

MAINE STATE LEGISLATURE

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December 1, 2010 to June 29, 2011

Pages 1 - 1494

(In House, June 6, 2011, 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-490).**)

(In Senate, June 6, 2011, Reports **READ.**)

On motion by Senator **MASON** of Androscoggin, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later (6/7/11) Assigned matter:

HOUSE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Amend the Laws Governing the Deadline and Conditions for Municipal Approval of a Second Racino and To Allow a Tribal Racino in Washington County" I.B. 2 L.D. 1203

Majority - **Ought Not to Pass** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-400)** (2 members)

Tabled - June 7, 2011, by Senator **FARNHAM** of Penobscot

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, June 6, 2011, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-400).**)

(In Senate, June 7, 2011, Reports **READ.**)

Senator **FARNHAM** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

The President requested the Sergeant-At-Arms escort the Senator from Knox, Senator **RECTOR** to the rostrum where he assumed the duties as President Pro Tem.

The President took a seat on the floor.

The Senate called to order by President Pro Tem **CHRISTOPHER W. RECTOR** of Knox County.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Farnham.

Senator **FARNHAM:** Thank you Mr. President. The Veterans and Legal Affairs Committee discussion in work session was quite narrowly focused on this legislation. We didn't use our time to discuss the potential projects that may result from this legislation. We knew we were for economic development. We were for success in Biddeford, Lewiston, and Washington County. We're for success in the harness racing industry. We were for jobs. The committee discussion, though, focused on whether to send the citizen initiated bills on gambling to the voters of the state of Maine, as has been done in the past, or act on the bills directly in the Legislature. Both citizen initiated bills on gaming followed the same exercise to come to us. The majority of the committee members voted Ought Not to Pass to preserve the past process and send the citizen initiated bills to the voters of the state of Maine. Now this Body gets to decide whether now is the right time to depart from past practice or support the Ought Not to Pass recommendation of the committee and send the citizen initiated bills to the voters of the state of Maine.

On motion by Senator **RAYE** of Washington, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, to answer the question of my colleague and seatmate, I think it is time to depart from past practice. I rise today in support of the L.D. 1203. I have four reasons why I'm supporting this legislation to bring economic stimulus that my constituents want now, not after the delay and expense of another expensive referendum. First, this bill is a jobs bill. Let me mention a few numbers. There will be 800 construction jobs in Biddeford alone. There will be 500 more jobs, full time, once Biddeford Downs is open. Those jobs come with an average wage and benefits package of \$35,000 a year. Sounds pretty good in these times. We expect that there will be similar employment benefits in Washington County, the poorest county in the state with about 13% unemployment. These are the job benefits.

Secondly, Mr. President, as I turn my attention to the fiscal note, there are \$54 million reasons to vote for this bill. That's the number of dollars in General Fund revenues over the biennium. Money for college scholarships at the University of Maine and the Community Colleges. Money to support our agricultural fairs. In addition, this comes at a time when the state needs it most. We struggle every day, both in this Body and down in the Appropriations Committee, to find the proper nexus between fiscal conservancy and fulfilling our mission as a governmental body. The revenues that will come in will help us offset some of the necessary cuts we've had to make. Every person in this Body, in their own way, understands the necessity of the cuts we've had to make and how they hurt people. We've had to make cuts in schools and social services. This is money that we could be spending for research and development and money we could be spending on our roads and bridges.

Third, economic development also plays in this picture. Biddeford and Calais are struggling with new business. Biddeford is a town a lot like my hometown. It was built on the backs of

immigrants, largely Franco-Americans, who have seen those jobs disappear. They have a wonderful downtown in Biddeford, but it needs money to revitalize it and make it attractive to people other than those who have already committed to that community. They have a vibrant arts community, but they need to draw in people to observe the work that is being done. They have a mill district that is being developed, but it could be a long time before the full vision could be realized. Just take a moment and look at Biddeford through the lens of Bangor, the city that has welcomed a racino and has benefited from it; money to renovate a new civic center, a vibrant downtown, river walk area, and waiting lines at many restaurants on any given weekend in Bangor. By the way, all the tales of gloom and doom that was going to come to that wonderful city with the presence of slot machines, none of that has happened. Turn your eyes further Downeast and what do we see? A community that has struggled for decades around economic development. That struggle was recognized in 2007 when this Body voted to support a tribal racino 22-12, only to have it vetoed by the then sitting Chief Executive.

Forth, I think of Ocean Properties, which is the Biddeford developer, which has an incredible reputation from the Samoset in Rockport and properties in Bar Harbor to more than 30 properties in Florida. The company has an outstanding financial background and wants to invest where it started, here in Maine.

My own thinking on gambling, Mr. President, has transformed over the years. Maybe a decade ago, I was opposed to any gambling in the state of Maine, but my thinking has changed. It can lead to addiction, it can lead to people wasting money, and it does sometimes divert money from other spending, but you could say the same thing about alcohol and bars and yet nobody is suggesting that we need to have a referendum locally every time a new bar wants to open. Also, Mr. President, like many of us, I have grown tired of watching the stream of buses leaving our state each and every day with our people on them to go to Foxwoods and other gambling facilities out-of-state. It is my hope that this project will help turn that around and we will see buses coming north. We have an opportunity now, Mr. President. Remember when Rick Pitino became coach of the Celtics. He wasn't doing very well. People looked back to the glory days and said, "Why can't you do better?" He said to the press, "You've got to understand Larry Bird is not walking through that door. Kevin McCale is not walking through that door. Robert Parish is not walking through the door." Well, you look out into that hallway and developers are not lining up to walk through that door to put this kind of money into these communities. We have a successful developer with an incredible track record in Ocean Properties. The time is now and it's the right thing to do for Biddeford. It's the right thing to do for Washington County. Mr. President, I would suggest it's the right thing to do for the state of Maine. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Androscoggin, Senator Snowe-Mello.

