

# MAINE STATE LEGISLATURE

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

Daily Edition

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**Divided Report**

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Establish a Competitive Bid Process for Future Casinos and Slot Machine Facilities"

H.P. 1400 L.D. 1897

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-919)**.

Signed:

Senators:

FARNHAM of Penobscot  
PATRICK of Oxford  
PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn  
CAREY of Lewiston  
CHIPMAN of Portland  
CROCKETT of Bethel  
DAMON of Bangor  
JOHNSON of Eddington  
LONGSTAFF of Waterville  
RUSSELL of Portland  
VALENTINO of Saco

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**.

Signed:

Representative:

WILLETTE of Presque Isle

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-919) AS AMENDED BY HOUSE AMENDMENT "B" (H-942)** thereto.

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-919) **READ**.

House Amendment "B" (H-942) to Committee Amendment "A" (H-919) **READ** and **ADOPTED**, in concurrence.

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

Senator **FARNHAM:** Thank you Mr. President. This bill would finally create that pause in the action that the Veterans and Legal Affairs Committee has been looking for. It's during the pause in the action that finally the comprehensive look at gaming can take

place. To create the pause in the action, this bill would prohibit the Gambling Control Board from accepting applications for issuing licenses to operate a slot machine facility or casino beginning September 1, 2012. It would put into statute establishing an application privilege fee of \$2,500 for any future slot facility or casino or license. It would establish a minimum license, or cash bid, if a competitive bidding process is established. Getting something into statute is something that this committee has wanted to do for some time. It will also establish the membership of a committee, stakeholder group, or a Blue Ribbon Commission. We also established the commission duties so that that is something that is in statute. The duties would include examining the impact of existing casinos on our local economy; establishing the impact of casinos in neighboring states and provinces on facility licensed in Maine; looking at the potential market for establishing new gambling opportunities and taking existing licenses into account; developing a recommendation regarding our competitive bidding process for the privilege to submit an application to the Gambling Control Board for operating a slot machine facility or casino; and no later than February 15, 2014, the commission would submit a report to be received by the Joint Standing Committee on Veterans and Legal Affairs. This bill has a committee team approach. Our long time members Senator Patrick, Senator Plowman, Representative Valentino, along with Representative Carey and many others on the committee, all came together in different ways and with their varied experience to put together the important pieces of this legislation. It includes the pause needed to finally allow this commission, this Blue Ribbon Commission, of stakeholders and legislators to finally look comprehensively at gaming in the state of Maine.

On motion by Senator **FARNHAM** of Penobscot, Senate Amendment "A" (S-562) to Committee Amendment "A" (H-919) **READ**.

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

Senator **FARNHAM:** Thank you Mr. President. The pause in the action that I referred to in describing the bill before you, this bill would provide an amendment and it would allow that the prohibition does not apply to an application for a federally recognized Indian tribe that is expressed authorized by law to operate slot machines in Washington County. What we have to determine is, the moratorium or the prohibition to accepting or applying for licenses, should that door be closed, and before that door closes should an Indian tribe licensed to conduct high stakes beano at a gaming facility in Washington County be allowed on the inside of the door or on the outside of the door. The amendment would offer that that group be allowed on inside of the door. They would then be able to offer a bill in the next session. However, if the moratorium or prohibition takes place, that would not be possible. That would be the reason for offering this amendment. I offer this for consideration of this Body, to determine, I guess, the time in which the door closes.

**THE PRESIDENT:** The Chair recognizes the Senator from Somerset, Senator Thomas.

Senator **THOMAS**: Thank you Mr. President. Ladies and gentlemen of the Senate, I'm not prepared to vote to expand gambling. I believe that the people of Maine have voted. They don't want gambling expanded. I believe this amendment allows gambling to expand.

Senator **THOMAS** of Somerset moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-562) to Committee Amendment "A" (H-919).

On further motion by same Senator, 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 Oxford, Senator Patrick.

Senator **PATRICK**: Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I think I would ask you to vote in opposition to this. What this actually does, I think, is direct relationship to what this Body did yesterday. I think many people voted the way they did on the Joint Order was the result of how the Joint Order got before this Body. I think many people in this Body that voted the way they did probably would support the issue of allowing the tribes to have a stand-alone bill on the merits of whatever they bring forth next year. I, with the good Senate President in the past, have actually got two bills for the Washington County tribe to the Governor's desk and he vetoed them. He was consistent with the way he believed, but we did try to do it. We did try on the merits of what the good Senator, the Senate President, said the other day. I think all we're looking for is to give them that exemption that I think everyone has spoken about. They should have that opportunity. There is no guarantee that it's going to pass. I think if they have a stand-alone bill at the beginning of next year, with a full public hearing, several public hearings, several work sessions, and vetted out, I think they have a great chance of getting something passed. It will be known to all throughout the state that they will have this opportunity. I think that they'll have their day in court. I really believe that they should have their day in court. Whether you are against gaming or not against gaming that's one thing, but are you willing to give the tribes that chance? I've spoken on their behalf in the past. I've always had it in my heart that if anyone in the whole state of Maine deserves any gaming, or at least a shot at having their say at having gaming, it's the tribes. I'd ask you to vote in opposition to this Indefinite Postponement. Thank you, Mr. President.

