. It is not proper to debate the details of the Minority Report until we get there, if we get there. So just a reminder as there are a number of people who plan to speak.

The Chair reminded all members to confine their debate to the question before the House.

The Chair recognizes the Representative from Portland, Representative Harlow.

Representative **HARLOW**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I would move to Accept the Majority Report Ought Not to Pass. The Oxford casino referendum, it did raise 105,000 signatures in 20 days. It was brought forth by four small business people. The bill has been regarded as fair and extremely well written. We owe it to the public to be able to vote this referendum up or down on the merits of the referendum. The Oxford referendum does not rise to the level of uncertainty that would require this body the need to authorize any other measure other than to send this back to the people for an up and down vote. There's been discussion about tribal equity, but I believe the quickest and fastest way to achieve equity for the tribes and gaming arena is to send LD 1808 back to the voters of Maine alone, hope for an Oxford victory, thus allowing a clear path for the next Legislature to remedy any perceived inequities. Not supporting the Majority Report and potentially allowing a competing measure, in short both measures will be ultimately defeated and potentially closing the door on any further help this body could provide the tribes in this area. I urge you all to support the Majority Report, allow the people of Maine to vote this referendum up or down on the merits of the referendum. Maine citizens need us to step aside and let their

wishes be heard. Please vote with the majority with Ought Not to Pass. Thank you very much, Madam Speaker and Ladies and Gentlemen of the House.

Representative PERRY of Calais **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** 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 Calais, Representative Perry.

Representative **PERRY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I would like to ask that you vote against the Majority Ought Not to Pass Report. I strongly suggest that we do have a competing measure. In this is a 10 year moratorium and I will say our area has spent nearly 20 years on this same issue. To take that opportunity away for a 10 year period when our area has consistently voted to have some sort of gambling, slots or casino in our area does not really take care of the areas of the state that have actually looked at this. I'm going to ask that you vote against this and that we allow for a competing measure to happen. Thank you.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Martin.

Representative **MARTIN**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise in opposition of the Majority Ought Not to Pass motion on the floor today. I appreciate the hard work done by the Legal and Veterans Affairs Committee because this has not been an easy task. This has been a debate and a discussion in this state for a number of years. It has brought up regional differences. It has brought up inequalities between state municipalities and the tribal communities. But this measure presented here today I do not believe provides a real policy choice for the people of Maine. As we are moving forward in our discussion about the expansion of gaming facilities in our state, I think that we need to present the people of Maine with a real policy option, a choice on how they see the expansion of gaming moving forward in our state. I appreciate Representative Fitts and the Minority Report that was worked on in this committee. I understand that providing the option of three casinos in the State of Maine looks like it is providing fairness and equality to all, but my concern is that what it will look like to the people of Maine is that a citizen's initiative came before this body and the Legislature got its hand on it and turned it into three casinos and spread them across the state.

Now I'm not opposed to casinos, I'm not opposed to table games. In fact, I think that the slots facility in our state has worked well in a regulatory piece. They have followed the law, they have played by the rules, they've worked with their local communities, and I don't think the people of Maine should be afraid of adding table games or becoming a full casino. But what I do think, what I am concerned about with, by implication of the report that was mentioned earlier in this debate, is I don't believe that presenting the people of Maine with the decision on one casino or three casinos is a real option. There are other amendments that are pending in this body related to this measure that would provide true options for the people of Maine, to make a policy choice on how we move forward with the expansion of gaming in this state. I won't get into the details of those, but I do think that with this measure, LD 1808, I would just like to bring your attention to a few of the problems of why I don't think that this is a viable option to just go for the voters. In Section II, 5-A, the definition of casino, how the state wants to define is "Casino" means a facility in Oxford County. I don't know about you but that does not sound like a definition of casino, and I, regardless of where it's put in the state, I don't think that's

