

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Fifth Legislature

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Constitutional Amendment

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency Resolve

Resolve, To Foster Energy Efficiency Improvements and Other Needed Renovations at Residential Care Facilities Funded by MaineCare

S.P. 219 L.D. 790
(C "A" S-127; H "A" H-371)

Tabled - June 1, 2011, by Senator **ROSEN** of Hancock

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 31, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-127) AND HOUSE AMENDMENT "A" (H-371).**)

(In House, June 1, 2011, **FINALLY PASSED.**)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Promote the Establishment of an Adult Day Health Care Program for Veterans in Lewiston

S.P. 277 L.D. 873
(C "A" S-128)

Tabled - June 3, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 23, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-128).**)

(In House, May 25, 2011, **PASSED TO BE ENACTED.**)

PASSED TO BE ENACTED and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require a Two-thirds Vote To Approve the Issuance of a Bond or Security by the Maine Governmental Facilities Authority
H.P. 728 L.D. 984
(C "A" H-304; S "A" S-182)

Tabled - June 13, 2011, by Senator **ROSEN** of Hancock

Pending - **FINAL PASSAGE**, in **NON-CONCURRENCE**

(In Senate, May 31, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-304) AND SENATE AMENDMENT "A" (S-182).**)

(In House, June 10, 2011, **FAILED FINAL PASSAGE.**)

This being a Constitutional Amendment, in accordance with the provisions of Section 4 of Article X of the Constitution, having received the affirmative vote of 20 Members of the Senate, with 14 Senators having voted in the negative, and 20 being less than two-thirds of the Members present and voting, **FAILED FINAL PASSAGE**, in concurrence.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Provide Limited Reciprocity for Nonresidents Operating Snowmobiles in This State

H.P. 729 L.D. 993
(H "A" H-426 to C "A" H-364)

Tabled - June 7, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, June 3, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-364) AS AMENDED BY HOUSE AMENDMENT "A" (H-426)** thereto, in concurrence.)

(In House, June 7, 2011, **PASSED TO BE ENACTED.**)

PASSED TO BE ENACTED and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

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
(C "A" H-400)

Tabled - June 13, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, June 9, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-400)**, in concurrence.)

(In House, June 10, 2011, **PASSED TO BE ENACTED**.)

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

Senator **PATRICK:** Thank you Madame President. Ladies and gentlemen of the Senate, colleagues and friends, I would hope that you vote against this bill. I probably could go on for another half an hour, but I'm not going to. I just want to touch upon one thing that happened to me along the way. This bill, as you know, as any casino bill, always has an awful lot of lobbying to it. This bill is no exception. They probably spent in the millions of dollars lobbying this issue. What disturbs me is that at the start of this issue we had a bill prior to this that had to do with 100 mile radius. I had asked the head of the Biddeford Downs organization to make darned sure one lobbyist stayed the heck away from me. I actually said it very forcefully. I've always prided myself and this Body on the degree of civility we extend to each other. While we debate issues vigorously and have strong differences of opinions at time, and this is certainly one such example, we have always maintained an appropriate degree of decorum and respect for one another, which I think we have done during this issue. At the end of the vote, when I actually gave my 20 something minute speech, I had the good fortune to have a lobbyist approach me after, while I was talking to two other people in the hallway, by the name of Ed McCall. He actually jumped right in and very condescendingly said to me, "I just want to thank you so very much for everything you've done to help us pass this." I'll tell you one thing right now, I've never been so disgusted and humiliated in all my life. I hope that this doesn't happen to anyone else because I think it's totally disrespectful to us, as Senators in this Body. I'm not going to belabor it any more, but I wanted to get that on the record because I'm very disappointed that that happened and I'm hoping that this bill goes down flames. Thank you very much, Madame President.

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

Senator **SULLIVAN:** Thank you Madame President. Men and women of the Senate, I almost agreed to go along with what the good Madame President Pro Tem and I discussed. He who speaks tonight loses. We both know we're tired. We all know that June 28th, we probably shouldn't be here, but we are. I'm going to answer that. You'd better learn to grow thick skin when you're here because I can tell you about what lobbyists have said to me and about how they have turned one person against another person, even on this. I don't know why we think that it's one lobbyist from one place or another place.

