

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twenty-Fifth Legislature

State of Maine

Daily Edition

First Regular Session  
December 1, 2010 to June 29, 2011

Pages 1 - 1494

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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All matters thus acted upon were ordered sent down forthwith for concurrence.

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Senate at Ease.

Senate called to order by the President.

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Out of order and under suspension of the Rules, the Senate considered the following:

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act To Require Use of the Electronic Death Registration System"

S.P. 392 L.D. 1271  
(C "A" S-157)

In Senate, May 31, 2011, **PASSED TO BE ENACTED**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-157) AS AMENDED BY HOUSE AMENDMENT "A" (H-621)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **McCORMICK** of Kennebec, the Senate **RECEDED** and **CONCURRED**.

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**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later (6/8/11) Assigned matter:

HOUSE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Allow Table Games at a Facility Licensed To Operate Slot Machines on January 1, 2011" H.P. 1044 L.D. 1418

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-522)** (11 members)

Minority - **Ought Not to Pass** (2 members)

Tabled - June 8, 2011, by Senator **FARNHAM** of Penobscot

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, June 8, 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-522) AS AMENDED BY HOUSE AMENDMENT "A" (H-564)** thereto.)

(In Senate, June 8, 2011, Reports **READ**.)

On motion by Senator **FARNHAM** of Penobscot, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

**READ ONCE**.

Committee Amendment "A" (H-522) **READ**.

House Amendment "A" (H-564) to Committee Amendment "A" (H-522) **READ**.

Senator **FARNHAM** of Penobscot moved to **INDEFINITELY POSTPONE** House Amendment "A" (H-564) to Committee Amendment "A" (H-522), in **NON-CONCURRENCE**.

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, what House Amendment "A" does is add 2% to the cascade under which it will be 16% for table games for Hollywood Slots. This will bump it up to 18%, which is a lot less than what the fee is for slot machines, which is 39%. The idea behind the amendment from the other Body was to give the 2% to the tribe in Indian Island. You wonder why I rise. I'm not sure whether I'm in favor of or opposition, neither for nor against, because of the way the gaming bills have gone, like a reporter wrote in an earlier newspaper, this is like Ringling Brothers, Barnum and Bailey's Circus. I'm not sure under what tent I'm in. For years the tribes have been short-changed, probably even discriminated against. We actually took a vote here in this Body, one that I didn't support, but we actually helped the tribes out, one of the tribes out. Here we are again. We have another issue before us. Are we going to help the other tribe out? I'm conflicted because the testimony before the committee was that during our high stakes bingos we truck people in from Massachusetts, New Jersey, Connecticut and bring them to our high stakes bingos, which is a good thing for them because there are only so many people in the state of Maine that will go to high stakes bingo. On Saturdays they get the full effect of trucking their customers in. What happens on Sundays, believe it or not, Mr. President, is a lot of people happen to go down the road to Hollywood Slots, therefore, taking some of their income with them. In fact, what this actually does is subsidizes Hollywood Slots by bringing out-of-state players. I'm glad to see out-of-state players leave their money in Maine. In reality, is this fair to the tribes? I think not. I think, Mr. President, you and I had as much passion for the tribes in 2007 as anyone did. I have that same passion tonight because what this Indefinite Postponement is going to do is once again we're going to take something that the tribes want, which is to get their subsidizes back. I don't know if we can really be that hypocritical or not. I don't even know if I can support this or not. I've got to look myself in the mirror and say, "Well, what are we going to do? Who are

we going to discriminate against next? Who's going to benefit by the ill-gotten gains of gaming?" I don't know, but it is a fact that the income of the tribes in Indian Island have diminished since Hollywood Slots has become a quality business. There is a cascade, and I have fought against every cut into the cascade that exists for slots and have always said I would until the committee decides to really take a look at doing something with that money for the betterment of the state of Maine. Technically or legally, there is no cascade yet for table games. We will be voting on the cascade for table games, so we now have a rare opportunity to help the other tribe gain back some of their income. In retrospect, I guess what I'm going to be asking you all is to search your heart and find out if you want to help one tribe and not the other. If you want to help both tribes, vote against this Indefinite Postponement motion. Thank you, Mr. President.