reasonable. It prevents who is eligible to obtain a casino operator license, it has a whole series of restrictions and how many miles you're from this and this and this, to make it and hone it in so that one specific location in the state falls within the definition. I don't believe that's a real choice for the people of Maine. It provides a different tax structure than the existing gaming facilities in our state. It provides a better deal for those that are proposing this casino, so it is essentially taking money that should go to the state to fund critical programs like education, community colleges, scholarships, and some of that's in there but less of it is in there than what currently is in Maine law. And in the requirements for licensure, while the proponents of this measure say that it does not restrict expansion of table games or casinos to the facility located in Bangor, it does specifically say under the requirements for licensure that to maintain your eligibility for a slot machine operator license, a licensed commercial track must at all times maintain the license to operate the commercial track without lapse, suspension or revocation, and a licensed commercial track is not eligible for a license to operate table games. It's in the legislation and if we're going to talk about fairness and equality and equity in this state, I think that we need to provide a more viable choice for the people of Maine. I urge you to vote, I swore I would never say this, but I urge you to follow my light and defeat the pending motion. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Carey.

Representative CAREY: Thank you, Madam Speaker. I rise and urge you to vote Ought Not to Pass, vote green on this bill. I wanted to answer a couple of things that have been brought up in this debate. First, there was discussion about the moratoriums that are in fact in the bill, in the initiative that's before you today. As you know, when an initiative is passed, it goes into statute just as a law passed from this body. So as any other statute, a subsequent Legislature can change that law and, in fact, that's what this initiative bill does currently. In current law there's a requirement that there cannot be a slot machine facility within 100 miles of the racino at Bangor or within 100 miles of Scarborough Downs. To allow this Oxford casino to go forward, that statute has to be changed to allow this facility to go forward. If there's any later initiative in Washington County or any where else in the state, that would conflict with the 10 year moratorium or any other geographic requirement. That too could be changed by a subsequent Legislature as this initiative does before you. In not debating some of the other options that are before us today, you've heard that there is a lot of debate and there was a lot of debate in committee as we considered this and eventually arrived at this Majority Ought Not to Pass. There are, by my count, seven different casino or racino proposals that the State of Maine has seen, mostly through the ballot box and a couple through this body, within the last decade. To find an equitable solution between the different geographies of the state, to find an equitable solution between commercial entities, Native nations and any other potentially nonprofit groups that may be interested in operating some of these facilities or some of these machines, it is a very difficult policy question and it is not one that lends itself to the initiative process. That is why I, after deliberation in committee, I voted to send this directly out to the voters, and I believe that we should consider, next year, a broad bill in a working group to look at and find a solution that would try to encompass all of the interests in the state that have interest in gambling, and, frankly, the interests in the state that don't have interest in gambling, and try to find a solution that will work for the entire state and then send that out to the people. Because we're responding to an initiative that's come from the people, we don't

have that option. We don't have the ability to be thoughtful in the way that this body can be, and I ask you to send this out to the people without an amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Valentino.

Representative VALENTINO: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise today to support my good chair from Waterville on the Ought Not to Pass. As a member of the Legal and Veterans Affairs Committee who was first appointed six years ago, I've seen this issue many times over the last six years. I feel that 105,000 people signed the petition to allow this to go forward, to have the casino in Oxford County. As the good Representative from Pittsfield stated, as written, this bill has issues. But this is the only bill we have before us at this time that 105,000 people have signed. We do not have the capability to alter what they have signed. Therefore, I feel we should let this go out to the citizens of Maine without a competing measure at this time. I feel that the people have signed this, this is a way to know whether or not they want us to go forward again, to have a petition or have something on the ballot from the Legislature on this gambling issue. Also, my good friend and the good Representative from Pittsfield said that we should pledge to devise a report to send to the voters, and I want to say at this time I take him up on that and I do pledge that I will work to get something to the voters that, if this referendum fails, that will be fair and equitable to not only the State of Maine but to all the citizens of the State of Maine. Not something that was put together to appease one party or one area or one interest of the state, but something that truly represents all of the people of the State of Maine. Therefore, I would urge you to support the Majority Ought Not to Pass.

The SPEAKER: The Chair recognizes the Representative from Passamaquoddy Tribe, Representative Soctomah.

