

MAINE STATE LEGISLATURE

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



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

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

Volume III

Second Special Session

April 8, 2004 - April 30, 2004

Appendix
House Legislative Sentiments
Index

Pages 1563-2203

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
SECOND SPECIAL SESSION
34th Legislative Day
Monday, April 12, 2004

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

At this point, pursuant to his authority under House Rule 401.1, the Chair assigned Representative HATCH of Skowhegan to Seat 113 and Representative DUNLAP of Old Town to Seat 143.

Prayer by Pastor James A. Wiley, Church Hill Baptist, Augusta.

National Anthem by Marie Pressman, Harpswell.
Pledge of Allegiance.

The Journal of Thursday, April 8, 2004 was read and approved.

SENATE PAPERS
Non-Concurrent Matter

Resolve, Regarding Legislative Review of Portions of Chapter 1: Procedures and Portions of Chapter 3: Maine Clean Election Act and Related Provisions, Major Substantive Rules of the Commission on Governmental Ethics and Election Practices (EMERGENCY)

(H.P. 1392) (L.D. 1868)
(C. "A" H-835)

FINALLY PASSED in the House on April 7, 2004.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-835) AS AMENDED BY SENATE AMENDMENT "A" (S-504)** thereto **AND SENATE AMENDMENT "A" (S-503) in NON-CONCURRENCE.**

On motion of Representative RICHARDSON of Brunswick, **TABLED FURTHER CONSIDERATION** and later today assigned.

COMMUNICATIONS

The Following Communication: (H.C. 393)

STATE OF MAINE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

April 5, 2004

Honorable Beverly C. Daggett, President of the Senate
Honorable Patrick Colwell, Speaker of the House
121st Maine Legislature
State House
Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

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

L.D. 617 An Act Amending the Time by Which a Sex Offender or Sexually Violent Predator Must Register

L.D. 1855 An Act To Implement the Recommendations of the Commission To Improve Community Safety and Sex Offender Accountability

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

Sincerely,
S/Sen. Ethan Strimling
Senate Chair
S/Rep. Patricia A. Blanchette
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 394)

STATE OF MAINE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY

April 5, 2004

Honorable Beverly C. Daggett, President of the Senate
Honorable Patrick Colwell, Speaker of the House
121st Maine Legislature
State House
Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

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

L.D. 338 An Act to Stabilize the Maine Dairy Industry
L.D. 738 An Act To Save Maine Dairy Farms

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

Sincerely,
S/Sen. Bruce Bryant
Senate Chair
S/Rep. Linda Rogers McKee
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 571)

MAINE SENATE
121ST LEGISLATURE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333

April 8, 2004

Honorable Patrick Colwell
Speaker of the House
2 State House Station
Augusta, ME 04333

Dear Speaker Colwell:

In accordance with Joint Rule 506 of the 121st Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Joint Standing Committee on Agriculture, Conservation and Forestry, the nominations of Carole Dyer for reappointment and Jeffrey A. Thaler for appointment to the Land For Maine's Future Board.

Upon the recommendation of the Joint Standing Committee on Business, Research and Economic Development, the nominations of Elizabeth Horning for reappointment and Carol A. Kontos for appointment to the Maine State Housing Authority; and John C. Witherspoon of Kingfield for appointment as the Chief Executive Officer of the Finance Authority of Maine.

Sincerely,
S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

ORDERS

On motion of Representative CRAVEN of Lewiston, the following Joint Resolution: (H.P. 1460) (Cosponsored by Senator EDMONDS of Cumberland and Representatives: CANAVAN of Waterville, HUTTON of Bowdoinham, KANE of Saco, NORTON of Bangor, O'BRIEN of Lewiston, PERCY of Phippsburg, PERRY of Calais, WALCOTT of Lewiston)

JOINT RESOLUTION IN RECOGNITION AND SUPPORT OF MAINE'S DIRECT SUPPORT PROFESSIONAL WORKFORCE

WHEREAS, there are more than 19,300 people in the State who have mental retardation or some other developmental disability as defined by the Federal Government. More than 5,000 of these people are receiving support through the Department of Behavioral and Developmental Services; and

WHEREAS, people with mental retardation or other developmental disabilities have substantial limitations on their functional capacities, including limitations in 2 or more of the following areas: self-care, receptive and expressive language, learning, mobility, self-direction, independent living and economic self-sufficiency; and

WHEREAS, for the last 20 years, people in the State with mental retardation or other developmental disabilities have expressed a desire to live and work within their communities; and

WHEREAS, the State continues to uphold the United States Supreme Court's integration mandate of the federal Americans with Disabilities Act of 1990 in Olmstead v. L. C. and E. W. and affirms the right of people with mental retardation or other developmental disabilities to receive community-based services instead of institutional care; and

WHEREAS, our Nation's long-term care delivery system is dependent upon an array of disparate public and private funding sources and is not a conventional industry, but rather is financed primarily through 3rd-party insurers; and

WHEREAS, the demand for direct support professionals will continue to increase as family caregivers age, people with mental retardation or other developmental disabilities live longer, waiting lists for services grow and types of services expand; and

WHEREAS, direct support professionals provide a wide range of support services to people with mental retardation or other developmental disabilities on a day-to-day basis, including habilitation, health needs, personal care and hygiene, employment needs, transportation, recreation and housekeeping and other home management-related supports and services, so that these people can live and work in their communities; and

WHEREAS, direct support professionals assist individuals with mental retardation or other developmental disabilities in leading self-directed family, community and social lives; and

WHEREAS, private providers and the people for whom they provide supports and services are in jeopardy as a result of the growing crisis in recruiting and retaining a direct support professional workforce; and

WHEREAS, private providers who employ direct support professionals typically draw from a labor market that offers other entry-level jobs that provide less physically and emotionally demanding work and higher pay and other benefits; and

WHEREAS, high rates of employee vacancies and turnover threaten the ability of private providers to achieve their goal to provide safe and high-quality supports to people with mental retardation or other developmental disabilities; and

WHEREAS, this workforce shortage is the most significant barrier to fully implementing the United States Supreme Court Olmstead decision, undermines the expansion of community integration as called for by President Bush's New Freedom Initiative and places community support and the community support infrastructure at risk; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-first Legislature of the State of Maine now assembled in the Second Special Session, on behalf of the people we represent, acknowledge that building a stable and well-trained direct support workforce to provide supports and services to people with mental retardation or other developmental disabilities is important to advancing the State's commitment to community integration for those people and to the personal security for them and their families; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Governor John E. Baldacci and Sabra Burdick, Acting Commissioner of Behavioral and Developmental Services and for appropriate distribution throughout the State.

READ

The **SPEAKER:** The Chair recognizes the Representative from Lewiston, Representative Craven.

Representative **CRAVEN:** Mr. Speaker, Men and Women of the House. I first want to thank Speaker Colwell for allowing me to place this item on the calendar at this late date in the session. Julie Molar who is a student of social and behavioral sciences at USMLA and as part of a class project conceived this Joint Resolution. Julie is in the balcony today observing the results of her handy work.

This Joint Resolution couldn't be timelier. Historically direct support professionals work in stressful situations for extremely low pay. Current cuts in the Governor's budget have put direct-care workers in an even more precarious position. I would appreciate the extraordinary work the Appropriations Committee members have done for this past two weeks to reduce the proposed harm. The remaining cuts are certainly a hardship to this group of workers. Direct service professionals are underpaid and overworked. They are the people that care for our aging parents and grandparents, some of whom live in nursing homes and some receive support in their own homes. They are the people with disabilities who are not able to manage on their own. They support people with mental health and mental retardation. The nature of their jobs is inordinately stressful and under compensated.

Furthermore, they are now working in agencies that are at risk for major layoffs or of closure. It is a sad reflection on our society that we place such low value on our most vulnerable populations and on the people who care for them. Please join me and I thank you for joining me in the recognition and support of Maine's direct support professionals. Thank you Mr. Speaker.

The **SPEAKER:** The Chair recognizes the Representative from Rockland, Representative McNeil.

Representative **MCNEIL:** Mr. Speaker, Ladies and Gentlemen of the House. I would like to thank the Representative from Lewiston, Representative Craven, and all of the other sponsors of this bill. As many of you know, I am the sister of a severely handicapped, mentally and physically handicapped, brother and without the people that this bill refers to, I would not be able to keep my brother at home. I would not be able to love him and care for him in the way that I would want to. My family and I thank you all for putting this in.

Subsequently, was **ADOPTED.**

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following items:

In Memory of:

Specialist E-4 Jeremiah Holmes, of North Berwick, a member of the New Hampshire Army National Guard 744th Transportation Company. Known by his family and friends as Jay, he was killed in Iraq while in service to his Nation. Jay was a graduate of Noble High School and served in the United States Army for 4 and a half years in addition to serving 4 and a half years in the New Hampshire Army National Guard. He is survived by his loving wife Kimberly, his beloved son Kaleb, his family and his many friends and neighbors. We acknowledge his ultimate sacrifice for his community, his State and his Nation. He will be long remembered by all who knew and loved him;

(SLS 648)

On **OBJECTION** of Representative LANDRY of Sanford, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Sanford, Representative Landry.

Representative **LANDRY**: Mr. Speaker, Ladies and Gentlemen of the House. I appreciate your indulgence at this busiest of times. I wanted to speak to this particular sentiment because it is pretty close to home in many ways. I was allowed to write a letter to the soldiers and their families and have this letter added to their welcome home packages. Every soldier returning from Iraq or Afghanistan in Maine upon their return received a freedom package and it has all sorts of things in it, but I asked the adjutant general's permission and obtained his permission to have this letter added. I would like to read this letter to you, if I may, to give you something to think about in addition to all the things that we are working with. I feel that we need to take a minute of our busy schedule and our busy minds to honor these people and to at least acknowledge their existence and the sacrifices they are making every day on our behalf thousands of miles away.

I will read this letter to you.

"Dear Soldier and Family, Please allow me to express my thoughts to you as you become reunited with your families and return to your homes. You have just completed a long period of trial in your lives, one that I, too, have experienced and know that you will never forget. In the coming months and years you will have ample opportunity to reflect on this time. Some of your memories will make you smile and some may bring you pain. It is for those dark times, that I would like to leave you with a few thoughts to ponder and hopefully they will help you through those darker days.

Remember who you are and where you came from. You are the proud sons, daughters, fathers, mothers, brothers and sisters of Mainers, the salt of the New England soil. You are the warriors that went freely into harms way so that we could be assured of the freedoms, which, we cherish so much, but all too often fail to appreciate. You left your homes, your loving families and your jobs to risk everything you have come to know as a way of life, on our behalf. You are the winners of our hearts, because of all you have accomplished. You are, by anyone's definition, veterans deserving of all the praise and glory that we can muster to bestow upon you.

When you glance down at the ribbons that have been above your hearts, be proud. Know what you did to earn those decorations, and never lose sight of their value to their soul. Years from now as you sit on a lawn chair and watch the

Veteran's Day Parade in your town, you will know that it is you that is being honored. My it humble you and make you a far better person. You have been called by many names by many people, but I call you a hero. Whether you were in the heat of combat when training and instinct took control of your actions, or whether you sat nervously watching the news in the secure comfort of your living room. You have been through the storm and you're home.

