

# MAINE STATE LEGISLATURE

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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

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
SECOND REGULAR SESSION  
JOURNAL OF THE SENATE**

In Senate Chamber  
Wednesday  
March 19, 2014

Senate called to order by President Pro Tem John J. Cleveland of Androscoggin County.

Prayer by Reverend Paul Plante, Our Lady of the Lakes in Oquossoc.

**REVEREND PLANTE:** May we join our hearts and minds together in prayer. Prions le Seigneur, Dieu createur de tout ce qui est bon, de tout ce qui est beau, nous vous remercions arjourd hin pourla divers je culturelle dent nous jouissons dans notre etat du Maine, en particulier pour tout ce quela culture francaise a contribue pour nous enrichin, que ce soit la vanete des accents et des expressions, venant des pays de langue francaise de l'Europe, de l'Afrique, des Isles, du Quebec, et de l'Arcadie, variete tankien qui garnit nos tables de bouf bourgeon, de crepes, de plohe, de tourtiere, de creton et de torte an sucred enable.

We pray, Lord, that what we call the melting pot may never become one big unsavory mixture, but rather a wonderful variety of cultural gifts that enrich all of us and make this the state we are proud to call home. Chez nous. Seigneur Dieu, benig ton people de foi trempee. Amen.

Posting of the Colors by Franco-American War Veterans, Post 31 of Lewiston.

National Anthems of the United States, Canada, and France performed by Melanie Saucier of Fort Kent.

Pledge of Allegiance led by Senator Troy D. Jackson of Aroostook County.

Reading of the Journal of Tuesday, March 18, 2014.

Doctor of the day, Craig Curtis, MD of Holden.

Off Record Remarks

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

**ORDERS**

**Joint Order**

Expressions of Legislative Sentiment recognizing:

The late Richard D. Dutremble, of Biddeford, on his posthumous induction into the Franco-American Hall of Fame. Richard Dutremble was born in Biddeford, the last of 13 children of Honore and Rose Anna Dutremble, and served in the United States Army in Germany. He and his brother Lucien Dutremble were partners in the grocery store business, owning Dutremble Brothers Market in Biddeford. Richard Dutremble was elected Sheriff of York County and served for 15 years, from 1962 to 1977. He was appointed United States Marshall for the State of Maine under President Jimmy Carter's administration and later served as Director of Civil Emergency Preparedness during Governor Joe Brennan's terms in office. He returned to law enforcement and followed in his father's footsteps, serving as a Biddeford police officer until his retirement in 1992. Richard Dutremble was inducted into the Maine Baseball Hall of Fame in 1984. We acknowledge Richard Dutremble's service to his community and to the State, and we honor his memory on the occasion of his induction into the Franco-American Hall of Fame;  
SLS 804

Sponsored by Senator DUTREMBLE of York.  
Cosponsored by Senators: CLEVELAND of Androscoggin, CRAVEN of Androscoggin, JACKSON of Aroostook, KATZ of Kennebec, LACHOWICZ of Kennebec, TUTTLE of York, VALENTINO of York, Representatives: AYOTTE of Caswell, BEAR of the Houlton Band of Maliseet Indians, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BECK of Waterville, BOLAND of Sanford, BOLDUC of Auburn, CASAVANT of Biddeford, CROCKETT of Bethel, DeCHANT of Bath, FREDETTE of Newport, GILBERT of Jay, JACKSON of Oxford, LAJOIE of Lewiston, LIBBY of Lewiston, LONGSTAFF of Waterville, MASTRACCIO of Sanford, McELWEE of Caribou, NADEAU of Fort Kent, NADEAU of Winslow, PEAVEY HASKELL of Milford, POULIOT of Augusta, ROCHELO of Biddeford, ROTUNDO of Lewiston, SAUCIER of Presque Isle, THERIAULT of Madawaska, VEROW of Brewer, WERTS of Auburn.

**READ.**

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from York, Senator Dutremble.

Senator **DUTREMBLE:** Thank you Mr. President. It is an honor that I stand here today in recognition of this sentiment. I would first like to thank the Senator from York, Senator Tuttle, for presenting this sentiment towards my Dad. The late Richard D. Dutremble of Biddeford on his posthumous induction to the Franco-American Hall of Fame. Richard was born in Biddeford, the last of 13 children to Honore and Rose Anna Dutremble and served the United States Army in Germany. He and his brother, Lucien Dutremble, were partners in a grocery store business, owning Dutremble Brothers Market in Biddeford. He was elected

Sheriff of York County and served for 15 years, from 1962 to 1977. He was appointed United States Marshall for the State of Maine under President Jimmy Carter's administration. I also was able to present Jimmy Carter with his birthday cake when I was a young child at one of the receptions, which was an honor. He later served as Director of Civil Emergency Preparedness during Governor Joe Brennan's terms in office. He returned to law enforcement and followed in his father's footsteps, serving as a Biddeford police officer until his retirement in 1992. He was inducted into the Maine Baseball Hall of Fame in 1984. We acknowledge Richard Dutremble's service to his community and to the State, and, most of all, to his family. We honor his memory on the occasion of his induction into the Franco-American Hall of Fame. Thank you.

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

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, as Senator David Dutremble said, I was the one that encouraged the induction of his Dad, Richard, into the Franco-American Hall of Fame. Forty years ago, when I was considering what I wanted to do in life, Richard encouraged me to go into EMS. He was almost like a second father to me. He encouraged me and now, 40 years later, I'm still doing it. Senator Dutremble has read off all the great things that his Dad did in his life. He went too soon, but I think what he did for me will last a lifetime and his induction is long overdue, Mr. President. Thank you.

**PASSED.**

Sent down for concurrence.

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

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

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

Senate called to order by the President.

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Off Record Remarks

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## **PAPERS FROM THE HOUSE**

### **Joint Orders**

Expressions of Legislative Sentiment recognizing:

Patricia E. Ryan, of Brunswick, former executive director of the Maine Human Rights Commission and one of the founders of the Maine Women's Lobby, on the occasion of her induction into the Maine Women's Hall of Fame. Ms. Ryan helped found the Maine Women's Lobby, which employs the only full-time lobbyist in the state advocating for a full range of women's issues. She was director of the Maine Human Rights Commission from 1979 until her retirement in 2011. As director, she headed the agency charged with enforcing Maine's antidiscrimination laws. Prior to her position at the Maine Human Rights Commission, Ms. Ryan chaired the State Personnel Board and the Permanent Commission on the Status of Women. She was projects coordinator for the Center for Natural Areas, a nonprofit environmental resources management firm formerly affiliated with the Smithsonian Institution. We send our appreciation to Ms. Ryan for her hard work and dedication in her efforts to ensure the success of Maine women and her service to the people of Maine. We extend our congratulations to her on her induction into the Maine Women's Hall of Fame;

HLS 762

Comes from the House, **READ** and **PASSED**.

**READ.**

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

Senator **HASKELL:** Thank you very much Mr. President. I rise today to speak about Patricia Ryan briefly. I have had the opportunity over a long time here in Augusta to have worked with Ms. Ryan and to have watched her extraordinary work on behalf of the people of the state of Maine with a fair, competent, balanced hand on the Human Rights Commission. That is the way in which I knew her most. I knew her because of those opportunities that she provided for us to understand what the Human Rights Commission does, but also to understand how important it is as a way station for people who have been harmed in some way. She has an extraordinary career and her impact is going to be long remembered. Her imprint on that organization and on the state of Maine is long lasting. I congratulate her and salute her at this time. Thank you, Mr. President.

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

Senator **GERZOFSKY:** Thank you Mr. President. Ladies and gentlemen of the Senate, I want to also rise to talk about Patricia Ryan, to begin with, and the extraordinary life that she's lived, but also the extraordinary gifts that she's given to Maine. I served on Judiciary for several sessions. Patricia Ryan used to come in and testify in front of us. I watched Patricia Ryan for many, many years crash through the glass ceiling of the times and come to Augusta and watch the work that she did. I also want to stand up because she's Pat Ryan to me. She's one of mine from Brunswick. Very close friend. Very good neighbor. Very calming influence on me at times. I've watched her play that role in my community, going through good times and bad. The calming influence that she's had, the way she's been able to bring people together, and believe me, Mr. President, when I say that she has helped many, many people get through their own glass ceilings. Her role and the great honor she's receiving in the Women's Hall

of Fame, she's in everybody's hall of fame where I come from. I just wanted to stand up and briefly say how much we appreciate her at home, how much she does for her community, whether you see her in the grocery store giving advice and talking to people, being a great, great neighbor. She's had her own private representative, her husband, Representative Charlie Priest, but I have always considered that she's been one of my constituents whether I was in the Senate or in the House because I've always tried to represent her values. She's always kept my toes to the fire about making sure I protect her values and represent those. Thank you very much, Mr. President.

**PASSED**, in concurrence.

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Off Record Remarks

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**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the chamber Leo Pepin, who was named to the Franco-American Hall of Fame. Will he please rise and accept the warm greetings of the Maine State Senate.

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

Senator **KATZ:** Thank you very much Mr. President. Men and women of the Senate, I'm pleased to have Mr. Pepin here with us today who really deserves this honor. If you look at Mr. Pepin he doesn't look almost 90 years old, but he is. He went to school here in Augusta, to Augusta parochial schools, and then went to fight for his country in WWII, serving three years with the 356<sup>th</sup> Medical Battalion in the European Theater attached to the 65<sup>th</sup> Infantry Division. When he returned from the war Leo was employed for many years by the Maine State Department of Health and Welfare, as it was called then, but music was always his passion. His Dad was the first music teacher and he went on to be educated at the Frank Gaviani Conservatory, Boston, as well as the Northern Conservatory of Music, Bangor, earning degrees. For many years, Mr. President, he owned his own studio here in Augusta and taught instrumental music until his retirement. Perhaps his greatest contribution to his community, as well as the state, was his composing of the Dirigo March, which he composed in 1961. It was first performed by the American Legion Band under the direction of Sam Freidman here in Augusta. I say that because there was a 12 year old trumpet player in that band, it was me. It was a very proud moment for me back then. Leo wrote the Dirigo March because of the pride he had in our state and the opportunities he had as a second generation American. Two years ago, Mr. President, the Legislature voted unanimously to recognize the Dirigo March as the official march of the state of Maine. For all of his contributions to our country, to his state, and to the culture of the state of Maine, it's an honor to have Mr. Pepin here today and also to have a couple of my former colleagues on the City Council, Patrick Paradis, who served in the other Body, as well as Cecil Munson here also to honor Mr. Pepin. We couldn't be more proud. Thank you, Mr. President.