Senator **SNOWE-MELLO:** Thank you Mr. President. Ladies and gentlemen of the Senate, I stand here today in complete support of L. D. 1203. As many of you know, I have long been an opponent of gambling. That has not changed. For that reason I feel compelled to outline my reasons for supporting this important piece of legislation. As you all know, Senators are called upon to make extremely difficult decisions. Sometimes, after weighing all the pros and the cons, we wind up supporting measures that

many of our constituents want despite our own personal reservations. For me, this was one of those tough decisions. I can't stop gambling in Maine. Maine, let's face it, is now a gaming state. There will be, I'm sure, plenty of debate on whether or not to let the people decide. There will be debate about whether or not they did. There will be debate about what they said. I'll let others speak to that. For me, in the end, my decision was swayed by the parts of this legislation that will support all 26 Maine agricultural fairs and Maine's agricultural heritage. It will also help preserve agricultural jobs and open productive farm land. I remain concerned about the type of economic development this represents. I'd rather have different types of jobs, jobs that produce a product or add a value to our traditional natural resources. I'd rather have warehouses of goods waiting to be shipped around the world with "Made in Maine" proudly stamped on the containers. I would rather have vibrant and competitive entrepreneurs leading the way to a new informational based economy. This bill won't do that. I do take comfort in the actions that this historic legislature has taken to move Maine in a new, more prosperous direction; actions such as regulatory fairness and reform, health insurance reform, affordable state government that leaves more money in people's pockets and the economy, tax policies that reward job creation and foster economic activity, welfare reforms that move people away from dependency and towards independence and greater self esteem. I am confident that these and other initiatives that we will pass together will bring about the type of good, stable jobs that we desire. My only lament is that we were not able to act on these initiatives sooner so that gambling jobs would not be dangled out there for people starved, absolutely starved, for options and desperate for jobs, any type of jobs. Help is on the way. I will continue to work tirelessly with all of you to transform this state into a place that is beautiful, productive, free, and desirable to all of us. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from York, Senator Sullivan.

Senator **SULLIVAN:** Thank you Mr. President. Men and women of the Senate, I've waited a long time for this day and I'm obviously in opposition to this report. I want to tell you why. This was going to be my longest speech ever, but my leg has decided to act up a little bit more so you can thank whatever God you believe in that I'm not going to talk quite as much as I would have. I hope I speak just long enough to convince you. First, the process in Biddeford was not as I would have desired. Back in August we found out through the papers that there were negotiations going on to have a race track in our city. However, as it came out more and more, it appeared that this time we had some different players. We had Ocean Properties, run by Tom Walsh, a man who does not build inferior buildings; in fact the Samoset, Wentworth By the Sea, just over the border, three hotels in Bar Harbor, Auburn, Bangor, and Sable Oaks. We have the University of New England in Biddeford. We are doing more and more conferences down there. We could use a quality hotel. I resent the people, some in this Chamber, who would indicate that Biddeford voters didn't know what they were voting on when they went to the polls on November 2nd. We had August, September, October, and two days in November. I know a lot of people seem to think Biddeford's not too smart. Well, I take offense to that. We understand something. We understand what jobs mean. I thought I knew what I was going to be doing after

retiring; I'd already made my decision. November 2nd changed everything for me. My husband is now unemployed. You know it's really easy to say something about jobs if you have two and you can say, "Hey, two people working in that family. We're going to be against gambling." It makes a difference if one person is not working, and not by his own desire. I resent people saying Biddeford didn't know what they were doing. We knew darned well what we were voting for. On top of that I'm somewhat embarrassed to say the racino won, about 59% to 41%. It beat me by 2% in my own hometown, I only won by 57%. They know what they were talking about. They were smart enough to elect me. They knew what they were doing on this racino.

The jobs that are coming are construction jobs to begin with, about 800. Good construction jobs. We need to get this started. We need to get it started now. You have forgotten the other peripheral that goes along with it. Veterinarians, have you ever priced what it costs for large animal veterinarians? What about all the people who sell the grain? What about the people boarding the horses? Those are top quality jobs. We talk about Maine and the open spaces. What are we going to keep open spaces for if not for a place to board and train our horses. The horsemen and women in this state have a right to be able to earn a living. What about hospitality? We have whole community colleges teaching a course on hospitality. We're going to have a top quality hotel here. What a place to keep Maine people here, working at what they learned. I could go on and on about the jobs that will be offered. You need to know you are looking at someone who did not support a racino when it was only Scarborough Downs talking because I really didn't think they had the venture capital. They don't. We have it now. We have venture capital here. When I was on BRED, when I was sitting here since, it seems like I was knee high to a grasshopper, in the State of Maine working, but it's only been 13 years. We've always talked about how no one wants to invest in Maine. Our tax rate is wrong. Our structure is wrong. Yet when somebody comes here we seem to find reasons why we don't want them. LMN Natural Gas. We've had wind people for research and development. Now we have somebody here with an international, national certainly and possibly international, reputation that can fund this. They are not going to build half a building, run out of money, and have those steel girders sitting there. We have somebody with venture capital who believes in Maine, believes in the quality of our workers, and believes in the understanding of strong work ethics. They believe in Maine. If somebody's willing to put his money where his mouth is, and certainly this is a large investment, instead of making it hard and asking him to jump through more hoops the city of Biddeford has voted. If we were talking about another Wal-Mart I wouldn't be standing here saying no. We wouldn't be debating this. For some reason we've gotten to the point where here we are hurting and we are deciding, we're holding in judgment, what businesses are good enough to come in and what businesses are not. It's up to the city of Biddeford and we voted and we have the money to back it, but we don't, but we know where we're going to get the money to back it.

I ask you to support the working men and women. I am asking you to support people who want to work, but through no fault of their own are without it. I can speak to that. I have more to say, but I probably will not be able to contain myself to be quiet the entire time, Mr. President. I'm going to sit down to reserve a chance to stand up again and just enthrall you all. Please, vote in opposition to this. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Hancock, Senator Rosen.

