

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

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
SECOND REGULAR SESSION
39th Legislative Day
Wednesday, April 9, 2014

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend Stephen Bracy, Living Waters Assembly of God, Farmington.

National Anthem by Carrie Ricker Select Chorus, Litchfield.

Pledge of Allegiance.

Doctor of the day, James Hildebrand, M.D., Orono.

The Journal of yesterday was read and approved.

SENATE PAPERS

Bill "An Act Regarding Compensation for the Panel of Mediators"

(S.P. 752) (L.D. 1854)

Came from the Senate, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

Under suspension of the rules, the Bill was given its **FIRST READING WITHOUT REFERENCE** to a committee.

Under further suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE** and sent for concurrence.

Non-Concurrent Matter

An Act To Clarify When Bonds May Be Issued

(H.P. 628) (L.D. 904)

(C. "A" H-595)

House **INSISTED** on its former action whereby the Bill was **PASSED TO BE ENACTED** in the House on April 7, 2014.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Bill and accompanying papers were **INDEFINITELY POSTPONED** and **ASKED** for a Committee of Conference in **NON-CONCURRENCE**.

On motion of Representative BERRY of Bowdoinham, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

COMMUNICATIONS

The Following Communication: (H.C. 408)

**STATE OF MAINE
OFFICE OF THE STATE AUDITOR
66 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0066**

Letter of Transmittal

Honorable Justin L. Alfond
President of the Senate
Honorable Mark W. Eves
Speaker of the House
Honorable Paul R. LePage
Governor of Maine

I am pleased to submit the Single Audit of the State of Maine for the fiscal year ended June 30, 2013. This audit was conducted in accordance with Government Auditing Standards, issued by the Comptroller General of the United States; the requirements of the Single Audit Act Amendments of 1996; and the Office of

Management and Budget Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations. Our audit complies with 5 MRSA §243 and is also a prerequisite for the receipt of federal financial assistance. During fiscal year 2013, \$3.2 billion in federal financial assistance was received by the State of Maine.

This document contains the following reports and schedules:

- Independent Auditor's Report
- Basic Financial Statements, Management's Discussion and Analysis, Notes to Financial Statements, and Required Supplementary Information
- Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance With Government Auditing Standards
- Independent Auditor's Report on Compliance for Each Major Program and on Internal Control Over Compliance Required by OMB Circular A-133
- Schedule of Expenditures of Federal Awards
- Schedule of Findings and Questioned Costs
- Financial Statement Findings
- Indexes to Federal Program Findings
- Federal Findings, Questioned Costs and Corrective Action Plan
- Summary Schedule of Prior Audit Findings

On behalf of the Office of the State Auditor, I thank employees throughout Maine government who have assisted us during our audit.

Please contact me if you have questions or comments about the 2013 Single Audit of the State of Maine.

Respectfully submitted,

S/Pola A. Buckley, CPA, CISA

State Auditor

March 28, 2014

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 409)

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

April 9, 2014

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

Pursuant to Joint Rule 310, the following Joint Standing Committee has voted unanimously to report the following bill out "Ought Not to Pass:"

Appropriations and Financial Affairs

L.D. 1639

An Act To Fund Merit and Longevity Pay for Executive, Judicial and Legislative Branch Employees Pursuant to a Collective Bargaining Agreement (EMERGENCY)

The sponsor and cosponsors have been notified of the Committee's action.

Sincerely,

S/Millicent M. MacFarland

Clerk of House

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The following item was taken up out of order by unanimous consent:

UNFINISHED BUSINESS

The following matter, 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.

Expression of Legislative Sentiment Recognizing members of the Leavitt Area High School Football Team, the Hornets

(HLS 733)

TABLED - February 13, 2014 (Till Later Today) by Representative **TIMBERLAKE** of Turner.

PENDING - **PASSAGE**.

The **SPEAKER**: The Chair recognizes the Representative from Turner, Representative Timberlake.

Representative **TIMBERLAKE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I was trying to build a record with this football team for also the longest time being on Unfinished Business. You know, I don't know how we ever won a state championship when it takes us four times to get here, but we did it. I would like to recognize this team. They have done a great job this year. They went 11-0. For the total team, including the playoffs and everything, they only had 58 points scored against them all year. It has been my pleasure to congratulate the Leavitt Area High School Football Team, the school that I went to back a few years ago. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Livermore Falls, Representative Knight.

