

# MAINE STATE LEGISLATURE

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**Journal and Legislative Record**  
**House of Representatives**  
**One Hundred and Twenty-Eighth Legislature**  
**State of Maine**

**Daily Edition**

**First Regular Session**  
beginning December 7, 2016

pages 1 -

expected of us, but I do need to address some comments made by you yesterday. You said we will be here every day until a budget is passed. My concern comes from a question posed by the good Representative from Burlington about the holiday on the 4th of July. If we are here every day, as you have said, we will use up these five days, with the fifth day being July 4th. It is my understanding we need at least one legislative day to come back for potential vetoes, which would back us up to July 3rd. However, if the Committee of Conference has no budget to present to the bodies, I have concerns about wasting the people's money and time, calling us in just to wait around. I may be mistaken, if you call us in, but if you call us in the people expect us to convene, thus using at least one legislative day. Instead, I hope you as both the Speaker of the House and member of the Committee of Conference tasked with deciding on a compromised budget, will not bring the whole body in if there's no business for us to tend to on a particular day. I realize there are additional options after those five days but they involve us receiving a paycheck again, and quite frankly, I don't believe we deserve it. Thank you.

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

Representative FREDETTE: Good morning. Thank you, Madam Speaker. In regards to the extending of the five additional days, I will be supporting the motion and ask that you follow my light. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lincoln, Representative Hanington.

Representative HANINGTON: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I voted against, you know, having a five-day extension last time. More than likely I'll support this one, but it's going to come at a cost of probably close to half a million dollars just in per diems. I think that's a waste of time. It may be irresponsible if we vote against it, but it was very irresponsible getting to the place where we are today. Thank you.

Pursuant to 3 M.R.S.A., Section 2, this Joint Order required the affirmative vote of two-thirds of those present for **PASSAGE**. 131 having voted in the affirmative and 8 in the negative, 131 being more than two-thirds of the membership present, the Joint Order was **PASSED** in concurrence.

**COMMUNICATIONS**

The Following Communication: (H.C. 298)

**STATE OF MAINE  
CLERK'S OFFICE  
2 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0002**

June 29, 2017

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Pursuant to my authority under House Rule 201.1 (H), I appoint Representative Erin D. Herbig of Belfast to serve as Speaker Pro Tem to convene the House on June 29, 2017.

Sincerely,

S/Sara Gideon

Speaker of the House

**READ and ORDERED PLACED ON FILE.**

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act To Regulate and Tax Sports Fantasy League Activities in Maine"

(S.P. 449) (L.D. 1320)

Minority (1) **OUGHT NOT TO PASS** Report of the Committee on **VETERANS AND LEGAL AFFAIRS READ and ACCEPTED** in the House on June 28, 2017.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Majority (12) **OUGHT TO PASS AS AMENDED** Report of the Committee on **VETERANS AND LEGAL AFFAIRS** was **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-314)** in **NON-CONCURRENCE**.

Representative DILLINGHAM of Oxford moved that the House **RECEDE AND CONCUR**.

Representative HICKMAN of Winthrop **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Oxford, Representative Dillingham.

Representative DILLINGHAM: Thank you. I'd like to speak to my motion. I believe it's important that we Recede and Concur along with the other body. This bill in front of us isn't a vote as far as prohibiting fantasy sports in the State of Maine but it is a policy piece that came out of our Committee with a Majority Report, and we worked bipartisanly on this to make sure that we had a policy that would be in place to not only regulate fantasy sports that would continue to happen in the State of Maine, but more importantly, to make sure that there's consumer protections in place. Without it, this industry would continue to operate in the State of Maine without any regulations and without those consumer protections in place. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from East Machias, Representative Tuell.

Representative TUELL: I would concur with the Representative Oxford here. I think this is a good bill. I know there are many folks in this state that play daily fantasy sports and some do it for entertainment, everybody does it... a lot do it for... are sports fans. And I think this bill is probably the best way forward with daily fantasy. A few years ago, when Massachusetts first regulated daily fantasy there was some concern about college athletics. When their bill went through, every state in the country lost college athletics as part of daily fantasy, and I would say that as states adopt these laws, what impacts one impacts every state. So it is this law, this bill, will have implications well beyond our state and I think that's a good thing, and I think it's important to be consistent with what other states like New York, and others, that have seen the value of daily fantasy, have done. Thank you, Madam Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winthrop, Representative Hickman.