Senator **ROSEN:** Thank you Mr. President. I ask you all to support the Majority Ought Not to Pass and to send this bill out to the voters as we always have. Every single casino bill in the past has gone to the voters of Maine. That's six times. Voters have said no four times and yes two times. Despite what you might have heard, and even the two yes votes were very close, Maine voters continue to be divided right down the middle. The racino in Bangor was decided by fewer than 30,000 votes and the most recent racino vote saw a margin of victory of less than 5,000, hardly a trend that would indicate growing support. I would also note another very important point, the entire Biddeford delegation and the other Body supported letting the voters decide. Also important to note that all three Senators in the committee supported the notion that voters should decide these gambling issues. They trust the voters. They recognize that this is a matter of fairness. They recognize that this issue remains firmly in the public domain and is not a settled issue by any stretch of the imagination. In fact, I firmly believe that the policy issues are so significant that anything less than allowing voters the right to vote would be a tremendous disservice. Think about the big questions that voters are about to tackle, or that they should tackle. Can Maine actually support five casinos? I would remind you that right now Maine has, at the moment, no casinos and one slot park. Would a vote to pass the casino today jeopardize the revenue stream and the future success and expansion plans of the Bangor facility? Will it deep six the Oxford facility even before it has a chance to begin? Does the state of Maine have even in place the control and infrastructure to support this explosion in gaming across the state? Have voters truly decided? Have they truly decided that Maine will become the gaming capital of New England, with more casinos than the rest of New England combined? Additionally, I would like to remind each of you to follow my light and vote yes, yes to accept the Majority Ought Not to Pass Report. You're not voting for or against the proposal today, you are merely deciding that the voters should continue to have their say on gaming in Maine. We've supported the voter's right to decide every single time before and I would urge you to do so now by voting yes to accept the Majority Ought Not to Pass Report. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Oxford, Senator Hastings.

Senator **HASTINGS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I wish to echo the sentiments of my seatmate, the Senator from Hancock, Senator Rosen. He will shorten my remarks dramatically because he really made the points I wished to make. I want to make one further point. Besides the fact that in this state Maine citizens expect to be able to make the decision themselves as to whether or not we will expand gaming. It's one of the things I'm still sickened a little bit about. One of the things that sticks in my mind is in some of the paperwork I have here on my desk it suggests that so many people signed the petition as evidence that we should pass this bill right here. I've stood outside fairgrounds and listened to them asking to sign a petition so we can put it on the ballot to decide whether or not we want another casino here, wherever it was. That's the way those petitions are sold. I discount that. People were saying, "Sure, we'd like to have it. We expect it on the

ballot." The real point I want to make today is what we heard from the Senate Chair, the Senator from Penobscot, Senator Farnham, that the committee, the Veterans and Legal Affairs Committee, really hasn't even vetted this bill. Really all they have focused on in committee was whether or not the people should decide this issue. Once they make that decision, they didn't even get to the details of the bill. If you went to the other report you would be asked to vote for a bill that the committee really hasn't even spent any time studying or learning about, or criticizing, or trying to make better. They haven't even done the work on it that would allow it to be explained clearly to us. Ladies and gentlemen of the Senate, as my good seatmate said, the people of Maine expect to make this decision as they have made all other decisions in respect to the expansion of gambling in Maine since 1973. Thank you very much. I urge you to support the current motion.

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

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, this has been a very contentious issue. In my Senate district there are people who are very much proponents of seeing additional gaming in the state and there are people who are very much in opposition to it. I struggled with this. I vote on each bill upon its merits. I went to Lincoln recently. There was a group of people sitting in a McDonald's and I went in for just a moment and they bent my ear and were speaking in opposition to this. Then I went to another event and I got an earful about people saying that they really wanted me to support additional gaming in Maine. I tried to think about what was the one thing that keeps coming back. No matter where I go, no matter where I am, one thing keeps coming back over and over. "Elizabeth, we want you to work to bring jobs and improve our economy in the state of Maine. We want our kids to be able to get jobs here and, by the way, I'd like a job here too." A lot of these people who have been made unemployed in their 50's are looking for work. It's not easy to find those jobs right now. It's the one consistent message that I have received. This pending motion, I believe, by voting Ought Not to Pass on this, is the wrong direction for us to go. I'm going to be consistent because I was talking about this earlier today, being consistent about improving the economic situation of people here in the state. I truly believe, and I am not in any way, I just want to let you know, a big person in favor of gaming, but on this particular issue I don't think we should be putting up any more delays in the way of economic development in this state. I think that's really what this is about. We have gaming in Maine, we've had gaming and it's been expanded and expanded. We have gaming in Bangor. We're going to have gaming in Oxford County. We have the lottery. We have gaming statewide. This expansion, this is probably the time. To say that we have to delay again and have another citizen's initiative, I just think that the people of the state of Maine have sent one consistent message that we've all heard. We've all made promises in campaign literature and all over the place that we're going work to bring jobs to Maine. We're going to spur economic development. Well, this is it, folks. This is our opportunity and I hope that you will vote against the pending motion. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Diamond.

Senator **DIAMOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I have so many people in my district, I represent both York County and Cumberland County, that are really depending on this to pass before we leave here today that I was amazed at the number. "We can't afford to wait," they tell us. They tell me, "We can't afford to wait, the jobs are here now." Timing is of the utmost importance. If we delay this and send it out and wait for November then we're, at best, delaying jobs and certainly we're definitely putting jobs in question. We heard the word disservice used by a previous speaker. I think the disservice would definitely be not taking advantage of what we all campaigned for and we all want, and that is more jobs. There is one more wrinkle to this. Scarborough Downs, which has been trying to survive over the years, already houses about 200 jobs directly. They are going to have to depend on this actually working in Biddeford. It's existing jobs, not losing jobs, and getting more jobs. We have all the ingredients. We have the funding. We have the local support. The host. All they need now is us. Thank you, Mr. President.

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

Senator **RAYE:** Thank you Mr. President. I rise in strong opposition to the motion before us, the Ought Not to Pass Report. I rise for several reasons. First among them is jobs. Jobs. Another big reason is revenue. Revenue for this state. Not the least of my reasons are the principles of fairness and equity. The debate as to whether or not Maine is a gaming state is over. Maine is a gaming state. The only issue before us is whether or not winners and losers will continue to be decided in referenda. We hear over and over and over the refrain, "The people have always voted on this." That's absolutely right. The people have voted because their elected leaders have punted. There is nothing about this particular issue that requires that we must advocate what we were elected to do, which is to make decisions on public policy for the people who sent us here. This bill before us will benefit both Southern Maine and my part of Maine. Since 1993, for 18 years, this issue has been debated in this Body. In 1993, when this issue was first debated in this Body, it was the Passamaquoddy Tribe and the people of Washington County who introduced this debate to this state. Now, nearly two decades later, we have seen gaming come to Maine. We have seen what it has done for the city of Bangor, where none of the doom and gloom scenarios have played out, but rather we see revenue. We see economic activity. We job creation.