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**Joint Resolutions**

The following Joint Resolution:

H.P. 1306

**JOINT RESOLUTION RECOGNIZING MARCH AS NATIONAL WOMEN'S HISTORY MONTH**

WHEREAS, March has been annually designated as National Women's History Month in order to celebrate the contributions of women to our society and to honor the extraordinary and often unrecognized determination and tenacity of women; and

WHEREAS, the theme for National Women's History Month 2014 is "Celebrating Women of Character, Courage and Commitment"; and

WHEREAS, these traits are revealed in those women who challenge and change laws, who conduct new medical research, who share stories of compassion, leadership and courage and who achieve against great odds; and

WHEREAS, women from all walks of life, all over the nation, are mentors and examples, athletes, activists, writers, scientists, educators, homemakers, advocates, politicians and survivors; and

WHEREAS, the State of Maine is known and respected for its long list of accomplished women in its society, be it in politics, literature, sports or entertainment, and we take this opportunity to make note of some of these women who have been beacons of hope and inspiration to all people in our State; and

WHEREAS, we recognize the Maine Women's Hall of Fame, which is celebrating 25 years of honoring Maine women, and we celebrate the following famous Maine women who have inspired us and have been inducted into the Maine Women's Hall of Fame: Margaret Chase Smith, Mable S. Wadsworth, Gail H. Laughlin, Elizabeth S. Russell, Ninetta M. Runnals, Gilda E. Nardone, Dorothy Murphy Healy, Esther Elizabeth Wood, Eloise A. Vitelli, Elizabeth W. Crandall, Marti Stevens, Mildred Schrupf, Ethel Wilson Gammon, Lois Galgay Reckitt, Elizabeth H. Mitchell, Olympia J. Snowe, Caroline Gentile, Joan Benoit Samuelson, Linda Smith Dyer, Chellie Pingree, Theodora June Kalikow, Nancy H. Hensel, Sharon H. Abrams, Judith Magyar Isaacson, Patricia M. Collins, Judy Ayotte Paradis, Chilton R. Knudsen, Laura Fortman, Dale McCormick, Karen Heck, Florence Brooks Whitehouse, Sharon Barker, Thelma Swain, Susan M. Collins, Katherine Ogilvie Musgrave, Mary Farrar, Ruth L. Lockhart, Lyn Mikel Brown, Mary R. Cathcart, Laurie G. Lachance and Patricia E. Ryan; and with the women inducted into the Maine Federation of Business and Professional Women's Hall of Fame: Patricia Carol Bourgoin, Jeanne Littlefield Hammond and Arline Rebecca Andrews Lovejoy; and

WHEREAS, we also take this opportunity to honor and celebrate Maine women who go unrecognized, and who have shown their tenacity and dedication through their daily actions; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to honor and celebrate National Women's History Month and to extend our sincere appreciation to all Maine women who have unselfishly shown character, courage and commitment.

Comes from the House, **READ** and **ADOPTED**.

**READ.**

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

Senator **HASKELL:** Thank you Mr. President. It's a pleasure to stand here today and talk about the Maine Women's Hall of Fame and the recognition today as this is the National Women's History Month. I think it's a great time to recognize some extraordinary women here in the state of Maine. I'm so pleased that this is here. We've been trying to do this in a way regarding the names of the rooms in which we meet and I have found extraordinary stories, like the one that I shared yesterday, about what women have done in competent professionals, in social services, and in so many arenas around our state in order to enhance, encourage, and support our state of Maine. It's a very proud day when we can talk about the fact that, with the Women's Hall of Fame and with National Women's History Month, we get an opportunity to reflect on those extraordinary competencies that have been brought to bear on behalf of the people of the state of Maine. I would be remiss if I didn't stand up today to recognize that, to salute that, and to honor that. Thank you, Mr. President.

**ADOPTED**, in concurrence.

The following Joint Resolution:

H.P. 1307

**JOINT RESOLUTION RECOGNIZING MARCH 18, 2014 AS  
MULTIPLE SCLEROSIS AWARENESS DAY IN MAINE**

WHEREAS, multiple sclerosis is a chronic, often disabling disease of the central nervous system, for which there is no cure at present, that typically is diagnosed in people between 20 years and 50 years of age and affects women 3 times more often than it does men; and

WHEREAS, multiple sclerosis distorts and interrupts the signal between the brain and the body; and

WHEREAS, multiple sclerosis affects 400,000 people nationwide, including 8,000 to 10,000 children and teens; over 3,000 individuals in Maine have the disease, nearly one in 400 citizens, which is one of the highest per capita rates in the nation; and

WHEREAS, the National Multiple Sclerosis Society is a driving force of multiple sclerosis research, pursuing prevention, treatment and cure, and the Greater New England Chapter of the National Multiple Sclerosis Society educates, supports and

advocates for people with multiple sclerosis and their families to help them maintain the highest possible quality of life; and

WHEREAS, the Greater New England Chapter of the National Multiple Sclerosis Society encourages individuals with multiple sclerosis and their families, health professionals and other concerned citizens to join the movement to advocate for policy change in the priority areas of high-quality health care, health care coverage, long-term care and disability rights; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to declare that March 18, 2014 is designated as Multiple Sclerosis Awareness Day in Maine; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Greater New England Chapter of the National Multiple Sclerosis Society.

Comes from the House, **READ** and **ADOPTED**.

**READ** and **ADOPTED**, in concurrence.

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**COMMUNICATIONS**

The Following Communication: H.P. 1316

**FORENSIC MENTAL HEALTH SERVICES OVERSIGHT  
COMMITTEE  
126TH MAINE LEGISLATURE**

March 6, 2014

Honorable Justin L. Alford  
President of the Senate

Honorable Mark W. Eves  
Speaker of the House  
State House  
Augusta, Maine 04333

Dear President Alford and Speaker Eves:

Pursuant to Public Law 2013, Chapter 434, the Forensic Mental Health Services Oversight Committee is pleased to submit its final report. Copies of the full report have been distributed to committees or individuals as directed by law and copies have been placed on file with the Law and Legislative Reference Library. Others may access the full report on-line through the website of the Office of Policy and Legal Analysis at <http://www.maine.gov/legis/opla/forensichealthservicesrpt.pdf>.

LEGISLATIVE RECORD - SENATE, WEDNESDAY, MARCH 19, 2014

Sincerely,

S/Sen. Stan J. Gerzofsky  
Senate Chair

S/Rep. Andrew M. Gattine  
House Chair

Comes from the House, **READ** and with accompanying papers  
**ORDERED PLACED ON FILE.**

**READ** and with accompanying papers **ORDERED PLACED ON FILE**, in concurrence.

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The Following Communication: S.C. 813

**STATE OF MAINE  
126<sup>TH</sup> LEGISLATURE  
OFFICE OF THE GOVERNOR**

March 17, 2014

The Honorable Justin L. Alford  
President of the Senate  
3 State House Station  
Augusta, Maine 04333

Dear President Alford,

This is to inform you that I am today nominating Christine M. Phillips of Calais for appointment to the Washington County Development Authority.

Pursuant to Title 5, MRSA §13083-C this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Paul R. LePage  
Governor

**READ** and **ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 814

**STATE OF MAINE  
126<sup>TH</sup> LEGISLATURE  
OFFICE OF THE GOVERNOR**

March 17, 2014

The Honorable Justin L. Alford  
President of the Senate  
3 State House Station  
Augusta, Maine 04333

Dear President Alford,

This is to inform you that I am today nominating Robert W. McEvoy of Brunswick for appointment to the Northern New England Passenger Rail Authority.

Pursuant to Title 23, MRSA §8112 this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Transportation.

Sincerely,

S/Paul R. LePage  
Governor

**READ** and **ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 816

**STATE OF MAINE  
126<sup>TH</sup> LEGISLATURE  
OFFICE OF THE GOVERNOR**

March 17, 2014

The Honorable Justin L. Alford  
President of the Senate  
3 State House Station  
Augusta, Maine 04333

Dear President Alford,

This is to inform you that I am today nominating Robert A. Harmon of Raymond for appointment to the Gambling Control Board.

Pursuant to Title 8, MRSA §1002, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Veterans and Legal Affairs.

Sincerely,

S/Paul R. LePage  
Governor

**READ** and **ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 817

**STATE OF MAINE  
126<sup>TH</sup> LEGISLATURE  
OFFICE OF THE GOVERNOR**

March 17, 2014

The Honorable Justin L. Alfond  
President of the Senate  
3 State House Station  
Augusta, Maine 04333

Dear President Alfond,

This is to inform you that I am today nominating Joel A. Merry of West Bath for appointment to the State Board of Corrections.

Pursuant to Title 34-A, MRSA §1802, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Criminal Justice and Public Safety.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 818

**STATE OF MAINE  
126<sup>TH</sup> LEGISLATURE  
OFFICE OF THE GOVERNOR**

March 17, 2014

The Honorable Justin L. Alfond  
President of the Senate  
3 State House Station  
Augusta, Maine 04333

Dear President Alfond,

This is to inform you that on behalf of the Maine Municipal Association, I am today submitting the nomination of Richard T. Metivier of Lewiston for reappointment to the Board of Trustees, Maine Public Employees Retirement System.