I'm going to tell you how I feel real quickly about this. This is a Biddeford issue, for us. We're one of those towns that has seen

mill after mill close. Downsizings. West-Point Stevens, my husband was employed almost 25 years. It was the first one to be downsized. We have venture capital. I served on BRED for years, both in the House and here. We talked about how if we could only find people to believe in Maine. Believe in us. Put their money here. We have somebody willing to do that and build a hotel of the Samoset quality, Wentworth by the Sea, Bar Harbor where the President stayed last year. We have that money here to go. We don't have to wait for financing. We have a city that wants them and we've turned our nose up at it. We turn our nose up at these things over and over again. LNG energy, wind power, or whatever it is. It turns out that one group of Mainers don't want what somebody else has. Vote it up or down. I never had hope that anything would go down in flames, regardless of who put in. You have a lot of people in Biddeford. It's your fifth largest city. You basically just heard to let it go down in flames. So what? The so what is that those people have families to feed. That community needs some help and somebody was willing to invest in them, other than MERC. You have Washington County. We're going to help the tribes out every time we're here. The tribes haven't gotten what they wanted. They followed all the rules time after time, and they don't get it. Let us take control. Let us honestly say we want jobs for here, whether it's lumber for our workers in Aroostook County, whether it's our tribe in Washington County, or what Oxford County has. Tourism. Maybe we should shut down all the beaches too, because Aroostook County doesn't have a beach. All we want is a chance and we have somebody who says that they believe in Maine and they believe in Biddeford. Those people coming are to the likes of the Samoset. How many times have you been to Samoset for a conference? I've been there several times for lots of different reasons, either in teaching or whatever. I've been trying to think, but I have not seen anybody out sleeping on the grounds around the Samoset. I haven't seen people with backpacks. They seem to have the money to pay for those rates. This is quality. Why are we afraid of bringing money into Maine? Why do we cry how poor we are, but every time we want wind development, we want that LNG natural gas, or every time we have somebody with quality, we turn our nose up at it? I don't get it. I do not understand how you can cry poor and then totally sit in judgment of every single business that comes here. I'll tell you, I'd rather have a racino of high quality, that has something to do with the history of this state, take a look at our seal if you think it's wrong. Sailor and farmer. Horses. All of that. That's our seal. That's our heritage. We've decided our heritage isn't good enough. It isn't good enough. Tell that to the people in Biddeford. Tell that to the veterinarians that will be servicing these horses. Tell that to the horse farms, DuPree in Saco. It's not DuPree any more. I'm going to my back days. I went to school with his sister. Tell that to the people. Say, "You know what city of Biddeford and York County, we decided what is good for your community. We decided that a top rate company, with the venture capital to be able to build something here, isn't good enough for your community. You keep taking the MERC. You keep taking the Tim Horton's, McDonald's, or Burger King." No one questions how many of those we build. I asked somebody one day, "How come you haven't been concerned about supply and demand here? We have more of these fast food places than even I can keep going to." They said, "Well, it's not about gambling." Now we're at the crux of it. We've decided it's about gambling. We want it. You've decided what this community can do. We just spent \$34 million to build a school, to renovate a school. Our

rates are going up. Our businesses are closing. We have the same problems that many of you sit here and tell me about in your communities. You ask me to vote for your community. I have some colleagues who hope this goes down in flames. May I never say that about any of your bills, that are important to your community. Thank you.

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

Senator **PATRICK:** Thank you Madame President. Ladies and gentlemen of the Senate, colleagues and friends, probably the use of go down in flames wasn't the best use of words and I apologize for that. What basically I'm saying is that's it's not over if we vote this down. What this vote is; is do you want to have two racinos in the state of Maine to go with the one that is here, which is contrary to the original racino legislation back in 1993, or do you want to send it out to the people? This isn't about who has the most money to build the best horse racing track or who builds the best hotels, motels, or golf courses. The quality of a racino or casino isn't the problem or issue at hand. It's whether or not you want to expand gaming by 3,000 more slot machines in the state of Maine. We just, for better words, let Lewiston go down in flames to a vote of 22 to 6, or something like that. It was a pretty big decisive vote. That was for a casino, which isn't much different, from what I understand. Those that have racinos now want table games to make them casinos as well. I've also actually supported them whole heartedly, myself, on every aspect of what this bill brings forward. I've supported harness racing. I've supported the farmers. I've supported all the different entities and stuff like that. I've also stood before the people of Rumford and said, "I'm going to smoke your bill because the right thing to do is to actually send it out to the people." I've had tons and tons of e-mails from all over the state of Maine asking me about the moral factor with gaming that gaming brings into the state. We already have a racino in Bangor. We have a casino in Oxford that's not even up and running yet. Now we want to double that and there's the possibility of adding a fifth one. This vote right here, whether it passes or fails, is about do we want to send this out to the people of the state of Maine so they have an opportunity. With the factors that have been presented here, I have no doubt whatsoever. Just like when the Oxford casino went out to the people, they were able to bring to the people of the state of Maine the reasons why it was going to be a good deal. If this is such a great deal, they'll have no problems convincing the state of Maine that this should be built. I would ask you to not support this Enactment. Thank you.