Representative **KNIGHT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, too, want to recognize the folks from Leavitt Area High School, but I also want to bring attention to the Coach, Mike Hathaway, who has done a tremendous job with his squad over the last several years. Coach Hathaway and these boys have done just a fantastic job and it makes those of us in central Maine pretty proud. So, I, too, just want to add my congratulations to the team. Thank you, Mr. Speaker.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

Under suspension of the rules, members were allowed to remove their jackets.

REPORTS OF COMMITTEE
Divided Reports

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Limit Consent Regarding Land Transfers to the Federal Government"

(S.P. 733) (L.D. 1828)

Signed:

Senators:

VALENTINO of York
TUTTLE of York

Representatives:

PRIEST of Brunswick
BEAULIEU of Auburn
CROCKETT of Bethel
DeCHANT of Bath
MONAGHAN-DERRIG of Cape Elizabeth
MOONEN of Portland
MORIARTY of Cumberland
PEAVEY HASKELL of Milford

VILLA of Harrison

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-496)** on same Bill.

Signed:

Senator:

BURNS of Washington

Representative:

GUERIN of Glenburn

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

READ.

On motion of Representative BERRY of Bowdoinham, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Eight Members of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-498)** on Bill "An Act To Appropriate and Allocate Funds To Strengthen the State's Efforts To Investigate, Prosecute and Punish Persons Committing Drug Crimes"

(S.P. 725) (L.D. 1811)

Signed:

Senator:

GERZOFISKY of Cumberland

Representatives:

DION of Portland
CASAVANT of Biddeford
LAJOIE of Lewiston
MARKS of Pittston
PEASE of Morrill
PLANTE of Berwick
TYLER of Windham

Three Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (S-499)** on same Bill.

Signed:

Senator:

DUTREMBLE of York

Representatives:

KAENRATH of South Portland
WILSON of Augusta

Two Members of the same Committee report in Report "C" **Ought to Pass as Amended by Committee Amendment "C" (S-500)** on same Bill.

Signed:

Senator:

PLUMMER of Cumberland

Representative:

LONG of Sherman

Came from the Senate with Report "A" **OUGHT TO PASS AS AMENDED** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-498)**.

READ.

Representative DION of Portland moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended.**

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 understand the importance of putting this before you. I would argue that. One thing that I would say is that the Chief Executive and I, I'm sure folks know, very rarely agree on much, really. I actually do agree with him that we have a very real heroin addiction problem in this state. It stems from opioid addiction. You can find it in my district, but you can also find it in the far reaches of this state. What I would argue is that we need a very comprehensive approach to our drug policy. The proposal before you has a fiscal note. It doesn't have funds attached to it. The proposal before you includes things like treatment, which I care deeply about. It includes a request for more drug courts, and for drug judges it includes more prosecutors. These are all good things, because we need to be able to go after the folks who are providing and trafficking in these higher drugs. But, the one thing that is missing from this proposal is a prioritization of resources. If you voted down this proposal, we would have another proposal that you would consider, a proposal that the good Representative from Augusta worked really hard on and I would hope folks would consider doing that, not because I disagree with this proposal, per se, but I think there is another report that is more comprehensive and a much more broader approach. Thank you, Mr. Speaker.

Representative **FREDETTE** of Newport **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass as Amended.**

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

The **SPEAKER:** A roll call has been ordered. The pending question before the House is Acceptance of Report "A" Ought to Pass as Amended. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 683

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Casavant, Cassidy, Chapman, Chenette, Clark, Cooper, Crafts, Cray, Daughtry, Davis, DeChant, Devin, Dill, Dion, Doak, Dunphy, Duprey, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Johnson P, Jones, Jorgensen, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Lockman, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Peterson, Plante, Pouliot, Powers, Pringle, Rankin, Reed, Rochelo, Rotundo, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Volk, Wallace, Weaver, Welsh, Werts, Willette, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Chipman, Cotta, Crockett, Espling, Gifford, Hamann, Harlow, Kaenrath, Libby A, Long, Moonen, Russell, Stuckey, Wilson.

