

# 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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**ENACTORS**  
**Emergency Measure**

An Act To Enhance the Redevelopment of the Brunswick Naval Air Station

(S.P. 629) (L.D. 1664)  
(C. "A" S-503)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 110 voted in favor of the same and 8 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

An Act To Decriminalize Violations of Rules or Permit Conditions of the Baxter State Park Authority

(H.P. 1310) (L.D. 1824)  
(C. "A" H-812)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Acts**

An Act Concerning the Allocation of Power Generated by GNE, LLC

(H.P. 388) (L.D. 543)  
(C. "A" H-803)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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An Act To Provide Predictable Benefits to Maine Communities That Host Wind Energy Developments

(S.P. 582) (L.D. 1504)  
(C. "A" S-501)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative SAVIELLO of Wilton, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

On motion of Representative BERRY of Bowdoinham, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned. (Roll Call Ordered)

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By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

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The House recessed until 10:45 a.m.

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(After Recess)

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The House was called to order by the Speaker.

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

**UNFINISHED BUSINESS**

The following matter, 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.

HOUSE DIVIDED REPORT - Majority (9) **Ought Not to Pass** - Minority (4) **Ought to Pass as Amended by Committee Amendment "A" (H-804)** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Allow a Casino in Oxford County"

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

**TABLED** - March 31, 2010 (Till Later Today) by Representative TRINWARD of Waterville.

**PENDING** - Motion of same Representative to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

Representative TRINWARD of Waterville moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative FITTS of Pittsfield **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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 Pittsfield, Representative Fitts.

Representative **FITTS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to this motion. I don't think that comes at any surprise. The issue for me is whether this Legislature has guts to take on an issue or would rather punt, and this, I think, is punting on whether or not we're willing to make a decision. The proposal that some have come to be known as "the three-legged stool", I have now renamed. I have renamed it "the group hug". But in general, it has the support of those parties that would be affected in the upcoming referendum and solves some difficulties that the original bill has presented by Black Bear Entertainment have acknowledged. Black Bear Entertainment supports the idea, and I think the Legislature owes the people of Maine an opportunity to have that decision be made by referendum. I repeat that I do oppose Indefinite Postponement and look forward to what I hope is not a long debate on this issue. 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, too, rise in opposition of the Indefinite Postponement motion on this legislation. I understand that this is a difficult topic and that members of this body have strong feelings one way or the other on the issue of gaming in the State of Maine. But we have had many difficult decisions before this body and we have had to search our hearts, talk with our constituents, consider the policy, and then ultimately make that decision, and it's part of our job. Last year, we had a very controversial and heated debate in this issue related to gay marriage. That was a topic that was very difficult and people didn't want to talk about, but we talked about it, we made our votes, and we put that vote out to the public. This is another issue that I think is one that deserves our debate and our attention and our courage to discuss the options that are available. I think that those who put forward the citizen's initiative process are supportive of a competing measure. The Tribes are

supportive of a competing measure, Penn National and those in the other gaming interests of the state are interested in a competing measure, and I think that it should be noted that they understand the risk. Competing measures are not always successful. If we support this Indefinite Postponement, we do not even get to discuss the option of a competing measure. I think it's important that a bipartisan agreement has brought Republicans and Democrats together to work on a compromise with the Minority Report, amending the Minority Report, and we'd like the option to present that to this body. So in order to do that, we need to defeat this motion. I ask you to follow my light. I know I said I would only do it once, but I liked it so much I thought I'd try it again.

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

Representative **SOCTOMAH**: Thank you, Madam Speaker. I am against the Indefinite Postponement, and I think the competing measure will give the people of Maine a choice, and it will stop this regionalization of the state of excluding eastern Maine in economic development. So I ask you to defeat this measure before you. Thank you.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Hogan.