Representative SOCTOMAH: Thank you, Madam Speaker. Madam Speaker, Members of the House. I believe this piece of legislation is too restrictive. It denies rights for the other parts of the state to have the same rights as being proposed here. The legislation would deny the rights for eastern Maine or any other part of Maine to have a gaming facility. Each year the Maine Tribes are told to wait another year and we'll try to keep working on this. I would ask you to look at the bigger picture in this, give Maine people an option, not just one question on the ballot but to look at a competing measure. Thank you.

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

Representative RUSSELL: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. A competing measure should be used very, very judiciously. Over 100,000 citizens of this state signed on to a petition asking for the right to vote on a particular initiative. In this particular instance, it was the Oxford casino. I don't think that we should take that lightly, any more than I took it lightly when another casino came before the Legislature previous to my time, a measure that was voted down by the people. We have seen repeated measures come forward, and I have yet to see a competing measure come out on a casino because I believe that we have consistently decided that it should be the people that make that choice. I don't believe that we should be putting forth a competing measure on any citizen's initiative unless that citizen's initiative is frankly rather egregious to State Government or to the people of Maine, and I don't see this casino as meeting that threshold. You know, it's true. The folks that invested the money, the folks that invested the time, wrote the proposal in their best interest. With all due respect, that's just part of doing business. If you're going to write your market plan or your business plan for your business, you're going

to look at the competition and you're going to do what you can to put yourself ahead of the line so that you can make money. That's just part of doing business. In this instance, we have to determine as a body whether we believe that the people should have the right to vote on something that they signed on to. One hundred thousand people is not a small amount of people. That's double, just under double what is required as a threshold. That's a lot of people. And they collected it in two weeks. Just imagine what they could have collected if they'd spent three weeks, or three months collecting signatures. I believe that this casino proposal should go straight to the people, Ought Not to Pass. I do believe that there are opportunities if this proposal fails at the ballot box, that we do as a Legislature have a responsibility to get out ahead of these referenda and provide an opportunity for folks to do a competitive bid process. But we're not there yet. We're looking at the proposal in front of us. I have to say, we have to think very, very judiciously about what we're telling the people of Maine. Are we going to tell the people of Maine that we do not support their right to petition their government, that 100,000 people means nothing to the State of Maine Legislature? We should be at the front of the line protecting the citizens' right to petition their government and not unilaterally putting forth not just competing measures but piggyback measures. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Lexington Township, Representative Pinkham.

Representative **PINKHAM**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. Being on the LVA Committee, this was a tough one. We really weren't given enough time to work it. For those of you that were on the committee and those of you that were in the audience or listening know that I really struggled with this bill. I listened to everybody. The bottom line is I voted in opposition just to go with the Oxford casino. But in truth, really where my heart is, is with Washington County and whole big picture on that one. So I'm probably going to be voting against what I voted for in committee and vote for the competing measure, and I really think it's the one to do. I'd ask you all to think about it, what's good for Washington County. These three units have all come together. Black Bear, Hollywood Slots, and the Passamaquoddy's have all done a lot of behind the scenes negotiating when they came back to us, and if they're all happy with it, I don't understand that we as a legislature wouldn't also back it. I know I'm flip-flopping on that one and I apologize to those that I had sided with originally, but I would urge you to defeat this motion. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Penobscot Nation, Representative Mitchell.

Representative **MITCHELL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise to speak about this bill, neither for nor against. About 27 years ago, the state came into our community and removed two dozen slot machines that we had been operating for five years, and they did it because a law was passed in Congress that affected the Land Claim Settlement Act, in that any law passed by Congress after the Settlement Act did not apply to the Maine Tribes unless the State of Maine and the Tribes agreed to make it apply. Needless to say, the Tribes agreed to make it apply but the state disregarded it completely, and that was the IGRA, the Indian Gaming Regulatory Act. As a result of that a lot of our community service programs that were supported by the revenue from those machines dissipated. We were not able to provide for a lot of our community services to our elders and to our youth programs and to people who were experiencing difficult times in their homes. We established a high stakes bingo game with the blessing of the state several years subsequent and have