ABSENT - Campbell R, Carey, Chase, Dickerson, Dorney, Jackson, Johnson D, Noon, Peoples, Priest, Villa.

Yes, 126; No, 14; Absent, 11; Excused, 0.

126 having voted in the affirmative and 14 voted in the negative, with 11 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-498)** was **READ** by the Clerk and **ADOPTED.**

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading.**

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-498)** in concurrence.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following item appeared on the Consent Calendar for the First Day:

(S.P. 698) (L.D. 1760) Bill "An Act To Implement the Recommendations of the Commission To Study Transparency, Costs and Accountability of Health Care System Financing" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-503)**

On motion of Representative **FREDETTE** of Newport, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ.**

The same Representative **REQUESTED** a roll call on **ACCEPTANCE** of the **Unanimous Ought to Pass as Amended 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 Hallowell, Representative Treat.

Representative **TREAT:** Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I just wanted to let people know what this bill is and does. We have so much paperwork going across our desk these days. This is a unanimous report from the Insurance and Financial Services Committee. It is kind of a companion bill to the other price transparency legislation. We did a lot of work with both the Hospital Association and also the Medical Association to change around the language, which you can find in Senate Amendment 503, it you want to read it. But, essentially, what this bill is all about is if you go to a doctor's office and you just want to know how much a procedure costs, you can find out some information about that.

The **SPEAKER:** A roll call has been ordered. The pending question before the House is Acceptance of the Unanimous Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 684

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Casavant, Cassidy, Chapman, Chenette, Chipman, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Devin, Dill, Dion, Doak, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison,

Nadeau A, Nadeau C, Nelson, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Peterson, Plante, Pouliot, Powers, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Volk, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Campbell R, Carey, Chase, Dickerson, Dorney, Jackson, Johnson D, Noon, Peoples, Priest, Villa.

Yes, 140; No, 0; Absent, 11; Excused, 0.

140 having voted in the affirmative and 0 voted in the negative, with 11 being absent, and accordingly the **Unanimous Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-503)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-503)** in concurrence.

ENACTORS

Emergency Measure

Resolve, To Establish the Commission To Strengthen the Adequacy and Equity of Certain Cost Components of the School Funding Formula

(H.P. 1335) (L.D. 1850)

(S. "B" S-504)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

Representative BERRY of Bowdoinham **REQUESTED** a roll call on **FINAL PASSAGE**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Final Passage. All those in favor will vote yes, those opposed will vote no.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 685

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Casavant, Cassidy, Chapman, Chenette, Chipman, Clark, Cooper, Cotta, Crockett, Daughtry, Davis, DeChant, Devin, Dill, Dion, Doak, Dunphy, Duprey, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hubbell, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Peterson, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Volk,

Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Crafts, Cray, Espling, Guerin.

ABSENT - Campbell R, Carey, Chase, Dickerson, Dorney, Hobbins, Jackson, Johnson D, Noon, Peoples, Villa.

Yes, 136; No, 4; Absent, 11; Excused, 0.

136 having voted in the affirmative and 4 voted in the negative, with 11 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Retain Call Centers in Maine

(S.P. 676) (L.D. 1710)

(C. "A" S-420; S. "A" S-501)

An Act To Implement Recommendations of the Right To Know Advisory Committee

(H.P. 1311) (L.D. 1821)

(C. "A" H-811)

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.

Resolves

Resolve, Regarding Metallic Mineral Exploration, Advanced Exploration and Mining

(H.P. 1270) (L.D. 1772)

(H. "A" H-776 to C. "A" H-769)

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

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

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

UNFINISHED BUSINESS

The following matter, 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.

Bill "An Act To Enact the Maine Small Business Investment Protection Act"

(H.P. 1043) (L.D. 1458)

- In House, Report "B" (5) **OUGHT TO PASS AS AMENDED** of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-670)** on March 31, 2014.

- In Senate, Report "A" (7) **OUGHT TO PASS AS AMENDED** of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-669)** in **NON-CONCURRENCE**.

TABLED - April 3, 2014 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - FURTHER CONSIDERATION.