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

Senator **SCHNEIDER**: Thank you Mr. President. Men and women of the Senate, I did not intend to rise and I will be brief. I oppose the pending motion for the very reasons that were just stated by my Senate colleague. I am very disappointed, however, because when this was discussed, and until the very end, I thought we had included the tribes and that Washington County was offered. That's wrong. I'm going to oppose the pending motion and then hope we can move from there to make sure that that is removed or we do something for the tribes, federally recognized tribes. Thank you very much, Mr. President.

**THE PRESIDENT**: The Chair recognizes the Senator from Somerset, Senator Thomas.

Senator **THOMAS**: Thank you Mr. President. Ladies and gentlemen of the Senate, I just want to make one more point real quickly. I don't want to beat this up. Not only am I personally opposed to expanding gambling, the people in my district, the last chance they had to vote, were opposed to it too, 3 to 2.

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The President requested the Sergeant-At-Arms escort the Senator from York, Senator **COURTNEY** 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 **JONATHAN T.E. COURTNEY** of York County.

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

Senator **RAYE**: Thank you Mr. President. I rise very briefly to urge my colleagues to defeat the pending motion. I don't think that we need to repeat the entire debate from last night, but I do believe that this amendment offered by the Senator from Penobscot is an extremely important step forward for the Passamaquoddy people and for the people of Washington County. As we have discussed, it is they who introduced this concept to the public debate 20 years ago. We are about through the passage of the underlying bill to establish a moratorium; in essence, as mentioned by the Senator from Penobscot, closing a door and directing additional hurdles for those who will come forward in the future, a higher threshold for those who want to bring gaming. It seems to me that it is only fair that the Passamaquoddy's, in their 20 year quest to bring jobs and independence to a part of Maine that is sorely in need of both, should be inside that door before it closes and that the new hurdles that will be erected should not be placed in front in them. They have already witnessed the expansion of gaming across the state in other localities and to other entities. I would urge that the Senate stand with the Senator from Penobscot, Senator Farnham, in support of this amendment which will at least send the message to the Passamaquoddy that their efforts, which we know will be coming to the next legislature, will not be short circuited by this legislation. I urge defeat of the pending motion. Thank you.

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The President Pro Tem requested the Sergeant-At-Arms escort the Senator from Washington, Senator **RAYE** to the rostrum where he resumed his duties as President.

The Sergeant-At-Arms escorted the Senator from York, Senator **COURTNEY** to his seat on the floor.

Senate called to order by the President.

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

Senator **GERZOFSKY:** Thank you Mr. President. Ladies and gentlemen of the Senate, in 12 years I have never stood up and spoke on this subject. My district has never supported gambling. Last year was the first time I ever voted not to send it back to the people. It only talked about Washington County and Biddeford. I voted last year as I did because we had had plenty of public comment from both of those communities and I supported that. Last night I did not support the Join Order because I thought it took that process out. As I heard in the debate last night, it was really a Joint Order that was narrowly defined to be able to come back in bill form. What we were doing was creating legislation by a Joint Order. If nothing else, I believe the members of this Body know that I like process. This is process. I'm not going to support this pending motion. I hope we defeat that and then go on to support the tribes and be able to get this bill finally moving where it belongs. I hope people will oppose this motion so that we can get to the next one and move this down the road where it belongs, with a public process and a public hearing and doing it in the full light of day as we are doing today instead of last night in the middle of the night. Thank you very much, Mr. President. I will speak later.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Somerset, Senator Thomas to Indefinitely Postpone Senate Amendment "A" (S-562) to Committee Amendment "A" (H-919). 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 (#480)**

**YEAS:** Senators: MASON, PLOWMAN, ROSEN, THIBODEAU, THOMAS

**NAYS:** Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFSKY, GOODALL, HASTINGS, HILL, HOBBS, JACKSON, JOHNSON, KATZ, LANGLEY, MARTIN, MCCORMICK, PATRICK, RECTOR, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

5 Senators having voted in the affirmative and 30 Senators having voted in the negative, the motion by Senator **THOMAS** of Somerset to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-562) to Committee Amendment "A" (H-919), **FAILED**.

Senate at Ease.

Senate called to order by the President.

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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#481)**

**YEAS:** Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFSKY, GOODALL, HASTINGS, HILL, HOBBS, JACKSON, JOHNSON, KATZ, LANGLEY, MARTIN, MCCORMICK, PATRICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

**NAYS:** Senators: MASON, THIBODEAU, THOMAS

32 Senators having voted in the affirmative and 3 Senators having voted in the negative, the motion by Senator **FARNHAM** of Penobscot to **ADOPT** Senate Amendment "A" (S-562) to Committee Amendment "A" (H-919), **PREVAILED**.

Committee Amendment "A" (H-919) as Amended by House Amendment "B" (H-942) and Senate Amendment "A" (S-562) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-919) AS AMENDED BY HOUSE AMENDMENT "B" (H-942) AND SENATE AMENDMENT "A" (S-562)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

Senate at Ease.

Senate called to order by the President.

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**