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

Senator **PLOWMAN:** Thank you Mr. President. Men and women of the Senate, also out of the Veterans and Legal Affairs Committee there came a bill that took the number of days that high stakes bingo can happen at Indian Island from some 47 days to 100 days a year. That was in an effort to increase the days that were available in order for the tribe to be able to have more people come in. We made all the weekends three day weekends instead of two day weekends and increased that. We also, again, have cut the fee that must be paid by the tribe again this year by \$25,000 in order to take into account that the tribes have been affected. We also allowed for the use of bingo machines, electronic bingo machines, in order to make the gambling more attractive on Indian Island. I would say that this isn't a point of discrimination. Relief was looked at by the committee. Relief was very carefully looked in. When we voted we did not put in an 18% rate. Based on the testimony before our committee, the 16% rate is higher than the rest of the country, but it seems that table games do not make the same kind of money that slot machines do. We looked at a cascade and tried to make sure that we kept the cascade going to State purposes with an acknowledgement that we had affected and not helped some of the other people, the non-profits, who were trying to also get over the competition that has come along. We have looked at this. The bill has already come by and gone back and forth. We have provided relief to the tribe. I would suggest that we don't operate by discriminating in our committee. We try to at least be as even handed as possible without tipping in favor of one or another of the entities that come before us. Therefore, Mr. President, I would move that we accept the motion to Indefinitely Postpone. Thank you.

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I can agree with basically everything that the good Senator has said. Even though we did give the tribe 100 or 200 or 300 days to run their high stakes bingo, it's still going to be a subsidy to Hollywood Slots because they are trucking in bus loads of customers. If the customers, because the gaming has only a certain amount of dollars, would stay at the high stakes bingo parlors, I would have no problem with that. The reason the committee actually took a

look at giving 2% in the cascade is because non-profits have been devastated by the gaming facility at Hollywood Slots. We're trying to keep the non-profits, which realistically are your American Legions and VFWs which are near and dear to the Veterans and Legal Affairs Committee because we hear from them that they are almost as destitute as the tribes. The Legion halls and the VFWs are going out of business because they have no revenue. We did rectify that within the bill, or at least we are making an attempt to do that. The way this is, one can say; what is the going rate nationally? One can say whether 1% gross or 10% net is the same thing. It doesn't matter. What matters, realistically or not, is if you think we should be doing something for the tribes. Thank you, Mr. President.

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 PRESIDENT:** The pending question before the Senate is the motion by the Senator from Penobscot, Senator Farnham to Indefinitely Postpone House Amendment "A" (H-564) to Committee Amendment "A" (H-522). 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 (#246)

**YEAS:** Senators: COLLINS, COURTNEY, DIAMOND, FARNHAM, GERZOFKY, HASTINGS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, SAVIELLO, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

**NAYS:** Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, HILL, HOBBS, JACKSON, PATRICK, ROSEN, SCHNEIDER, THOMAS

**EXCUSED:** Senators: DILL, GOODALL

22 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **FARNHAM** of Penobscot to **INDEFINITELY POSTPONE** House Amendment "A" (H-564) to Committee Amendment "A" (H-522), in **NON-CONCURRENCE**, **PREVAILED**.

On motion by Senator **PATRICK** of Oxford, Senate Amendment "A" (S-268) to Committee Amendment "A" (H-522) **READ**.

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, what this amendment does is; right now you have a \$100,000 fee for 20 years. This would reduce it down to a \$50,000 fee for 10 years. Basically, what that is, if you figure the math, is a \$5,000 per table fee per year. If you multiply that

out for 10 years or 20 years, it should come out fairly accurate. The only reason I'm doing this because, as I talked in committee, of what happens in the sale of liquor industry by the State of Maine. We found out after we entered into the deal that it was a terrible deal for the State of Maine. In retrospect, I probably should have changed the amendment to 5 years, which I didn't and I wouldn't have a problem taking a look at 5 years. It's 10 years for now and I actually think what this would do to Hollywood Slots and the Oxford Casino is that will actually be a lesser amount, which probably will make it so if they are not making as much on the table games this, in fact, would probably be a good idea for them. At the end of the 10 year period, if in fact the income per table is a lot more the next time we change our license fee, it will be a lot higher than \$5,000 per table. Thank you.