On behalf of the 121st Legislature and the free people of Maine, I want to be among the first to say welcome home and thank you. Thank you for all the sacrifices that you have made in the name of freedom. Thank you for making us proud to call you our neighbors, our protectors, our warriors, our veterans and our heroes. May God bless you."

May God bless you Jeremy Holmes. Thank you.

Subsequently was **ADOPTED** in concurrence.

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order

Report of the **Joint Standing Committee on Education and Cultural Affairs** on Bill "An Act Regarding the Continued Provision of Free and Appropriate Public Education for Eligible Children of Kindergarten Age"

(S.P. 801) (L.D. 1960)

Reporting **Ought to Pass** pursuant to Joint Order 2004, S.P. 680.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** in concurrence. **ORDERED SENT FORTHWITH**.

Divided Report

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-392)** on Bill "An Act To Make Retirement Benefits More Equitable by Imposing a Surcharge on Income from Congressional Retirement Benefits"

(S.P. 616) (L.D. 1684)

Signed:

Senators:

STANLEY of Penobscot
STRIMLING of Cumberland
NASS of York

Representatives:

TARDY of Newport
McCORMICK of West Gardiner
COURTNEY of Sanford
LERMAN of Augusta

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representatives:

LEMOINE of Old Orchard Beach
McGOWAN of Pittsfield
SUSLOVIC of Portland
SIMPSON of Auburn
PERRY of Bangor
CLOUGH of Scarborough

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-392)**.

READ.

Representative LEMOINE of Old Orchard Beach moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Minority **Ought Not to Pass** Report and later today assigned.

ENACTORS

Emergency Measure

An Act to Require that Patients in Private Mental Hospitals Be Afforded the Same Rights As Patients in State Mental Institutions
(S.P. 79) (L.D. 156)

(C. "A" S-482)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 128 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Amend the Motor Vehicle Laws

(S.P. 632) (L.D. 1700)

(H. "C" H-865 to C. "A" S-473)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 129 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Establish Family Fishing Days

(S.P. 768) (L.D. 1932)

(C. "A" S-485)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 130 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Emergency Measure

An Act To Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005

(S.P. 769) (L.D. 1934)

(C. "A" S-487)

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

On motion of Representative RICHARDSON of Brunswick, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

Emergency Measure

An Act To Create the Starboard Water District

(S.P. 770) (L.D. 1935)

(C. "A" S-484)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 133 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Allow Upgrading of Educational Technicians

(S.P. 781) (L.D. 1944)

(C. "A" S-500)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 132 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 299: Highway Driveway and Entrance Rules, a Major Substantive Rule of the Department of Transportation

(H.P. 1443) (L.D. 1943)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of the same and 5 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

Emergency Mandate

An Act To Change the Names of Certain Townships in the Unorganized Territory

(H.P. 1425) (L.D. 1925)

(C. "A" H-812; S. "A" S-492)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 voted in favor of the same and 7 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Mandate

An Act To Implement the Recommendations of the Commission To Improve Community Safety and Sex Offender Accountability Regarding Public Notification by Law Enforcement (H.P. 1373) (L.D. 1847) (C. "A" H-852)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 131 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

**Resolve Pursuant to the Constitution
Public Land**

Resolve, To Clarify Title to Land Related to the Waldo-Hancock Bridge Replacement (H.P. 1447) (L.D. 1947)

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

On motion of Representative RICHARDSON of Brunswick, **TABLED** pending **FINAL PASSAGE** and later today assigned.

Acts

An Act To Protect Maine's Coastal Water (S.P. 378) (L.D. 1158) (S. "A" S-497 to C. "A" S-429)

An Act To Encourage and Support Maine Small Businesses (S.P. 427) (L.D. 1325) (C. "A" S-486)

An Act To Ensure the Accurate Counting of Votes (H.P. 1281) (L.D. 1759) (C. "A" H-842)

An Act To Amend the Maine Criminal Code and Motor Vehicle Laws as Recommended by the Criminal Law Advisory Commission (H.P. 1370) (L.D. 1844) (C. "A" H-853)

An Act To Implement the Recommendations of the Task Force on the Planning and Development of Marine Aquaculture in Maine (H.P. 1383) (L.D. 1857) (H. "A" H-847 to C. "A" H-844)

An Act To Strengthen the Enforcement Provisions of the Maine Health Data Organization (S.P. 730) (L.D. 1884) (C. "A" S-475)

An Act To Implement the Recommendations of the Committee To Study the Revenue Sources of the Office of Consumer Credit Regulation (S.P. 751) (L.D. 1910) (C. "A" S-488)

An Act To Implement the Recommendations of the Legislative Youth Advisory Council (H.P. 1419) (L.D. 1917) (C. "A" H-856)

An Act To Implement the Recommendations of the Committee To Study Compliance with Maine's Freedom of Access Laws (H.P. 1456) (L.D. 1957) (H. "A" H-866; S. "A" S-502)

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

Resolves

Resolve, Regarding Legislative Review of Portions of Chapter 16: Foster Home Licensing Rule Regarding Smoking by Foster Parents, a Major Substantive Rule of the Department of Human Services (H.P. 1353) (L.D. 1830) (C. "A" H-798; S. "A" S-493)

Resolve, Directing the Commissioner of Marine Resources To Review the Licensing Requirements for the Harvest of Certain Marine Resources (H.P. 1455) (L.D. 1955) (S. "A" S-494)

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

An Act To Increase Maine's Minimum Wage (S.P. 237) (L.D. 673) (C. "A" S-359; S. "A" S-491)

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

On motion of Representative TREADWELL of Carmel, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

ROLL CALL NO. 419

YEA - Adams, Ash, Barstow, Beaudette, Bennett, Blanchette, Bliss, Brannigan, Brown R, Bull, Campbell, Canavan, Clark, Cowger, Craven, Cummings, Dudley, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Gagne-Friel, Gerzofsky, Glynn, Goodwin, Grose, Hatch, Hotham, Hutton, Jackson, Jennings, Kane, Ketterer, Koffman, Lemoine, Lerman, Lessard, Mailhot, Makas, Marley, McKee, McLaughlin, Mills J, Mills S, Norton, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Pineau, Pingree, Piotti, Richardson J, Rines, Sampson, Saviello, Simpson, Smith N, Smith W, Sullivan, Suslovic, Thomas, Thompson, Twomey, Walcott, Watson, Wheeler, Wotton, Mr. Speaker.

NAY - Andrews, Annis, Austin, Berry, Berube, Bierman, Bowen, Bowles, Breault, Browne W, Bruno, Bryant-Deschenes, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Dugay, Duprey B, Fischer, Fletcher, Heidrich, Honey, Jacobsen, Joy, Kaelin, Landry, Ledwin, Lewin, Maietta, McCormick, McGowan, McKenney, McNeil, Millett, Moody, Moore, Murphy, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson E, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Sykes, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Woodbury, Young.

ABSENT - Bunker, Greeley, Jodrey, Lundeen, Marraché, McGlocklin, Muse, Norbert, Perry A, Perry J, Usher.

Yes, 74; No, 66; Absent, 11; Excused, 0.

74 having voted in the affirmative and 66 voted in the negative, with 11 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

An Act To Require Recording of Certain Custodial Interrogations

(S.P. 286) (L.D. 891)
(S. "B" S-490 to C. "A" S-405)

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

On motion of Representative MILLS of Farmington, was **SET ASIDE.**

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

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-405)** was **ADOPTED.**

The same Representative **PRESENTED House Amendment "A" (H-880) to Committee Amendment "A" (S-405)** which was **READ** by the Clerk.

The **SPEAKER:** The Chair recognizes the Representative from Farmington, Representative Mills.

Representative MILLS: Mr. Speaker, Ladies and Gentlemen of the House. This amendment modifies the earlier proposal that we debated last week. Instead of requiring a videotaping or audiotaping of police interviews in particular situations, it requires that there be a model policy adopted by the Criminal Justice Academy and the Chiefs of Police that may be accommodating to their particular situations. It also removes the fiscal note of \$1,000 that was on the original bill as amended. I propose this as a compromise with respect to the earlier proposal. It is less burdensome to law enforcement and it allows them to negotiate with respect to their physical capacities where they interview people either in vehicles or in substations or police stations or out on the street. If it is a custodial interrogation, they can adopt a policy with respect to that and with respect to preservation of their investigative notes and records for review by the court. I think it is a reasonable compromise between the two positions earlier stated in the body. I move its adoption.

The **SPEAKER:** The Chair recognizes the Representative from Dexter, Representative Tobin.

Representative TOBIN: Mr. Speaker, Ladies and Gentlemen of the House. I rise this morning to encourage you to vote for this amendment. Last week when we voted on this, we had three of our own, three members from this body, one from this side and two from the other side that have over 70 years of law enforcement experience. They told us last week that they weren't in favor of the bill as it was presented. I think this is a good amendment. I would hope that you would vote for it. Thank you Mr. Speaker.

House Amendment "A" (H-880) to Committee Amendment "A" (S-405) was **ADOPTED.**

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Senate Amendment "B" (S-490) to Committee Amendment "A" (S-405)** was **ADOPTED.** On further motion of the same Representative, **Senate Amendment "B" (S-490) to Committee Amendment "A" (S-405)** was **INDEFINITELY POSTPONED.**

Committee Amendment "A" (S-405) as Amended by House Amendment "A" (H-880) thereto was **ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-405) as Amended by House Amendment "A" (H-880)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

An Act To Promote the Financial Security of Maine's Families and Children

(H.P. 1152) (L.D. 1579)
(H. "B" H-871 to C. "A" H-774)

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

On motion of Representative TREADWELL of Carmel, was **SET ASIDE.**

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED.**

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

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

ROLL CALL NO. 420

YEA - Adams, Ash, Barstow, Beaudette, Blanchette, Bliss, Bowen, Brannigan, Breault, Brown R, Browne W, Bruno, Bull, Campbell, Canavan, Churchill E, Cowger, Craven, Cummings, Dudley, Dugay, Dunlap, Duplessie, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Grose, Hatch, Hutton, Jackson, Kaelin, Kane, Ketterer, Koffman, Landry, Lemoine, Leman, Lessard, Mailhot, Makas, Marley, McCormick, McGowan, McKee, McKenney, McLaughlin, Mills J, Mills S, Moody, Norton, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Pineau, Pingree, Piotti, Rector, Richardson J, Rines, Sampson, Saviello, Simpson, Smith N, Smith W, Sukeforth, Sullivan, Suslovic, Tardy, Thomas, Thompson, Twomey, Walcott, Watson, Wheeler, Woodbury, Mr. Speaker.

NAY - Andrews, Annis, Austin, Bennett, Berry, Berube, Bierman, Bowles, Bryant-Deschenes, Bunker, Carr, Churchill J, Clark, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Duprey B, Duprey G, Fletcher, Glynn, Goodwin, Greeley, Heidrich, Honey, Hotham, Jacobsen, Jennings, Joy, Ledwin, Lewin, Lundeen, Maietta, McNeil, Millett, Moore, Murphy, Nutting, Peavey-Haskell, Richardson E, Richardson M, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sykes, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Wotton, Young.