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

Senator **DIAMOND:** Thank you Madame President. Ladies and gentlemen of the Senate, regarding the derogatory comments that were made about Ed McCall, he has been a friend of mine for 15 years. He's a man of integrity. A man of his word. He's a gentleman. A man of high character. I just want that on the record. I take exception to his reputation and person being treated as it was in this debate. Thank you, Madame President.

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

Senator **CRAVEN:** Thank you Madame President. Men and women of the Senate, I just wanted to get up briefly to explain my forthcoming vote. I think that we all come here to represent our own communities. This has been a painful process for me because I certainly support jobs in the state of Maine, and Lewiston certainly needs jobs. A lot of jobs. All kinds of jobs. I also believe in equal treatment and I feel like it's my responsibility to represent my district, to try to equalize the footing for racinos and casinos. It is, indeed, with some regret that I won't be supporting the current motion. Thank you, Madame President.

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

Senator **SNOWE-MELLO:** Thank you Madame President. Ladies and gentlemen of the Senate, I stand here today also to explain the change of vote that I will have to make. It's amazing when you go home and you meet with all your people. You visit with them and they call you and they talk to you. You hear so much more than when you're up here every single day. This has been a long and difficult process. I agree with the good Senator from Androscoggin, from Lewiston, Senator Craven. I think that we need to be fair. I think we need to send this out for the people to vote. I do support my horsemen and women. I have a few in my district. They are wonderful people. I just think we need to be fair and send this out for a vote, for the people to make the decision. Thank you.

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

Senator **DILL:** Thank you Madame President. I would like to just also state on the record that Mr. McCall is one of my constituents. He also is one of my first bosses, as a young attorney in Portland. I understand completely that he is a zealous advocate and at times can be very strong minded, but he has two exceptional kids and I would hope everyone would judge him by the job he's done raising his children. I just wanted to say for the record that Ed's a good guy. Thank you.

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

Senator **RAYE:** Thank you Madame President. I rise very briefly. As I said when we debated this issue earlier, this has been an 18 year journey for the people of Washington County and for the people of the Passamaquoddy tribe. During this session, as the Senator from Washington County and someone who has endeavored long and hard on behalf of the Washington County racino, I voted in this Chamber for the Lewiston slots. I voted in this Chamber for table games for Bangor. I did it because I know what it feels like to come here and advocate for your community, to advocate for economic development and jobs that are badly needed, and to be rejected. I understand why my two colleagues from Androscoggin stood a few moments ago and talked about the feeling of seeing the Lewiston measure be defeated. Frankly, I think that was a regrettable outcome. It's not the outcome that I voted for, the outcome that I supported. There is a lot at stake here. There is a lot at stake for the communities of Biddeford and Washington County. There is a lot at stake for the horsemen. There is a lot at stake in terms of jobs and economic development, which I believe is something that most of us are

committed to first and foremost. There is a lot at stake for the Passamaquoddy people. Again, remember, 18 years. This entire debate was introduced to the state of Maine in 1993 by the Passamaquoddy people and the people of Washington County. Eighteen years later we've seen two facilities approved; one in Bangor and one in Oxford County. The Passamaquoddy people and the people of Washington County are still on the outside looking in. I have no quarrel with Hollywood Slots in Bangor. I have no quarrel with the soon to be facility in Oxford County. I wish them well. I hope that they are successful. On the same token I don't subscribe to a theory of monopolies.