Pursuant to Title 5, MRSA §17102, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Appropriations and Financial Affairs.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

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**COMMUNICATIONS**

The Following Senate Communication: S.C. 812

**STATE OF MAINE  
126<sup>TH</sup> LEGISLATURE  
OFFICE OF THE PRESIDENT**

March 17, 2014

Honorable Darek M. Grant  
Secretary of the Senate  
3 State House Station  
Augusta, ME 04333

Dear Secretary Grant:

Please be advised that I have appointed Senator John Cleveland of Androscoggin to serve as President Pro Tem on Wednesday, March 19, 2014 in observance of Franco American Day at the State House.

Please let me know if you have any questions.

Sincerely,

S/Justin L. Alfond  
President of the Senate

**READ and ORDERED PLACED ON FILE.**

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**SENATE PAPERS**

Bill "An Act To Increase Employment Opportunities for Veterans"  
S.P. 735 L.D. 1832

Presented by Senator TUTTLE of York.  
Cosponsored by Representative LONGSTAFF of Waterville and Senators: President ALFOND of Cumberland, GRATWICK of Penobscot, HASKELL of Cumberland, JACKSON of Aroostook, MASON of Androscoggin, MAZUREK of Knox, PATRICK of Oxford, VALENTINO of York, Representatives: BEAULIEU of Auburn, FOWLE of Vassalboro, GIFFORD of Lincoln, KINNEY of Limington, LUCHINI of Ellsworth, RUSSELL of Portland, SAUCIER of Presque Isle, SCHNECK of Bangor, TURNER of Burlington.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator PATRICK of Oxford, REFERRED to the Committee on LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT and ordered printed.

Sent down for concurrence.

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Bill "An Act To Require the Commission on Governmental Ethics and Election Practices To Make Public Declarations following a Determination of a Campaign Statement's Falsity"  
S.P. 737 L.D. 1834

Presented by Senator THOMAS of Somerset. (GOVERNOR'S BILL)



On motion by Senator **TUTTLE** of York, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

Sent down for concurrence.

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

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## ORDERS

### Joint Order

Expressions of Legislative Sentiment recognizing:

Stacey Albert, of Waterville, who is a finalist for the 2014 Hero Award by the Assisted Living Federation of America. Nominated by her coworkers at Woodlands Memory Care of Waterville, where she is a medical technician, Ms. Albert was chosen as one of 15 finalists from 300 nominees. We extend our congratulations and best wishes to Ms. Albert on her receiving this well-deserved distinction;

SLS 805

Sponsored by Senator **LACHOWICZ** of Kennebec.  
Cosponsored by Representatives: **BECK** of Waterville, **LONGSTAFF** of Waterville, **NADEAU** of Winslow, **SHORT** of Pittsfield.

### READ.

**THE PRESIDENT:** The Chair recognizes the Senator from Kennebec, Senator **Lachowicz**.

Senator **LACHOWICZ:** Thank you Mr. President. Many of us here in the Senate recognize the challenge we have in our state caring for our seniors. In Waterville we're lucky enough that the only nominee from Maine for the 2014 Hero Award, which is given annually by the Assisted Living Federation of America, was Stacey Albert. She lives in Waterville and she works at the Woodlands Assisted Living Center in Waterville. She works on the Memory Care Unit, which is caring for Alzheimer's and seniors with dementia. She's a medical technician, but her coworkers describe her as someone who does way more than that. In fact, her boss and her old boss, the one who originally hired her, are here with her today. That's how much they think of her there. As someone who worked in healthcare, I'm very honored when someone's work is recognized in that. I'm happy to put in this sentiment and this recognition for her and I think people who work with very difficult populations are people we should recognize more in our communities. Thank you very much, Mr. President.

### PASSED.

Sent down for concurrence.

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the chamber Stacey Albert and her daughters, Abigail and Alysson, and co-workers, Pam Smith and Sue Plissga. They are here from the town of Waterville and they are here as the guests today of the Senator from Kennebec, Senator **Lachowicz**. Will they all please rise and accept the warm greetings of the Maine State Senate.

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## REPORTS OF COMMITTEES

### House

#### Ought to Pass

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, To Amend the Resolve To Promote the Expansion of the Maine Maple Sugar Industry  
H.P. 1274 L.D. 1777

Reported that the same **Ought to Pass**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

Report **READ** and **ACCEPTED**, in concurrence.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

---

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Resolve, Regarding Legislative Review of Chapter 12: Rules for Mixed Martial Arts, a Late-filed Major Substantive Rule of the Combat Sports Authority of Maine (EMERGENCY)

H.P. 1285 L.D. 1793

Reported that the same **Ought to Pass**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

Report **READ** and **ACCEPTED**, in concurrence.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

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#### Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a Late-filed Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 1272 L.D. 1774

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-688)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-688)**.

Report **READ** and **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-688) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Amend the Anson and Madison Water District Charter"

H.P. 1217 L.D. 1693

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-689)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-689)**.

Report **READ** and **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-689) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Further Protect Patient Access to Safe Medical Marijuana by Allowing Dispensaries To Purchase Excess Marijuana from Other Dispensaries"

H.P. 1195 L.D. 1623

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-691)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-691)**.

Report **READ** and **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-691) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Preserve Maine's Long-term Care Facilities"  
H.P. 1251 L.D. 1745

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-690)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-690)**.

Report **READ** and **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-690) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **MARINE RESOURCES** on Bill "An Act To Make Technical Changes to Marine Resources Laws"  
H.P. 1176 L.D. 1604

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-682)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-682)**.

Report **READ** and **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-682) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Update Statutory Dates for the State Government Evaluation Act Review of Agencies"  
H.P. 1292 L.D. 1800

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-681)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-681)**.

Report **READ** and **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-681) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Amend the Veterans' Services Laws"  
H.P. 1184 L.D. 1612

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-694)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-694)**.

Report **READ** and **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-694) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Make Available to the Public Certain Information Concerning the Alcohol Content of Malt Liquor, Wine and Spirits" (EMERGENCY)  
H.P. 1265 L.D. 1763

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-685)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-685)**.

Report **READ** and **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-685) **READ** and **ADOPTED**, in concurrence.

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

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**Senate**

**Pursuant to Resolve**

Senator PATRICK for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Improve Workers' Compensation Protection for Injured Workers Whose Employers Have Wrongfully Not Secured Workers' Compensation Insurance"  
S.P. 736 L.D. 1833

Reported that the same be **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**, pursuant to Resolve, chapter 40, section 2.

Report **READ** and **ACCEPTED**, in concurrence.

**REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**.

Sent down for concurrence.

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**Ought to Pass As Amended**

Senator JOHNSON for the Committee on **MARINE RESOURCES** on Bill "An Act To Allow Municipalities with Shellfish Conservation Ordinances To Request Permission To Prohibit Marine Worm Harvesting"  
S.P. 536 L.D. 1452

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-434)**.

Report **READ** and **ACCEPTED**.

**READ ONCE.**

Committee Amendment "A" (S-434) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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**Divided Report**

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Workers' Compensation Laws as They Pertain to Employee Representation"  
S.P. 632 L.D. 1641

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-433)**.

Signed:

Senator:

PATRICK of Oxford

Representatives:

HERBIG of Belfast  
CAMPBELL of Newfield  
GILBERT of Jay  
HAMANN of South Portland  
MASON of Topsham  
MASTRACCIO of Sanford

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

Signed:

Senator:

CUSHING of Penobscot

Representatives:

DUPREY of Hampden  
LOCKMAN of Amherst  
WINCHENBACH of Waldoboro

Reports **READ**.

Senator **PATRICK** of Oxford moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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Senate at Ease.

Senate called to order by the President.

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

#### **PAPERS FROM THE HOUSE**

##### **Joint Resolution**

The following Joint Resolution:

H.P. 1319

#### **RÉSOLUTION CONJOINTE HONORANT LES FRANCO-AMÉRICAINS**

Considérant que, l'état du Maine est nommé après la province du Maine en France et que les villages de Paris et Calais portent les noms de la capitale de France et du port français de Calais, respectivement; et

Considérant que, plus d'un tiers de la population du Maine est de descendance française et canadienne, et les franco-américains du Maine ont contribué beaucoup à la beauté et la qualité de cet état; et

Considérant que, le français est la première langue de milliers de citoyens du Maine, et il y a eu une augmentation de l'utilisation de la langue française et une appréciation croissante de l'héritage franco-américain à travers l'état; et

Considérant que, des clubs et des associations pour promouvoir la culture et la langue française sont nés à travers l'état, y inclus le caucus francophone à la capitale; et

Considérant que, les gens qui parlent couramment le français et l'anglais sont une ressource économique et culturelle pour l'état du Maine; et

Considérant que, le tourisme culturel sera accru par les véritables centres franco-américains à travers l'état et la grande présence de franco-américains dans le Maine peut renforcer davantage nos relations avec le Canada, la France, et les autres pays francophones; et

Considérant que, le premier Jour Franco-Américain a été célébré mercredi, 6 mars, 2002, à la Capitale de l'État; maintenant, alors, qu'il soit

Résolu, que nous, les membres de la Cent-Vingt-sixième Législature, assemblés dans la deuxième session régulière, au nom des gens que nous représentons, proclamons que mercredi, 19 mars, 2014 est le Jour Franco-Américain, soit célébré à la Capitale de l'État; et qu'il soit aussi

Résolu, que le Jour Franco-Américain soit célébré pour commémorer la riche histoire du peuple français dans l'état du Maine et aux États-Unis d'Amérique.