ABSENT - Jodrey, Marraché, McGlocklin, Muse, Norbert, Perry A, Perry J, Rogers, Usher.

Yes, 84; No, 58; Absent, 9; Excused, 0.

84 having voted in the affirmative and 58 voted in the negative, with 9 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

An Act To Reclassify Certain Downeast Waters
(H.P. 1401) (L.D. 1891)
(C. "A" H-791)

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

On motion of Representative JOY of Crystal, was **SET ASIDE.**

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House. I would like to remind you that this is the first major step in shutting down our blueberry industry in Washington County. Mr. Speaker, I request a roll call.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED.**

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

The SPEAKER: The Chair recognizes the Representative from Pembroke, Representative Goodwin.

Representative **GOODWIN**: Mr. Speaker, Men and Women of the House. As the good Representative Joy announced just a few seconds ago, he is concerned about blueberries. My concern is not about blueberries this morning. I want to talk about the St. Croix River. The St. Croix River is three miles wide in Perry and Robbinston, Maine. It is two miles wide in Calais, Maine. At the head of the tide, it is 800 feet wide. That is where two cities intersect. They are called Calais and St. Stevens, New Brunswick. A suburb of St. Stevens is Mill Town, New Brunswick. A suburb of Calais up river is Mill Town, Maine, twin cities. The bridges are international. There is a dam on the Canadian side in St. Stevens. The Canadians operate a small fish way on the Canadian shore. They allow alewives through fish way in April and May. The Canadians last year took 3,000 alewives, they took them in buckets and they traveled in pickup trucks up north to what we call East Grand Lake. They put them in their side of the lake. They didn't put them in my side of the lake, just their side. The alewives and salt water smelts traveled through the fish way in St. Stevens, run by the Canadians, the smelts are caught by US citizens, myself, and Canadians. On the Canadian side on what we call the Ledges, that is where the access is, there is no access on the American side, the fish go about 10 miles up river where they are stopped by the Baileyville Dam. This dam is 45 feet high. It was built in 1902. There was not fish way in that dam until the mid '80s. For 80 years nothing went up river. Since the fish way went in, only selected fish were allowed to travel up the fish way. One of which that was not allowed was alewives, because of state law.

There is a second dam at Grand Falls, eight miles north. The Department of Inland Fish and Wildlife has in the past trucked salmon from their growing areas up north in the St. Croix to dump fish in. This is because they are selling lucrative licenses to people that catch those fish. There are no fish coming back from Iceland traveling up the St. Croix.

This piece of legislation is going to reclassify. My question through the Chair is, which half of this river are we classifying?

Representative **GOODWIN** of Pembroke moved that the Bill and all accompanying papers be **COMMITTED** to the Committee on **NATURAL RESOURCES.**

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Kaelin.

Representative **KAELIN**: Mr. Speaker, Ladies and Gentlemen of the House. I think the good Representative from Eastport's question is answered very simply. It only affects us on this side. We are always doing things over here to put out own businesses at a disadvantage while the Canadians go out and merrily do what it is they want to do over there. I know that first hand because I have worked with Canadian natural resource industries for nearly my entire professional life as a member of the commercial fishing industry on this side of the border and I continue to do so.

The other part of this bill that I have significant concerns, by the way, I am going to support the motion to Commit the bill back to committee, is this, there has been a water withdrawal process that has been in place here in Maine for four or five years, long before I became a member of this body. I worked with a group called the Council on Farming, Fishing and Forestry and the blueberry industry has been struggling with the DEP to get the water withdrawal rules nailed down. I believe we heard when this bill came to the floor before that, in fact, that process has not been completed. If you vote for this bill, you are going to hurt the blueberry industry, pure and simple. There is not a reason why we should be reclassifying waters that are going to affect the blueberry industries ability to withdraw water here in Maine, competing with their Canadian counterparts as they do. Our costs here are higher on this side of the border. Everybody who takes a close look at it, you have to recognize that our costs are higher here than the people on the other side of the border. Until these water withdrawal rules are done, this bill, in my view, is completely appropriate. I think the good Representative has the right approach to this and that is to send this back to committee at least until those water withdrawal rules are finished and we can be certain that taking this kind of action is not going to put our blueberry industry and the other people who want to use the waters in these rivers at a disadvantage with their Canadian counterparts and other people that they compete with globally. Thank you for the time, Mr. Speaker.

Representative **KOFFMAN** of Bar Harbor **REQUESTED** a roll call on the motion to **COMMIT** the Bill and all accompanying papers the Committee on **NATURAL RESOURCES.**

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

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. I would invite and urge my colleagues to read Committee Amendment "A" (H-791). This bill is restricted to the confines of Cathance Stream. It has nothing to do with the St. Croix River, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Kaelin.

Representative **KAELIN**: Mr. Speaker, Ladies and Gentlemen of the House. I have read the bill and it does say the Cathance River and every river in Maine is potentially affected by these water withdrawal rules. I say the people down on the Cathance River to go a little bit longer with the quality of water that is on that river. I have never read anything or heard anything that they have a serious water quality problem down there until we act comprehensively in this state on this issue of water withdrawal for these agricultural interests. I know very well it is in Cathance River. No one in that area has come to me to tell me how important this bill is to pass before we take care of a policy that is going to affect people across the state. I appreciate the

member pointing this out to me. I have read the bill and it doesn't change my view at all. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Bar Harbor, Representative Koffman.

Representative **KOFFMAN**: Mr. Speaker, Ladies and Gentlemen of the House. The Water Reclassification Program in Maine began with Edmund Muskie in the 1950s and has been sustained ever since as a management tool for Maine and the Legislature tracks the conditions of our rivers and streams. This river has nothing to do with water withdrawal for blueberries. If it did, believe me, the blueberry industry would be here in the halls talking with all of us and we would probably see blue colored paper coming across our desks urging us not to pass this bill.

In fact, this bill was amended to bring comfort to the blueberry industry that it did not have to do with water withdrawals. We have reclassified almost all the rivers in Maine this year that deserved reclassification. This is the last few rivers and streams, mostly trout and salmon streams that need to be reclassified. It has nothing to do with water withdrawal. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative **JOY**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to point out that Committee Amendment (H-791) only refers to one stream, but if that is an amendment to another amendment, which includes many of these other streams that are in Washington County.

While the bill itself doesn't deal directly with water drawdown, I would like to point out that a court case in Minnesota very clearly spells out the inability for industry to draw down waters, not only in the stream, but also in the surrounding aquifer. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Saviello.

Representative **SAVIELLO**: Mr. Speaker, Ladies and Gentlemen of the House. I do understand the concerns brought forth by the good Representative from Winterport, however, on the committee I asked specifically if water withdrawal would be allowed on Class A or AA? I was told, yes, water withdrawal would be allowed to irrigate blueberry fields. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Hodgdon, Representative Sherman.

Representative **SHERMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I really didn't want to get into this fight, but when you are starting quoting the Class A regulations, perhaps you should look at them as written because it talks about anything that degrades the water. People will say that if you take a teaspoon out of those AA, you are degrading the waters. The good Representative might get a chance to really look at the reg and see how it is interpreted by DEP. Thank you.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. When this bill was dealt earlier in committee, there were several members of us who were concerned because as the good Representative Sherman has stated, what we do when we reclassify a river, it is a ratchet. You can go up. You can't go down unilaterally. You can go from a lower class to a higher class. You are not actually changing the quality of the water in the river at all. What you are doing is administratively locking up the river so that it can't be used for certain functions. In this case what the bill proposes to do it to take these rivers and make them AA, the highest classification. It means that nothing can be done to degrade the quality of the water. If somebody is felt to be doing that, others can go to any

court, it doesn't have to be a state action, you can go to a judge and claim this is so and get an injunction against that activity. That is what the concern is of any agricultural operation. To protect this, we have rules that are being developed, but as the good Representative earlier spoke about the rules are scheduled to be released next year. There were many of us on the committee that wanted to wait for these rivers until the rules were out. Tell me what finished looks like. Tell me what good enough is supposed to be and then I will know whether I am getting in trouble here. It is a ratchet. If we make them a AA river, we cannot come back next year on our own and turn them back to an A. We have to go down to Boston and ask the EPA do it for us at great expense. That meaning a fiscal note and that meaning it will never happen. I concurred with the idea that this requires more thought. I am glad to see that the body is more aware of this now. I support the current motion to Commit.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Tobin.

Representative **TOBIN**: Mr. Speaker, Ladies and Gentlemen of the House. My good friend from Arundel, Representative Daigle, is exactly right. You can go up, but you can't go back. We have looked at these rivers very, very closely, but if there is a question in anyone's mind, then the proper vote on this issue is to Commit to make sure that we haven't done something that we will be sorry for later. You can go up, but you can't go down. Once you go to AA, you can't go back to A without a real lot of work. I would say vote to Commit.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Commit the Bill and accompanying papers to the Committee on Natural Resources. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 421

YEA - Andrews, Annis, Austin, Bennett, Berry, Berube, Bierman, Bowen, Bowles, Brown R, Browne W, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill E, Churchill J, Clark, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Dugay, Duprey B, Finch, Fischer, Fletcher, Glynn, Goodwin, Greeley, Heidrich, Honey, Hotham, Jackson, Jacobsen, Joy, Kaelin, Landry, Ledwin, Lewin, Maietta, McCormick, McGowan, McKenney, McNeil, Millett, Mills J, Moore, Murphy, Nutting, O'Brien J, Peavey-Haskell, Pellon, Richardson E, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Sullivan, Sykes, Tardy, Tobin D, Tobin J, Treadwell, Vaughan, Wheeler, Wotton, Young.

NAY - Adams, Ash, Barstow, Beaudette, Blanchette, Bliss, Brannigan, Breault, Bull, Bunker, Canavan, Cowger, Craven, Cummings, Dudley, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Gagne-Friel, Gerzofsky, Grose, Hatch, Hutton, Jennings, Kane, Ketterer, Koffman, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, McKee, McLaughlin, Mills S, Moody, Norton, O'Brien L, Paradis, Patrick, Percy, Pineau, Pingree, Piotti, Rector, Richardson J, Rines, Sampson, Saviello, Simpson, Smith N, Smith W, Suslovic, Thomas, Thompson, Trahan, Twomey, Walcott, Watson, Woodbury, Mr. Speaker.

ABSENT - Jodrey, Marraché, McGlocklin, Muse, Norbert, O'Neil, Perry A, Perry J, Usher.

Yes, 76; No, 66; Absent, 9; Excused, 0.

76 having voted in the affirmative and 66 voted in the negative, with 9 being absent, and accordingly the Bill and all accompanying papers were **COMMITTED** to the Committee on **NATURAL RESOURCES** and sent for concurrence.

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

An Act To Amend the Dissolved Oxygen Standard for Class C Waters

(S.P. 743) (L.D. 1899)
(C. "A" S-467)

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

On motion of Representative McKEE of Wayne, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

The **SPEAKER**: The Chair recognizes the Representative from Pembroke, Representative Goodwin.