Subsequently, the House voted to **RECEDE AND CONCUR.**

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass pursuant to Public Law 2011, chapter 699, section 3, subsection 5** on Resolve, To Conduct a Market Analysis Regarding the Feasibility of Expanded Gaming in Maine (EMERGENCY)
(H.P. 1343) (L.D. 1856)

Signed:

Senators:

TUTTLE of York
MASON of Androscoggin

Representatives:

LUCHINI of Ellsworth
BEAULIEU of Auburn
FOWLE of Vassalboro
GIFFORD of Lincoln
KINNEY of Limington
LONGSTAFF of Waterville
SAUCIER of Presque Isle
SCHNECK of Bangor
TURNER of Burlington

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-821)** pursuant to **Public Law 2011, chapter 699, section 3, subsection 5** on same Resolve.

Signed:

Representative:

RUSSELL of Portland

READ.

Representative LUCHINI of Ellsworth moved that the House **ACCEPT** the Majority **Ought to Pass pursuant to Public Law 2011, chapter 699, section 3, subsection 5** Report.

Representative RUSSELL of Portland **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass pursuant to Public Law 2011, chapter 699, section 3, subsection 5** 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 Portland, Representative Russell.

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. If you were opposed to gaming, support this proposal. If, however, you voted previously to support the harness racing industry, if you voted to support the Passamaquoddy Tribe, if you voted to support the Maliseet Tribe, and if you voted to support the Penobscot Indian Tribe, I would hope that you would pay close attention.

The proposal before you, yes, it is an 11-1 report. I am the one. I will own it. The report in front of you does not do what folks are telling us that it does. Now, you can listen to me or you can pull out the amendment and read it yourself. But let me read you the key pieces. "Whereas proposals for banded gaming in Maine should be based on objective analysis of what is feasible within the existing market. Whereas a market analysis will provide the Legislature with valuable information as it considers future proposals for expanding gaming in Maine." Further down in section 2 it says, "that the Executive Director shall insure that the contract requires the consulting firm to provide an analysis that considers the following: The current regional gaming

markets capacity for additional casino style gaming facilities in the state, considering all existing facilities where wagering is currently conducted." Further down the line, if a market exists at that time, once we have gotten a market analysis from a third party independent group, at that time if a market exists then, at that time, we can look at future gaming facilities.

This study is a sweetheart deal for Las Vegas. If you want your gaming money to go to places like the Bellagio and MGM, be my guest. Study this and vote for it. If, however, you would like to have Maine-based industry included in the study, I strongly suggest you vote against the pending motion. There is an alternative for consideration that helps the harness racing industry and Scarborough Downs, that helps the Passamaquoddy Tribe who has fought for over two decades to have a casino in their district, that helps the Maliseet Tribe and that helps the Penobscot Tribe.

I wanted to bring to you a comprehensive approach to gaming, because this body flipped the Veterans and Legal Affairs reports, four of them, as you may recall, in one morning. They flipped them because they wanted to help those industries. They wanted to help Maine-based people. They wanted to help Maine-based businesses. They understood that certain folks have been trying for years to have access to gaming. We have already voted to open casinos in this chamber. Now, if you voted against those casinos, by all means, vote with the study, vote against the study, because the study may bring more casinos, who knows.

I want to be very clear about what this study does and does not do, because you will hear or you may have heard in the halls already, that this will help provide the framework from which we can develop a comprehensive proposal. It does so in a very narrow way. It does so by limiting the scope to the existing people. Now, we have studies. We have had plenty of studies and, in fact, one of those studies that came to us granted it was not an unbiased study, but I think it was fairly accurate, that study came out and said that Scarborough Downs would cannibalize Churchill Downs. If you live in Oxford County, you should vote for this study. It did not talk about whether Churchill Downs has cannibalized Scarborough Downs, which it has. But under the language of this proposal, we would only be able to talk about Scarborough Downs if a market exists and it is already evident that a market will not exist, ergo, we will not be talking about Scarborough Downs because according to this, we are only limited to the very essence of what is before us.

Now it is great. I think we should have a market analysis, but it should not just be focused on the existing market. It should not be focused on what is feasible within the existing market and it should not just approach it as saying a market analysis will provide the Legislature with valuable information as it considers future proposals, because in order to get to those future proposals, we already have to have a market that exists and it has already been determined by study that in the southern Maine portion of the state that that is not the case.