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#### **JOINT RESOLUTION RECOGNIZING FRANCO-AMERICAN DAY**

WHEREAS, the State of Maine is named after the Province of Maine in France, and the towns of Paris and Calais owe their names to the capital city of France and the French port city of Calais, respectively; and

WHEREAS, more than 1/3 of the population of Maine is of French and Canadian descent and Franco-Americans in Maine have contributed much to the beauty and quality of this State; and

WHEREAS, French is the primary language of thousands of Maine citizens and there has been a resurgence in the use of the French language and a heightened appreciation of the Franco-American heritage throughout the State; and

WHEREAS, clubs and organizations to promote French culture and language have sprung up throughout the State, including the Francophone Caucus at the State Capitol; and

WHEREAS, fluent French-English bilingual people are a cultural and economic resource to the State; and

WHEREAS, cultural tourism can be greatly enhanced by the genuine Franco-American centers throughout the State, and the large Franco-American presence in Maine can further strengthen our relationships with Canada, France and the rest of the francophone world; and

WHEREAS, the first Franco-American Day was celebrated on Wednesday, March 6, 2002 at the State Capitol; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, proclaim that Wednesday, March 19, 2014 is Franco-American Day, to be celebrated at the State Capitol; and be it further

RESOLVED: That Franco-American Day be celebrated to commemorate the rich history of the French people in the State of Maine and the United States of America.

Comes from the House, **READ** and **ADOPTED**.

**READ** and **ADOPTED**, in concurrence.

---

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

**REPORTS OF COMMITTEES**

**House**

**Pursuant to Resolve**

The Committee on **TRANSPORTATION** on Bill "An Act To Allow Signs for Areas of Local, Regional and Statewide Interest on the Interstate System"

H.P. 1320 L.D. 1831

Reported that the same be **REFERRED** to the Committee on **TRANSPORTATION**, pursuant to Resolve, chapter 14, section 4.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TRANSPORTATION**.  
Report **READ** and **ACCEPTED**, in concurrence.

**REFERRED** to the Committee on **TRANSPORTATION**, in concurrence.

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Allow All Veterans To Be Eligible for In-state Tuition Rates" (EMERGENCY)

H.P. 1267 L.D. 1768

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-695)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-695)**.

Report **READ** and **ACCEPTED**, in concurrence.

**READ ONCE**.

Committee Amendment "A" (H-695) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Implement the Recommendations of the Task Force Convened by the Maine Labor Relations Board Regarding Compensation for the Panel of Mediators"

H.P. 1290 L.D. 1798

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-702)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-702)**.

Report **READ** and **ACCEPTED**, in concurrence.

**READ ONCE**.

Committee Amendment "A" (H-702) **READ** and **ADOPTED**, in concurrence.

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

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Directing the Department of Education To Formulate and Implement a Citizenship Educational Component for the School Curriculum"

H.P. 1234 L.D. 1726

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

MILLETT of Cumberland  
JOHNSON of Lincoln  
LANGLEY of Hancock

Representatives:

MacDONALD of Boothbay  
HUBBELL of Bar Harbor  
JOHNSON of Greenville  
KORNFELD of Bangor  
MAKER of Calais  
McCLELLAN of Raymond  
NELSON of Falmouth  
RANKIN of Hiram

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-676)**.

Signed:

Representatives:

DAUGHTRY of Brunswick  
POULIOT of Augusta

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Minority **Ought To Pass as Amended** Report.)

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

On motion by Senator **MILLETT** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

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

#### COMMUNICATIONS

The Following Communication: S.C. 815

**STATE OF MAINE**  
**126<sup>TH</sup> LEGISLATURE**  
**OFFICE OF THE GOVERNOR**

March 17, 2014

The Honorable Justin L. Alfond  
President of the Senate  
3 State House Station  
Augusta, Maine 04333

Dear President Alfond,

This is to inform you that I am today nominating Freeman R. Goodrich of Wells for appointment to the Maine Turnpike Authority Board of Directors.

Pursuant to Title 23, MRSA §1964-A this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Transportation.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

The Following Communication: S.C. 819

**STATE OF MAINE**  
**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**  
**COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 17, 2014

Honorable Justin L. Alfond, President of the Senate  
Honorable Mark W. Eves, Speaker of the House  
126th Legislature  
State House  
Augusta, Maine 04333

Dear President Alfond and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1780 An Act To Prohibit Providers of Cloud Computing Service to Elementary and Secondary Educational Institutions from Processing Student Data for Commercial Purposes

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Rebecca J. Millett  
Senate Chair

S/Rep. W. Bruce MacDonald  
House Chair

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

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The Following Communication: S.C. 820

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON ENERGY, UTILITIES AND TECHNOLOGY**

March 17, 2014

Honorable Justin L. Alfond, President of the Senate  
Honorable Mark W. Eves, Speaker of the House  
126th Legislature  
State House  
Augusta, Maine 04333

Dear President Alfond and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Energy, Utilities and Technology has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1781 An Act To Amend Tidal Energy Demonstration Project Laws

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. John J. Cleveland S/Rep. Barry J. Hobbins  
Senate Chair House Chair

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

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The Following Communication: S.C. 821

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON HEALTH AND HUMAN SERVICES**

March 11, 2014

Honorable Justin L. Alfond, President of the Senate  
Honorable Mark W. Eves, Speaker of the House  
126th Legislature  
State House  
Augusta, Maine 04333

Dear President Alfond and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1704 An Act To Increase the Use of Dental Services by MaineCare-eligible Children

L.D. 1749 An Act To Create Greater Cost Efficiency and Improve Health Outcomes by Incorporating Increased Access to Dental Services for Adults through MaineCare's Care Management and Coordination Initiatives (EMERGENCY)

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Margaret M. Craven S/Rep. Richard R. Farnsworth  
Senate Chair House Chair

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

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The Following Communication: S.C. 822

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON LABOR, COMMERCE, RESEARCH AND  
ECONOMIC DEVELOPMENT**

March 13, 2014

Honorable Justin L. Alfond, President of the Senate  
Honorable Mark W. Eves, Speaker of the House  
126th Legislature  
State House  
Augusta, Maine 04333

Dear President Alfond and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Labor, Commerce, Research and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 690 An Act To Ensure Efficiency in the Unemployment Insurance System

L.D. 1658 An Act To Expand and Improve Employment Opportunities in the State

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. John L. Patrick S/Rep. Erin D. Herbig  
Senate Chair House Chair

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

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

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**RECESSED** until 6:30 in the evening.

After Recess

Senate called to order by the President.

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### ORDERS OF THE DAY

#### Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later Assigned (2/27/14) matter:

SENATE REPORTS -from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Increase Gaming Opportunities for Charitable Fraternal and Veterans' Organizations"

S.P. 20 L.D. 31

Report "**A**" - Ought to Pass as Amended by Committee Amendment "**A**" (S-399) (7 members)

Report "**B**" - Ought Not to Pass (4 members)

Report "**C**" - Ought to Pass as Amended by Committee Amendment "**B**" (S-400) (1 member)

Tabled - February 27, 2014, by Senator **TUTTLE** of York

Pending - motion by same Senator to **ACCEPT** Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-399)**

(In Senate, February 27, 2014, Reports **READ**.)

**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 rise today to talk briefly about this bill. It happens to be my bill this time. This is a bill that is looking to help non-profit organizations. Since, I think it was, 1978 or 1979 non-profit organizations throughout the state of Maine actually had the ability to have machines, slot machines, in their establishments. They were taken away and since then the advent of casinos and other types of gaming have actually taken away significantly the incomes of most non-profits. I put the bill in originally to help all non-profits, but like what we learned in the last session, the 125<sup>th</sup>, this very bill was actually passed with a healthy majority in both Bodies, but it was vetoed

by the Chief Executive and it was vetoed because the idea, I believe, the Chief Executive had is we may be here to help veterans organizations first and foremost. I restructured the bill. I actually changed the bill title from "An Act to Increase Gaming Opportunities for Charitable Fraternal and Veterans' Organizations" to "An Act to Increase Gaming Opportunities for Veterans' Organizations." I believe one eats an elephant one bite at a time. In order to take a look at doing good for all you have to start somewhere. I think the veterans' organizations are where I wanted to start. I originally wanted to allow veterans' organizations to have five machines. We thought about everything. We thought about the cost and I lowered the limit down to three machines. Statistically, if you take a look at it, there is the potential of probably having around 400 machines in the state of Maine, but what this bill does is allow a veterans' organization that has a building, bricks and mortar, to have the opportunity to have three machines and that actually narrows the scope down to where, I would say, around fifteen clubs that would probably be eligible to have three machines if they can afford it. The bill was designed basically on the same premise as the casinos, but because these are veterans' organizations and, because these veterans' organizations are non-profit, what I did was I cut the license fees in half. Therefore it would actually allow them the financial ability to probably have the three machines and be able to afford it. This doesn't do everything that I wanted it to do, but it is a good start and I'm hoping that I can receive support, unanimously, from the Body because this is a bill that will help veterans. 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, my remarks are going to get repetitive over time tonight because the reason that I stand opposed to this bill is not because I'm against veterans or I am against them raising money for their club. I stand here asking everyone in the room tonight to press the pause button. I'm concerned that our state doesn't have a comprehensive gaming policy. We have no central governing authority over our gaming institutions in the state of Maine. All of our gaming that we have in the state right now, as far as casinos go and slot machines, has been passed by citizens referendums. That means the policy is very helter-skelter, to say the least. I have concerns about the bill that is sitting in front of us because this bill would essentially open up gaming in every veteran fraternal organization in the state. I think that we need to decide, as a state as we go forward, if that is what we want to do. I think we need to have a study on issues like that. I think we need to look at them a little bit more in-depth than we have in the past. I would urge the Body, Mr. President, to vote against the pending motion.

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

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, I would agree with both speakers. The only correction I would make, you only apply to brick and mortar veterans' organizations. Thank you, Mr. President.



On motion by Senator **GRATWICK** of Penobscot, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

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The Chair noted the absence of the Senator from Aroostook, Senator **JACKSON** and further excused the same Senator from today's Roll Call votes.

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**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from York, Senator Tuttle to Accept Report "A", Ought to Pass as Amended by Committee Amendment "A" (S-399). 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 (#464)**

**YEAS:** Senators: BOYLE, CAIN, CRAVEN, DUTREMBLE, HASKELL, JOHNSON, MAZUREK, PATRICK, SAVIELLO, TUTTLE, VALENTINO

**NAYS:** Senators: BURNS, CLEVELAND, COLLINS, CUSHING, FLOOD, GERZOFISKY, GRATWICK, HAMPER, HILL, KATZ, LACHOWICZ, LANGLEY, MASON, MILLETT, PLUMMER, SHERMAN, THIBODEAU, THOMAS, VITELLI, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

**EXCUSED:** Senator: JACKSON

11 Senators having voted in the affirmative and 23 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **TUTTLE** of York to Accept Report "A", Ought to Pass as Amended by Committee Amendment "A" (S-399), **FAILED**.