operated that game with a flawless record. There has never ever been one semblance or a complaint or a charge of fraud or misdeed ever filed against the Tribe in the operation of our high stakes bingo game, which is monitored by the State Police Gaming Division, and they themselves will bear witness to that and have many times complimented us on the integrity of our games. The Tribes aren't looking for a handout. We're looking for a hand up, and I think that's all we've ever looked for. We have a great deal of pride and we're fighters, otherwise we wouldn't be here. And we're survivors, otherwise we wouldn't be here. I think there is an equity issue here that runs far deeper than 105,000 signatures. I think there's an equity issue here that's over 200 years old and that continues to surface whenever we talk about gaming or whenever we talk about gaming and the Tribes in the same context, and that bothers me. I find this whole process very distasteful personally. I'm not a gambler, but I am to a degree every morning that I get in my car and drive over here. I don't know if some idiot's going to sideswipe me or T-bone me somewhere. But that's about the extent of my gaming and gambling. But I don't begrudge anybody either the opportunity to do what they feel is entertaining for themselves to do.

Our underlying premise for any request for gaming has always been to support our communities, to support our elders. We have an assisted living center in my community that we run for our elders who need 24 hour care, 24-7 care, and we use revenue from our gaming operations to help support that. We also use the revenue from our gaming operations, our high stakes bingo operations, to support our youth programs and to try to help community members who are experiencing difficult times. And by the way, our community has an unemployment rate of about 46 to 47 percent. So just because of that there's a lot of need and the Passamaquoddy and I can't speak for them, but I know generally, my mother was Passamaquoddy so I suppose I can say something to a certain level, but the Passamaquoddy are in no better economic condition than the Penobscots are. The Houlton Band are in no better economic condition than either the Penobscots or the Passamaquoddy, and neither are the Micmac. Gaming offers an opportunity for a hand up. All we have ever, ever asked for is a level playing field, nothing more, nothing less. Hollywood Slots opened up, it killed our high stakes game. We've lost over \$ 2 million worth of net revenue from our high stakes game that we use to support our community programs. Right now we're doing about \$84,000, \$74-84,000 net. That's down from over \$2 million. So I just put this information out for your consumption and for you to really look into your heart of hearts and into your consciousness and to think just a moment what the Tribes are asking here, and that is level the playing field and give us an opportunity to have some economic security. Thank you very much, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Sullivan, Representative Eaton.

Representative **EATON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. The good Representative from Portland said one thing that I certainly agreed with. She said she wouldn't support this if she thought this was egregious towards somebody else. Well this might not rise to some Representatives level of egregious, it does rise to that level for this State Representative. To just reflect briefly 52 percent unemployment among the Passamaquoddy's, 47 percent unemployment among our good friends of the Penobscot Nation, 13+ percent unemployment in Washington County. Time and time again, our friends from the Penobscot Nation and the Passamaquoddy's have asked us for help. Time and time again, this state has refused to provide that opportunity for them. There

is no way. I am more than happy to see a competing measure. I will not support going out to the citizens that does not provide some kind of benefit or opportunity or fairness to the people of Washington County or to our Tribes in the State of Maine. To me, this is the equivalent of saying, let's put this out and let's just kick them in the face while they're down. We've done it time and time again, this Representative will not vote to do it. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Martin.

Representative **MARTIN**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise just to clarify a couple of points that were made during this very thoughtful debate on gaming in Maine. First of all, I think that voting against the motion on the floor does not mean that we don't respect the people of the State of Maine. I do not believe that at all. In fact, I think that it's more respectful of this body that we do our job and look at the policy of gaming in Maine and that we provide options for the people of Maine that are not crafted in such as way as to isolate one particular company, region or area of the state at the exclusion of the rest of the state.

Now there was a lot of talk about the competing measure and that we shouldn't put the competing out, but there was also discussion about, well, we can come back next year and can work to craft some legislation next year that we could send out to the voters. What's the difference? Why do we want to punt? Why shouldn't we be allowed to have that debate on this floor in this body about this very important, and controversial to some, but important issue to a lot, of this in this state? There are several options available to us should this motion fail. If we go green on this and we vote the Ought Not to Pass, that debate dies and we cannot have a thoughtful discussion about real options and policies that we could present to the voters this November. I encourage you to vote no. Thank you.