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

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

Senator **PLOWMAN:** Thank you Mr. President. I would urge that you vote not to accept this amendment. As we looked through, in the committee, this was a figure that we arrived at after much discussion and negotiation in the committee. I understand the purpose of the motion, but when we passed the bill we exempted Oxford for a year from having to pay this fee so that they would be able to start up and move through the process, recognizing that Hollywood Slots had already had its start up and would be able to license it. That was the agreement that we came to in the committee and I would urge you to respect the committee's negotiations as we came point to point, gave up things, and moved things along. Thank you, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Oxford, Senator Patrick to Adopt Senate Amendment "A" (S-268) to Committee Amendment "A" (H-522). 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 (#247)**

**YEAS:** Senators: ALFOND, BARTLETT, BRANNIGAN, HASTINGS, JACKSON, PATRICK, SCHNEIDER, SNOWE-MELLO, THIBODEAU, WOODBURY

**NAYS:** Senators: COLLINS, COURTNEY, CRAVEN, DIAMOND, FARNHAM, GERZOFSKY, HILL, HOBBS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SHERMAN, SULLIVAN, THOMAS, TRAHAN, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

**EXCUSED:** Senators: DILL, GOODALL

10 Senators having voted in the affirmative and 23 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **PATRICK** of Oxford to **ADOPT** Senate Amendment "A" (S-268) to Committee Amendment "A" (H-522), **FAILED**.

Committee Amendment "A" (H-522) **ADOPTED**, in **NON-CONCURRENCE**.

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

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

Senator **PATRICK:** Thank you Mr. President. Just to let everyone know what they will be voting on is that in 2003 the racinos, two, came into play where one only actually legally got licensed, and that is Hollywood Slots. What this will do is turn the racino into a casino. We just passed two more racinos. I can't talk about a bill that will be coming before us, but in actuality this is now going to be a full fledged casino. I just want to let everyone know that, where they want to let gambling rip throughout the state of Maine, we might as well have all kinds of casinos. Thank you, Mr. President.

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

Senator **FARNHAM:** Thank you Mr. President. This bill would put into place the guidelines that would allow a facility already licensed for slot machines to add table games. This bill actually came to the Veterans and Legal Affairs Committee by a legislator and not a citizens' initiated process, which allowed the committee to actually get in front of what new opportunity would be. It allowed us to be able to put forth and put in place the guidelines, finally, for, in this case, a facility already authorized for slot machines that could add table games. In the past, as you know, we've been very reactive to anything in the gaming arena. This would allow us to get out front. As we have already alluded to, it had to do with setting up the licensing fees. It had to do with establishing a cascade, or a tax in this case, which had to be pretty much in line with the one already set up by the law that Oxford has with the 16% tax. In this case it was 9% to the General Fund, 3% to the Gambling Control Board for administration, 2% to the host committee, and 2% non-profits who may be affected by gaming. We also had to deal with the question of whether or not we should have a municipal or statewide vote involved in adding this new opportunity. As has been alluded to, Hollywood Slots being the one in play, in this case they had had a state vote and a municipal vote already, but we also thought that, in this case, perhaps they should check in with the municipality and just make sure that adding this would be an okay thing. Again, in the case of Hollywood Slots, they've been a good neighbor. They've been involved in the community by sponsoring things on the waterfront. They've been involved in opening their doors to the community in a lot of different ways, in supporting the race track. We don't know if that will be the case of all the facilities, so the committee felt that that would be something worth adding and keeping in the bill. As for when table games would be up and running, L.D. 1418 would not allow the facility already in existence that's authorized slot machines to be able to start table games any earlier than the facility at Oxford and

any earlier than any other facility that would be authorized or until such time, and it will probably take place in second half of this session, that final decisions on licensing fees and funding and additional funding for positions and things within public safety, the monitoring and the oversight and everything is in place. Again, this legislation finally allowed the Legislature to get in front of what we see coming in the gaming arena as far, as in this case, a facility already authorized to have slot machines to be able to add table games. As was alluded to, the majority of the committee supported this. We had some long time members on the committee who worked on this and had the insight and guidance that was added to allow the committee to come up with these guidelines.