On motion by Senator **PATRICK** of Oxford, Report "B", **OUGHT NOT PASS ACCEPTED**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (3/11/14) matter:

**HOUSE REPORTS** - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Concerning High-stakes Beano" H.P. 188 L.D. 227

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-627)** (5 members)

Tabled - March 11, 2014, by Senator **HASKELL** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, March 6, 2014, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-627)**.)

(In Senate, March 11, 2014, Reports **READ**.)

Senator **TUTTLE** of York moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On motion by Senator **THIBODEAU** of Waldo, 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 Tuttle.

Senator **TUTTLE:** Thank you Mr. President. I would ask that you support the Ought to Pass Report. The bill simply allows the tribes to modernize their equipment by bringing their beano games into the 21<sup>st</sup> Century. The tribes need this equipment to compete with gaming options that have become available over the last ten years. It is asking for far less than what has already been given to other entities of the state. The machines will be monitored and audited by an independent third party to ensure safety and fair play, similar to the other two gaming companies we have in the state today. I believe it is a simple bill that essentially allows the Penobscots to go from paper to automatic. Maine is one of only two states who doesn't do this. I don't know if you know of the fine jobs that the Penobscots have done over the years with their beano games. They get busloads of folks that come in for a number of days. They also take them into downtown Bangor, where they go shopping. They also take them to Hollywood Slots. It is really an economic development issue for them. I think that what they're asking for is not that big of a deal. It's just going from paper to electronic. I'd ask that you would support the Penobscots in their efforts. Thank you, 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 stand opposed to the pending motion. The machines that are being talked about in this bill are classified under our state law as a slot machine. They are not classified as a beano machine. There is not withstanding language in the bill that exempts these machines from being classified as a slot machine. In our state we have a cap on how many slot machines that we allow in the state. By keeping these classified as beano machines, or bingo machines, they would not mess with the cap for the slot machines. When you play bingo there is skill involved and there is also chance involved, and you also play against other people. This removes the element of playing against people. You play against the odds. That's why it is classified as a slot machine, according to our Gambling Control Board. I stand

opposed to this motion and I would urge the members to vote against it.

Senator **CUSHING** of Penobscot moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

On motion by Senator **TUTTLE** of York, 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 Tuttle.

Senator **TUTTLE:** Thank you Mr. President. Briefly, Mr. President, I'd like to read a letter from Chief Kirk Francis. He wanted to first thank us for taking the time on L.D. 227. He says, "As you know, this bill has been carefully crafted to stay away from casino-style gambling or slot machine tools. It isn't the approach, wishes, nor is taking with the current technology we are proposing. Currently the Penobscots have bonanza bingo where one player can play one card. Also we offer many special games if only one player bought these games. More concerning is the lack of knowledge of our game and bingo by the department that is charged with oversight. In closing I will close by again thanking you all for taking the time to become more knowledgeable with the facts of the bill and not the myths, but more importantly what is a reasonable, right, and fair way to resolve our gaming issue that has history. You are well aware of the area we not only know but can once again excel in this new delivery. I hope that we can maintain a mindset to grow Maine businesses and protect them from this economy. We will provide a letter for a testing lab, which was given. As I mentioned before, it's done in the same manner to support what I have stated so you know the truth about what we are presenting." It is for that reason that I respectfully request that you vote no on the pending motion. 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 am here standing in support of the Indefinite Postponement. It's with a heavy heart that I do that, but I also understand that this organization basically voted in favor of the proliferation of gaming at the Commission to Develop Competitive Bidding Process for the Operation of Additional Casinos and Slot Machines in Maine. The big failure of that commission will fall on my shoulders. I will take the heat for that, Mr. President. I do have broad shoulders because being on the Veterans and Legal Affairs Committee my whole legislative career the one thing I can say I, and those before me and those along side of me, have done is failed the state of Maine to come up with a process that we need in order to allow more gaming throughout the state of Maine. We don't have a process. As a matter of fact, I would say if what happens tonight, everything passed, we would probably be the laughing stock of the United States of America because we would end up having three or four or five different categories of casino gaming within the state of Maine. That, in itself, is not one thing that I want to support. We had a task that we were supposed to do. The most important task wasn't to vote on whether we wanted to

bring our bills forward because they were already coming forward. They were already before the Legislature. What we were supposed to do, and what I had hoped to do prior to the entities all deciding to say we've had enough of meeting and we're going to do what we wanted to do, was we were supposed to develop recommendations for a competitive bidding process for the privilege to submit an application to the Department of Public Safety Gambling Control Board for the operation of a slot machine facility or a casino. I can't stand here and say I'm against casinos. I go to casinos. I have said many times I do spend my recreational dollars in a way that is acceptable to me and my wife and my family. What this is about is, do we have the policy in the state of Maine going forward? We're looking at a situation where some of the gaming entities came into being through the process of the Citizens Initiative, which forced our hands. Now we've got the cart before the horse and I don't know if we can ever rein it in. I don't know if today is the day that we want to expand beyond belief the total proliferation of gaming. It wouldn't be the total proliferation of gaming, it would be the start of proliferation of gaming because there are other entities that want to go along. For this reason and many others that I'm not going to expound upon because my caucus asked me to kind of keep it short, and I do respect Coach and I will try to keep it short, I would ask you to support the Indefinite Postponement.

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

Senator **CUSHING:** Thank you Mr. President. Ladies and gentlemen of the Senate, I appreciate your granting me a brief few minutes to explain my motion here. I've had the opportunity to listen to a member of our caucus who has spent considerable time in the committee on this. I have respect when we come to issues that affect the state of Maine in this way how well all of us, as colleagues, work together on this. I've had both the pleasure and the honor of working with Senator Patrick on another committee and I found him to be both an honorable and a fair chair of that committee. When I hear him speak of this issue I understand the weight that he has placed on finding a good policy that benefits all Mainers and does not pick winners and losers. My motion tonight is not to in any way disrespect the individuals who have worked hard on their proposals but to recognize that before we move forward we should do so cautiously and judiciously. I hope that you will follow my lead in a bipartisan manner of showing that we want to establish the proper policy before we once again open the doors to creating potential challenges in this state for any industry. Thank you, Mr. President.

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

Senator **TUTTLE:** Thank you Mr. President. Senator Cushing and Senator Patrick and I have worked over the years. We've worked on different committees. We've had differing opinions. Just briefly, this is a simple bill that allows the Penobscots to enter into the 21<sup>st</sup> Century and go from paper to electronic. I don't think it's asking too much. We're only one of two states in the nation that don't do this. I don't think we're asking that much. I'd ask for you to vote against the pending motion.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Penobscot, Senator Cushing to Indefinitely Postpone the Bill and accompanying papers, in Non-Concurrence. 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 (#465)**

**YEAS:** Senators: BURNS, CLEVELAND, COLLINS, CUSHING, GERZOFSKY, GRATWICK, HAMPER, JOHNSON, KATZ, LANGLEY, MASON, MAZUREK, MILLETT, PATRICK, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, VITELLI, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

**NAYS:** Senators: BOYLE, CAIN, CRAVEN, DUTREMBLE, FLOOD, HASKELL, HILL, LACHOWICZ, TUTTLE, VALENTINO

**EXCUSED:** Senator: JACKSON

24 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CUSHING** of Penobscot to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE, PREVAILED.**

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (2/27/14) matter:

SENATE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Establish Advance Deposit Wagering for Harness Racing"

S.P. 209 L.D. 519

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-398)** (3 members)

Tabled - February 27, 2014, by Senator **TUTTLE** of York

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

(In Senate, February 27, 2014, Reports **READ.**)

Senator **THIBODEAU** of Waldo moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers.

On motion by Senator **TUTTLE** of York, 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 Tuttle.

Senator **TUTTLE:** Thank you Mr. President. Women and men of the Senate, I hope that we would vote against the pending motion. I think whether this bill passes or not people in the state of Maine will still engage in internet wagering. The only difference is whether the Maine racing industry benefits from it or whether the business continues to be cannibalized by out-of-state interests. Maine racing fans already have internet wagering accounts. Unfortunately, they are without any stake companies who don't have investment rights in Maine in our harness racing industry. When the money leaves the state it is not reinvested, it is gone. Wagering would only be allowed on thoroughbred and harness racing. Advance deposit wagering will recapture revenue that is leaving the state. It is not a growth vehicle. Since 2004 wagering at Scarborough Downs on simulcast racing is down 38%. The handle of live racing is down 44%. The OTBs have been similarly impacted. Nationally the advance deposit wagering has grown 20% of the handle and at the current growth rate could reach 44% of the handle by the year 2020. That changing world is deeply impacting the bricks and mortar of retail stores. The OTBs are the bricks and mortar stores of harness racing. Foot traffic in malls is declining precipitously, as if foot traffic at the commercial tracks and OTBs. Having an internet strategy is critical to having a successful business adapt or die. I'd ask that you would give the industry the power to adapt. Some of the states that offer pari-mutuel betting include Arkansas, Alabama, Connecticut, Delaware, Kentucky, Florida, Indiana, Louisiana, Maryland, Massachusetts, New York, Nevada, New Jersey, North Dakota, New Hampshire, Ohio, Pennsylvania, Vermont, Washington, Wisconsin, and West Virginia. All these states have recognized the change and allowed evolution to the industry to allow their harness racing to survive. I would ask that you would allow Maine to do the same. Thank you, 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 stand before you in favor of the pending motion and I do so because of the same reasons that I've opposed the other bills that have been in front of us tonight. Our state has no consistent policy on gaming. My biggest concern about this bill is that it opens the door to on-line gaming. That means we haven't taken into consideration things like on-line beano, on-line poker, and on-line slot games. We have casinos in the state that offer all of those things live right now that also have cascades attached to them that go to things like education, the milk pool, and various other things that we send through the cascade. There is also pending issues on the federal level with the federal wiretapping act that are yet to be resolved. I think that until this state has a comprehensive gaming policy that incorporates how to make the most bang for our buck as far as getting the most money out of our casinos and create the most jobs for any other casino that we decide to open I think that this measure is premature. I would ask the Body, Mr. President, to vote in favor of the Indefinite Postponement. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Waldo, Senator Thibodeau to Indefinitely Postpone the Bill and accompanying papers. 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 (#466)**

