

MAINE STATE LEGISLATURE

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

Daily Edition

Second Regular Session

beginning January 8, 2014

beginning page H-1301

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

An Act To Improve Access to Oral Health Care
(H.P. 870) (L.D. 1230)
(C. "C" H-589)

TABLED - February 11, 2014 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - **PASSAGE TO BE ENACTED.**

Subsequently, on motion of Representative SANDERSON of Chelsea, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED.**

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "C" (H-589)** was **ADOPTED.**

The same Representative **PRESENTED House Amendment "B" (H-658)** to **Committee Amendment "C" (H-589)** which was **READ** by the Clerk.

The **SPEAKER:** The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON:** Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. There are probably not many bills in the 126th that has been round and round, such as this one. There has been a lot of debate, there has been a lot of work on this, and this amendment here actually brings it to a place where we have found a comfort level with many individuals. What this does is this directs that a dental hygienist, the new position we are creating in this bill must work directly under the supervision of a dentist. That's all this does. I hope you will support it. Thank you.

Subsequently, **House Amendment "B" (H-658)** to **Committee Amendment "C" (H-589)** was **ADOPTED.**

Committee Amendment "C" (H-589) as Amended by **House Amendment "B" (H-658)** thereto was **ADOPTED.**

Subsequently, the Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "C" (H-589)** as Amended by **House Amendment "B" (H-658)** thereto in **NON-CONCURRENCE** and sent for concurrence.

The following items were taken up out of order by unanimous consent:

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-628)** - Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Allow Maine's Harness Racing Industry To Compete with Casino Gaming"

(H.P. 780) (L.D. 1111)

TABLED - March 4, 2014 (Till Later Today) by Representative LUCHINI of Ellsworth.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGH NOT TO PASS** Report.

The **SPEAKER:** The Chair recognizes the Representative from Ellsworth, Representative Luchini.

Representative **LUCHINI:** Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to support the Majority Ought Not to Pass Report. My general opposition to

this bill can be applied to all the expanded gaming bills that we're going to be faced with today and in this session, and it's based on the belief that these bills are a continuation of our state's fragmented and disorganized approach to gaming policy. This approach has proved to be a very bad deal for the state and this can be illustrated by our two existing casinos, one in Bangor and one Oxford, that came about via citizen's referendum. In each case, a license fee was applied, \$200 and \$225,000, and as a result of this very low licensing fee, the original entities sold their rights or their license to out-of-state companies and made huge, immediate profits in excess of \$60 million. So in response to this, the last Legislature, the 125th, acknowledged this problem and recognized that whether we like it or not, we are a gaming state and we should work towards building a comprehensive gaming policy so we can move forward in a smarter fashion. So in the 125th, we passed a moratorium stating that the Gambling Control Board cannot issue a license that didn't include a competitive bid.

When you look at the other states in the country, it's been pretty well established that putting a casino license out to competitive bid will prove most lucrative for the state and build a great facility. The one exemption, however, I will point out, that was made from the competitive bid process was for the Passamaquoddy Tribe, and, as part of the same bill, the 125th Legislature established a commission to develop a competitive bid process. It consisted of casino stakeholders, advocates, opponents, and four legislators, myself included. The goal, as I said, was to create a comprehensive state policy based on data driven analysis of the potential market for expanded gaming in Maine, in the neighboring states around us, as well as the Canadian provinces, and to really look into the feasibility of expanded gaming. Unfortunately, this commission was a failure. Rather than working together, casino advocates with interests in expanded gaming joined together to form a vote, a 10-9-1 vote, so they had the majority, with the recommendation essentially being the six bills that are before the legislative session this year. So in light of this background, I think we're faced with several expanded gaming bills which essentially ask us to pick winners and losers, simply granting licenses without a truly competitive bid process which is something that I personally don't feel comfortable doing. I am still hopeful, however, that pending the outcome of these bills, the Veterans and Legal Affairs Committee would be able to start the process, start a more thoughtful process where we can do a full market analysis, formulate a competitive bid structure and incorporate all the important things that other states do like minimal capital investments, minimum reinvestments on a yearly basis, money set aside for problem gaming, and these are the things like our neighboring state of New Hampshire and Massachusetts, next to them, have taken those same steps. They've also found the market value or an estimated market value for their license and they have \$80 million and \$85 million set. So we can see that we've lost out a lot of money in those two existing casinos that we have now.