The process that went into this is rather disappointing, but I will spare you the details, but suffice it to say, if you voted to support the harness racing industry, if you voted to support the Passamaquoddy Tribe, if you voted to support the Maliseet Tribe or if you voted to support the Penobscot Tribe, then you may not want to support the motion before you. I will be voting in opposition to the pending motion so that we can bring forth an alternative proposal that truly is a comprehensive study that is an inclusive study that focuses on Maine businesses and not the sweetheart deals for Las Vegas that you have before you. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Biddeford, Representative Beaudoin.

Representative **BEAUDOIN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I have heard about these studies for the past eight years. They have been talking about studies and more studies and now still more studies and I think the Passamaquoddy still do not have gaming and I think it is disgusting, since they were here before us and everybody has gaming except them. Something is wrong here. I think it is high time for us to vote this in. That is it, no more arguing, no more talking about this bill. Let's get together on this for the last time. Let's vote them the gaming that they have been wanting for eight years or better. 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 got this supplement in front of me with 11 supporting this bill. I think that 11 are a good number to follow. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass pursuant to Public Law 2011, chapter 699, section 3, subsection 5 Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 686

YEA - Beaulieu, Beck, Berry, Black, Bolduc, Briggs, Brooks, Campbell J, Cassidy, Chipman, Clark, Cooper, Cotta, Cray, Crockett, Daughtry, Davis, Dion, Duprey, Espling, Evangelos, Farnsworth, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Harvell, Hayes, Herbig, Hobbins, Hubbell, Johnson P, Jorgensen, Keschl, Kinney, Knight, Kornfield, Kumiaga, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marean, Marks, Mastraccio, McCabe, McLean, Monaghan-Derrig, Moonen, Moriarty, Nadeau A, Nadeau C, Nelson, Newendyke, Nutting, Parry, Pease, Peterson, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Sanborn, Saucier, Schneck, Shaw, Sirocki, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Mr. Speaker.

NAY - Ayotte, Beaudoin, Beavers, Bennett, Boland, Casavant, Chapman, Chenette, Crafts, DeChant, Devin, Dill, Doak, Dunphy, Fitzpatrick, Hamann, Harlow, Hickman, Jones, Kaenrath, Kent, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Mason, McClellan, McElwee, McGowan, Morrison, Peavey Haskell, Russell, Rykerson, Sanderson, Saxton, Short, Stanley, Stuckey, Theriault, Volk, Wallace, Weaver, Wood.

ABSENT - Campbell R, Carey, Chase, Dickerson, Dorney, Jackson, Johnson D, Noon, Peoples, Villa.

Yes, 96; No, 45; Absent, 10; Excused, 0.

96 having voted in the affirmative and 45 voted in the negative, with 10 being absent, and accordingly the Majority Ought to Pass pursuant to Public Law 2011, chapter 699, section 3, subsection 5 Report was **ACCEPTED**.

The Resolve was **READ ONCE**.

Under suspension of the rules the Resolve was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

UNFINISHED BUSINESS

The following matter, 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 Reform Regulation of Consumer-owned Water Utilities

(S.P. 710) (L.D. 1784)

(C. "A" S-484)

TABLED - April 8, 2014 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - **PASSAGE TO BE ENACTED**.

Subsequently, on motion of Representative HOBBS of Saco, 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 "A" (S-484)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-817)** to **Committee Amendment "A" (S-484)** which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-484) as Amended by **House Amendment "A" (H-817)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-484)** as Amended by **House Amendment "A" (H-817)** thereto in **NON-CONCURRENCE** and sent for concurrence.

SENATE PAPERS

Bill "An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes of the Town of Old Orchard Beach" (EMERGENCY)

(S.P. 753) (L.D. 1855)

Came from the Senate, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

The **SPEAKER**: The Chair recognizes the Representative from Lewiston, Representative Libby, who wishes to address the House on the record.

Representative **LIBBY**: Thank you, Mr. Speaker. In reference to Roll Call 669, had I been present, I would have voted nay. In reference to Roll Call 670 through 682, had I been present for all of those roll calls, I would have voted yea. Thank you.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

On motion of Representative LUCHINI of Ellsworth, the House adjourned at 11:39 a.m., until 9:00 a.m., Thursday, April 10, 2014.