**YEAS:** Senators: BOYLE, BURNS, CAIN, CLEVELAND, COLLINS, CRAVEN, CUSHING, FLOOD, GERZOFKY, GRATWICK, HAMPER, HASKELL, JOHNSON, KATZ, LANGLEY, MASON, MAZUREK, MILLETT, PATRICK, PLUMMER, SHERMAN, THIBODEAU, THOMAS, VALENTINO, VITELLI, WHITEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

**NAYS:** Senators: DUTREMBLE, HILL, LACHOWICZ, SAVIELLO, TUTTLE

**EXCUSED:** Senator: JACKSON

29 Senators having voted in the affirmative and 5 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **THIBODEAU** of Waldo to **INDEFINITELY POSTPONE** the Bill and accompanying papers, **PREVAILED**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (3/18/14) matter:

HOUSE REPORTS - from the 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

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-628)** (5 members)

Tabled - March 18, 2014, by Senator **TUTTLE** of York

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, March 12, 2014, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-628) AS AMENDED BY HOUSE AMENDMENT "B" (H-671)** thereto.)

(In Senate, March 18, 2014, Reports **READ**.)

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

Senator **VALENTINO:** Thank you very much Mr. President. One clarification. Has a roll call been asked for on this at the present time?

**THE PRESIDENT:** The Chair would advise the member no.

Senator **VALENTINO:** Thank you. Mr. President, ladies and gentlemen of the Senate, I want to read to you something from the Sun Journal. The editorial board that was on March 14, 2014. "Maine missed its opportunity a decade ago to take a rational approach to casino gambling. We could have done as Massachusetts has done: authorize three casinos and decide upon general locations that best served the state. Instead, we took a hands-off, piecemeal approach that allowed the casino investors to largely call the shots so long as they obtained statewide and local community approval of their plans." I can't begin to count how many people have stopped me in the halls during the last week to say that they wished that they had supported my previous attempts to have a comprehensive gaming plan in Maine. I'm not here to tell you I told you so. That is not productive. Instead I am here to say that it is not too late to cobble together a comprehensive plan based on what is existing and what is being proposed this year this session. I have been dealing with the casino issue for the entire ten years that I have been in the Legislature. The article talks about how Maine should model after Massachusetts. Well years before Massachusetts ever had a zone competitive bid statute Kansas had one. Fifteen years ago Kansas was one of the first to enact this method. I proposed the Kansas model for years while I served on VLA, but we always had citizen initiatives in front of the committee. We could not put out any bills that would not be considered competing measures with the citizen initiatives. When we finally got a break from initiatives in 2011 I submitted L.D. 227, which was based after Kansas, calling for four zones in Maine, competitive bids, \$250,000 privilege fees, and \$5 million license fee. The Legislature did not follow this path, but convened another study committee, which I was a member. This committee reported out a bill that I sponsored for competitive bidding that went back to VLA. I thought we were finally going to do something, but by the time this bill was finished it was so watered down I did not support my own bill. In 2013 VLA created the Competitive Bidding Commission with 20 members. They were supposed to meet six times, but after the third meeting they knew that they could never agree and issued a divided report. No wonder. The committee was made up of 20 members with only four legislators and the rest were members of the gaming industry, plus someone who opposed gambling. This reminds me of the time I served on the first Governor's Taskforce in 2006 to look at money from the casino cascade. Again, this taskforce was a dismal failure because the majority of the taskforce was there to promote their own self interests. Our Minority Report of Ought Not to Pass consisted of only two members of that committee and was reported to VLA. The Majority Report was totally rejected by VLA.

Why is this important? Because I am here to say we don't need another taskforce. We don't need another Blue Ribbon Committee. We don't need another study group to address this issue. We need to take action and we need to fix this bill and another bill on gambling. If not this issue will be here again next year and the year after and the year after. I cannot vote for L.D. 1111 in its current form, but I am willing to work on amendments

to this bill based on my experience in VLA over the last ten years. If we can get an amendment together then I can vote for L.D. 1111. Why? Because the drafters of L.D. 1111 have listened to my concerns over the years. They have a competitive bid. The slots will be at the race tracks. They have a privilege fee and they have a very sizeable license fee.

You may ask, why don't I have these amendments ready today? Well, for one, this bill was reported out of committee Ought Not to Pass. It is not just this bill that was voted out of committee Ought Not to Pass. All the gaming bills were and the bills were all flipped by wide margins in the House. Some members told me in the House that they voted to pass the bill because they agreed with the premise of the bill, but were not fully committed to the contents and would be open to an amendment. Others said they voted to pass them because they were just sick and tired of voting on these bills year after year. This told me that the time to do something was now. I have asked two other members of this Body to work with me on these amendments and we are planning on meeting this Friday. One has more institutional knowledge of about the subject than I do. We all oppose the current draft of the bill, but we are all willing to sit down with the analyst and see what we can do to craft something. If not this bill will just be back before us next year. I cannot emphasize enough that we do not need another study committee. We have studied this to death. We know what we have to do. We just haven't had the courage to do it. I will be voting no because I do neither support or approve the current language, but I certainly want an opportunity to craft an amendment which will enable me to vote for this bill if the legislative process allows me to do so. Please, I ask you, do not move to Indefinitely Postpone. If this bill is voted down, if you want to be on the record, that's one thing. I'm not going to vote for it, but if it is voted down, I'm going to wear everything on my sleeve and tell you exactly what I'm going to do, I'm going to stand back up and I'm going to move to Reconsider and then I'm going to move to table and then I'm going to keep my Friday meeting and we're going to work on an amendment and we're going to get this back here so that we don't have it year after year after year. We have everything we need to look at what has passed, what is existing, and what is in the future. I'm just asking you to give us an opportunity to do this and I hope we do not Indefinitely Postpone this bill. Thank you.

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

Senator **CUSHING:** Thank you Mr. President. Ladies and gentlemen of the Senate, I could not have more eloquently shared some of my feelings regarding this issue as the good Senator from York did. In being consistent with the concerns I have, Mr. President, I do ask that we Indefinitely Postpone L.D. 1111.

Senator **CUSHING** of Penobscot moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

On motion by Senator **TUTTLE** of York, 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 Tuttle.

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, this is sort of a personal issue for me. My family has been in harness racing for generations. My grandfather used to joke that he raised his horses more for their disposition than he did for their speed. It's not a winning proposition. If you have 25 horses you are lucky if one makes money. It's the love of the industry. I strongly feel that unless we do something harness racing, as we know it in the state of Maine, will be no more. You'll have Scarborough that closes and then Bangor will close and every state fair in the state will no longer have harness racing, which historically has been the agricultural tradition for the state of Maine. This is simply a reauthorization of a facility that voters approved years ago as a commercial race track. It was never built. It is a sensible way to build a Southern Maine facility that provides significant, up front, and ongoing revenue to the state. This will produce \$50 million up front, something that should have been done with every other facility. I always say that this reminds me of the liquor deal that we did ten years ago that was a very, very bad deal for the State of Maine, which we have corrected in this Legislature. We need to get the summer people who come to my area of the state and have a facility like most other states do. I talked with the good Senator Woodbury who said that he was on a plane flight and he said he looked at the magazine in the airplane and every other page talked about a resort casino, making millions and millions of dollars for that state. I think, in hindsight, Maine, for some reason, either we don't get on board or we get on too late with all the revenue going this way. The average citizen will complain when he goes to town hall and he has to pay \$5, but if he goes to a facility and he has a good time that's okay. I think we have to be realistic of where we are now. I think that gaming in Maine is here to stay. Let's do the right thing. I think we need to let the market dictate where these facilities are going to be. We never did that. If I would have been chair over the last few years we would have done that. As Senator Valentino said, we have a mechanism to do the right thing. I'm just asking that you do that. I think that by not letting this go through, and not having the facility in Southern Maine, is a slap in the face of every taxpayer in this state.

I guess in closing, Maine horse breeders are hardworking Mainers who love their animals 24 hours 7 days a week and also love their livelihood. Unfortunately, they are not able to pay for high powered lobbyists to represent their interests here at the State House, but that doesn't mean their cause is any less worthy and deserving. Horsemen and women have watched their industry suffer at the hands of out-of-state corporations who have no interest in their plight. The Legislature has somehow lost its focus on this part of our agricultural heritage. We should be working together to benefit the entire industry that could jump start the whole section of our economy. Other states have done this; Ohio, New York. They are doing things the right way. I think Maine's agriculture should be preserved. Horse-people provide jobs for thousands of Mainers either directly or indirectly. They invest in equipment. They employ veterinarians. They buy lots of hay and oats. They support countless other businesses. They provide and protect open spaces that we all consider dear. I call that the Maine way to do things. L.D. 1111 is an opportunity to revitalize the long-standing tradition of harness racing in Maine. As I mentioned, many states are doing it the right way. Presently Maine is not. This legislation is fair to the people of Maine. It is

similar, as I mentioned before, to what we did with the liquor industry and that we finally corrected it. There are countless words spoken and hours spent trying to lure large national corporations and others into Maine. How about doing something to assist the large group of small businesses who, for the most part, are Maine family farms that are already here? We wonder why our young people are compelled to leave our state. The fact is that L.D. 1111, as amended, would be an opportunity to right a couple of wrongs that have stifled an integral part of Maine's economy. It provides for millions of dollars of new capital investment, hundreds of new jobs, millions of dollars to the General Fund, and at the same time the promise of a future for a segment of our economy that certainly deserves it and it doesn't raise taxes. I would ask that you vote against the pending motion and allow the money to preserve our agriculture for the people of Maine. Thank you, Mr. President.