At some point we have to recognize that the issue of whether or not Maine is a gaming state is not the issue before us. Maine is a gaming state. The issue before us is; are we going to take the bull by the horns, as a Legislature, and lead and do what the people expect of us and make the decisions surrounding the future of gaming in the facilities in Maine or are we going to once again punt and send it out to the people and continue on with this sort of maddening, nonsensical things we've gotten into of just punting to the voters so that each one of these facilities, time and time again, will be decided by a statewide referendum? I can't think of anything else, any other issue, that any of us would think that that was the way to go. Let's just keep sending these out ad noisome rather than making the policy decisions that we were elected to make. I would point out that, with respect to the host communities, Biddeford had a vote. I believe it was almost 60%, it was 59% or 60%, in support of hosting the facility. In Washington County we've had several votes. The most recent one, the city of Calais, the residents of Calais, where the racino would be, voted 80% in support. The county as a whole voted 70% in support. Enormous numbers. Low and behold, that local support, that yearning for self determination, to give ourselves a shot, was rejected by the voters, I would submit that most of whom have never visited Calais and perhaps never will. I know this isn't an easy vote, but I know particularly so for the Senators from Androscoggin, it's not easy because I've walked many, many, many miles in those moccasins. I would appeal to people to think of how you would feel 18 years later if you were in this position. For me, it's an easy call. I recognize for many colleagues here, Madame President, it is not an easy call. The words that I heard from the Senator from York County, Senator Sullivan, I felt like I was listening to myself from past debates. The words that I heard from Senator Craven, likewise. I felt like I was listening to myself from past debates. I understand the difficult position it is for many people, but I would ask you to think before you hit your button. Think of the Passamaquoddy people who have been working for nearly two decades and, depending on how this vote goes, will be left wondering once again why. Thank you, Madame President.

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

Senator **SNOWE-MELLO:** Thank you Madame President. Ladies and gentlemen of the Senate, this issue of gambling is difficult for me to decide upon. I've finally decided to send it out to the people. I think that this gambling and broadening gambling needs to go out to the people. It's going to affect this state. It's going to affect the bureaucracy in growing our bureaucracy. If all these casinos are passed, we will be a full blown gambling state. It is going to affect the bureaucracy of our committees and we're probably going to have to develop a committee that will solely

address gambling issues and gaming. Is this what we want for Maine? This past year I got elected to do my best to work on issues that will create business and jobs in this state. I don't think gambling is the type of job that I really want to create. I feel I have full faith and confidence that the wonderful things that we've done with health care reform, with tax relief for our people back home, and the many, many things that we've done. L.D. 1 and regulatory reforms. These, ladies and gentlemen, are the ways to get business to come to our state and be created. I think we're really missing the mark when we believe that gambling is the only way we're going to get jobs to this state. I do feel it is hard for me to know that voting against this that I'm voting against the possibility of allowing the Passamaquoddy tribe to be able to have some type of business that they can create and help them. They are hurting and I understand that. I truly, truly believe that the people must have a say in this critical issue. They need to be a part and have their voice say to us that this is the way they want Maine to go or not. It is fairness. My decision was based on that, yes, Lewiston failed, and that's going out to vote. To be fair, many people in my district came to me and said, "Please send this out for a vote. We want to have the opportunity to vote on this." The people from Poland, who worked very hard on the casino in Oxford, believe strongly in that project. That project is just getting going. I want to give that project a chance. As far as competition, I'm a strong supporter of competition. I think that the people of this state must make that decision. They need to say to us whether they think gambling is a way to create business or not. It is a difficult vote. Absolutely it is, but I feel it's the right vote. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is Enactment. 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 (#285)

YEAS: Senators: BRANNIGAN, DIAMOND, DILL, GERZOFSKY, KATZ, LANGLEY, MARTIN, MCCORMICK, RAYE, SAVIELLO, SCHNEIDER, SHERMAN, SULLIVAN, TRAHAN, WHITTEMORE

NAYS: Senators: ALFOND, BARTLETT, COLLINS, COURTNEY, CRAVEN, FARNHAM, GOODALL, HASTINGS, HILL, HOBBS, MASON, PATRICK, RECTOR, ROSEN, SNOWE-MELLO, THIBODEAU, THOMAS, WOODBURY, THE PRESIDENT PRO TEM - DEBRA D. PLOWMAN

ABSENT: Senator: JACKSON

15 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 1 Senator being absent, **FAILED ENACTMENT**, in **NON-CONCURRENCE**.

Sent down for concurrence.