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

Senator **HASTINGS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I kind of agree with the Senator from Penobscot, Senator Farnham, that it's good to get out in front of this. The only thing, and I totally agree with the Senator Oxford, Senator Patrick, is that the State has not always done well selling 20 year franchises. This is a fee that we've never even charged before. We don't have any history on it whatsoever. It may be twice as big as it should be. It may be 100% too small. Why would we lock ourselves in for 20 years on a fee? We haven't had the greatest luck doing that. As the Senator from Oxford, Senator Patrick, points out, we're still basing the fee on \$5,000 a year. It's not as if we're discounting that. Why take away the option of reviewing this in 10 years instead of 20 years? A lot happens in 20 years. The other point I'd kind of like to make is that if you set the fee so high up front you're stifling competition. If you have an existing facility that is up and going and is now generating substantial revenue, they are in a much better position to pay an up front fee. Oxford will have to deal with it, but they are in the process now of trying to invest millions of dollars in facilities and infrastructure that will generate jobs. The bottom line here is I think we keep forgetting that much of this is about jobs. Do we want to create a system that stifles the ability to create jobs? All this amendment does is say to keep the same per year but let's charge it for 10 years and look at it again. I mean, 10 years itself is a long time. I think we have other contracts that we wish perhaps we hadn't left for such a long time under the terms that we left them at. The same thing could happen here. This is a perfectly reasonable bill. If you are just looking at this as a budget balancer this year, I don't think it has even been presented in that fashion. Apparently I've been reminded that I'm speaking and not being Germaine. I would urge the pending motion to be defeated.

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

Senator **SULLIVAN:** Thank you Mr. President. Men and women of the Senate, I'm not sure where we are, but the more the good Senator from Oxford spoke the more confused I was. I'm just going to move ahead and if I'm out of order somebody will remind me.

I actually support the Chair from Penobscot and Senator Plowman of Penobscot. In the 124<sup>th</sup> I had chaired this and we had talked at length about what we would do. As we saw people's initiatives come in and as we saw things happen, we

tried very hard to set a standard up then. If you are going to open a new business, a new form of business, then everybody should be playing under the same rules. I applaud them for getting it through. We were unable to in the 124<sup>th</sup>. I fully support this as it is. It is set up and says that everybody who enters into this now enters at the same level. You can plan. When a company decides they'd like to start a racino/casino, one has the horse track and one does not and is simply slots and tables, you will have everybody working. You'll know what that plan is so you can't come to the Legislature and say, "Well, we think we want to give \$60 million a year to the education." Because everybody's in favor of education, they would say that's a lot of good money and they'll take that, but they don't fund something else. This is a set of standards of which Maine will operate on. We should have had it before anything was opened. It didn't happen and now we need to correct the mistake. That's all this does. They have taken and said that we will allow and we will wait for a company to open. We will wait for the Oxford casino before we will begin to charge. We have done everything right. This is a good bill. If you really looked at it, like it our not, it's here, people. Maine is a gaming state. We've got to accept that. Let's make sure everybody plays under the same rules. I fully support this and I would congratulate the Veterans and Legal Affairs Committee for doing excellent work. Again, I'm a little jealous it didn't happen last year, but it's a great job and I fully support this.

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

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, I rise also in support of this effort, but in light of the argument that was just made by the Senator from Penobscot, Senator Farnham, I'm a bit confused at the argument presented as to why this is okay to pass, even though I'm in full support of it. The argument that we should send all of these bills out to the people yet this one is not being. That was not the argument that was made even though this was never ever voted on, table games at the facility in Bangor. I'm very confused at the argument and wonder where the consistency is.

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

Senator **WOODBURY:** Thank you Mr. President. Senate colleagues, I'm quite pleased to follow the Senator from Penobscot. The referendum that led to the creation of Hollywood Slots I've always thought was one that passed kind of under the radar. I'd like to just read the language. There was a casino referendum at the same time. This was kind of the secondary one. The language read; "Do you want to allow slot machines at certain commercial horse racing tracks," that's at the tracks, "if part of the proceeds are used to lower prescription drug costs for the elderly and disabled and for scholarships to the State university and technical colleges?" It's really the first phrase I want to focus on. Do you want to allow slot machines at certain commercial horse racing tracks? My conjecture would be that most people reading this referendum envisioned a dozen or maybe two dozen slot machines at the horse racing tracks while the horse races were going on as an additional revenue source to help those businesses to survive and thrive, not a large independent facility operated almost entirely independent of the horse racing track, as Hollywood Slots has become. To now

make this another substantial incremental step from what Hollywood Slots is now to a full fledged casino, I really feel pretty strongly that this is the kind of thing that should go back out to the Maine people. I'm going to be opposing the motion here for those reasons. Thank you.