As far as the specifics of this bill, in my opposition directly with this bill, I think this is a big expansion of gaming. This bill ignores the 100-mile precedent that had been in law before this where you wouldn't build a casino within 100 miles next to another because it would cannibalize the profits of the other one. This would be approximately 50 miles from the voter-approved casino in Oxford. In fact, this demographic of about 30 minutes to 60 minutes' drive from Oxford is their biggest demographic for their casino. As one of the handouts that were going around today said, building a casino in Scarborough or Biddeford area would almost immediately result in a 47 percent decline in the casino gaming revenues at Oxford. I've spoken to a lot of people who feel that a free market should decide the fate of all these

casinos and I totally understand that argument. But this proposal before us, I don't see as a free market proposal and I don't see it as a truly competitive bid. The reason is because this competitive bid, as spelled out, gives preference to commercial track operators, of which there are only two in the State of Maine. So this gives a special preference to Scarborough Downs, essentially. If we wanted to truly capitalize, if we decided that we wanted to expand gaming in the southern Maine market and wanted to truly capitalize on that potential, we should open it up to everybody and have a truly, truly competitive bid process, and again, not pick winners and losers on who's allowed to bid for this. While this does have a \$50 million minimum license fee bid and that can be tempting, I'll also point out that this bill has a reduction clause. If another facility with just five slot machines gets built within 10 years, they get partial refunding of their \$50 million license fee.

The last point I'll make and then I'll sit down was that two years ago, we had a very similar proposal for a southern Maine casino built next to a harness racing track, the Biddeford casino, and that was rejected by the people and we passed out a handout, I believe yesterday, that goes county by county. Four counties approved it, the rest were against it. In my mind, if we pass this bill today, we'll be overriding the will of the people just two years ago, and this time we're going to say we're going to pass it and we're not going to send it back out to state referendum. In fact, as the bill is written, there is no local referendum either. So those are my main objections to this particular proposal. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Russell.

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to the pending motion. As many of you know, I have served on the Veterans and Legal Affairs Committee. This is my sixth year pretty much in the same spot, the same seat, and I've seen a multitude of gaming bills come before us. Most of those gaming bills came before us in a referendum form. In fact, the referendum that was just discussed by the good chair came to us in a referendum form and we sent it back to the people in a referendum form. But the reality is that that also had two bills attached to it and then there was a second referendum with a third proposal on it. I have been very consistent that if you bring a proposal to the committee in the form of a citizen's initiative, it should go back to the people in the form of a citizen's initiative. For many years, our committee has wrestled with essentially whether or not we can get ahead of this issue. We chose not to address the issue early on. We chose to decide that we did not want gaming and the people voted differently and now we're playing catch-up. If we were to overturn the proposal before us, we would have \$50 million on the table, and just the other day, a \$25 million check got written to the people of Massachusetts. This is not speculative money. This is not money that could potentially be there. Checks are being written right now, but they are not being made payable to the people of Maine. I don't disagree that we could have had a more comprehensive proposal come to the floor. In fact, I advocated very strongly that we put together a comprehensive proposal and I don't think it was undoable in this session. In fact, if you look at the Minority Reports for several of the bills that are about to come before you, you will see that many of us were all on the same reports. So putting together a comprehensive proposal could have been done and it should have been done, and I apologize that you're going to have to sit through five bills – six, sorry. They just keep coming.

I'm from Maine but I went to Philadelphia for a while and I spent a lot of time in Atlantic City and I came back very opposed to casinos because I saw what casino cities could do, the crime was terrible, and so I was really opposed to casinos when I came back. But I have since discovered, I have since learned that we can do it differently, and, for me, the decision was made by the people of Maine already to allow gaming and there will be two new properties that are coming online south of this state and I've heard a lot of folks say we shouldn't get in on that market because New Hampshire has, because Massachusetts is about to. You know, I'm sorry but New Hampshire is really great at doing things like putting liquor stores on the opposite side of the Maine entrance, the entrance to the state. They are really good at getting in on things and then trying to get our market out of there. But we don't really necessarily fight back and we have an opportunity now to put forward some proposals that could bring very real revenue to our state. This is a highly competitive area and when we talk about – let me talk specifically about the cannibalization issue. So these were proposals that were brought to referendum by companies. We didn't pass these proposals. We didn't have any say in them. So just to put into context, the Oxford Hills casino, which I drive by regularly on my way home to my folks' place, paid us \$250,000 in licensing fees and when they sold the building and the casino, they sold it for \$105 million – \$105 million and we got a licensing fee of \$250,000. Before us, the proposal, if we were to overturn this motion, would give us a minimum license fee of \$50 million. That's real money. Now, I don't want to come across as though I'm disparaging the work that Oxford Hills and Bangor has done because they have great casinos. They brought in a significant amount of revenue for projects that we really care about, but those proposals they wrote, we did, you will hear, we did, as a Legislature, with LD 1820 many years ago, rewrite the Bangor proposal but that was an industry deal and don't let anybody tell you otherwise. The reason I am supporting this isn't about casinos though. It isn't just about the revenue which is an important issue. We were just talking this morning about what revenue options should be on the table. The reality is that if Scarborough Downs goes under, it's not just the harness racing that we see take a huge hit. It's the veterinarians. It's the people who make hay. That sounded better in my head. It's the fairs. So if you care about those industries, if you care about those industries then I do ask that you consider this proposal that is before you and consider voting Ought Not to Pass.

The last thing that I would say and we have a lot of horses on Munjoy Hill, I'm sure you can imagine, the last thing that I would say that is important, I keep hearing and I'm not immune to the argument, but I keep hearing why should we raise up the harness racing industry. Why is that our job? Why should we protect an industry that's centuries old? I ask you if you would ask that question if it was a mill in your town, because I spent the day in the Energy, Utilities and Technology Committee yesterday listening to people who drove down from Millinocket asking us to save their jobs, asking us to save their industry. So when you ask yourself why are we propping up the harness racing industry, why do we care about an industry that's centuries old, that's generations old, ask if you would care if that was a mill; ask if you would care if those people were in your town, and every time you get your little agricultural fair pass that lets you do to the fairs, think about what this will do if we lose harness racing in this industry in the southern part of the state, what that will do to our fairs. You know, it's great to go and play on the rides. The kids love it, right? I love it. You watch the harness racing; you play the games with the car shows. There's so much to it, but a big

part of that is the harness racing industry. It helps to propping up. So for all those reasons and plenty more, I'm sure you'll hear from others, I would ask that you overturn the pending motion. And for those of us who have been on this committee for a very long time, have been dealing with these issues, I will tell that it is the only time we have had the opportunity as a Legislature to do this, do it right, make the decisions ourselves and not have our hands cuffed. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I want to read an email. I'll read it as fast as I can and sit down.

Dear Senator Collins and Representative Campbell, It has just come to my attention that the Legislature is debating a bill this Thursday that would make it easier to locate slots at Scarborough Downs. As you know, the harness horseracing industry in Maine is in trouble. Allowing slots would give the track and the industry a much needed boost. That, in turn, would not only help us but help our community as well. If Scarborough Downs closes, which is very much a reality without the slots, it will adversely affect our business and the people who depend on us. As you may know, my husband, Bill, and I make a significant part of our living in the harness horseracing business and when you vote on LD 1111, I'm asking you to consider how much we contribute to our local community in Newfield, as well as the State of Maine. The rental of 35 stalls to a half dozen different people, all of whom frequent the local and area stores, buy hay and grain, and use the services of farriers and veterinarians. We own five horses as well as we buy our hay locally and our grain in Cornish. We use the services of local contractors for snow removal, spreading manure and excavation work on our half-mile training track, veterinarian services, and we pay more than \$9,000 a year in property taxes and that's just our farm. Consider how many other farms, horse owners, grain and feed stores' contracts and others are depending on Scarborough Downs. Bill and I both believe gambling is a personal choice and it's not our place to make a moral judgment and prohibit people from doing it. There will always be a percentage of people who will be problem gamblers, just as there are a certain number of people who are problem drinkers. There is help out there for both. Please consider our vote on LD 1111 as a vote of the state's harness horseracing industry.

Mr. Speaker, I'm speaking for the harness industry and the people that are involved in it. It's part of our heritage in this state. It's part of our farmers that raise hay for these horses and grain and the veterinarians. I mean, it's just an industry, if we let it slip away, it's something we'll never have back and I'm asking my colleagues in the House here to support 1111. Thank you.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Chipman.

Representative **CHIPMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As a legislator from Portland, I am standing up and speaking in support of the pending motion. As much economic development as this could bring to the area, I think we're overlooking one fundamental fact. The gambling facility now known as Hollywood Casino in Bangor and the Oxford Casino, both, at one time or another, did receive statewide voter approval. This proposal, however, goes against

the will of the voters. Let me explain. Consistently, locally and statewide, the voters have said no to a casino in Scarborough. In 2003, the local voters in Scarborough voted no. Then they had a proposal to move the track to Westbrook and the voters of Westbrook, on a referendum, said no. Then they said we'll move the track to Saco and they asked the voters of Saco and the local voters said no. Then, a couple of years ago, they said, well, maybe we can move it down to Biddeford and see if we can get approval down there, and they had a proposal to change it to Biddeford Downs and the statewide voters, on the ballot, said no. So it's clear to me that, consistently, voters, locally and statewide, have said no to having a casino in this area of the state and because the voters won't give approval, now it feels like, in my mind, sort of a backdoor approach to try to come to the Legislature and get approval from us without requiring a statewide vote, and I have a serious problem with that. So I'm rising to speak in support of the pending motion. I hope you'll join me. Thank you.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Saucier.

Representative **SAUCIER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this motion. This bill is "An Act To Allow Maine's Harness Racing To Compete with Casino Gambling." The only reason why we are here today having any discussions about gambling is because of harness racing and our local fairs. They are the ones who got people banded together as communities to gather support for the very first racino, Hollywood Slots in Bangor. Now we have heard all the talk about why we should save harness racing in Maine. I will tell you why. Harness racing at our local fairs and the two commercial tracks in Bangor and Scarborough reflect the important part of Maine's history and culture.

I want to tell you a little story about Presque Isle and you see how this relates to other industries who have harness racing. If you look up when standing in front of the ticket booth at the Braden Theatre on Main Street in Presque Isle, you will see a "cornerstone" of the Braden Theatre placed when the building was erected in 1950 paying tribute to the beloved local harness horse for which this theatre was named, John R Braden. John R Braden was foaled in 1912 in Tennessee. It was customary at the time to name horses with part of the sire's name and part of the dam's name. His sire was John R Gentry, a champion pacing stallion, and his dam was called Braden Girl. John R Braden competed in his first race in Presque Isle on July 4, 1921. After four seasons of racing, he started in 68 races and won 31 of those. During this period, he earned the nickname of "The Iron Horse from Tennessee." Other nicknames included "The Little Iron Horse" and the "Cock of the North." Harness racing was so popular during this time that even sporting teams did not elicit the same amount of interest that the contests between local horses did. The people of Presque Isle opened a bank account in the name of John R Braden. Over the course of his career, John R Braden earned over \$48,000, which was used to fund things like the Anti-Tuberculosis Association. Forty-eight thousand dollars, in 1912, was a lot of money.

As in any competition, there are those that can't stand to lose. Such was the case of those that frequently competed against John R Braden. In fact, the owners of the horses that did regularly race against Braden were actively seeking pacers that might have a chance to defeat Presque Isle's pride and joy. It was rumored that the horse Jackson Grattan was purchased for that very reason at a grand price of \$25,000, but it made no difference. John R Braden still handily defeated him. I am sure that there are people in this body that have stories similar to this

all over the state. All the agricultural fairs who have harness racing, it's a big part of our community and our heritage. I would just ask you one thing. This bill is about gambling, it's about a casino, but it's more also about protecting the heritage that we so love in this state. I ask you to oppose this motion and vote red and to give the agricultural fairs and the harness racing community a chance to survive. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hollis, Representative Marean.

Representative **MAREAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am speaking this morning against the pending motion. I'm asking this body to defeat the pending motion, as we see it, allowing the opportunity for the Minority Report to come forward so that we may talk positively about what the Minority Report does for the State of Maine and for harness racing and for agriculture. The Minority Report levels the playing field in southern Maine and has a positive impact on the state's General Fund with a minimum of a \$50 million license fee, as well as giving the state the authority to actually set what the cost of the license fee would be. Who knows? That decision could be double of the \$50 million. It could be \$100 million. We're not sure what that is because we don't have that before us now, so I guess probably I'm not supposed to speak in great detail about that so I will stop. While this bill has tremendous benefit to the state through the distribution of revenue to the General Fund, it also brings with it a very large amount of money in licensing. The impact of the Oxford Casino has decreased the on-track handle and the handle at Scarborough Downs by 28 percent, taking away their bidders to the point where the harness racing industry is very worried about whether or not Scarborough Downs will be able to continue operation going forward. If Scarborough Downs closes, 800 horsemen and women, their families and all of the businesses that are connected to that are going to suffer greatly because if Scarborough Downs goes away, 100 plus days of racing is lost to the industry.

Harness racing and the agricultural fairs are a vital part of Maine's agriculture and the communities in which they serve. This bill will help preserve the farms' open space and jobs. In fact, this bill has a far larger economic impact on Maine's economy than does any other of the bills before the Legislature, this year, as far as gaming, and I'm not speaking against any of the other gaming bills. I am supporting them as well. Agricultural fairs are one of the only places left in the State of Maine where our young people can go and actually look at agriculture and have "hands on" experiences. Defeating this motion jeopardizes the going forward of our fairs and for them to be able to continue what it is that we do. I know, personally, having been involved in this business for 30 years, I can attest to the positive things that harness racing does for the State of Maine because, in 1988, I bought a farm in York County. I was born and brought up in Cumberland County. I lived there up until 1988. I wanted to breed and raise some horses for the horseracing industry, could not buy a farm in Standish in the town I was born in because they were all growing houses now. There weren't any farms left. So I went across the river to York County and I bought a small farm of 60 acres on the Saco River which has about a half mile of frontage on Route 35, and I bought it because I wanted to be involved in harness racing. That farm was an approved subdivision. It had been approved for 23 houses. Linda and I bought the farm. We immediately took it out of the subdivision, put it back in the farmland, and we are currently working on a conservation easement that will protect that farm forever. Now, ladies and gentlemen, a farm of 60 acres is not very big, but 60 acres in York County on the Saco River is a pretty substantial

place for agriculture to survive, and there aren't many of them now. Farms are going by the wayside in York County as well, and what do they do? They grow one crop of houses. You drive by the farm; you look at chimneys and roofs. When you drove by my farm for 25 years, every spring you saw 15 or 20 babies in the field. What is more appealing to the eye, looking at asphalt shingles or horses?

Just last Friday, in Massachusetts, the Massachusetts Gaming Commission was about to award one slots license, one only slots license, for slots only in Massachusetts, and they are still working on the other three casinos. They had three applications for the slots license. They had a man who had lived in Massachusetts his whole life that ran a dog track. They put the dog track out of business years ago when they voted the dogs out. There was another company over in Leominster that had a proposal in, and there was a company, Penn National Gaming, who operates Hollywood Slots in Bangor, who had a proposal in to buy the Plainridge Racecourse, the only harness racing track in Massachusetts, and they would complete the purchase, providing that they got the slots license. Lo and behold, the gaming commission awarded the license to Penn National Gaming based on the biggest selling point of all, the economic impact that harness racing would have on the State of Massachusetts and the preservation of the farms and agriculture in Massachusetts. That's huge. That's not far from us. And just 12 miles down the road from where Penn is going to invest a couple of hundred million dollars in this place is Twin River Casino in Rhode Island. Penn's answer to that was "We're not afraid of competition. We do what we do, and we do what we do well." So competition 12 miles down the road in Rhode Island from a little racetrack in Plainridge, Massachusetts, that's not a good reason to kill this bill.

Finally, I think as part of the discussion that you need to know that there isn't a single horsemen in the State of Maine, not one, and I know because I've been one for 30 years. Not one of us shares in one dime of the slots revenue that comes from Penn National Gaming or comes from Oxford Raceway, until we have made a substantial investment in a horse, a vehicle to which to haul the horse in, something to tow that vehicle with, harnesses, racing equipment, trainers, veterinarians, blacksmiths and all that kind of thing. You get the horse; you get it trained down. It takes about three or four months. Then, in order to race the horse, you've got to take it to the racetrack and it has to qualify an official qualifying race. If the horse doesn't go fast enough, then you take it back and you try it again, and you keep trying until you get it qualified. Now that you got your horse qualified, you can take advantage of the carrot that's hanging out there in purse money, which comes down, thankfully, from the Penn National Gaming thing and others, you put your horse in the race and unless you finish in the top five, you get nothing, not one dime. So if you think that harness racing doesn't provide economic impact, you are sadly mistaken because of the 800 horsemen that are doing it, they have a very substantial investment before they ever can get one single cent from anything that we're sending them from those facilities. So I ask you, please, I know that there are some of you in this legislative chamber that oppose gambling and I am in total agreement with that. I'm just asking you to vote against the pending motion to give us the opportunity to bring the Minority Report forward, so that the committee can take a look at it and you all can take a look at it to see what good things it does for Maine and what good things it does for the industry, and then if you don't like it, then vote against us. But please get us to that position. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Sirocki.

Representative **SIROCKI**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today in opposition to the pending motion so that we can take a look at the Minority Report. Since 1950, for 64 years Scarborough Downs and harness racing has existed in my town, in my House District, and while I choose not to gamble, my town has had some degree of gambling for quite some time. I have watched Scarborough Downs struggle as it tries to stay in business, and our town has grappled with this issue, over and over, so I've listened to this debate for quite a long time in our town. The committee of jurisdiction seems to be struggling with a comprehensive statewide agreement and we have a proposal before us to consider. In my mind, this comes down to choice and opportunity. We all make decisions on where we spend our free time and there are opportunities here that are greater than just gambling. As I said, I am a mother of three sons and what I find in Maine, being the greatest state in the Nation, is not that we have too many old people, we just don't have enough young people and we need to have a place where young people want to stay, opportunities. We need to focus on growing those opportunities where we can and looking carefully at all these issues is important, and I urge you to allow the Minority Report to come forward so that we can discuss that. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I find myself today in disagreement with the good Representative from Ellsworth, Louis Luchini, who I have a great amount of respect for and consider a very dear friend. I find the failure of the commission to truly come forward with a proposal so that us in this body today have to decide on who is going to be winners and who is going to be losers is unfortunate, because that's the position that we're in today. I think that's unfortunate. I think it's unfortunate for the state. I think it's unfortunate for this body who will have a limited amount of time and debate and information to be able to make really very significant decisions that will affect different regions of the state. But what I do understand is that if we defeat this motion that's currently on the floor, that we will then have an opportunity to at least have a conversation about what I anticipate will be an amendment that would shed greater light in the ability to have a greater conversation about the importance of the potential for this facility in southern Maine. I find myself in agreement with the good Representative from Portland and many of the words that she had on the floor. I recognize the importance of our harness racing industry, which is probably, to a degree, in a crisis, and if we lose the Scarborough track, it certainly is going to be a blow to what many of us have identified as a staple of our culture and tradition here in the State of Maine. So I am urging the people today simply to vote in opposition to the current motion on the floor, so that we would then simply have an opportunity to have a larger conversation about what I anticipate might be an amendment that would come next. Mr. Speaker, I request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Parry.

Representative **PARRY**: Thank you, Mr. Speaker. I rise in opposition to the pending motion and go along with my good friend from Hollis on the reasoning for that. I'm going to take this a little bit different angle. We, in this body, most of us, other than the ones that are termed out or the ones that have decided not to

run for reelection, are going to go out and talk to our constituents about jobs and how we want more jobs in Maine. The problem is in the same body we will have proposals that come forward and say "Yeah, but not those jobs." The problem is we keep saying not those jobs, no matter what the issue seems to be. We go out and talk and say we want more jobs, but we tend not to vote in this chamber to allow them. I understand totally people that are philosophically against gaming. Personally, I enjoy gaming. I've been to Atlantic City like my good friend from Portland. I've been to Las Vegas. I've been to Connecticut. I don't see the evilness of gaming, personally. But I think that we need to start, in this state, saying yes to jobs and if we continue to say yes to jobs but not those jobs, we continue to show businesses around the country that we might like jobs in Maine but might not like theirs. I think we really need, if we want our children and grandchildren to stay in this state, if we want businesses to move and spend hundreds of millions of dollars in investment, no matter what the business is, if we keep saying no to certain businesses because we don't like those jobs, the jobs we want won't come either. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from the Houlton Band of Maliseet Indians, Representative Bear.

Representative **BEAR**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition urging all of you to oppose this motion so that, as it has been suggested, that we could open up the Minority Report and have that conversation. But I think, looking at the handouts, there is this strong evidence that we should consider in this motion and to restrict gaming. I think that the most important handout is the one here, "Casinos in the United States." West Virginia has 10 casinos; South Dakota, 173 casinos; New Mexico, 28 casinos; Colorado, 44 casinos; 91 casinos in Louisiana. Las Vegas, in about a 3-mile area, has over 100 casinos and they all do their job. Again, let's have that in our context in deciding whether or not this motion should be supported. I think there is plenty of room, and the experts have said so, in New England, specifically in Maine as well, to accommodate a modest expansion of gaming and so I would urge you to oppose this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Crockett.

Representative **CROCKETT**: Thank you, Mr. Speaker. Mr. Speaker, Distinguished Members of the House and the rest of us. In full disclosure, I cannot rise and speak on morality, there are too many stories from college for that, and I cannot debate the underlying merits of the bill, the harness racing industry has heard it. Any time a gaming bill is tied to a good cause, whether it be if it were breast cancer awareness, disabled veterans, autistic children, the cause of the tribes, the human rights violations in Darfur, or Mothers Against Drunk Driving, fighting domestic violence, any of those proposals would be very tempting for all of us. They all pull our heartstrings and we all want to address those issues, so I can't debate that. I can only look at consistency in the rule of law.

Now, one of the questions that has been raised here today, and it's a good question, is the free market. People have said, the more the merrier, let the free market decide. I spent two years on this committee under the great tutelage of the good Representative from Portland and one of the things I learned was when people say the free market, they don't really mean the free market because when you get a license to have a casino in the State of Maine, you get somewhat of a monopoly. Now, there are certain gates you have to go to get that monopoly. Let's call a spade a spade. So those people who want casinos, yes, they want their own little monopoly because, guaranteed, two weeks

later, if a business two miles down the road came in and asked for a license for casinos, they would be the first ones here arguing, saying, "No, no, no, no. It's going to ruin our business. It's going to mess up the cascade of funds." The 47 percent gross tax we have on casinos and all that money that goes to all those great causes like the University of Maine and every underlying cause that pulls money out of that 47 percent, they would argue that would mess that up. They would argue that it would ruin jobs. They would lose jobs because these other casinos would take their business, so therefore they would lose jobs. See, there is only so much of a pot here, you're not adding a lot, and the fact that New Hampshire and Massachusetts are adding casinos means that our pot is shrinking. So the question is not how much gambling you want. It's how do you want to divide that pot up and what hurdles are you going to put in place for somebody to qualify for a license.

Now, what we have now are two casinos, both went to statewide referendum. Hollywood Slots, in full disclosure and I was on the committee when we did it, in order to add table games, after they had went to statewide referendum, we said, "You go to a countywide and you can have the table games" and that put them on parody with the Oxford Casino. So that was the only way we kept trying to balance it out. Now, I'm not saying that was the greatest move in the history of the world, but, at the time, it was the best thing to add parody and balance because, after all, the people in Bangor, Hollywood Slots, had invested money. They went to statewide referendum, invested the money to go through that hurdle, built a business making money and employing people, and they wanted to protect their investment, the same thing that people are asked to do today. So the whole free market argument, again, that's only good if these people end up – and I'm not talking about just the pending proposal but any proposal for additional gaming – if they have their own monopoly because they're not going to want more gaming facilities within their radius. So that's why the free market argument really can't hold a lot of water.