I'd like you for a moment to put yourself in the place of the Passamaquoddy people and the people of Washington County who, for generations, have endured the highest rates of poverty, unemployment, and all that goes with it. I sat on the Senate floor the first time that I was here to debate this issue. It is an indignity to be told by the people in this building that we don't have a right to determine our own economic future. I have often heard people lament the fact that many people in my district are in a position in their life where they are dependent on programs. I'll tell you what, I know a lot of them, maybe even most of them. I can tell you that what they are most interested in is to be able to live in the place that they love and to make an honest living. They would like to be able to have a job. Here we are, 18 years later. Poverty continues. Our Native American neighbors are left wondering why. What is the answer to the question as to why their proposal,

the one that began the debate remains unresolved and they remain on the outside looking in, nearly 20 years later. We have been bypassed. We've been bypassed in this process. I would also let you also know that if you talked to the storekeepers in Calais, that many of them are now, unfortunately, former storekeepers. I could give you names of people who have traveled from Calais to this building in the past to lobby for this, to try to save their businesses. It's too late for many of them. It is too late. Come to Calais and ride down Main Street. Look at the empty storefronts and ponder the decisions that have been made in the past with respect to this issue. We have been bypassed in this process and we are bypassed quite literally by tens of thousands of tourists who drive right through Calais. They probably look out their side windows at the empty storefronts on their way to New Brunswick or Prince Edward Island or Nova Scotia, or from Prince Edward Island or New Brunswick or Nova Scotia on their way south. If we are lucky they need gas. Maybe they'll stop and get a tank of gas and while they are there they might even buy a Coke or a pack of gum. That's what we're left hoping for because our efforts to become a destination, which this would allow, have been thwarted in this building and by the fact that there aren't enough votes in a rural small place like Washington County to sway an election. If there were we wouldn't be having this debate because the people of Washington County have voted over and over again for this come to our county. The last vote it was 70% of the people in Washington County. I'll tell you, that cuts across every political divide from Conservatives, Christians, Republicans, to liberal Democrats. Strong support throughout my county. In the city of Calais, where the racino would be built if ever we're given the opportunity that has come to other parts of this state, 80%. Can you imagine 80% support for hope, for the potential of job creation, for a restoration of dignity, for an opportunity to control our own economic fate, and to put an end or at least to help to put an end because it's not a cure-all to years of being bypassed and living with the consequences of the highest rates of poverty and unemployment in the state.

Biddeford, likewise, is a community that could use opportunity. A community, like my own, has voted to welcome it. I would also note that the project in Biddeford has a developer at the ready; not a developer looking at the state for a handout, but a developer at the ready to invest in Maine. That's what we say we want. We say we want it, but some people in this particular instance say, "Well, the people have voted." Yes, they have voted because we have punted. Are we consigned to a future that, because we've made that mistake in the past, we have to forever send issues related to this out to the people and can never take the reins of leadership? We can never do what we were voted to do by the people who elected us. I hope that you will join with me in turning back this report and in rejecting the notion that we cannot lead, that we cannot make the tough decisions, and that areas of Maine must continue to wait and to be told, "No, you have to wait until somehow you can raise enough money or have enough influence to get the votes of people who may live six hours away and have never once stepped foot in your community." I don't think that is the right answer. I tell you it's not the right answer for the people I represent. I do not believe it's the right answer for the people of Biddeford. I do not believe that is the right answer for the people of Maine. I hope you will join with me in rejecting this report so we can move on. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Oxford, Senator Patrick.

Senator **PATRICK:** Thank you Mr. President. Colleagues and friends, before I start my regular remarks, I want to start off by saying I have supported Scarborough Downs and the classy lady by the name of Sharon Terry who has done a good job at Scarborough Downs, the Sire Stakes folks, the harness racing, the horsemen, the fairs, all those related to horse racing, OTBs, non-profits, and veterans organizations, all of which I have supported 100% with the exception of sending the issues out to referendum except for once. I am like Senate President Raye from Washington County. Before I say anything about Washington County, the others that I left off were the tribes. In 2007 this Body and the other Body, and a lot to do with me, decided that the tribes deserved a chance for the very reasons the good Senator spoke of; dignity, jobs, all those issues. I'll tell you one thing right now, I respect the tribes so much because they came up to me and said, "Senator Patrick, I know you are going to vote Ought Not to Pass. We will not hold it against you because you were one of the strongest advocates we ever had here in Augusta." I'm doggone proud of that.

Ladies and gentlemen of the Senate, I rise today before you in strong support of the Majority Ought Not to Pass of L.D. 1203. For decades administrations and legislators have insisted that the citizens of Maine be the final arbiters of gaming expansion. All six of the previous gaming referenda have been left up to our citizens to decide because the Governor did veto that one in 2007. I wish he hadn't because we probably would never have another one in the state of Maine. My committee heard arguments on both sides of this issue and voted overwhelmingly 11-2, and one of the two voted against because he was a former resident of Washington County. I understand what he was saying because he understands the plight that they are going through, the same plight that the people of Oxford County are going through as well. I understand that. As a committee it was our position that we need to honor the process that we have always asked all gaming projects to follow. That is to send the bill out to referendum.

Despite a vigorous and well funded lobbying campaign, unlike I've ever seen in my life, my resolution remains as strong as ever to send the citizens initiative to the voters, as it was intended. Gaming in Maine is an extremely sensitive, personal issue to everyone in the state of Maine because gaming, gambling, has a moral decay to it that zaps people's dollars and sends them to some rich person, mostly on Wall Street, as there has always been. It is for that reason that we never need to look at the process that has preceded us here today. Every previous attempt at expanding gaming in Maine has gone out to the statewide citizen's vote. This should be no exception. In fact, I would argue that it's even more important for this to go out to a statewide vote since, for the first time in a decade, the voters are agreeing to a gambling expansion in 2010 by allowing a casino in Oxford. Would voters have voted the same way if they knew their vote would be interpreted by this Body as a carte blanche to all gaming propositions? Let's not forget that nearly 50%, or 96.6%, of our citizens who voted in 2010 still oppose the expansion of gaming. I believe Oxford probably would have failed as well had it not been the deplorable conditions of employment, not only in Maine but in the United States of America. I just gave a speech on the downward harmonisation and this is part of the downwards harmonisation as well.