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

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

Senator **PLOWMAN:** Thank you Mr. President. Men and women of the Senate, table games came to the state of Maine in either the 122<sup>nd</sup> or the 123<sup>rd</sup>. The bill was sponsored by the now Senator from Oxford, Senator Patrick, when he was a member of the Legislature and it allows table games in every county in the state. It's called Texas Hold Um. One hundred people can gather on any Saturday night in any local place and play table games. I'm not sure why this is such a departure from public policy. When we looked through to see how many non-profits could run this, I believe there are 27 categories of non-profits who can sponsor Texas Hold Um in your local town with no security, no cameras, and no worries, I guess, that 100 people show up with cash on the table. We have table games in the state of Maine and it's become quite successful to the point where we were asked to increase, sometime ago, how many players could come. I would dare say, 10 tables with 10 apiece, that would be an awful lot of money if we decided to ask for that fee, the application fee. Instead we let this go to non-profits. Whether you like it or not, Maine is a gambling state. It started with the lottery and then it has moved progressively. The only thing we haven't done is set a full public policy as to how this is going to be developed and brought forward. We did try very hard in the last session to make things equal. Unfortunately, we weren't able to do that this year because of the initiated bills. At this point, we have table games. They were brought to us courteously of Senator Patrick from Oxford. I think that we should probably acknowledge the fact that we have moved into that place where Missouri and Arizona and Nevada have already gone, except that we're doing it on a low key scale, but we sure are doing it. As far as I can tell, poker is poker is poker. Thank you, Mr. President.

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I'm glad the good Senator gave me the credit for the Texas Hold Um games and I'm very proud of that. There is a big difference between the Texas Hold Um game at a non-profit and table games at a casino. The Senator from York got up and basically said this was going to correct the problem. The only problem this is going to correct is it's going to change Bangor's racino into a full fledged casino. If we get down to the start of it, the Senator from Cumberland, Senator Woodbury, actually started off with the original bill. It did say a racino was supposed to be hooked up with a race track. That's what the original initiated article said. I think the ones we voted on will be hooked up to a race track. What did we, in the state of Maine, do? We actually have bent over backwards for this multi-billion dollar organization. We allowed them to open up

a small fledgling 450 or 480 slot machine parlor, which was my favorite salad bar, Miller's in Bangor. Then we got some how snookered into allowing them to have a 2,000 foot offset, which actually allowed them to move. If you figure 2,000 feet away from the race track, I can understand why they wanted that so bad. Then we just passed this year a simulcast bill. That wasn't supposed to be a big deal until I read the article in the newspaper about all the nuances on it. It's actually a huge deal and it's a huge financial deal and windfall, hopefully, for the harness racing folks. Ladies and gentlemen, this racino passed into law by the citizens of the state of Maine has been in business for 6 years. They bring in \$690 million to \$700 million per year on what I think is on the backs of middle income, lower middle income, and low income folks. Are we going to allow them now to become a casino? If you think the little non-profit Texas Hold Um games are the same as a casino, when you sit at a table at a casino it says from \$5 to \$500 per bet. Yes, the Texas Hold Um law on the books right now will allow an entry fee of \$100 for an all day event. Sometimes they take 6, 7, or 8 hours to go with the event. The thing of it is that we allowed 25% to be held by the non-profit, or if they wanted to they could put it into the pot to make it richer for those that do, and 75% has to go out to the players. Actually we made it a little bit better for them because we allowed them to run a legal 50-50 raffle and we allowed them to do two a month, which I think maybe one or two clubs in the whole state will do. We didn't allow them to be a casino because public safety didn't say they had to be watched, nor did they have the resources. As a matter of fact, I was at one event in Rumford where public safety came to oversee it. They were impressed at how good it was run. What we're boiling down to is simple. Do you want to allow a casino in Bangor without going out to the people? It's as simple as that. Do you want to allow a casino in Bangor or not? I'm not even sure how I'm going to vote on this issue because I'm actually on the report, the 11-2 report, to allow it. That's why I'm semi-perplexed at why the 11-2 report of the committee was overturned. In this Body 12-1 reports have been overturned. Actually a 13-0 report was overturned. The dynamics of this Body is just unbelievable. I guess anything goes. If you want to vote for a casino in Bangor, vote for this bill. Thank you.