Representative HICKMAN: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, I believe yesterday this body did something courageous and right by voting this bill Ought Not to Pass. This bill has more holes in it than cheesecloth. This bill is written by an industry to protect an industry in the State of Maine, is being -- we're not going to get very much out of this bill, Madam Speaker. What this bill does that I object to is it codifies the notion that fantasy sports is not gambling. We will put that in statute. If we pass this law,

it will protect the industry in case our own Attorney General at any point in time in the future decides that this is gambling and therefore shuts it down here in Maine. The unallocated language in Section 3 of the Committee Amendment on the last page, line 25 through 32, tells us that unless the Department receives applications and writes rules, whoever is operating fantasy sports in the State of Maine will continue to do that, and that's codified; and if that never happens, they will be the only people who are able to do that in the State of Maine. Some of these fantasy sports leagues are owned by sports members, and I believe that that sets up a really bad precedent, and so I would hope that we oppose this motion and move to Insist. Thank you, Madam Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Oxford, Representative Dillingham.

Representative **DILLINGHAM**: Thank you. I apologize for rising a second time. I rise... I would have to disagree with some of the statements from my colleague from Winthrop as far as codifying this in language. Without moving forward, fantasy sports is still going to be practiced in the State of Maine. We're giving an affirmative action so that we can affirmatively move forward with regulating and making sure that they operate with consumer protections in place. The Unlawful Internet Gaming Act of 2006 actually provides specific exemptions for fantasy sports and prescribes certain criteria that fantasy sports must meet, and we used that in crafting this language. The original bill, as it came forward, certainly was written by the industry, and if you have had the opportunity to look at the bill, you would see that we amended the entire bill by striking their language, and looked to states such as New York and Maryland with the legislation that they had passed, and used those pieces, along with the Professional and Amateur Sports Protection Act of 1993, in crafting language to make sure that these protections are in place and that we have sound regulations moving forward to oversee this industry that is taking place here in the State of Maine. Some of the... one of the exemptions that is prescribed in the UIGA specifically states that a participant placing or participating in fantasy sports, that it is not defined as a bet or wager, and therefore the federal government has given leeway to the states to go ahead and craft legislation to define whether this is a game of skill or a game of chance, which that comes down to defining our gambling and wagering laws. So I would ask that you support the motion, move forward to make sure that we are able to have regulations in place for this industry, and that we ensure there are consumer protections for the 215,000 participants in the State of Maine that are taking place in fantasy sports. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Monmouth, Representative Ackley.

Representative **ACKLEY**: Thank you, Madam Speaker, Men and Women of the House. I rise to oppose the pending motion for two reasons. One, I don't believe that the State of Maine ought to be in the business of feeding what could be an addiction. And two, I'm looking at the fiscal note attached to this bill and it looks to me, correct me if I'm wrong, it looks to me that in the first year we're estimating that the State of Maine will make \$10,000 when you look at the revenue and the expenses; and in the second year it will be \$7,000, and in the third year it's estimated to be about \$4,000, and before you know it, the State of Maine is going to take a loss on having to regulate this industry. And so I'm all for raising revenue in a reasonable way and engaging industry with sensible regulation, but it seems to me that this is just a bad deal for,

not only the people of the State of Maine, but for the State of Maine itself.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 417**

YEA - Alley, Austin S, Battle, Bickford, Bradstreet, Campbell, Cardone, Casas, Chace, Collings, Corey, Craig, Denno, Dillingham, Duchesne, Espling, Farrin, Fay, Frey, Fuller, Gerrish, Gillway, Ginzler, Golden, Grignon, Guerin, Hanington, Hanley, Harvell, Hawke, Head, Herbig, Hilliard, Hubbell, Jorgensen, Kinney J, Kinney M, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan J, Malaby, Marean, Martin J, Martin R, Mason, McCreight, McLean, Monaghan, Moonen, Nadeau, O'Connor, Ordway, Parry, Perkins, Perry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Riley, Rykerson, Sanborn, Sanderson, Schneck, Sheats, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Sylvester, Tepler, Terry, Theriault, Timberlake, Tucker, Tuell, Vachon, Wadsworth, White, Winsor, Wood, Zeigler.

NAY - Ackley, Austin B, Babbidge, Bailey, Bates, Beebe-Center, Berry, Black, Blume, Brooks, Bryant, Cebra, Cooper, Daughtry, DeChant, Doore, Dunphy, Farnsworth, Fecteau, Fredette, Grant, Grohman, Haggan, Hamann, Handy, Harlow, Harrington, Hickman, Higgins, Hogan, Hymanson, Johansen, Lockman, Lyford, Madigan C, Mastraccio, McCrea, McElwee, Melaragno, O'Neil, Parker, Pierce T, Reckitt, Reed, Sampson, Seavey, Simmons, Spear, Stanley, Talbot Ross, Turner, Wallace, Warren.

ABSENT - Chapman, Foley, Gattine, Herrick, Tipping, Ward, Madam Speaker.

Yes, 90; No, 53; Absent, 7; Excused, 1.

90 having voted in the affirmative and 53 voted in the negative, with 7 being absent and 1 excused, and accordingly the House voted to **RECEDE AND CONCUR**.

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

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**ENACTORS**

**Acts**

An Act To Regulate Fantasy Sports Contests

(S.P. 449) (L.D. 1320)

(C. "A" S-314)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

The Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

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