Today we are being asked to rubber stamp the largest gaming expansion in Maine's history. If this passes, along with L.D. 985, Maine will have more gambling facilities than all five other New England states combined. If these casinos are passed there will 7,500 slots machines authorized in Maine. I will tell you, as someone that sat on a committee, 3,000 scared the heck out of the people in the state of Maine. That is one slot machine for every 100 adult Maine citizens. Wahoo. Do you think the voters of Maine should weigh in on whether or not they want to live in a state that has one of the highest per capita slot machine authorization laws with one of the lowest per capita incomes east of the Mississippi? I don't think so. Lesser gaming proposals have been decided by the people of our state. Should the people decide on this one too?

I've heard from the Biddeford Downs lobbying team that legislators should support it because the town voted on it. Well, we've heard from one person. That's not convincing enough for me. First we believed that it was Biddeford Downs' intentions to have the Legislature decide. Why did they go through the trouble and expense of collecting thousands of signatures? Next, there seems to be mixed reviews out there. All three members of the other Body are opposed to it, the members in Biddeford. Biddeford's voting record on gaming is inconsistent, at best. What I can tell you is that in 2000 Biddeford residents opposed slots at Scarborough Downs and in 2003 opposed the Sanford casino. They did support the Bangor racino and the Oxford County racino, both in 2008 and 2010. I've heard some of my colleagues say we need to do something for the Native Americans. That I believe with my whole heart and I hope we can find something. If for some reason the proponents of the Biddeford racino couple their efforts with expanding gambling to Calais, I would be proud to co-sponsor legislation to put a gaming facility in Calais in a couple of years. I'm extremely cognoscente of acting on the issues facing the tribal nations. We, in this Body and the other Body, ought to be ashamed of ourselves for the treatment that they've had. Frankly, it's not unlike those issues facing the rural parts of our state. We've heard how Aroostook County has been and we had chances to do something up there and we didn't do it. We turned our backs on those folks several times this session. Quite frankly, if the Passamaquoddy's had presented their bill alone my floor speech might have been different. It would have been different. However, the Passamaquoddy's have elected to be part of the Biddeford referendum.

Jobs. Yes, we've heard this is a jobs bill. All casino proposals tout jobs and we still ask the voters to decide this, not withstanding this promise of jobs. I'll leave you with this, are we prepared, as legislators, to endorse the largest expansion of gaming in Maine's history without the vote of the people? Are we prepared to authorize 7,500 slot machines in Maine? Are we prepared to do this without a clear mandate of our voters? Are we to deny our citizens from weighing in on such a massive gambling expansion? If we are so confident that this is a good deal, then the projects will be passed by the voters. If not, they will fail. I will say one thing about Ocean Properties. Everything I've heard about Ocean Properties has been fantastic. I've played golf at one of their resorts, Samoset. They did a fantastic job. Will they build a great racino? I have no doubt about that. They have the skills, the expertise, and the knowledge. This is a gaming facility.

Ladies and gentlemen, I don't know if any of you do, but I do gamble. I make no bones about it. I just took my wife to Las

Vegas in April. We stayed at the Imperial Palace. The Imperial Palace is a 30 story high building. I was in there and I came down and talked to the pit boss. I asked him, "How many slot machines do you have in this huge facility? There must be thousands." He said, "No, we have 850." Then I went to the MGM, the largest in Las Vegas. They don't even have close to 3,000. Maine is a tourist destination and for years this Body has been doing things to try to get more tourists here. Maybe the heading on the sign, that sign down there, if it's there on Craig's List or whatever, maybe instead of Las Vegas it should be Las Maineagus, where everyone is going to want to come to Maine. Ladies and gentlemen, Oxford County had two votes. One was for Rumford. I actually proudly told the sponsor that I was going to kill this bill because, yes, the citizens of Rumford voted, they voted a lot different than Biddeford, but they voted and I voted against it to kill it and send it out. This time around the Representative from Lewiston, Representative Carey, was faced with that daunting task. He voted to send it out because it's the right thing to do.

I gamble, ladies and gentlemen, because I can afford to gamble. I don't have a problem. I understand it. What is going to a casino? I'll just give you an example of \$100. You take \$100 and you put it in a slot machine that pays 89%. What does that mean, pays back 89%? Whew, that's great. That means that's a factor of amount of time you're going to be able to play with your \$100 because it pays back a little bit, pays back a little bit, and the next thing you know it's gone. It's just like the stock market. For every person that takes profit there are 100 people that lose. A matter of fact, the best gambler in the world said he would not go to Wall Street any more because he got burned too many times. Even though I gamble, yes Lord I am a sinner, I do understand that there is a moral decay to this aspect. Three times when I came back from Las Vegas out of 24 times I actually came back with money. I went there knowing that they were going to get my money, but I have a good job. As I said, I make around \$70,000. I can afford losing a little bit, and I don't take a whole heck of a lot with me because I know what it's going to do to my family life. I can even turn a dollar into \$2.50 for someone.

Ladies and gentlemen, we are going to get some visitors here to Maine; July, August, and September. I ask you, with those 7,500 machines, where is the rest of the profit going to come from? Where is it going to come from, folks? It's going to come from Mainers. It's going to come from Mainers and if you think that it's not then you are mistaken. Ladies and gentlemen, I can't remember right off the top of my head, I know I have the figures in my thing, but one of the organizations, and I can't remember if it's Hollywood Slots or not, takes in \$680 million. That's one organization. What is five going to do? It's like \$3 billion taken out of our economy. Who's going to go to L.L. Bean. Who's going to go to Wal-Mart? They are going to have to go to the Dollar Store because they are not going to be able to afford Wal-Mart because they don't have the money.

I'm going up to Hollywood Slots on Sunday with my wife and family. I don't have any problem saying that because my kids live up in Lincoln and Old Town. It's a fun place to go if you can afford it. Chances are my kids and myself and my wife are going to lose our money. I don't mind that because it's an entertainment value. Who can afford to lose this money consistently in this economy? I've gone up there and most of the time, I think they have 1,000 machines up there, there is not a problem getting on a machine. I've seen the people there. I've actually looked at the license plates. How many out-of-stater's are there? Not many

unless it's on a Sunday that the high stakes bingo happens to be because the high stakes bingo actually subsidizes Hollywood Slots. Gaming eats its own young. There are only so many dollars out there for gaming. Boy, I hope we get a lot of the out-of-stater's money because I don't want to have many people in Maine get it.