Representative **GOODWIN**: Mr. Speaker, Men and Women of the House. This issue is (10-21) "An Act to Amend the Dissolved Oxygen Standard for Class C waters." It is most important to Washington County. The St. Croix River and the entire watershed of Washington County all empties into the St. Croix. My question to this chamber, which half of the St. Croix do you want to change the classification on? I am not going to ask the question because I didn't get the answer last time. I would request through the chair that we Commit this bill back to committee for further study. I thank the Chair.

Representative **GOODWIN** of Pembroke moved that the Bill and all accompanying papers be **COMMITTED** to the Committee on **NATURAL RESOURCES**.

Representative **RICHARDSON** of Brunswick **REQUESTED** a roll call on the motion to **COMMIT** the Bill and all accompanying papers the Committee on **NATURAL RESOURCES**.

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

The **SPEAKER**: The Chair recognizes the Representative from Brunswick, Representative Richardson.

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. I have asked for a roll call on this motion to Commit because I do not believe it is the right time or under the right circumstances that we begin to send legislation back to the respective committees. Whether you are for or against this bill, vote on it and vote on it now. We are late in the day and soon to see this session end. We have many other important matters that we need to get to before we see our final day. I am asking you to join me in opposing the motion to Commit. I will be voting red and I would ask you to join me for those reasons. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is to Commit the Bill and accompanying papers to the Committee on Natural Resources. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 422

YEA - Adams, Austin, Carr, Churchill J, Cressey, Crosthwaite, Fletcher, Glynn, Goodwin, Heidrich, Honey, Hutton, Kaelin, McCormick, McKenney, Nutting, Peavey-Haskell, Richardson M, Sherman, Shields, Stone, Walcott.

NAY - Andrews, Annis, Ash, Barstow, Beaudette, Bennett, Berry, Berube, Bierman, Blanchette, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bull, Bunker, Campbell, Canavan, Churchill E, Clark, Clough, Collins, Courtney, Cowger, Craven, Cummings, Curley, Daigle, Davis, Dudley, Dugay, Dunlap, Duplessie, Duprey B, Duprey G, Earle,

Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Greeley, Grose, Hatch, Hotham, Jackson, Jacobsen, Jennings, Joy, Kane, Ketterer, Koffman, Landry, Ledwin, Lemoine, Lerman, Lessard, Lewin, Lundeen, Maietta, Mailhot, Makas, Marley, McGowan, McLaughlin, McNeil, Millett, Mills J, Mills S, Moody, Moore, Murphy, Muse, Norton, O'Brien J, O'Brien L, Paradis, Patrick, Pellon, Percy, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Rines, Rogers, Rosen, Sampson, Saviello, Simpson, Smith N, Smith W, Snowe-Mello, Sukeforth, Sullivan, Suslovic, Sykes, Tardy, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Twomey, Vaughan, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

ABSENT - Bryant-Deschenes, Jodrey, Marraché, McGlocklin, McKee, Norbert, O'Neil, Perry A, Perry J, Usher.

Yes, 22; No, 119; Absent, 10; Excused, 0.

22 having voted in the affirmative and 119 voted in the negative, with 10 being absent, and accordingly the motion to **COMMIT** the Bill and all accompanying papers the Committee on **NATURAL RESOURCES FAILED**.

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

ROLL CALL NO. 423

YEA - Andrews, Annis, Ash, Barstow, Beaudette, Bennett, Berry, Berube, Bierman, Blanchette, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bunker, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Collins, Cowger, Crosthwaite, Cummings, Curley, Daigle, Davis, Dudley, Dugay, Dunlap, Duplessie, Duprey B, Duprey G, Earle, Eder, Finch, Fischer, Gagne-Friel, Gerzofsky, Glynn, Greeley, Hatch, Heidrich, Honey, Hotham, Jackson, Jacobsen, Jennings, Joy, Kaelin, Kane, Landry, Ledwin, Lemoine, Lerman, Lessard, Lewin, Lundeen, McCormick, McGowan, McKenney, McLaughlin, McNeil, Millett, Mills J, Mills S, Moody, Moore, Murphy, Muse, Norton, Nutting, O'Brien J, O'Neil, Paradis, Patrick, Peavey-Haskell, Pellon, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rines, Rosen, Saviello, Sherman, Shields, Simpson, Smith N, Smith W, Snowe-Mello, Stone, Sukeforth, Sullivan, Tardy, Thomas, Tobin D, Tobin J, Trahan, Twomey, Vaughan, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - Adams, Austin, Bull, Clough, Courtney, Craven, Cressey, Faircloth, Fletcher, Goodwin, Grose, Hutton, Ketterer, Koffman, Maietta, Mailhot, Makas, Marley, McKee, O'Brien L, Percy, Rogers, Sampson, Suslovic, Sykes, Thompson, Treadwell, Walcott.

ABSENT - Jodrey, Marraché, McGlocklin, Norbert, Perry A, Perry J, Usher.

Yes, 116; No, 28; Absent, 7; Excused, 0.

116 having voted in the affirmative and 28 voted in the negative, with 7 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (10) Ought to Pass as Amended by Committee Amendment "A" (H-868) - Minority (3) Ought to Pass as Amended by Committee Amendment "B" (H-869) - Committee on LEGAL AND VETERANS AFFAIRS on Bill "An Act To Establish the Gambling Control Board To License and Regulate Slot Machines at Commercial Harness Racing Tracks" (EMERGENCY)

(H.P. 1342) (L.D. 1820)

TABLED - April 8, 2004 (Till Later Today) by Representative CLARK of Millinocket.

PENDING - Motion of same Representative to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.

Representative GLYNN of South Portland **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended Report**.

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

The **SPEAKER**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. I rise before you this morning on one of the most controversial bills that I have ever looked at in my eight year career here in Augusta. The committee that I chair, the Committee on Legal and Veterans Affairs dealt with this bill from January 7 until today, the end of the session. The public hearing on this bill, LD 1820, was held on January 7. At that time, the people of the State of Maine voted for Q2 in November to allow slot machines at commercial tracks in Maine. There were two commercial tracks in Maine, Bangor and Scarborough, Maine. In order for those two tracks to have slot machines, the municipality would have to agree. That is the way the question was written. On June 11, 2003, the citizens of the City of Bangor agreed to have slot machines at Bangor Historical Track. Some time after November, the citizens of Scarborough voted on that same measure. They refused it. They went to other locations, Westbrook, Saco, those places refused it. All we have now, ladies and gentlemen, before us is one commercial track. That is in Bangor, Maine. With 1,500 as the maximum amount of slot machines in Bangor.

Under Q2, it was put on by Capital Seven. After the election in November, there was bad press on Capital Seven. When we had the public hearing on January 7, Capital Seven came and presented their testimony. By four o'clock that afternoon, Penn National bought 100 percent of Bangor Historical Track. In my eyes, Capital Seven is out of the picture. Now we are dealing with a new vender, which is Penn National, which is a publicly funded company. On question two the people voted for the Harness Racing Commission to look after slots. We, in the committee, feel that we should go a step beyond that. We are establishing a five-member gaming board, which is appointed by the Governor and the Legislature confirms those people to that board.

The Majority Report strengthens the requirement for the monitoring system. The vendor, Penn National, will not have the key or have the outright access to the monitoring system of that machine here in the State of Maine. We dealt with this bill for numerous hours with different provisions. Myself and my co-

chair on the other side of the hall put down a boiler template to put down to bring everybody together. There were a lot of ideas. We came up with wish list on wish list on wish list. Heck, I even tried to put money in there for Millinocket. It did not come through.

Today, before you, we have 89 percent going to the player, pay back, 1 percent for handling administrative costs, 10 percent, which is divvied up between 61 and 39 going to the vender/state.

We have a licensing system in place where you have to go in front of the municipality just like you do with the liquor license to have slot machines in the City of Bangor. That is the only place we are talking about, ladies and gentlemen. Yes, you can talk about other locations, but they are not in this bill. They are not part of this piece of legislation.

A conditional license was approved by the Harness Racing Commission two months ago. If this bill is to pass and be signed by the Chief Executive, the slots will not take affect. That conditional license is just for the harness racing people at Bangor Historical Track. The bill also requires the Gaming Control Board to act with rules and regulations and the board to be set up by September 30, 2004. If that did not happen, ladies and gentlemen, people would drag their feet and you would never have a Racino in the State of Maine, which the people in the City of Bangor and the people of the State of Maine voted for.

License fees, the initial license fee is \$200,000 for the vender, plus the operator must pay an additional \$75,000, \$50,000 going to the state, \$25,000 going to the City of Bangor. All sides worked together on this proposal. Every bit of interest, if it was the breeders, the host community, the vendor, the committee, everybody was involved in making this proposal, both the Majority and Minority Reports.

There is definition in this bill about the premise. Where are the slots going to be located? In the bill that the people voted for back in November, it was to be on the racetrack. There are some land issues in the City of Bangor around the Bangor Historical Track so we moved it to 2,000 feet by Bangor Historical Track. There are other people out there that want to put it 5,000 feet or 10,000 feet. If anyone is familiar with the City of Bangor, you would have Bangor Historical Track and then about a half a mile or three-quarters of a mile away, you would have slot machines and then three-tenths of a mile down the road, you will have an OTB. That is not what the people voted for. They voted for the slots to be on the track.

This bill, compared to Q2, changes a little bit, but not a lot. We have heard time and time again to send this back out to the people. We did not change it that much. If you look at LD 1820, which was presented by the good Representative from Old Orchard Beach, Representative Lemoine, if you look and take that bill bit by bit, it kills Racino out completely. We, as a committee, thought that the people of the State of Maine voted for this, the City of Bangor voted for it, so let's make it work. Let's get it up and running. Let's use it as a template to see what goes on.

The people voted for this to keep the harness racing community and industry alive so that they could thrive. Harness racing is over 100 years old, ladies and gentlemen. Let's try to do something. When a paper company in Millinocket is 100 years old and its on its verge of going through the tubes, state government comes up and helps it. Let's help another industry besides manufacturing so that they can survive in the future.

We have different allocations that will be spoken about later on. We also have a member of the committee that represents one of the pieces of the municipality, which this is going to be located in, to speak later on also. Mr. Speaker, could the Clerk please read the committee report.

Representative CLARK of Millinocket **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Blanchette.

Representative **BLANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. LD 1820 is probably one of the most important economic bills that I have had the pleasure to work on and to promote for the City of Bangor in my legislative history. This bill will bring a Racino to the City of Bangor. It will have ultimately 1,500 slot machines in it. It will be located at Historic Bangor Track. The people in my community, 33,000 strong, went to the polls at 60 percent of the voting people in the City of Bangor last June and said, yes. There was no maybe. There was no if. There was not whatever. They said yes, we want a Racino located at Bangor Historic Track. In November of '03, the voters statewide went to the polls and they voted out casinos and in Racinos. Bangor was one jump ahead of the ballgame. We already had approval from the June vote in '03 that the people wanted a Racino. They still want a Racino. I hear calls from people everyday that they want this Legislature to put the laws on the books so that we can have slot machines at Bangor Historic Track by the end of 2004. This is what the referendum that the people voted on initially stated and this is the goal and has been the goal of the Committee on Legal Vets, the majority of the this committee to enact this.