Representative **HOGAN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise in support of the pending motion, and I do so for a variety of reasons. Not the least is if you look at this bill and if you go down and you look how the money is distributed as it flows through the text, you'll see that there are off-track betting parlors that benefit from it. That's a private business. There are racetracks that benefit from this. That's a private business. I own a small variety store. Why aren't I included? That's a small business. What I'm saying is it's wrong. It's wrong that we can take taxpayers' money and distribute it that way. When we collect our taxes, whether it be corporate taxes, income tax, any other form of revenue that comes into this state, what do we do with it? We give it back to the people. We don't give it to individuals, entities, private businesses. That's why I support this Indefinite Postponement and get on to something better for the State of Maine. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I support this vote on Indefinite Postponement. Washington County, which is very distressed from that, we had a vote on it a couple of years ago and it failed, and I don't think we should be voting on this. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of the Bill and all accompanying papers. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 349**

YEA - Adams, Beaudette, Beaudoin, Beck, Berry, Blanchard, Boland, Briggs, Bryant, Burns, Campbell, Carey, Casavant, Chase, Cohen, Connor, Cornell du Houx, Crafts, Cray, Crockett P, Davis, Dill, Dostie, Driscoll, Duchesne, Eberle, Eves, Finch, Flaherty, Fossil, Gilbert, Greeley, Hamper, Hanley, Harlow, Hayes, Hill, Hinck, Hogan, Hunt, Johnson, Jones, Kaenrath, Knight, Kruger, Legg, Lovejoy, MacDonald, Magnan, Mazurek, McKane, Miller, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Pilon, Piotti, Priest, Rankin, Rotundo, Russell, Sanborn, Shaw, Sirois, Smith, Strang Burgess, Stuckey, Theriault, Thibodeau, Thomas, Treat, Trinward, Tuttle, Valentino,

Van Wie, Wagner J, Wagner R, Webster, Welsh, Madam Speaker.

NAY - Austin, Ayotte, Beaulieu, Bickford, Blodgett, Browne W, Butterfield, Cain, Cebra, Celli, Clark H, Cleary, Cotta, Crockett J, Curtis, Cushing, Eaton, Edgecomb, Fitts, Flemings, Fletcher, Flood, Gifford, Giles, Harvell, Innes Walsh, Joy, Knapp, Lajoie, Langley, Lewin, Martin JR, Martin JL, McCabe, McFadden, McLeod, Millett, Nass, Nutting, Perry, Peterson, Pieh, Pinkham, Plummer, Pratt, Prescott, Richardson D, Richardson W, Robinson, Sarty, Saviello, Schatz, Stevens, Sykes, Tardy, Tilton, Watson, Weaver, Wright.

ABSENT - Bolduc, Clark T, Goode, Haskell, Kent, Rosen, Sutherland, Wheeler, Willette.

Yes, 83; No, 59; Absent, 9; Excused, 0.

83 having voted in the affirmative and 59 voted in the negative, with 9 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

An Act To Align the Duties of School Boards Concerning Student Safety with the Requirements of the Federal Gun-Free Schools Act and To Prohibit the Discharge of Firearms within 500 Feet of Public and Private School Properties

(H.P. 1206) (L.D. 1705)

(H. "B" H-805 to C. "A" H-769)

Which was **TABLED** by Representative BERRY of Bowdoinham pending **PASSAGE TO BE ENACTED**. (Roll Call Ordered)

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Cebra.

Representative **CEBRA**: Thank you, Madam Speaker. I don't want to belabor the point here, but I'm going to be quick. I appreciate the House Amendment "B". That cleared up part of the issue that I had with this bill. My main concern with this bill is as a parent of children who attend a private Christian school, I pay twice. I pay my property taxes as a good law-abiding citizen. I also choose to pay the tuition for my children at a private school. I don't believe it's the state's place or right to restrict my constitutional rights on private property where the state has no input, no financial support, no business being. So I understand and I do support on public school property the state's ability to put a boundary around it, but on private school property I really have an issue with that, and I would refer back to the Maine State Constitution, Article I, Section 16. I do hope you'll follow my light. Thank you, Madam Speaker.

Under suspension of the rules, members were allowed to remove their jackets.

The SPEAKER: A roll call having been previously ordered, the pending question before the House is Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 350**

YEA - Adams, Ayotte, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Briggs, Browne W, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Celli, Cleary, Cohen, Connor, Cornell du Houx, Cotta, Crockett P, Curtis, Cushing, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle,