

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

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

Daily Edition

Second Regular Session  
beginning January 8, 2014

beginning at Page 1544

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report

(In Senate, March 28, 2014, Reports **READ**.)

On motion by Senator **KATZ** of Kennebec, 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 (#581)**

**YEAS:** Senators: **BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, GERZOFSKY, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, LACHOWICZ, MAZUREK, MILLETT, PATRICK, SAVIELLO, TUTTLE, VALENTINO, VITELLI, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND**

**NAYS:** Senators: **BURNS, COLLINS, CUSHING, FLOOD, HAMPER, KATZ, LANGLEY, MASON, PLUMMER, SHERMAN, THIBODEAU, THOMAS, WHITTEMORE, YOUNGBLOOD**

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **CRAVEN** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (S-464) **READ** and **ADOPTED**.

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

Sent down for concurrence.

---

The Chair laid before the Senate the following Tabled and Later Assigned (4/10/14) matter:

Bill "An Act Regarding Compensation for the Panel of Mediators"  
S.P. 752 L.D. 1854

Tabled - April 10, 2014, by Senator **HASKELL** of Cumberland

Pending - motion by same Senator to **RECEDE**

(In Senate, April 7, 2014, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.)

(In House, April 9, 2014, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee, in **NON-CONCURRENCE**.)

On motion by Senator **HASKELL** of Cumberland, the Senate **RECEDED**.

Under suspension of the Rules, **READ TWICE**, without reference to a Committee.

On motion by Senator **CUSHING** of Penobscot, Senate Amendment "A" (S-525) **READ**.

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

Senator **CUSHING:** Thank you Mr. President. Ladies and gentlemen of the Senate, this bill was submitted to make some adjustments to prior legislation, which unfortunately did not make it through the process. It recognizes the good work of the Board of Labor Mediation to find a solution to properly upgrade the funding for labor mediators. What you see before you is a fiscal note which is for allocation of funds. It is not from the General Fund. The mediation process bills the parties and that money is then allocated to pay the individuals who serve as labor mediators. We've worked hard to get this in this posture and I thank all parties who have worked with us and would certainly appreciate your support.

**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 agree with the good Senator from Penobscot, Senator Cushing. This amendment will help the bill. I'm a little disappointed with how the bill originally got here. I much prefer the bill in its original form, but that didn't pass muster with the second floor. Therefore, enabling us to do good where it needs to be done, this amendment and this bill will at least suffice to doing at least some good in an area that is much needed. Thank you, Mr. President.

On motion by Senator **CUSHING** of Penobscot, Senate Amendment "A" (S-525) **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-525), in NON-CONCURRENCE.**

Sent down for concurrence.

---

The Chair laid before the Senate the following Tabled and Later Assigned (4/10/14) matter:

HOUSE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Resolve, To Conduct a Market Analysis Regarding the Feasibility of Expanded Gaming in Maine (EMERGENCY)

H.P. 1343 L.D. 1856

Majority - **Ought to Pass**, pursuant to Public Law 2011, chapter 699, section 3, subsection 5 (11 members)

Minority - Ought to Pass as Amended by Committee  
**Amendment "A" (H-821)**, pursuant to Public Law 2011, chapter 699, section 3, subsection 5 (1 member)

Tabled - April 10, 2014, by Senator **TUTTLE** of York

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS**, pursuant to Public Law 2011, chapter 699, section 3, subsection 5, Report, in concurrence

(In House, April 9, 2014, the Majority **OUGHT TO PASS**, pursuant to Public Law 2011, chapter 699, section 3, subsection 5, Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.)

(In Senate, April 10, 2014, Reports **READ**.)

On motion by Senator **TUTTLE** of York, the Majority **OUGHT TO PASS**, pursuant to Public Law 2011, chapter 699, section 3, subsection 5, Report, **ACCEPTED**, in concurrence.

Under suspension of the Rules, **READ TWICE**.

On motion by Senator **VALENTINO** of York, Senate Amendment "C" (S-522) **READ**.

On motion by Senator **KATZ** of Kennebec, 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 York, Senator Valentino.

Senator **VALENTINO:** Thank you Mr. President. Men and women of the Senate, I rise today on this amendment just to let you know that this does not change almost anything in the Committee Amendment. If anything, it changes really a couple of words that said "if a market exists". We heard an awful lot of debate on all of the gaming bills and everybody on both sides said that we needed a comprehensive plan. A feasibility study was not the focus but a comprehensive plan was. All this amendment does is keep everything that is the Committee Amendment but changes "if a market exists" to basically to looking at a potential framework that looks at it. It added a few other items for them to look at. I think that if we're spending \$150,000 on a report we need to do a full report on it. We don't need to just stop at the market analysis. We need to do a potential for a framework for a comprehensive plan. That's what we heard over and over and over again on the debate on the initial gambling. All this is doing is saying if you're going to have a report done to do a complete report. I will say that I have talked with the chair of VLA and he totally supports this amendment, as does the good Senator from Oxford. I have also run the amendment through a lot of the stakeholders, the tribes, the horsemen, the commercial racetracks. They all support the amendment. The general feeling is if we're spending \$150,000 let's do a full report that looks at a comprehensive plan, which is exactly what we talked about, which is exactly what everybody said that they wanted to see; a comprehensive plan. I would urge you just to vote for this addition, really, to the Committee Amendment to do the whole thing and do it all at the same time. Thank you very much, Mr. President.

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

Senator **MASON:** Thank you Mr. President. Men and women of the Senate, I think that what we have before us is a chance to do a truly unbiased study of gaming in Maine. However, I do disagree with the Senator from York in regards to this amendment. The amendment, in my opinion, creates preference and under Section I of the proposed amendment it says that the study must consider previous legislation submitted to the 126<sup>th</sup> Legislature by entities seeking licenses to operate casinos. Mr. President, that creates a preference. I think the study needs to be without bias and without preference as we move forward because the only three bills that were asking to operate casinos in the state were those that would be operated by the Passamaquoddys, the Maliseets, and by Scarborough Downs. We had a myriad of bills that we looked at this year and I think once you crack the door open for certain groups that other groups will start to come in and, in fairness, would need consideration. For example, on a smaller scale, we had a bill that would have looked at creating slot parlors in all of the veteran's organizations in the state. Veterans are not included in this amendment. As I said, Mr. President, once you open the door you can't close it. We had a study commission that really this Resolve came out of. The study commission failed because the stakeholders couldn't agree. I think what you're going to find is there's going to be a lot of fighting from stakeholders that really would like to see their interests looked at when they're not being looked at this amendment. I'm concerned that this amendment is assuming a conclusion and running with it. I would point out that the way the study was passed out of committee was passed nearly unanimous, an 11-1 vote, and I would urge a vote against the adoption of this amendment. Thank you, Mr. President.

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

Senator **VALENTINO:** Thank you very much Mr. President. Men and women of the Senate, I won't belabor the point. I just wanted to call your attention to a slight clarification. This is the second amendment that I have put in. The first amendment did use the word "consider". That word was taken out. It's now saying "looks at". The first amendment I had put in did say that there would be preference given. That has been taken out also. There is no consideration. There is no preference. This is just a laundry list of things that people should look at, which I think would be due diligence on any report that they are doing. Those have been specifically omitted from this, the second amendment, which is before you, not the first amendment. Thank you.

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

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, just briefly. I do understand the concerns of the good Senator from Androscoggin, Senator Mason, and he has been very consistent, a very good member of the committee. I think how we're going to be successful where we hadn't been before is that we're going to get the whole committee of Veterans and Legal Affairs to address this issue. I do commend the good Senator from York, Senator Valentino. Like always, she gets to

the main thrust of the issue. The way the present order is written, I had some concerns that they'd come back with no recommendations, that it would not go forward, so we'd sort of be in the same situation. I feel with a few minor changes that the good Senator from York, Senator Valentino, made that we will have a conclusion, we will do it right, and we'll come back next time and do the right thing for the people of Maine. 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 will stand up here and say I agree with almost everything the Senator from Androscoggin said. I do have heartburn on this bill. I do have heartburn on this amendment. The thing and the fact of the matter is, ladies and gentlemen of the Senate, we have got to do something. This is something this Legislature is finally going to be charged at. I will be supporting this amendment, as I told my colleague from York, but I do have heartburn because I would have liked to have seen it in a pure form, with no hands on, but in doing something sometimes you have to have a little there to encompass everything. There's many times I've stood up this year and spoke on both sides of the issue because I do have heartburn, but I also do know that if we don't do something this time I don't think we'll get something done. If this amendment, attached to the bill, gets us to where we want to go, the one thing I do know, no matter what the study says, the policy committee is not going to change an awful lot and that we will take the recommendations that are going to come forward and run with them, knowing that every entity basically that ever came to this hallowed Body that wanted something done in the neighborhood of gaming will probably be finely resolved once in for all once we have at least a baseline study. I will be supporting this amendment, although, however, the heartburn I'll probably have to take some Prilosec OTC along the way. With that, Mr. President, thank you very much.

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

Senator **MASON:** Thank you Mr. President. I appreciate your, as well as the Body's, indulgence for me rising a second time on this issue. I would just like to point out that I do look at this as a bias. I realize that there is a second amendment and I do think it looks biased. I would also point out that I think that the specific section that I keep referencing is redundant. In the original bill it does talk about how the study needs to consider places where pari-mutuel gaming is considered. Those places are places like Scarborough Downs, places like the agricultural fairs, places where betting is done outside of a casino. I think that the bill does address that and I think the amendment is redundant. Thank you, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from York, Senator Valentino to Adopt Senate Amendment "C" (S-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 (#582)**

**YEAS:** Senators: BOYLE, BURNS, CAIN, CLEVELAND, COLLINS, CRAVEN, DUTREMBLE, GERZOFSKY, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, LACHOWICZ, LANGLEY, MAZUREK, MILLETT, PATRICK, PLUMMER, SAVIELLO, TUTTLE, VALENTINO, VITELLI, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

**NAYS:** Senators: CUSHING, FLOOD, HAMPER, KATZ, MASON, SHERMAN, THIBODEAU, THOMAS, WHITEMORE

26 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator **VALENTINO** of York to **ADOPT** Senate Amendment "C" (S-522), **PREVAILED**.

**PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "C" (S-522), in NON-CONCURRENCE.**

Sent down for concurrence.

---

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

---

Senate at Ease.

Senate called to order by the President.

---

**Off Record Remarks**

---

Senator **HASKELL** of Cumberland was granted unanimous consent to address the Senate off the Record.

---

Senator **KATZ** of Kennebec was granted unanimous consent to address the Senate off the Record.

---

**RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

---