**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 because I'm not sure. I know the good Senator from across the aisle complimented me, but I don't think he heard when I said to please don't make a motion to Indefinitely Postpone. I wanted to just get that out there and say that again in case he didn't hear it. I really hope people will vote against this. I think this is an opportunity that we have on this bill and on another bill to address a comprehensive gaming model going forward. This bill, if it dies today, will come back again and again and again. Why not just take the time to take a second look at it? Nobody's guaranteeing that the bill is going to go through if it's amended. All we're saying is give us time. Just give us a little bit of time to work this bill. A few people who are not on the committee, or haven't been on the committee, are all opposed to the bill in its present form, all we need is a little bit of time to work this bill and try to get something before this Body that we can all vote on going forward. This bill and other bills are going to come back. Now is the time to do it. I firmly believe we can do. I've studied this for ten years. I've spoken with all of you. I've urged you to do a comprehensive plan and now is the time to do it. We need a couple of vehicles to do it with and I really urge you not to just vote Ought Not to Pass on this when I think we have an opportunity right here before us to address this issue once and for all going forward so that we're not back here again next year or the year after or the year after. I may not be here, I don't know, but somebody is going to be here and I guarantee you they are going to be dealing with this issue. Why not let those of us who have been dealing with this for the past ten or twelve years, who have a lot of institutional knowledge, try and work together and do something? I just urge you not to Indefinitely Postpone. Thank you.

**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 want to thank my colleague from York as I agree with almost everything she said. However, there is one alternative to this bill. The Commission on Competitive Gaming is allowed to report out a bill of its own volition, of its own merits, to handle this issue if the committee decides to do it. I would recommend that we do do

that. I do recommend that the committee does it on its own because I think that's the only way to do it. When you have stakeholders who have a financial bearing on it, the pressure is just intense. This bill, on its own, I will say I disagree with the bill. I think it's a bad bill. We're not just talking about farms and harness racing and the whole thing. We're talking about gaming, the gaming industry, and the whole life. I will say publicly I don't really care all that much about Penn National. I don't care all that much about Churchill Downs. They happen to be the gaming industry here in Maine. I do game, but I also know the good side and the bad side of gaming. What this bill does, this bill is actually, in my mind, an insult to the committee on itself. Everyone says that each entity wants to protect its own interest, yet in this bill what they wanted to do was throw out the carrot of the \$50 million license fee, but if someone else opened up another joint down the road we had to pay them back. That's a claw back and, to me, that was actually insulting. You take a look at Shawn Scott, who got the first racino bill passed that encompassed both raceways in the state of Maine. It cost him, I think, about \$7 million. In turn he sold that license for \$61 million or \$62 million in a closed market in Bangor. If you take a look at the logistics, in 100 mile radius there might be 1,500 to 2,000 people within that gaming area. That was worth \$62 million for a gaming outfit that has an awful lot of knowledge. Here we are talking of putting one in Southern Maine, which I would say, if you look at the logistics and the amount of population within that area, we're probably looking at five to ten times as much with a low ball \$50 million bid. Yes, there is the possibility of having a competitive bid, but would it be with Penn National, the other raceway? That's not a competitive bid.

What have we done so far with the monies we had? Eighty million dollars has gone to the harness racing in the state of Maine. What has that done to shore up anything? Ten million dollars went to Scarborough Downs. What has that actually done? Not much. We talk about one industry versus another. Where were all of the people here years ago? What happened to our tanneries, our canneries, our dowel mills, our shoe shops, our bag mills, our paper mills? How are we going to bail them out? How are we going to get them back? Are we going to give them huge subsidized? I don't know. I don't know if I necessarily want to go there. We're talking about casino money. We're talking about what do the voters actually want? What did the voters want in the past and what is the latest trend on the voters? The last poll, I believe, in 2012 87% of Mainers said they wanted it to go back out to the people. I don't know if I necessarily think that's the best idea, but in a lot of ways the people know. They've actually rejected the casinos on several occasions. They rejected the one for Biddeford and Washington County. They rejected the one for Lewiston with huge numbers. If we're going to support this or not support this, there is an avenue to get to where we want and I think my colleague from York is 100% right. This is the time, this is the place, but to have the ability to have a bill that one entity would possibly benefit without the ability to have that competitive bid process I'm not willing to go there, but I am hoping that the chair of the committee and the committee members will take it upon itself to sit down in the remaining days of the session and vote out a bill and get the policy there that we're going to need going forward. Thank you, 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, first of all I want to say to the Senator from York, Senator Valentino, I respect her thoughts immensely and she has spent a lot of time on this issue. When she served in the other Body she served on VLA. I respect her knowledge on the subject immensely. I do agree with the Senator from Oxford, Senator Patrick. We do have another vehicle to deal with this issue.

I'd like to expand on the theme that I've been talking about all night. Our state has no gaming policy. I mentioned before that we have no central authority for any of our gaming operations in the state of Maine. It is done piecemeal. I know most of you had the chance to hear from our analyst from the VLA Committee who talked a lot about how we got to where we are and what we have in front of us. One of the things that she pointed out to me today, and I'd never seen it in this form before, was all of the different types of wagering that we have and who administers it. When you look at the lottery. The lottery is administered by BABLO, Bureau of Alcoholic Beverages and Lottery Operations. Non-profit charitable gaming is administered by the Chief of the State Police, Special Investigations Unit. High stakes beano is done by the same unit. Harness racing is directed by the Department of Agriculture and Rural Resources Harness Racing Commission. Racinos and casinos are both governed by the Gambling Control Board. As we move forward where are we going to put a casino like this? Who is going to look at it? Who is going to govern that? Isn't it time that we centralized all of this regulation under one body? I think that it is. We also have multiple cascades. Both of the casinos that we have in the state of Maine right now each have a cascade that was used in a campaign. We have the Bangor cascade, which dedicates revenue from their table games and slot machines to the Agricultural Fair Support Fund, to the Sire Stakes Trust Account, to harness racing purses, to the City of Bangor, to the Community College System, and that list keeps going on. When you go over to Oxford, they too support the agricultural fairs. They do scholarships through the University of Maine System and Maine Maritime scholarships. They also give money to the Town of Oxford. They sent about almost \$15 million last year to K-12 education. When you go back over the lottery, they have \$54.8 million of undedicated General Fund revenue. The list goes on and on. We have no way of sending all of this money to either the General Fund or adjusting the cascade so that they are fair for not only the current casinos but any casinos that come to the future. That is a problem. We also have no policy, as of right now, to get the most out of our gaming environment. Right now it's just whatever gets approved on the ballot or whatever anybody can get approved in the Legislature. We are not looking at how to, if we are going to have gambling in Maine and if we're going to have wagering of any kind in Maine, get the most jobs and how to maximize our revenue to either the General Fund or to other programs that I've just talked about before.

As the Senator from Oxford and Senator from York mentioned, we did have an opportunity to do that. We had the commission to develop a competitive bidding process for gaming. That process was, in my opinion, hijacked. It was completely taken advantage of and we were not able to report out a report that truly studied how to do everything I talked about before and how to stay on top of the game. In case anybody was wondering, we are the most eastern state in the United States. People don't drive through Maine, most of the time. They do drive through Massachusetts and New Hampshire. Those two states have done competitive analyses of their gaming environment. They

have a plan. They have a way to go forward before they get into the mess that Maine is in right now. I think that the Senator from York, Senator Valentino, is correct. We know what we need to do for the most part. We can fix some of this, but this bill will not fix it. It will add to the confusion.

In the Veterans and Legal Affairs Committee we've done a great job of working together. We rewrote a liquor bill that we realized had substantial flaws from the first time that we issued it. I believe that with the expertise that we have in this Body and in the other one and with the vehicle that we have in the commission process that we can work on something that would help fix some of the mess that we are in in the state of Maine in regards to our gaming environment. Mr. President and men and women of the Senate, I would ask you to support the Indefinite Postponement and allow those of us who have time and experience in this situation the time to work on a gaming policy for the state. Thank you.

Senator **TUTTLE** of York moved the Bill and accompanying papers be **COMMITTED** to the Governor's Desk.

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Senate at Ease.

Senate called to order by the President.

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Senator **TUTTLE** of York requested and received leave of the Senate to withdraw his motion to **COMMIT** the Bill and accompanying papers to the Governor's Desk.

Same Senator moved the Bill and accompanying papers be **TABLED** until Later in Today's Session, pending the motion by Senator **CUSHING** of Penobscot to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

On motion by Senator **THIBODEAU** of Waldo, 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 (#467)**

YEAS: Senators: BOYLE, CAIN, CRAVEN, DUTREMBLE, GERZOFSKY, HASKELL, HILL, JOHNSON, KATZ, MILLETT, PLUMMER, SAVIELLO, TUTTLE, VALENTINO, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: BURNS, CLEVELAND, COLLINS, CUSHING, FLOOD, GRATWICK, HAMPER, LACHOWICZ, LANGLEY, MASON, MAZUREK, PATRICK, SHERMAN, THIBODEAU, THOMAS, VITELLI, WHITTEMORE, WOODBURY, YOUNGBLOOD

EXCUSED: Senator: JACKSON

15 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **TUTTLE** of York to **TABLE** until Later in Today's Session pending the motion by Senator **CUSHING** of Penobscot to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE, FAILED**.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Penobscot, Senator Cushing to Indefinitely Postpone the Bill and accompanying papers, in Non-Concurrence. 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 (#468)**

**YEAS:** Senators: BURNS, CAIN, CLEVELAND, COLLINS, CUSHING, GRATWICK, HAMPER, LANGLEY, MASON, MAZUREK, MILLETT, PATRICK, SHERMAN, THIBODEAU, THOMAS, VITELLI, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

**NAYS:** Senators: BOYLE, CRAVEN, DUTREMBLE, FLOOD, GERZOFOSKY, HASKELL, HILL, JOHNSON, KATZ, LACHOWICZ, PLUMMER, SAVIELLO, TUTTLE, VALENTINO

**EXCUSED:** Senator: JACKSON

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CUSHING** of Penobscot to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE, PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/11/14) matter:

HOUSE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Authorize the Houlton Band of Maliseet Indians To Operate a Casino in Aroostook County"  
H.P. 925 L.D. 1298

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-629)** (5 members)

Tabled - March 11, 2014, by Senator **HASKELL** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, March 6, 2014, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-629)**.)