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

Senator **FARNHAM:** Thank you Mr. President. Currently, L.D. 1418 is setting up the guidelines in order for a currently licensed establishment, licensed for slot machines, to be able to add table games. Currently there is no business that has applied for this. This is establishing the guidelines. To answer one of the questions, yes, the committee did feel that the hosting municipality should hold an election to determine whether or not this should be added. The other point I'd like to remind us of is that, as has been mentioned, the committee would have liked to have done a comprehensive guideline bill for all of the gaming had they ever had the chance to get out in front of it. We've always had the citizen initiated bills in front of that committee. I learned from the long time members like Senator Patrick and Representative Valentino, that committee has always been trying to establish these guidelines, but because the citizen initiated bills that existed, anything the committee would do would compete with what was brought forth by the citizen initiated petition bills. That's why the State and the Legislature has not been able to get out front. Finally, I'll just let you know that under the good

guidance of some of the long time members of that committee, we did agree to carry over a bill with that hopes that at some point in time, when we determine what is going to exist in this gaming world of ours, we will be able to finally get a comprehensive look and look at it under the guideline or vehicle that the committee has carried over. Once we establish what's going to be in place, absolutely, we'd love to look at everything in that way. For now, we'd like to get ahead of and provide some guidelines in the event that one of these facilities already licensed would be able to add table games.

**THE PRESIDENT:** The pending question before the Senate is Passage to be Engrossed as Amended by Committee Amendment "A" (H-522), in Non-Concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#248)**

**YEAS:** Senators: BRANNIGAN, COURTNEY, CRAVEN, DIAMOND, FARNHAM, HOBBS, JACKSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SULLIVAN, TRAHAN, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

**NAYS:** Senators: ALFOND, BARTLETT, COLLINS, GERZOFKY, HASTINGS, HILL, PATRICK, RECTOR, SNOWE-MELLO, THIBODEAU, THOMAS, WOODBURY

**EXCUSED:** Senators: DILL, GOODALL

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 BY COMMITTEE AMENDMENT "A" (H-522), in NON-CONCURRENCE.**

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later (6/10/11) 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 10, 2011, by Senator **COURTNEY** of York

Pending - **FURTHER CONSIDERATION**

(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 9, 2011, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE.**)

(In House, June 10, 2011, that Body **INSISTED.**)

Senator **FARNHAM** of Penobscot moved the Senate **RECEDE** and **CONCUR.**

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 PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Craven.

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, I stand in support of this initiative, this measure. I think that fair is fair. Last week when people voted for Biddeford and they left Lewiston out, I must admit that I ended up with casino envy, as you might call it. I believe in equal treatment for everybody in this arena. Even though I struggled with those votes in the beginning because I'm not a gambling person, I think that Lewiston, as well as Washington County and Biddeford, did their due diligence to set up the foundation for the gaming facilities that they want to develop. I am standing in support of my constituents who had voted 2-1 in favor of a casino in Lewiston. I hope that you will follow my light in support of this motion. What's good for one area of the state is good for another area of the state. I thank you for your support.

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

Senator **SNOWE-MELLO:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise once again in support of this measure. I'm asking that the Senators show fairness in allowing Lewiston to have a chance at a casino. I say let the free market work. Let Lewiston go through the process of seeing whether it is feasible. Remember, if the investors feel it is too great a risk it simply won't happen. In light of the various proposals that are advancing in our other communities, I believe it's only fair to give Lewiston their opportunity. I'm asking you to join the Senator from Androscoggin, Senator Craven, and I in supporting L.D. 985. Thank you.

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

Senator **HASTINGS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'll try to be brief. This is not the same situation that we dealt with the other night. It's being characterized as being similar to the other casino that we dealt with a little further down, but it isn't. Some points. The other night we heard how the other casino was going to help save the harness racing industry. I don't think that's even on the table