I fully understand that there are people within the state that are adamantly opposed to gambling and I respect their position, but my people, the people in District 119 in Bangor, 117 and 118 and 120 and the Senate District 9 in Bangor voted yes for Racino. We have a reputable company that has purchased Bangor Historic Track. They are traded publicly on the stock exchange. They have agreed to come in and they are going to put in the dollar amount of about \$30 million into Bangor to build a new auditorium. This is a good deal for Bangor. I hate to be selfish, but I guess I am going to have to be. I feel that this selfishness that I am feeling is going to spread out to the entire State of Maine. This will improve Maine's economy. The people, the vendors that they buy from are local vendors. They are going to deal with local people. Guess what? They are going to hire local people. They are going to provide health insurance for the people that are on their payroll. This is something that we battle in here crying about every day of the week down here. These people deserve to have a chance. My people in Bangor deserve to have their vote, not once, but twice honored by the people of Maine and most assuredly honored by the elected Representatives that they sent down here to vote on this. They have spoken loud and they have spoken clear. I ask you to support this bill in its entirety. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Standish, Representative Moore.

Representative **MOORE**: Mr. Speaker, Ladies and Gentlemen of the House. I won't reiterate the very capable recitation of the LD in front of us that Representative Clark undertook, nor will I repeat some of the reasons that Representative Blanchette has cited for supporting this measure. As you well know, I am sure a lot of the folks who support harness racing and work in that industry are here today or have been. If they are not here today, it is solely because they are occupied elsewhere the very difficult work that they always do.

Nonetheless, the fact that they are not here, they have asked me to bring to the body the sincere thanks and gratitude of all the members of the Maine Harness Racing community. They have asked me on behalf of the drivers, the trainers, the stall cleaners,

the truckers, the grooms, the furriers, the farmers, the shavings and sawdust producers, the hay storers, the grain people, all the paddock officials and track owners and all of the wonderful people who work in the Maine Agricultural Fair community. They have asked me to bring to the body and to the Legal and Veterans Affairs Committee their thanks and their gratitude for all of the efforts that have thus far gone into their endeavor.

They also asked me, and I am pleased to do so, to encourage us today to stay the course. We need to stay the course because this undertaking that we have been involved with, those of us in the agricultural community of the state have been involved with for two years, is so crucial to the survival and the prosperity of our industry.

Before joining the Legislature, I was often puzzled and sometimes filled with consternation or even aggravated that "those people in Augusta" seemingly sit back and don't do enough when we watched one after another of our industries move on to other places and leave behind broken dreams, economic wasteland, closed paper mills, shuttered shoe shops, lumber yards and floundering fisheries. I suppose it is fair to say that from time to time as we have been debating and discussing and trying to make this gambling measure work, that I have also been puzzled and sometimes consternated and even annoyed, but in this instance, I really believe there is a reason to be greatly encouraged.

Representative Blanchette touched upon the jobs that are promised by the introduction of the slot machines and its association with the Harness Racing Industry. I would like to touch upon the jobs that have already been created in the State of Maine and have already been successfully implemented. As many of you know, in the Maine construction industry the period of time just before the Christmas holidays is too often the bleakest time of the year for the men and women in the Maine construction industry. It is the time that these people can frequently look forward to long layoffs, sitting at home, waiting for a call to come back to work. It always seems to come right before the Christmas holidays. Let me tell you that these people don't enjoy those layoffs. They don't enjoy sitting home. They don't want to collect a check for being at home. It is far from being the time to lay back and get an unemployment check and get fat and lazy. This is a despised period of time for the thousands of men and women in our construction industry. Like the vast majority of Maine people, they want to work. That is exactly what 54 men and women from 24 Maine towns in six Maine counties were doing at Bass Park from a cluster of Maine communities, these 54 men and women were working on the initial stages of the Bass Park renovation project earning in excess of \$25 per hour. I think that was wonderful. The payroll alone for the basic renovation employed carpenters, laborers, electricians, engineers, insulation workers, painters and concrete workers pumped over \$150,000 into the Maine economy in the vicinity of Bangor working on this project on what could have been the height of the layoff season. Just the week before last, more recently, another 18 construction workers for a Maine based company was again doing some preliminary work on the Bass Park track on a \$150,000 project to ready the track itself for opening season.

Of even more good news, the Maine Standard Breed Breeders Association has now concluded that because of the hope that is on the horizon, because of this Racino measure, the breeding to Maine stallions standing in the State of Maine have increased already by 15 percent over last year. This is hope, because it takes three years for that investment to even have an opportunity to make its way around the track.

For all the reasons that Representative Clark has enumerated and those that Representative Blanchette has cited in the job market and those that I have alluded to, I am in support of this measure and I am hopeful that it will get a very positive reception from the House here today. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Penobscot Nation, Representative Loring.

Representative LORING: Thank you Mr. Speaker, Men and Women of the house. With the speaker's permission I would like to make a statement on behalf of the Penobscot Nation. First of all I would like to refresh our memories of recent historical events.

The Penobscot Nation and the Passamaquoddy Tribe introduced legislation that would require referendum on the question of a casino run by the tribes here in Maine. As we all know that went down in a two to one defeat. During that campaign all guns were pointed at us and believe me every bullet was fired. To the point where some are still firing shots at us.

How is that relevant to this racino amendment you ask? It is relevant because had the tribes not taken all the fire, all the flack and the mean spiritedness that existed and still exists. The Racino question would have been taken apart sentence by sentence and carefully examined the way it should have been. If that indeed would have taken place, I am certain that question would have failed as well. The Racino question was passed and approved by the people of Maine at the tribe's expense. The expense was not only monetary, but emotional and spiritual. In many respects it was the most expensive campaign in Maine history.

We as Indian people are still paying the emotional and spiritual price. We chose the gaming industry because there was no other way for us to survive. It was the only economic tool that was successful for tribes across the country. Our intentions were honorable and as Maine citizens we offered to share a large portion of our venture with the state, \$400 million a year and thousands of jobs. Our offer was turned down in no uncertain terms and we were left with nothing, but an extended empty hand and wounded spirits.

We intervened in the Racino process to open up that process and allow others as well as ourselves to submit their proposals to Bangor and give Bangor a chance to choose the proposal most lucrative for itself and the state. Certain interests viewed tribal intervention into this process in a highly negative manner. So negatively that at one point while a TV reporter was interviewing Chief Dana we were all confronted by a screaming individual stalking up and down the hall way at the Civic Center. Screaming hate filled comments at the top of his voice about "Indians not paying income tax" "Getting to hunt moose whenever they want" saying and I quote "You said we were dead, now you are dead." It was obvious that he was trying to induce a physical confrontation.

These mean spirited, racist comments certainly caused a chilling effect. Those sentiments expressed by this angry individual were hidden sentiments of many not only in certain organizations and the media, but also in the hallways of this body. The very next morning I saw Chief Dana being interviewed on TV and you know what? The TV media that was there during this man's rampage gave this same man the last word on its morning newscast. I was stunned and appalled.

I was still in shock when I entered the House Chamber. Shortly after I arrived I was asked if I was going to attend the Legal and Vets committee hearing. The same committee who the week before had refused to allow our amendment in even for discussion. I said, Yes, but after giving it more thought I decided I had just about enough and was not going to put my people or

myself through this again. I had spoken to enough committee members to know their minds were made up on this issue and I was not going to allow myself to be the target of unscrupulous comments and innuendos about Indians. With all the meanness, the hate filled comments and negativity being projected upon us I would like to say to you my fellow legislators. Do not take the two-thirds vote against the casino as being against anything Indian. It would be a mistake. The majority of Maine people are good, honest and fair. For every one person who is full of hate and anger over this one issue there are two who are kind and thoughtful.

The same day as the raving individual in the hallway made his debut I happened to mention the incident to an acquaintance during a business meeting. It saddened me that anybody could have those hate filled feelings and that they were directed at the tribes. That afternoon as I was home and typing my thoughts into an e-mail to a friend a knock came at my door. I had no idea who would dare maneuver my ice-covered driveway. I went to open the door and to my surprise standing there was the business acquaintance I had spoken to earlier with a dozen red roses. It was a wonderful gesture and it made my very negative day into a positive one.

Last month I was at the Richmond American Legion Post 132 of which I am a member. The event was a dinner recognizing past commanders of the post. The room was filled with camaraderie and a spirit of pride in country and in themselves for serving their country. These veterans actually cared for each other. In fact the motto of post 132 is "Dare to Care." They were very supportive of me and the tribes. It was good to be in such a positive atmosphere with people who loved and respected each other. I left the dinner with my spirits strengthened by my fellow veterans.

The gaming question and controversy has hit Maine and the tribes with a vengeance. The expansion of gaming through a Racino and Powerball has been embraced while the Tribe's casino proposal has been denied. I ask that in the future you remember the price we as Indian people paid for bringing gaming forward. Without the tribes initiative there would be no Racino and no Powerball. The irony is that we were brave enough to bring this controversial idea forward and in the end got nothing. Some might say not much has changed between Maine and the Tribes in the past 200 years.

This whole gaming issue with its controversy and court battles has not been good for anyone. With all the accusations and rhetoric flying, there is something I want you all to remember: Maine Indians deserve to be treated fairly. We deserve to be treated with respect. My people are good and honorable people. We have served this state and this country well in every war since the American Revolution. More Native Americans have served in the military than any other race. We are Maine citizens. We are American Citizens and yes, we are Tribal citizens. We have built a network of individuals and organizations that support us across this state and we all vote. We will not retreat to our tribal communities. We will not lock our doors as we have done in the past when we have felt wronged or mistreated. With the help of our friends, neighbors, organizations and sympathetic legislators we will continue the fight for our cultural and economic survival and in the end, we will win this economic war that we have been waging for the past 200 years. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Patrick.

Representative PATRICK: Mr. Speaker, Men and Women of the House. This bill is a needed piece of legislation because it adds the missing part of the citizen's initiative, the part of licensing and control and regulation. Whether you are for or

against gambling is one issue, but the citizens of the State of Maine spoke and they did want a Racino. The regulation aspect of it, even Penn National said that they wanted it to be closely regulated to legitimize the industry in the State of Maine. A lot of the arguments within the committee or the opponents were against allowing Racinos in southern Maine. This bill does not allow a Racino in southern Maine. This does not allow extra machines other than the 1,500 that is in the bill originally. Originally we had it so there would be 3,000 machines in the state, but to remove the air of expanding gambling in southern Maine, we took that out.