We talk about jobs. Where are we headed, ladies and gentlemen? I think I heard from the head honcho of the University of Maine that we're going to change our focus. Instead of competing against the Chinese and the Indonesians and South Americans or the Europeans on engineering we're now going to be offering majors and masters in gaming. How to deal. How to be a pit boss. How to be a cocktail waitress. Wow, that's exciting. We're talking about thousands of slot machines, ladies and gentlemen. How many people even know how we got involved in this crazy mess of gaming? Shawn Scott, from Las Vegas, was smart enough to actually put the racino bill in the same time there was a casino bill. I'll tell you one thing, ladies and gentlemen, a casino scared the heck out of people more than a racino. Perfect timing. Perfect situation. Under the radar. The casino actually spent all the money. The racino hardly spent any money. The bill got passed. Is Shawn Scott up in Bangor right now? Where is Shawn Scott? He sold that. I think after everything and all the smoke cleared he got like \$75 million for the deal.

Now let's get to the Biddeford vote and the Rumford vote, Lewiston vote. In Rumford, when we had the casino vote, we actually had three or four town meetings prior to having our election. It was really interesting because for two weeks in advance we always said we were going to have the organization come in. They were going to explain the gaming. Then we had another one two weeks later. We had the people come. We had the notice in the newspaper and stuff like that. What actually happened down in Biddeford? I asked that question, ladies and gentlemen, and I really didn't like the answer that I got because, although they did have a vote on that, on August 17th, two weeks prior to that, was there a notice in the paper saying the selectmen or town counsel was going to discuss gaming? Was there any notification to the people of Biddeford? The answer is absolutely not. As a matter of fact, what happened was the 11th thing on the agenda, prior to adjournment, was executive session to talk about a property issue. Did they have the vote after they came out of the executive session? Well, it was passed by a large margin. I'll tell you one thing right now; if you come to Rumford and spend \$175,000 to say that this is going to bring jobs and prosperity to Rumford we're going to get a lot more than 59%. We're probably going to get 80% because people want to go to work. From that standpoint, I don't really there was real notification and shame on Biddeford for that because if you think I'm fooling I've had them deliver me the official municipal office meeting report.

The Senator from Washington, I really feel his pain for the tribes. I sat on the Legal and Veterans Affairs Committee different years. The harness horse racing association and the fairs, I have always worked to try to do something to benefit them. As a matter of fact, ladies and gentlemen, when Shawn Scott passed his first initial bill, being what I say is basically a crook from Las Vegas, in the original referendum for the racino he was going to get 75% of the take and 25% to Maine. I was part of the committee that got 39% for the state of Maine and the organizations. That's a lot better than 75%. I have been here since the original and I haven't really changed my stance. I don't even know what the casino that the citizens of the state of Maine

passed in a referendum election is actually going to do for the betterment of Oxford. I know it will be a destination place and I know it will help out, but what's it going to do to the people that are still out of work, for the canneries, the tanneries, and stuff like that? I really don't know. I'll take Bangor, for instance. Have they done well? Well they are lucky to have one of the largest cities in the state of Maine. I'm happy for them and I've actually supported them on other issues to try to make things a little bit better. We just passed simulcast for them. The issue is what has it actually done to the surrounding towns? Where do the people come from for Hollywood Slots? Where are the people going to come from for Oxford? Where are the people with the money going to come from? When I go up on Sunday I'll be willing to bet I see two or three seniors from Rumford. I'll know the seniors and I'll know basically that they have enough disposable income that they can go up and have fun gaming. They know it. I've talked to several of them. As a matter of fact I even had a talk with one at church. I'm not worried about those that can afford it. We don't talk about addiction. We don't talk about those that we have a law on the books that they can take their name off the list so they can't go back there.

Maine is a gaming state, and I've always said for years that it's a gaming state, so why are we playing games? Are we going to be a Las Vegas of New England? You wonder why people are in support of the Ought Not to Pass Report. It's simply. How many people in the state of Maine really want to expand gambling 300%? I've had an awful lot of people say to me that they'll be glad when Oxford opens up, but what are we going to do if we have five? It's too bad, ladies and gentlemen, but the jobs at Hollywood Slots are pretty decent jobs. I've actually talked to a lot of people. They are pretty decent jobs. There will be pretty decent jobs at Biddeford Downs. I've always supported Scarborough Downs. As a matter of fact, I was the one who helped get the 4% in their payout. I also helped the horsemen, the fairs, and the breeders. I'm proud to do that. We talk about being able to compete in an open marketplace. What is this going to do to Oxford and what is this going to do to Bangor? Who's going to survive? Is it up to us to choose which one is going to survive? I hope not, ladies and gentlemen. Do we want jobs? Yes, we do, but do we want to have a gaming state where all the jobs that we now have are with gaming?

I'll finish off with my last thing, because I know I've been way too long and I know I'll get up again for sure. If this is the way we're going to go, ladies and gentlemen, why don't we go like that state, there is one state in the Union, that has 17 casinos. Ladies and gentlemen, we do not have a casino in Northern Maine. We have two or three borders in Aroostook County. I think it is Madawaska and Fort Kent. Why don't we have one up there? When will we stop? Every job that we're going to have is going to be casinos. I'll tell you another thing, in Las Vegas if you go one street beyond the strip then you find out what Las Vegas and gaming is all about. I'll tell you one thing right now, it's not a well known fact, that there is more doggone crime over there because they have so many casinos and stuff. I'm not saying that's what is going to happen in Maine, but I'll tell you one thing right now, this might be about jobs, but are we going to take the immoral jobs of gaming and suck everyone's last dollar out of them? I hope not, ladies and gentlemen, and I would ask you to support the Ought Not to Pass.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Oxford, Senator Hastings.