But what I hang my hat on when I look at all these issues and maybe it's useful to you, maybe it's not, is consistency. See, I voted against the Oxford Casino, much to the dismay of my district. I voted against veterans' organizations, which I'm a veteran, and I voted against them getting their cut of the pie because I said, "You have to go to statewide referendum." Any major expansion of gaming, that has been the policy in this state. That is a clear expectation. Those people who invested money in this state invested with the expectation everybody is going to have the same process. There is going to be fairness to the process. We're not going to use the Legislature to bypass the process because process is what makes the rule of law effective. It's what adds organization to our government and gives people confidence in what we do. So I'm not going to get up and speak on every one of these bills, even though they are near and dear to my heart. But the reality is I would ask and urge everybody else to look at consistency because everybody is going to try to carve out their niche, but where's the consistency in our state policy? The committee has had a great deal of difficulty and they have, it's not just this Legislature, it has been this way for 20 years. There are members of this body who were on the same committee years ago, who faced the same problems being faced today. It's not a partisan issue. It's not even a regional issue. It's a policy question. How do you achieve consistency in this process? So with that being said, I'm going to respect the good work of the entire committee and go with what the majority determined and respect the Ought Not to Pass Report, and I would ask that others do the same.

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

Representative **McGOWAN**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **McGOWAN**: So my question is for the Representative from Scarborough. Does she have any concern that there is not a local vote included in this bill? Thank you.

The SPEAKER: The Representative from York, Representative McGowan, has posed a question through the Chair to the Representative from Scarborough, Representative Sirocki. The Chair recognizes the Representative from Scarborough, Representative Sirocki.

Representative **SIROCKI**: I oppose the pending motion and I would like to have the discussion on the Minority Report. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 520

YEA - Ayotte, Beaudoin, Beck, Berry, Bolduc, Brooks, Carey, Casavant, Chipman, Clark, Cooper, Crockett, Davis, Dion, Dorr, Duprey, Espling, Farnsworth, Frey, Gattine, Gideon, Goode, Guerin, Harlow, Hayes, Herbig, Hobbins, Hubbell, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Mason, McGowan, McLean, Moriarty, Morrison, Peoples, Plante, Priest, Pringle, Reed, Rochelo, Rotundo, Rykerson, Schneck, Stuckey, Timberlake, Tipping-Spitz, Treat, Wallace, Welsh, Werts, Willette, Mr. Speaker.

NAY - Beaulieu, Beavers, Bennett, Black, Boland, Campbell J, Campbell R, Cassidy, Chase, Chenette, Cray, DeChant, Dickerson, Dill, Dunphy, Evangelos, Fitzpatrick, Fowle, Fredette, Gifford, Gilbert, Gillway, Graham, Grant, Hamann, Harvell, Hickman, Johnson P, Jones, Jorgensen, Keschl, Kinney, Knight, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Maréan, Marks, Mastraccio, McCabe, McClellan, McElwee, Monaghan-Derrig, Moonen, Nadeau A, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peterson, Pouliot, Powers, Rankin, Russell, Sanborn, Sanderson, Saucier, Saxton, Shaw, Short, Sirocki, Stanley, Theriault, Turner, Tyler, Verow, Villa, Weaver, Winchenbach, Winsor, Wood.

ABSENT - Briggs, Chapman, Cotta, Crafts, Daughtry, Devin, Doak, Jackson, Johnson D, Volk, Wilson.

Yes, 62; No, 78; Absent, 11; Excused, 0.

62 having voted in the affirmative and 78 voted in the negative, with 11 being absent, and accordingly the Majority **Ought Not to Pass Report was NOT ACCEPTED.**

Subsequently, on motion of Representative LUCHINI of Ellsworth, the Minority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-628)** was **READ** by the Clerk.

On motion of Representative LUCHINI of Ellsworth, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-628)** and later today assigned.