My only charge in the Legal and Veterans Affairs Committee personally was to ensure the stability and viability of the harness racing industry in the State of Maine. As the good chair, Chairman Clark, spoke, the industry has been here for 100 years. The industry has been shrinking extremely fast because other states subsidize their harness racing industry. The purses in the State of Maine weren't attractive enough for anyone to want to stop at Scarborough Downs or Bangor. They headed on to New Hampshire, Massachusetts, New Jersey and New York. The part of this bill that I do like is it does allow 4 percent to go to Scarborough Downs and Bangor, the commercial tracks. The percentages are based upon the amount of race dates. I believe Bangor has 25 and Scarborough Downs has the rest. To me, that is the important part. Strong regulation, protection for our harness racing industry, the jobs issue was extremely important, the fairs, horsemen, harness racing industry and farmers will all be protected by this bill. You might not like how all the breakdowns are. We struggled long and hard on that. We worked diligently to try to come up with as big a Majority Report as we could. I do believe that the Majority Report addresses what I think is a fair and equitable distribution. With that, I would urge you to support the Majority Ought to Pass Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Glynn.

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the motion and ask the body to consider moving on to the Minority Ought to Pass Report. I should inform the members of the body that there was a lot of agreement on the Legal and Veterans Affairs Committee. Some of the issues that we agreed on were regulation. We all agreed, all the members of the Legal and Veterans Affairs Committee agreed that if we are going to have Racinos in Maine, they need to be heavily regulated. Through the negotiation process, we came to terms, as a committee of the whole, what types of regulations did need to be put into place. The good news is there was agreement between the Majority Report and the Minority Report, all of the members on the issue of regulation. We all agree it needs to be there. Where we parted ways was on the issue of expansion of gambling in Maine and on the percentages. Therein lies the difference between the Majority Report and the Minority Report.

For instance, in the Majority Report money is given to off track betting parlors. Off track betting parlors were not part of the citizen initiative. I, as one voter in Maine, did not hear great debate when we were considering the Racino legislation or anybody raised the issue that off track betting parlors in Maine needed to be subsidized. Additionally, in the Majority Report it differs from the Minority Report in that the Majority Report does not require commercial tracks to conduct the minimum number of racing dates as a condition of maintaining their operation of slot machines.

I ask you, my fellow legislators, was the purpose of this legislation to enhance racing in Maine or was it to have slot

machine facilities? I think the voters through the debate were talking about harness racing. I think the testimony in front of our committee was about harness racing. The question becomes, why from the Majority Report is it missing any requirement regarding commercial tracks conducting a minimum number of racing dates as the condition of maintaining their license? This is in the Minority Report, which I hope you go on to.

Lastly, we talk about the percentages and the percentages that were going to the various entities. There is a percentage of this fund that is going to be going to encourage racing at Maine's commercial track facilities. I call it the Scarborough Downs subsidy of four percent. The Minority Report recognized that, again, this wasn't about subsidizing these special interests and expanding gambling, but we went back and we looked at what the voter initiated referendum talked about. What they talked about was saving the harness racing industry. Those things were in the Minority Report as well as the Majority Report. The voters also talked about funds for the Healthy Maine Prescription Drug benefit. They talked about scholarships for the University of Maine System and for the technical colleges, the Community College System. Again, the difference between the Majority Report and the Minority Report is all about the money. In the Majority Report, it goes to expanding gambling. In the Minority Report, the percentages were divvied up by the voter approved items. It increases for the University of Maine scholarship, the Minority Report if we defeat this and move onto it, to 4 percent for the University of Maine System and 4 percent for the Maine Technical College System. In the draft we are looking at now, it is 1 percent for the Maine Community College System scholarship and a mere 2 percent for the University of Maine System scholarships.

You, like I, saw on the television stations the commercials running the ads talking about Fund for a Healthy Maine and talking about these scholarships. Why then did the Majority Report move away from these things and move into expanded gambling? The Fund for a Healthy Maine in the Majority Report, which is before us, is 10 percent to the Fund for a Healthy Maine. In the Minority Report it is 14 percent for the Fund for a Healthy Maine. Again, neither report, the differences are different about the regulation of gambling. There is unanimous agreement on that. What the difference is is it is all about the money and who gets the money, who gets what and who is going to pay for it. I urge you to defeat this motion and move onto the Minority Report.

I would also like to say that some of the other issues that many members of the body have sent me notes on regarding other amendment votes, those will be taken up in second reading. Thank you.

Representative CLARK of Millinocket inquired if a Quorum was present.

The Chair declared a Quorum present.

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

Representative **CURLEY**: Mr. Speaker, Men and Women of the House. Representing Scarborough on this vote has put me in a position that I really would like to talk about, the Town of Scarborough's support for harness racing, but not for slot machines. In my mind and in the majority of the people in Scarborough, they are separate issues. We have gotten together, many of us in our community, and said, what can we do to help Scarborough Downs? Fifteen hundred slot machines is not the answer. It is not the answer because Scarborough Downs is suffering, it is a business, and it is suffering from what every other business in our state has to deal with everyday. We have the second highest tax rate in the country. Our energy

costs, our insurance mandates make it more expensive to do business here than almost every other state in the county. It would be nice if all the lobbyists working on this issue could be as effective in helping all of our other struggling businesses. We have threaded the eye of the needle. Harness racing is lucky. They are going to get some support. What about all the other businesses that need that same help and support? Will they be back in the next session asking for slot machines? I just want to be clear that the Town of Scarborough supports harness racing. It does not think that slot machines are the answer for that. I will be voting against any increased gambling in the State of Maine. Thank you.

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

Representative **ANDREWS**: Mr. Speaker, Ladies and Gentlemen of the House. As probably everyone here is very well aware, I was very actively involved with Casinos No being one of the two co-founders to lobby against casinos. Having said that, I do have to agree with the good Representative from the Indian Nation who has since left the chambers, that Casinos No did not do a thorough job. She is right. If we had given the attention to this bill that was given to the casino bill, I am sure that this would not have passed. Since that referendum passed, I have had many phone calls, e-mails, letters saying that no one said anything about 1,500 slot machines. People did not read the bill. They thought they were going to allow a few slot machines at the racetracks to save the harness racing industry. Little did we know all the little things that went on in the bill.

I would like to call your attention to the fact that there was an agreement signed before we voted, which set us up here. I would like to go over some of the things that were in this agreement that I did not know about before the referendum and that the Maine citizens did not know about before the referendum, nor was it published in the paper before the referendum. This agreement that was signed prior to the referendum involved the commercial racetracks, both Scarborough and Bangor, the off track betting parlors, the Maine Harness Horseman Association and the Breeders Association and the Maine Association of Fairs.

Some of the things that were in the agreement and the agreement is about 10 pages long says that if the off track betting bill, which we saw last year was not enacted into law that the parties would agree to pursue the Bangor bill or if the off track betting parlor bill is enacted into law they will pursue the Bangor bill. Some of the other things that were in this, it sets us up, an expansion of the time limitations for approval of the operation of gaming machines at Scarborough Downs. Ladies and gentlemen of the House, we were set up ahead of time. This is coming to us to do. The public knew nothing about this. Expanding the radius within which the commercial track may be located and authorizing the operation of gaming machines at off track betting parlors. It even tells us how much we are going to have at each track. We are going to have 1,500 slots at Scarborough. We are going to have 1,500 slots at the Bangor track and we are going to have 200 machines allowed at the off track betting parlors. Did the public know this? No.

Assuring the 4 percent of the net terminal income would be distributed to the commercial tracks, etc, and on it goes down through here. I am signed on as a sponsor of the Governor's bill. I realized that we needed to have some control. If you were up there during the testimony, I was up there the first day, I was the second or third speaker, it was like a pack of vultures flying around the kill. The amount of lobbyists and special interest groups up there was atrocious. The amount of money that has been expended for this has also been atrocious. I just want you

to realize that this was all pre-ordained before we even started this debate. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Hotham.

Representative **HOTHAM**: Mr. Speaker, Ladies and Gentlemen of the House. I rise this morning in support of the will of the people of the State of Maine, not just the people in Cumberland and York County, but all the people of the State of Maine. You see, they have spoken. They have approved Racino. If this was truly an attempt to subvert the will of the people, then the Legal and Veterans Affairs Committee would have extended the time and distance that was included in that piece of legislation approved by the people. We would have included in this report another opportunity for Scarborough to find a host community. We would have extended the five-mile radius, but we did not do that out of respect for what the people passed.

I recognize the fact that I am not on the Majority Report, because as we all feel from time to time not 100 percent in favor of what is being put forth, but looking at the big picture, we need to approve the Majority Ought to Pass Report. I will offer my fine-tuning in a short measure, I trust. I encourage you to remember that we have a mandate. I would hope that this mandate earns the respect and the reverence that the mandate called term limits has in this body. Any future expansion of gambling should become a vote of the people. Just as we have considered changes in the term limits statute in the State of Maine, it is right and fitting to send it back to the people.

We have an opportunity here to learn real world fact, far be it for us to make decisions based on fact, but we have an opportunity to learn something courtesy of the City of Bangor, whether Racinos are a good idea or not. I bet you dollars to doughnuts that if it is not, we will hear more about it in this body. We will have our opportunity to send it back to the voters. Let's get some real world information first. Let's not lose this opportunity. I encourage your support of the motion on the floor and look forward to further debate. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Blanchette.

Representative **BLANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. I just feel that maybe I need to clarify a couple of points that were quoted here on the floor. Although not to 100 percent to my liking, the elected officials in the City of Bangor chose to enter into an agreement with Sean Scott and Capital Seven. That is their elected right as a governing body in the City of Bangor. Majority rules and their vote carried. That is beside the point. The very people in my city did vote 60 percent for Racinos in Bangor, Maine. The very same people in the State of Maine that live in Scarborough, Sanford, Westbrook, those voiced their opinion on Racinos. They said no. The people have spoken. To imply that this question should go back out at any time to the voters in the State of Maine, the voters in Maine have spoken. Some said yes and some said no. The Racino will be located where the people said yes. That is what home rule is all about. We get to make the decisions for our municipalities that we put our name on the ballot and run for with all the drawbacks and the pluses that that elected position comes with. I believe that we have heard from the people. There was not a back door deal struck with anybody. Everything was open to the public. The public had access. We have worked with the industry that is going to be most affected by this Racino in Bangor. That is the Harness Racing Industry as the good Representative Moore pointed out. He had many good points to speak on the Harness Racing Industry.

I can tell you that the Harness Racing Industry in Maine, just the industry, brings in a total of \$3 million to the coffers in the City

of Bangor. That is whether they are shopping at my store for food. You know, horsemen have to eat too, the same as the rest of us or they are going over to Blue Seal Feed and they are buying the feed and the hay and the sawdust for their people. They go all the way out to the Charleston area and they go out to the sawdust mills and they buy the product that is lumbered in Maine, by Maine people, ground into sawdust and trucked by Maine people. This is what this is all about, supporting Maine industry, an industry that has been around a lot longer than any of us in this House have. I do hope that it will be around a lot longer than we will even hope to be. This is the direct result of what the people voted for in November. The changes have come about because we have to put regulations on the books to govern gambling, which up to this point in time has never been legal in the State of Maine.

I do urge your support of the Ought to Pass Committee Amendment. Thank you Mr. Speaker.