Senator **HASTINGS**: Thank you Mr. President. I rise with a little bit of cynicism here because I remember two years ago the similar, if not the same, debate we had regarding the Oxford County proposal. We debated whether or not that should go out to the voters or whether or not we should approve it right out of the Legislature. I just looked it up. Twenty-six of the members in this Body said to send it out to the voters. Many of those same people who are rising today and urging us say that this was a mistake and that we need to do it ourselves. What has changed? Didn't we need jobs, economic development, two years ago? Apparently not to most of this Body. If we had voted, if we had passed that out at that time, the Oxford County casino would probably be up and going at this point. Isn't Oxford County a rural area of Maine? High unemployment. High poverty. I understand the need for development in Washington County, but, darn it all, it is not the only place in Maine that needs economic development. Oxford County is just as needy. We seem to be just putting that by the wayside. We're not going to let Oxford County get up and going. We're not going to make sure we can get those jobs in place in that part of the state of Maine. I hear that this is a wonderful project. Ocean Properties is a wonder project and has great financing. Let me tell you about the Oxford County project. You must know this is not an out-of-state firm that has come in and is trying to capitalize on Oxford County. This is a project put together by good people from Maine. The Grover's of Norway. The Barber's of Barber Foods. Bob and Gary Bahre, two of the most successful businessmen to come out of Maine in many, many years, who are putting their money where their mouth is to develop jobs and the economy in Western Maine. Why, for the life of me, we do not allow that project to get up and going, to let those jobs be created, before we decide if we need more casinos in this state. I'm a cynic I guess, but I don't see what's changed in two years. Thank you very much. I continue to urge the support of the pending motion.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from York, Senator Sullivan.

Senator **SULLIVAN**: Thank you Mr. President. Men and women of the Senate, we've been here much too long and I'll try to be very, very short. I'll match my statute. First of all, I resent what has been said about Biddeford. I also resent being compared to the people in the other Body. I'm up here as a Senator. I represent the entire part of Biddeford except for about 2,500 people that I'll allow the good Senator from York, Senator Hobbins, to also represent. I don't represent the downtown exclusively, nor do I represent the people in Ward 1 along the ocean exclusively. I represent the Biddeford people and they voted and I'm here as their voice. We knew what we were doing. What the good Senator from Oxford, Senator Patrick, referred to as far as the minutes, it is exactly what I started my speech off with the process in Biddeford. It was not ideal, but there were meetings afterwards and before it went on the ballot. People in Biddeford, people who were hurting, voted for \$30 million repair to our high school. People who are hard working, people like my husband and I, voted for that school. Yet we have one person unemployed in my home. Biddeford people know what they want and what they are doing. He's referring to a letter that was put out by three counselors. Two of those counselors voted the first time. Both of them represent Ward 1, which is along the ocean. The other one is a person who does not believe in gambling, and,

in fact, bar drinking. He has not allowed one license for alcohol to be served in anything, not even a Class A restaurant. They are entitled to that. I will not have the city of Biddeford insulted as I sit in this, nor will I have my reason about my vote and why I am in this Senate and what I represent.

As far as what people spend their money on, people, you cannot legislate morals. A number one reason for homelessness is alcoholism. Why don't we just stop selling alcohol entirely? We tried it once. Didn't work for very long. Only thing we put did was put it in the Constitution and immediately repealed it. People spend their money on drugs. People are going to spend their money on what they want. I'll tell you why there are fewer slot machines in other places. It's because they have more table games. Ask anybody at a casino, table games is where they make their money. That is the big money. That's why Bangor is asking for 20 tables. That's why the LVA, or VLA now I guess, from last year decided to try to give Bangor their tables. I've tried very hard not to say anything about last year and what we did in LVA, but that was my committee and I did Chair it. We tried very hard at the end, and we couldn't get people to come and agree that we would have a standard so that if you wanted to have a casino in Maine there were standards, this was how it would be divided out, the money, and this is what would happen. We couldn't get people to agree. Guess where we were? Oxford and Bangor fighting each other. You opened the door to gambling. That's the difference between now and two years ago. You opened the door. We opened the door. Venture capital is venture capital in this state. We begged for it.

All of a sudden I represent the entire city of Biddeford. I have received eight e-mails on this, eight. Five from Saco and three from Biddeford. Two of those three in favor. Isn't it amazing. Biddeford knew what they were voting on because, yes, they did vote against one when we were talking about one in Sanford or one in Biddeford or one in Kittery. Way back when Casino No was here and Dennis Bailey was involved. There were meetings every single time on that. In fact, the York County delegation joined. Times have changed. Vote as you want to, but you won't knock my city or the fact that I am voting differently than what my colleagues did or in the other Body. I still hold the right to have the voice I want in here that I believe represent my constituents. I may pay the price. You want to talk about lobbying? I've been here for a long time and you have surpassed the bottle bill. Anybody that has been here for any length of time knows my love affair with the bottle bill. I'm disappointed in the way much of this has been run. I'm disappointed that people have tried to pit one colleague against another. It seems that all we care about is winning. Our law firm, or our side, or our whatever. Maybe that's why we don't have a budget and maybe that's why we are here and having this type of end to the session. Biddeford is not a dumb community. I resent being told we don't know what we are doing. People will spend their money. Again, I will remind you, if there is a McDonald's and there is a Tim Horton's and there is a Burger King, the entire state's not concerned. Can the city of Biddeford decide if they can have all three of those or if one will fail? We assume that those three companies have done business plans. They have done demographics and they decide if the concentration is large enough to take all three. If you don't believe it's right go find a McDonald's and turn your face around and you'll find a Burger King, a Tim Horton's, or a Kentucky Fried Chicken. How many casinos? It doesn't hold that we are trying to protect the state by not having too many of something. Maybe

we have too many fast foods. Sure would help my body shape if we didn't have quite as many.

Why have I changed? I think I explained that. We finally have somebody coming to the state of Maine that has venture capital to put here. They are willing to invest. It's not going to be done and stopped in the middle because they ran out of money, or the bank wouldn't allow them, or there has been a downturn. They've got it. You vote as you want. I'm okay with that, but don't you try to down play my city and down play what I'm doing here and try to make me feel bad because the three colleagues in the side didn't vote that way. I've listened to that just about long as I intend to listen to it anymore. My word means something. It has always meant something. It's all I have. I wish I made \$70,000. I've taught for 28 years and I just barely top \$50,000 now. I was so scared by that amount I decided to retire. I know about making pennies stretch. I know about what it is to want to have people working in your family. Don't go and tell me the Biddeford people didn't know what they were doing. The process stunk at the beginning. I admitted that right up front. We are where we are months later. I have been quiet. I have not gone to the papers. I have not gone to a committee hearing. I kept my mouth shut because the people of Biddeford needed to speak and I needed to listen. You have not seen one quote in the papers from me. There is a reason why. I listened. The Biddeford people are smart. I will hold onto my integrity and what I have said here and what I am doing here. Thank you, Mr. President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Oxford, Senator Patrick.

