

MAINE STATE LEGISLATURE

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

Daily Edition

First Regular Session

December 1, 2010 – June 29, 2011

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Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**. Sent for concurrence.

Divided Report

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-20)** on Bill "An Act To Exempt from Income Tax the Income of Nonresidents Working in Maine Pursuant to an Interlocal Agreement"

(S.P. 137) (L.D. 433)

Signed:

Senators:

TRAHAN of Lincoln
HASTINGS of Oxford
WOODBURY of Cumberland

Representatives:

KNIGHT of Livermore Falls
BENNETT of Kennebunk
BICKFORD of Auburn
BURNS of Alfred
HARMON of Palermo
WATERHOUSE of Bridgton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-21)** on same Bill.

Signed:

Representatives:

BERRY of Bowdoinham
BRYANT of Windham
FLEMINGS of Bar Harbor
PILON of Saco

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-20)**.

READ.

Representative KNIGHT of Livermore Falls moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-25)** on Bill "An Act To Allow Farm Wineries To Charge for Wine Tastings"

(S.P. 17) (L.D. 2)

Signed:

Senators:

FARNHAM of Penobscot
PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn
CAREY of Lewiston
CHIPMAN of Portland
CROCKETT of Bethel
DAMON of Bangor

JOHNSON of Eddington
WILLETTE of Presque Isle

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

PATRICK of Oxford

Representatives:

LONGSTAFF of Waterville
RUSSELL of Portland
VALENTINO of Saco

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-25)**.

READ.

Representative BEAULIEU of Auburn moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass** on Bill "An Act Regarding the Determination of Distance for the Purposes of the Gambling Control Board Laws"

(S.P. 208) (L.D. 677)

Signed:

Senators:

FARNHAM of Penobscot
PATRICK of Oxford
PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn
CAREY of Lewiston
CHIPMAN of Portland
CROCKETT of Bethel
DAMON of Bangor
JOHNSON of Eddington
LONGSTAFF of Waterville
RUSSELL of Portland
WILLETTE of Presque Isle

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representative:

VALENTINO of Saco

Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought to Pass** Report.

Came from the Senate with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

READ.

Representative BEAULIEU of Auburn moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

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

Representative VALENTINO: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to speak in favor of the bill on the floor to make a change to the citizen initiative that was passed by the voters to allow a casino in Oxford County.

The drafters of the petition language, Black Bear Entertainment and their attorneys, wrote that a license may not be issued to operate any casino or slot machine facility within 100 miles of a licensed casino or slot machine facility. The controversy came when measuring 100 miles. Was it a radius "as the crow flies" or was it over the most traveled road? If it was a radius, then it would not be within the 100 miles from Hollywood Slots and therefore according to the language they had drafted, it could not be built on the land they had selected.

Black Bear went before the Gambling Control Board for a clarification and the Board agreed that 100 miles was based on road miles. But a ruling from the Board does not change the law, and unless we, the Legislature, change the law, the 100 mile interpretation by the Gambling Control Board could be challenged in a court of law.

I have always believed that the Legislature has a right to change the language in the citizen's petition, since the language is written by non-legislators and is not vetted in public hearings and work sessions where language could be changed before being sent to the voters.

I believe that the citizens vote for the question posed to them on the ballot, not on each line of the language in the bill. Therefore, I am more than happy to help the drafters of this language and honor their request to change the language in the enacted law. I support LD 677.

Subsequently, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Tuesday, April 12, 2011.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass** on Bill "An Act To Add Transit Services to the Growth Management Program Comprehensive Plan"

(H.P. 474) (L.D. 644)

Signed:

Senator:

SULLIVAN of York

Representatives:

BOLAND of Sanford

BOLDUC of Auburn

CASAVANT of Biddeford

GRAHAM of North Yarmouth

HARVELL of Farmington

MOULTON of York

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senators:

THOMAS of Somerset

COLLINS of York

Representatives:

COTTA of China

CELLI of Brewer

TURNER of Burlington

READ.

Representative COTTA of China moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from China, Representative Cotta.

Representative COTTA: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. When this bill was first presented it seemed rather simple in just including a transit study. As the testimony before the committee continued, it became clear that while it did not have a state fiscal note it was a mandate and did impose costs on the towns.

So to state, once again, there was no fiscal note associated with it, which you will notice when you check online, but because of the reason it was a mandate on the towns incurring the costs and these same towns could, should they choose, conduct a transit study as part of that comprehensive plan and thereby voluntarily incur those costs. That is why I voted on this report **Ought Not to Pass** and it is also, I'll point out, the Minority Report. Thank you very much.

Representative CAIN of Orono **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **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 Sanford, Representative Boland.

Representative BOLAND: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to point out that these two words do not make any real change to what is currently adopted in comprehensive plans because the rule currently says that it is required to consider transit services in the inventory of items that a town needs to consider, not to impose but just to consider and analyze. There are a number of items having to do with economics and marine-related resources, environmental issues and all of that. But it would, presently the statute says existing transportation systems including the capacity of existing and proposed major thoroughfares, secondary routes, pedestrian ways and parking facilities, so there is a number of things there. This bill just inserts two words, transit services, which are actually also already in the rule from the State Planning Office.

I wanted just to note that one of the outfits that testified in favor of this is the Maine Transit Association and this is, briefly, from what they said: adding the words transit services to the list of existing transportation systems that must be inventoried and analyzed should not add significant work to the comprehensive planning process. This statute already contains a healthy checklist of items to be considered. Adding transit services will ensure communities, regardless of size and location in this state, find out whether or not transit services are available. Many communities will be surprised to learn that transit services are available and they might decide to include public transit in their local plans, but nothing requires any towns to do anything with it but just consider that that's an option.

And other regional planning associations/commissions came before us in support of this bill, also, and alluded to issues like the high cost of gasoline, developers perhaps needing to provide fewer parking spaces, and the aging population needing transportation. So I thank Representative Cotta for bringing this bill and I would like to note that the majority is a bipartisan majority on this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from York, Representative Moulton.