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

ROLL CALL NO. 424

YEA - Annis, Ash, Austin, Barstow, Bennett, Berry, Berube, Bierman, Blanchette, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Collins, Courtney, Cowger, Craven, Cressey, Cummings, Daigle, Davis, Dudley, Dugay, Dunlap, Duplessie, Duprey B, Earle, Faircloth, Finch, Fischer, Fletcher, Gagne-Friel, Gerzofsky, Greeley, Grose, Hatch, Heidrich, Honey, Hotham, Hutton, Jackson, Jacobsen, Jennings, Joy, Kaelin, Kane, Ketterer, Koffman, Landry, Ledwin, Lemoine, Lerman, Lessard, Mailhot, Makas, Marley, McCormick, McGlocklin, McGowan, McKenney, McLaughlin, Millett, Mills J, Mills S, Moody, Moore, Muse, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Peavey-Haskell, Pellon, Percy, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Sampson, Saviello, Sherman, Shields, Simpson, Smith N, Smith W, Snowe-Mello, Sullivan, Sykes, Tardy, Thomas, Thompson, Tobin D, Tobin J, Trahan, Usher, Walcott, Watson, Wotton, Young, Mr. Speaker.

NAY - Adams, Andrews, Beaudette, Clough, Crosthwaite, Curley, Duprey G, Eder, Glynn, Lewin, McNeil, Stone, Sukeforth, Suslovic, Twomey, Vaughan, Wheeler, Woodbury.

ABSENT - Goodwin, Jodrey, Lundeen, Maietta, Marraché, McKee, Murphy, Norbert, Perry A, Perry J, Treadwell.

Yes, 122; No, 18; Absent, 11; Excused, 0.

122 having voted in the affirmative and 18 voted in the negative, with 11 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "A" (H-868) was **READ** by the Clerk.

On motion of Representative CLARK of Millinocket, **TABLED** pending **ADOPTION** of Committee Amendment "A" (H-868) and later today assigned.

Pursuant to House Rule 201.1.H, the Speaker appointed Representative DUNLAP of Old Town to serve as Speaker Pro Tem after the recess at 4:00 p.m.

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

UNFINISHED BUSINESS

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

An Act To Implement the Recommendations of the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners (EMERGENCY)

(H.P. 1382) (L.D. 1856)

(C. "A" H-833)

TABLED - April 7, 2004 (Till Later Today) by Representative BLANCHETTE of Bangor.

PENDING - PASSAGE TO BE ENACTED.

Representative TRAHAN of Waldoboro **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

ROLL CALL NO. 425

YEA - Adams, Barstow, Beaudette, Berry, Berube, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Bruno, Bryant-Deschenes, Bull, Campbell, Canavan, Churchill J, Clark, Courtney, Cowger, Craven, Cummings, Curley, Daigle, Dudley, Dunlap, Duplessie, Earle, Eder, Faircloth, Finch, Fischer, Fletcher, Gagne-Friel, Gerzofsky, Glynn, Greeley, Grose, Hatch, Honey, Hotham, Hutton, Jackson, Jacobsen, Jennings, Kaelin, Kane, Ketterer, Koffman, Landry, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, McGlocklin, McGowan, McKee, Millett, Mills J, Moody, Muse, Norton, Nutting, O'Brien L, Paradis, Patrick, Pellon, Percy, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Sampson, Saviello, Shields, Simpson, Smith N, Smith W, Snowe-Mello, Sukeforth, Sullivan, Suslovic, Sykes, Thomas, Thompson, Tobin D, Tobin J, Trahan, Twomey, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - Andrews, Annis, Austin, Bennett, Bierman, Browne W, Carr, Clough, Collins, Cressey, Crosthwaite, Davis, Dugay, Duprey G, Heidrich, Joy, Ledwin, Lewin, McCormick, McKenney, McNeil, Mills S, Moore, O'Brien J, Peavey-Haskell, Sherman, Stone, Tardy, Vaughan.

ABSENT - Ash, Blanchette, Bunker, Churchill E, Duprey B, Goodwin, Jodrey, Maietta, Marraché, McLaughlin, Murphy, Norbert, O'Neil, Perry A, Perry J, Treadwell.

Yes, 106; No, 29; Absent, 16; Excused, 0.

106 having voted in the affirmative and 29 voted in the negative, with 16 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

The House recessed until 4:00 p.m.

(After Recess)

Representative DUNLAP of Old Town assumed the Chair. The House was called to order by the Speaker Pro Tem.

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Make the Children's Ombudsman Program an Independent Office"

(H.P. 81) (L.D. 73)

PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-650) AND "B" (H-841) in the House on April 7, 2004.

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED in NON-CONCURRENCE.**

Representative SHIELDS of Auburn moved that the House **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE.**

Representative KANE of Saco moved that the House **RECEDE AND CONCUR.**

Representative SHIELDS of Auburn **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR.**

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Auburn, Representative Shields.

Representative SHIELDS: Mr. Speaker, Ladies and Gentlemen of the House. This House has voted at least twice favorably on this bill. There must be a problem of communication here. This is not a partisan issue or shouldn't be. The last vote on Engrossment was absolutely outstanding as to the number of people here who supported this. I hope that you would defeat the pending motion of Recede and Concur and we could go on to Insist and ask for a Committee of Conference to straighten this out if we possibly can.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Saco, Representative Kane.

Representative KANE: Mr. Speaker, Ladies and Gentlemen of the House. After the last vote, several people asked me why I did not speak to the issue. We had discussed it thoroughly once and I didn't feel I could add a lot more information at that time.

Our committee has completed our work on the restructuring of the two departments, the Behavioral and Developmental Services and the Department of Human Services. That will be coming to us. The amendment may be on your desk now. That bill does deal with the whole issue of advocacy and ombudsmen services. It is going to be examined carefully with stakeholders, with consumers, over the next six months. It will be coming back to the committee in January for new legislation. This issue will be dealt with, but it will be dealt with in the context of restructuring. The Senate has acted to Indefinitely Postpone the bill and I urge the body to Recede and Concur.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Auburn, Representative Shields.

Representative SHIELDS: Mr. Speaker, Ladies and Gentlemen of the House. I will remind the body that the funding currently is skewed and runs out the 31st of December. That is one item. Secondly, it is important that this Legislature speak out and tell the bureaucrats what we want done and not leave it to them. They are not coming back with anything except the report due sometime before January 31, 2005. I don't think that is a satisfactory resolution to this problem.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Sanford, Representative Courtney.

Representative COURTNEY: Mr. Speaker, Ladies and Gentlemen of the House. Last week we overwhelmingly decided that we needed this program. We clearly need this program

outside the confines of the Department of Human Services. We sent that message loud and clear. I don't think that the people of Maine can wait until January 2005 to have this program. This is needed and it is needed now. I respectfully ask that you stay with the vote that you made last week.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Walcott.

Representative WALCOTT: Mr. Speaker, Men and Women of the House. Of someone who is very supportive of this office, I would just like to point out that this office currently is outside of the Department of Human Services. It is housed with Ellie Goldberg and the Children's Alliance. The only thing within the department right now is they administer the contract, which has already been administered. Really nothing will happen until the contract expires anyway. All this bill does is it moves the contract administration to the Office of Administration and Financial Affairs. Even though I am very supportive of the general idea behind the bill, since really nothing will be able to be done before the end of the contract anyway, it is better to wait and let all of the Office of Advocacy for everything to be looked at in a systematic way and to come back with a report in January. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Scarborough, Representative Curley.

Representative CURLEY: Mr. Speaker, Men and Women of the House. I appreciate the comments of the good Representative from Saco about the merger of the two departments, but the merger bill that we will be looking at is really a sketch on a napkin and there is nothing specific about the Office of Ombudsmen. There is not one thing specific except it will be addressed. One thing that I feel badly about is the good Representative from Saco won't be on the committee when the report is being heard to be a spokesperson for this office. He has been a strong advocate for children and children's rights. I think we should do more than have a sketch on a napkin and let's vote to Insist and have a Committee of Conference. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Sanford, Representative Courtney.

Representative COURTNEY: Mr. Speaker, Ladies and Gentlemen of the House. I think my good friend the Representative brings forward the exact problem. DHS administers the contract. We need to make sure that DHS doesn't administer the contract. DHS administers the contract for guardian ad litem. You can probably hear from your constituents about how that is working. I would ask you again for the children of Maine and for the families, let's protect them from the Department of Human Services. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Saco, Representative Kane.

Representative KANE: Mr. Speaker, Ladies and Gentlemen of the House. One final comment, the Department of Human Services does administer all contracts having to do with human services whether they operate within the Department of Human Services or in the Department of Behavioral and Developmental Services. This was a consolidation that was accomplished two years ago in order to save money on multiplicity of contracting services and staff. It has nothing to do with the actual administration or the program itself. It is the management of the contract. Whether this was over in the other department, Department of Finance, it is still going to have to be managed in some way by the Department of Human Services. It is very much an arms length management relationship. Thank you Mr. Speaker.

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

ROLL CALL NO. 426

YEA - Adams, Ash, Barstow, Beaudette, Blanchette, Bliss, Brannigan, Breault, Bull, Canavan, Clark, Cowger, Craven, Cummings, Dudley, Dunlap, Duplessie, Earle, Faircloth, Gagne-Friel, Gerzofsky, Goodwin, Grose, Hutton, Jackson, Jennings, Kane, Koffman, Lemoine, Lerman, Lessard, Mailhot, Makas, Marley, Marraché, McKee, McLaughlin, Mills J, Moody, Norton, O'Brien L, O'Neil, Paradis, Patrick, Percy, Pineau, Pingree, Piotti, Richardson J, Simpson, Smith N, Sullivan, Suslovic, Thompson, Twomey, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton.

NAY - Andrews, Annis, Austin, Berry, Berube, Bierman, Bowen, Bowles, Brown R, Browne W, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Duprey B, Eder, Finch, Fischer, Fletcher, Glynn, Heidrich, Honey, Hotham, Jacobsen, Joy, Kaelin, Landry, Ledwin, Lewin, Lundeen, McCormick, McKenney, McNeil, Millett, Mills S, Moore, Muse, Nutting, O'Brien J, Peavey-Haskell, Pellon, Perry J, Rector, Richardson E, Richardson M, Rines, Rogers, Rosen, Sampson, Sherman, Shields, Smith W, Snowe-Mello, Stone, Sukeforth, Sykes, Tardy, Thomas, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Young.

ABSENT - Bennett, Bunker, Davis, Dugay, Duprey G, Greeley, Hatch, Jodrey, Ketterer, Maietta, McGlocklin, McGowan, Murphy, Norbert, Perry A, Saviello, Mr. Speaker.

Yes, 61; No, 73; Absent, 17; Excused, 0.

61 having voted in the affirmative and 73 voted in the negative, with 17 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, the House voted to **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE**. Sent for concurrence. **ORDERED SENT FORTHWITH**.

Non-Concurrent Matter

An Act To Amend the Protection from Harassment Laws (EMERGENCY)

(H.P. 1410) (L.D. 1906)
(C. "A" H-840)

PASSED TO BE ENACTED in the House on April 7, 2004.

Came from the Senate **FAILING** of **PASSAGE TO BE ENACTED** in **NON-CONCURRENCE**.