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, this time I'm not going to be a windbag. I just want to touch on a couple of things. We talk about how times have changed. Yes, they have changed. We've just gone through the biggest downturn in the economy. I think it was a depression. Everyone says it was a bad recession. What has that done? It has slowed the economy, slowed wages, and slowed growth. Our economy in Maine is stagnant. I will say one thing to the people of Biddeford, I have been going to Biddeford for 37 years. I played pool, competitively, at the Biddeford Eagles and they are some of the nicest, most hard working people in the state of Maine. They come from a working class background, just like I do. I do not disrespect anyone in Biddeford. I have the utmost respect for the people in Washington County. I've been to Calais numerous times. What this is about is that we have a moral obligation to regulate things. Are we going to throw caution to the wind with not regulating cigarettes or liquor or a lot of the other things we regulate? It is our moral obligation. Do we want to expand gaming to the umpteenth degree? Take a look at Hollywood Slots' business plan. Did I like it? Did we give them some breaks? Yes, we did. We allowed them to build in Miller's Restaurant. I think they had 450 or 480 slot machines on because it was a good business plan. They were actually making money so when they built their big Hollywood Slots it was good fit. We actually helped them out and I'm proud of that. The business plan in Oxford is three phases. I have no problem with that because it is right-sizing their businesses. Both these businesses want to be profitable. If these should happen to pass I hope they right-size them because, I'll tell you one thing right now, they won't right-size them with 1,500 slot machines each because the money is not there, ladies and gentlemen. This isn't about disrespecting any people or any town or any community. What

this is about is that we, as Senators in this Body and the Representatives in the other Body, have a moral obligation. Do we want the purification of gaming when the income of the people in the state of Maine is going to go broke? I'm not going to tell anyone not to go gaming. No one tells me to go gaming. No one tell me how much to give the church. I do and that's my choice and it's everyone's choice. I said it in the previous bill. I'm not going to tell people what to do. I'm not going to try to change their lives unless they ask me. Ladies and gentlemen, I'm ready now to vote for the Majority Ought Not to Pass. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Dill.

Senator **DILL:** Thank you Mr. President. Men and women of the Senate, I came to the Legislature not wanting gambling, but the horse is out of the barn. I voted against the previous bills. I'm voting in support of this bill because this bill is different. This bill is better. This bill creates jobs. I'm just going to briefly tell you a little bit of a story because I think there is some suggestion that somehow this kind of industry doesn't provide the kinds of jobs that we want here in Maine. I'd just like to tell you the story of a young man who was dirt poor, lived in Goshen, New York at the harness racing track there. He moved to Carmel, New York. Spent his life as a young man taking care of horses at the Carmel, New York harness race track. He went on to college. Became a very successful businessperson. Later became a philanthropist and purchased the harness racing track and land that now serves as the Fred Dill Wildlife Sanctuary. My grandfather started in harness racing and he became a huge contributor to his community and it started at the harness racing track. There is no reason to deprive the people of these areas of jobs. A job is an opportunity. What we need in Maine is opportunities. I encourage you to vote against the pending motion. I would just say, finally, that is certainly a pleasure to be on the same side of a vote as the Senate President. Thank you very much.

The Chair noted the absence of the Senator from Penobscot, Senator **PLOWMAN** and further excused the same Senator from today's Roll Call votes.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Farnham to Accept the Majority Ought Not to Pass 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 (#217)

YEAS: Senators: ALFOND, BARTLETT, COLLINS, FARNHAM, HASTINGS, HILL, HOBBS, JACKSON, MARTIN, MASON, PATRICK, ROSEN, THIBODEAU, THOMAS, WOODBURY, THE PRESIDENT PRO TEM - CHRISTOPHER W. RECTOR

NAYS: Senators: BRANNIGAN, COURTNEY, CRAVEN, DIAMOND, DILL, GERZOFKY, KATZ, LANGLEY, MCCORMICK, RAYE, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, TRAHAN, WHITTEMORE

EXCUSED: Senators: GOODALL, PLOWMAN

16 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator FARNHAM of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, FAILED**.

The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-400) **READ** and **ADOPTED**, in concurrence.

On motion by Senator PATRICK of Oxford, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

Senator PATRICK of Oxford requested and received leave of the Senate to withdraw his request for a Roll Call.

Under suspension of the Rules, **READ A SECOND TIME.**

On motion by Senator PATRICK of Oxford, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#218)

YEAS: Senators: BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFKY, KATZ, LANGLEY, MASON, MCCORMICK, RAYE, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, TRAHAN, WHITTEMORE

NAYS: Senators: ALFOND, BARTLETT, HASTINGS, HILL, HOBBS, JACKSON, MARTIN, PATRICK, THIBODEAU, THOMAS, WOODBURY, THE PRESIDENT PRO TEM - CHRISTOPHER W. RECTOR

EXCUSED: Senators: GOODALL, PLOWMAN

21 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 2 Senators being excused, the Bill was **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

The Chair laid before the Senate the following Tabled and Later (6/7/11) Assigned matter:

HOUSE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Regarding Establishing a Slot Machine Facility"

I.B. 1 L.D. 985

Majority - **Ought Not to Pass** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-436)** (2 members)

Tabled - June 7, 2011, by Senator FARNHAM of Penobscot

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, June 6, 2011, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-436)**.)

(In Senate, June 7, 2011, Reports **READ**.)

Senator FARNHAM of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Farnham.

Senator FARNHAM: Thank you Mr. President. Again, I would just say this is another one of the citizen initiated bills that came before the Veterans and Legal Affairs Committee. The suggestion I had to the committee on these was to do the same to both items. Both citizen initiated bills came to us in the same way, the same exercise was done by the citizens of the state of Maine to get the signatures on the petitions. They came to the committee in the same way, although the potential behind both of the citizen initiatives referendums is different. They both came to us the same way. I have a motion up there as the majority of the committee was Ought Not to Pass, but again I'll just ask for you to consider how you want to handle this bill as far as whether or not you support past practices or support what you just did in the last vote. That's what kind of what happened in the committee.

On motion by Senator SNOWE-MELLO of Androscoggin, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Androscoggin, Senator Craven.