The SPEAKER: The Chair recognizes the Representative from Passamaquoddy Tribe, Representative Soctomah.

Representative **SOCTOMAH**: Thank you, Madam Speaker. Madam Speaker, Members of the House. For the last 20 years, the Maine Tribes have been struggling to create an economy in the gaming field, while other tribes across the nation have been allowed to increase gaming and start creating jobs for their communities. Many are successful. I believe this pending question is too restrictive for the Tribes and for the rest of Maine. Many of the surrounding communities around the reservation, if something is created, benefit. Here in Maine gaming has increased the economy around the areas where gaming has flourished. But the Tribes have been left out of the loop. As you heard before, the highest unemployment rate, the highest poverty rate exists in Washington County. We have businesses leaving there just about every month. Will gaming change the face of Washington County? Will it stop the out flux of businesses of the area? No, but it might stop the tide. It might give us a chance, give us a hope for future employment and businesses coming. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 339**

YEA - Adams, Beaudoin, Berry, Bolland, Briggs, Bryant, Burns, Campbell, Carey, Casavant, Cohen, Cornell du Houx, Crafts, Cray, Crockett P, Davis, Dill, Dostie, Driscoll, Eberle, Eves, Finch, Fletcher, Flood, Fossil, Hamper, Harlow, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Kaenrath, Kent, Knapp, Knight, Kruger, Legg, Lovejoy, Magnan, McKane, Miller,

Millett, Nelson, Peoples, Percy, Pilon, Piotti, Priest, Rankin, Russell, Shaw, Strang Burgess, Sykes, Theriault, Thibodeau, Thomas, Trinward, Tuttle, Valentino, Wagner J, Wagner R, Weaver, Webster, Welsh, Wheeler, Madam Speaker.

NAY - Austin, Ayotte, Beaudette, Beaulieu, Beck, Bickford, Blanchard, Blodgett, Bolduc, Browne W, Butterfield, Cain, Ceбра, Celli, Chase, Clark H, Clark T, Cleary, Connor, Cotta, Crockett J, Curtis, Cushing, Duchesne, Eaton, Edgecomb, Fitts, Flaherty, Flemings, Gifford, Gilbert, Giles, Goode, Greeley, Hanley, Harvell, Haskell, Jones, Joy, Lajoie, Langley, Lewin, MacDonald, Martin JR, Martin JL, Mazurek, McCabe, McFadden, McLeod, Morrison, Nass, Nutting, O'Brien, Pendleton, Perry, Peterson, Pieh, Pinkham, Plummer, Pratt, Prescott, Richardson D, Richardson W, Robinson, Rotundo, Sanborn, Sarty, Saviello, Schatz, Sirois, Smith, Stevens, Stuckey, Sutherland, Tardy, Tilton, Treat, Van Wie, Watson, Willette, Wright.

ABSENT - Rosen.

Yes, 69; No, 81; Absent, 1; Excused, 0.

69 having voted in the affirmative and 81 voted in the negative, with 1 being absent, and accordingly the Majority **Ought Not to Pass Report was NOT ACCEPTED.**

Subsequently, Representative TRINWARD of Waterville moved that the House **ACCEPT** the Minority **Ought to Pass as Amended Report.**

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Minority **Ought to Pass as Amended Report** and later today assigned.

**CONSENT CALENDAR**

**First Day**

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

(H.P. 1297) (L.D. 1813) Bill "An Act To Implement the Recommendations of the Office of Program Evaluation and Government Accountability Regarding Emergency Communications Services" Committee on **UTILITIES AND ENERGY reporting Ought to Pass as Amended by Committee Amendment "A" (H-806)**

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

**UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

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)

- In House, Minority (3) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LEGAL AND VETERANS AFFAIRS 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 on February 23, 2010.

- In Senate, Majority (9) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LEGAL AND VETERANS AFFAIRS READ and ACCEPTED** and the Bill **PASSED TO BE**