(In Senate, March 11, 2014, Reports **READ**.)

Senator **TUTTLE** of York moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

Senator **CUSHING** of Penobscot moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

On motion by Senator **TUTTLE** of York, 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 Androscoggin, Senator Craven.

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, I stand in opposition to the pending motion. I must admit I don't know anything about gambling, but I do know about poverty and I know about living in a rural area where it is very very difficult to be employed. I'm speaking tonight at the request of my very dear friend, Representative John Henry Bear, on behalf of his tribe. It has to be frustrating for the Maliseets and other tribes to have to depend on the Legislature or to have to depend on the largest population when they want to move forward with some kind of a development. They continue to struggle with unemployment and poverty. This development would create at least 800 jobs. This casino would also be within the 100 parameter of any other casino. It would bring a 45% tax to the coffers of the state of Maine. I think that I, personally, would never vote against the tribes because they are independent nations, because they should have the opportunity and the freedom to develop as they want to, and we certainly have overshadowed them long enough. It doesn't seem to matter what it is that they want to create, the larger community wants to step on their developments. Mr. President and members of the Senate, please do not cast a vote against the Maliseet Indians. Thank you.

**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 stand before you here semi-hypocritical in the fact that I am not going to necessarily speak in favor of this. As I told Representative Bear, I will say a couple of comments in regards to this and the next casino. I won't talk about the next casino, but my comments are somewhat the same, and is within the scope of what we're looking at doing here. I'm not in full support of how the bill is written and everything about it. I will say that, at least from the standpoint of what limited policy that we do have, we do have a 100 mile limit and this tribal casino would be beyond the 100 mile limit. We've had several studies done by a gaming expert and that gaming expert actually said that within the entities that are already existing businesses this one and another one that maybe



from another county to the east would have no financial effect on the existing businesses that we have in the state. My good colleague from Androscoggin County, I know she speaks passionately on behalf of Representative Bear. This is a tough one. Both tribal entities did vote for the amendment to push their bills forward in the Gaming Commission, but they've always had a real strong place in my heart for the reasons my colleague brought up. One of the things I will say in all honesty, and I've said this in committee and I've said this on the floor, the gaming entities in the state of Maine know one thing; we have 1,500 slot machines available to Penn National. We have 1,500 slot machines available to Oxford Casino. That's 3,000 slot machines. There are only 1,500 slot machines being used for one reason; because that's the amount of play that will make their businesses profitable. They right-size their business. The hopes that the tribe puts in this bill, I believe, is well beyond the scope of realism and that if this does move forward they will find, as the entities that have blazed the trail for them, that they will right-size their business. I will say publicly that that business would be one-third the size that they hoped. Like my colleague from Androscoggin said, this could be their economic opportunity and what she is asking is that we don't take that opportunity away. I just wanted to bring those facts forward. I want to honor what I said to Representative Bear. I hope I did at least that. Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Aroostook, Senator Sherman.

Senator **SHERMAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, my two cents worth is this, we are 200 miles north of here. We're basically a different country, frankly. Some of you may remember that Henry Joy tried to have us split off into two states, which we really are. The rim counties are getting emptied out in a hurry. Things are heading south. The safety valve for this casino, if you will, they may have to downsize, is the Aroostook County would get to vote on it one way or the other. Local control. Those of you driven north, we're talking 300 miles to Fort Kent. Aroostook County itself is large. You could put New Hampshire in it and I believe Rhode Island also. It's a massive area that no one seems to visit very often. There used to be over 100,000 people. We're down to seventy something thousand people now. This is probably not the best economic development, but it gives some people hope. If the tribe can develop this, even at one-third of the size with the numbers, numbers are numbers, projections are projections, at least they'd have a shot and a shot for the area. The possibility is, obviously, that it would provide jobs. I believe the pending motion is, if I'm correct here, I would oppose it, the pending motion. Thank you.

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

Senator **MASON:** Thank you Mr. President. Now there is no risk of it, I am being repetitive. My same reasons for opposition to this bill and in favor of the motion are the same. I wanted to address the county-wide vote issue. I represent Senate District 17, which covers most of Androscoggin County. One of the towns I represent is Mechanic Falls. If you stand on the town line of Mechanic Falls in Oxford you can throw a rock at Oxford Casino if you had a really good arm. In the cascade for Oxford it talks

about how Oxford County gets a certain amount of money. The Town of Oxford gets a bunch of money. In order to get to Oxford Casino you basically have to go through Mechanic Falls and a lot of the transportation burden and everything else that came along with the casino, whether that is good or bad is up to you. I do believe that there will be ramifications outside of Aroostook County, just like there was when Oxford passed on Androscoggin County. Thank you, Mr. President.

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

Senator **TUTTLE:** Thank you Mr. President. I request to know if there is a roll call that has been requested.

**THE PRESIDENT:** The Chair would advise yes, there has been a roll call requested.

Senator **TUTTLE:** Thank you Mr. President. As has been mentioned by most of us here this evening, this could provide significant economic development for Aroostook County, particularly for that area of the state where economic development now is very crucial, as you have heard from previous speakers. I think it is designed to be smaller than the state's two other facilities and fit with its location and not impact existing facilities. As has been mentioned before, it requires a county-wide vote before it can be operated and under direct State control. I think it is a moderate request and something that I think makes a lot of sense. I would ask that you would defeat the pending motion. Thank you, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Penobscot, Senator Cushing to Indefinitely Postpone the Bill and accompanying papers, in Non-Concurrence. 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 (#469)**

**YEAS:** Senators: BURNS, CLEVELAND, COLLINS, CUSHING, GRATWICK, HAMPER, KATZ, MASON, MAZUREK, MILLETT, PLUMMER, THIBODEAU, THOMAS, VALENTINO, VITELLI, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

**NAYS:** Senators: BOYLE, CAIN, CRAVEN, DUTREMBLE, FLOOD, GERZOFOSKY, HASKELL, HILL, JOHNSON, LACHOWICZ, LANGLEY, PATRICK, SAVIELLO, SHERMAN, TUTTLE

**EXCUSED:** Senator: JACKSON

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CUSHING** of Penobscot to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE, PREVAILED.**

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/11/14) matter:

HOUSE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Allow the Passamaquoddy Tribe To Operate Slot Machines in Washington County in Conjunction with High-stakes Beano"

H.P. 1091 L.D. 1520

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-630)** (3 members)

Tabled - March 11, 2014, by Senator **HASKELL** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, March 6, 2014, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-630).**)

(In Senate, March 11, 2014, Reports **READ.**)

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

Senator **TUTTLE:** Thank you Mr. President. I had promised everybody I would get you out by about 8 o'clock. I think I'm doing pretty good.

Senator **TUTTLE** of York moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

Senator **KATZ** of Kennebec moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

On motion by Senator **TUTTLE** of York, 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 Tuttle.

Senator **TUTTLE:** Thank you Mr. President. The hour is late and I do apologize. I don't normally speak this many times, but having six bills come from the committee the same day can be trying, even for a young man like me. There is a long history to this bill. I've probably been here more years than I want to remember. There have been promises made to the Passamaquoddy Tribe year after year after year; one Governor after the other. Those promises were not fulfilled, so we find ourselves here today. I know that I talked to the present Executive and I do commend him for being the first Executive in 30 years that says that if we

send this bill to his desk he will sign it because he realizes that it's a matter of economic development. Ladies and gentlemen, we are missing another opportunity, as the good Senator to my right said. Senator Mason, we do have things to do, but I feel that lack the time in doing this in an efficient manner and Maine is going to lose out again. I would ask that you would give us time to craft the right thing. Let Senator Valentino, Senator Patrick, Senator Mason, and myself get together to do the right thing. I strongly believe that by moving Indefinite Postponement Maine is doing the wrong thing again.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Kennebec, Senator Katz to Indefinitely Postpone the Bill and accompanying papers, in Non-Concurrence. 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 (#470)**

**YEAS:** Senators: CLEVELAND, COLLINS, CUSHING, GRATWICK, HAMPER, KATZ, LACHOWICZ, MASON, MAZUREK, MILLETT, PLUMMER, THIBODEAU, THOMAS, VALENTINO, VITELLI, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

**NAYS:** Senators: BOYLE, BURNS, CAIN, CRAVEN, DUTREMBLE, FLOOD, GERZOFOSKY, HASKELL, HILL, JOHNSON, LANGLEY, PATRICK, SAVIELLO, SHERMAN, TUTTLE

**EXCUSED:** Senator: JACKSON

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **KATZ** of Kennebec to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE, PREVAILED.**

Sent down for concurrence.

Senator **CAIN** of Penobscot was granted unanimous consent to address the Senate off the Record.

Senator **PATRICK** of Oxford was granted unanimous consent to address the Senate off the Record.

Senator **CRAVEN** of Androscoggin was granted unanimous consent to address the Senate off the Record.

LEGISLATIVE RECORD - SENATE, WEDNESDAY, MARCH 19, 2014

Senator **TUTTLE** of York was granted unanimous consent to address the Senate off the Record.

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

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

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

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Senator **PATRICK** of Oxford was granted unanimous consent to address the Senate off the Record.

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Senator **CAIN** of Penobscot was granted unanimous consent to address the Senate off the Record.

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

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

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On motion by Senator **HASKELL** of Cumberland, **ADJOURNED** to Thursday, March 20, 2014, at 10:00 in the morning.