On motion of Representative **MILLS** of Farmington, the House voted to **RECEDE**.

The same Representative **PRESENTED** **House Amendment "A" (H-889)**, which was **READ** by the Clerk.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Farmington, Representative **MILLS**.

Representative **MILLS**: Mr. Speaker, Ladies and Gentlemen of the House. This amendment merely removes the emergency preamble on this bill. I hope you will vote for this passage.

House Amendment "A" (H-889) was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-840)** and **House Amendment "A" (H-889)**. Sent for concurrence. **ORDERED SENT FORTHWITH**.

CONSENT CALENDAR
First Day

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

(H.P. 1445) (L.D. 1945) Bill "An Act To Encourage the Future of Maine's Dairy Industry" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-883)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Paper was **PASSED TO BE ENGROSSED** as Amended and sent for concurrence.

CONSENT CALENDAR
First Day

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

(H.P. 1287) (L.D. 1765) Bill "An Act To Clarify the Responsibilities under the Adult Protective Services Act" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-887)**

(H.P. 1391) (L.D. 1867) Resolve, Regarding Legislative Review of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Private Non-medical Institution Services, a Major Substantive Rule of the Department of Human Services (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-882)**

(H.P. 1413) (L.D. 1912) Bill "An Act To Implement the Recommendations of the Governor's Task Force on ATV Issues" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-881)**

(H.P. 1414) (L.D. 1913) Bill "An Act To Establish the Department of Health and Human Services" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-890)**

(H.P. 1429) (L.D. 1929) Bill "An Act To Promote Economic Development in the State by Encouraging the Production of Electricity from Renewable and Indigenous Resources" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-886)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Papers were **PASSED TO BE ENGROSSED** as Amended and sent for concurrence.

ENACTORS
Acts

An Act To Promote the Public Interest by Providing for Reasonable Rates of Compensation for Forest Products Harvesting and Hauling Services

(H.P. 972) (L.D. 1318)
(H. "A" H-864 to C. "C" H-848)

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

On motion of Representative **TREADWELL** of Carmel, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENACTED**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

Representative TRAHAN of Waldoboro asked leave of the House to be excused from voting on L.D. 1318 pursuant to House Rule 401.12.

The Chair granted the request.

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

ROLL CALL NO. 427

YEA - Adams, Ash, Barstow, Beaudette, Blanchette, Bliss, Brannigan, Breault, Brown R, Bull, Canavan, Churchill J, Clark, Cowger, Craven, Cummings, Dudley, Dunlap, Duplessie, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Grose, Hutton, Jackson, Jennings, Kane, Ketterer, Koffman, Landry, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, Marraché, McGlocklin, McKee, McLaughlin, Mills J, Moody, Moore, Norton, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry J, Pineau, Pingree, Piotti, Richardson J, Rines, Sampson, Simpson, Smith N, Smith W, Sullivan, Suslovic, Thomas, Thompson, Twomey, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - Andrews, Annis, Austin, Berry, Berube, Bierman, Bowen, Bowles, Browne W, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill E, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Duprey B, Fletcher, Glynn, Heidrich, Honey, Hotham, Jacobsen, Joy, Kaelin, Ledwin, Lewin, McCormick, McKenney, McNeil, Millett, Mills S, Muse, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson E, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Sykes, Tardy, Tobin D, Treadwell, Vaughan.

ABSENT - Bennett, Bunker, Dugay, Duprey G, Goodwin, Greeley, Hatch, Jodrey, Maietta, McGowan, Murphy, Norbert, Perry A, Saviello, Tobin J.

Yes, 78; No, 57; Absent, 15; Excused, 1.

78 having voted in the affirmative and 57 voted in the negative, with 15 being absent and 1 excused, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

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

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, April 8, 2004, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

SENATE DIVIDED REPORT - Majority (10) **Ought to Pass as Amended by Committee Amendment "A" (S-451)** - Minority (3) **Ought Not to Pass** - Committee on **TAXATION** on Bill "An Act To Streamline the Sales Tax Credit for Worthless Accounts To Eliminate Unnecessary Burdens on Certain Maine Businesses and Consumers"

(S.P. 646) (L.D. 1714)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-451)**.

TABLED - March 30, 2004 (Till Later Today) by Representative LEMOINE of Old Orchard Beach.

PENDING - ACCEPTANCE OF EITHER REPORT.

On motion of Representative SUSLOVIC of Portland, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-451)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-451)** in concurrence. **ORDERED SENT FORTHWITH**.

Resolve, To Promote Transparency in Budgeting

(H.P. 1302) (L.D. 1780)

(C. "A" H-807)

TABLED - April 7, 2004 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - FINAL PASSAGE.

Representative BOWEN of Rockport **REQUESTED** a roll call on **FINAL PASSAGE**.

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

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

ROLL CALL NO. 428

YEA - Adams, Ash, Barstow, Beaudette, Bennett, Blanchette, Bliss, Brannigan, Breault, Bull, Canavan, Clark, Cowger, Craven, Cummings, Dudley, Dunlap, Duplessie, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Grose, Hutton, Jackson, Jennings, Kane, Koffman, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, Marraché, McGlocklin, McKee, McLaughlin, Mills J, Moody, Norton, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry J, Pingree, Piotti, Richardson J, Rines, Sampson, Simpson, Smith N, Smith W, Sullivan, Suslovic, Thompson, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, Mr. Speaker.

NAY - Andrews, Annis, Austin, Berry, Berube, Bierman, Bowen, Bowles, Brown R, Browne W, Bruno, Bryant-Deschenes, Bunker, Campbell, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Duprey B, Fletcher, Glynn, Heidrich, Honey, Hotham, Jacobsen, Joy, Kaelin, Ketterer, Ledwin, Lewin, McCormick, McKenney, McNeil, Millett, Mills S, Moore, Muse, Nutting, O'Brien J, Peavey-Haskell, Pineau, Rector, Richardson E, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Sykes, Tardy, Thomas, Tobin D, Tobin J, Trahan, Treadwell, Twomey, Vaughan, Young.

ABSENT - Dugay, Duprey G, Goodwin, Greeley, Hatch, Jodrey, Landry, Maietta, McGowan, Murphy, Norbert, Perry A, Saviello.

Yes, 70; No, 68; Absent, 13; Excused, 0.

70 having voted in the affirmative and 68 voted in the negative, with 13 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (S-392)** - Minority (6) **Ought Not to Pass** - Committee on **TAXATION** on Bill "An Act To Make Retirement Benefits More Equitable by Imposing a Surcharge on Income from Congressional Retirement Benefits"

(S.P. 616) (L.D. 1684)

Which was **TABLED** by Representative LEMOINE of Old Orchard Beach pending his motion to **ACCEPT** the Minority **Ought Not to Pass** Report.

Representative BRUNO of Raymond **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought Not to Pass** Report.

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Old Orchard Beach, Representative Lemoine.

Representative **LEMOINE**: Mr. Speaker, Men and Women of the House. I urge you to support the motion, which is Ought Not to Pass. This bill, I believe, is the only bill we have come out of Taxation this year that seeks to increase an income tax. That has not been the theme we have been working on this year. In fact, what it does is target a very small population of residents in Maine, former Congressional members and their families and says that they will be subject to an offset on their pensions from Congress for what they may receive in social security benefits. It is very targeted. It is really not going to do much for the state budget. It is really an effort, if you think about it, to kind of poke a stick in the eye of the federal Congress and say that this is not the proper way to treat retirees anywhere. This is a favorable treatment that should be either going to everybody or not. The preferential treatment is not appropriate.

It is an issue that is federal. It is an issue that has been debated for some time in Congress. It is not an issue that involves state policy in any real fashion. Whether or not we want to tax those few members of Congress who have decided to return and stay with us here in the State of Maine, I think is very minimal. The fiscal note is very small. It is a matter of policy. We can send a message to Congress that we wish they would treat retirement issues differently, but the most effective way to do that is not by passing a small Maine income tax increase that will affect very few, very targeted people and frankly people whose husbands or wives or spouses have served this state and the people we all represent in tremendous fashion over the years. Let's not forget that Maine for many, many years has been blessed with phenomenal congressional representation. For a state as small as ours, we have had great impact on national policy. Let's reward the people who have represented us there. Let's not hold them up as examples of how we can punish them. I urge you to follow my light and vote no. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Sanford, Representative Courtney.

Representative **COURTNEY**: Mr. Speaker, Ladies and Gentlemen of the House. I want to be real brief here and explain why I am on the other side of this issue. It is very simple. The bipartisan group of us on the committee decided that the congressional retirees ought to be treated the same as people in Maine. That is it.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Carmel, Representative Treadwell.

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. I guess I will make a statement and

then I will ask a question of the Speaker. First of all, I am a military retiree and I pay state income tax on every penny of that retirement. Any military retiree in the State of Maine is subject to state income tax. My question would be, are civil service retirees in the State of Maine subject to the Maine income tax?

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Hodgdon, Representative Sherman.

Representative **SHERMAN**: Mr. Speaker, Ladies and Gentlemen of the House. It is interesting to hear there would be an inequity if we tax the congressmen's salary. Perhaps it would indicate that they should be working a little harder to help those teachers who have the social security offset. If you are retired under Maine State Retirement, you cannot get social security because of an offset. Perhaps if they were treated the same way we are, they might work a little bit harder in Washington to get that taken care of.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Old Orchard Beach, Representative Lemoine.

Representative **LEMOINE**: Mr. Speaker, Ladies and Gentlemen of the House. I would be willing to join any of my colleagues who wish to send that sentiment to our hardworking Representatives in Washington, including those in the US Senate. Thank you.

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

ROLL CALL NO. 429

YEA - Adams, Beaudette, Bennett, Blanchette, Bliss, Brannigan, Breault, Brown R, Bull, Canavan, Clark, Clough, Cowger, Craven, Cummings, Dudley, Dunlap, Duplessie, Earle, Eder, Faircloth, Finch, Gagne-Friel, Gerzofsky, Grose, Hotham, Jennings, Kane, Ketterer, Koffman, Ledwin, Lemoine, Lessard, Lundeen, Mailhot, Makas, Marraché, McGlocklin, McKee, McLaughlin, McNeil, Millett, Mills J, Moody, Norton, O'Brien L, O'Neil, Paradis, Patrick, Perry J, Pineau, Pingree, Rector, Richardson J, Rogers, Rosen, Sampson, Simpson, Smith N, Smith W, Sullivan, Suslovic, Thomas, Thompson, Tobin D, Tobin J, Twomey, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, Mr. Speaker.

NAY - Andrews, Annis, Ash, Austin, Barstow, Berry, Berube, Bierman, Bowen, Bowles, Browne W, Bruno, Bryant-Deschenes, Bunker, Campbell, Carr, Churchill E, Churchill J, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Duprey B, Fischer, Fletcher, Glynn, Heidrich, Honey, Hutton, Jackson, Jacobsen, Joy, Kaelin, Landry, Lerman, Lewin, Marley, McCormick, McKenney, Mills S, Moore, Muse, Nutting, O'Brien J, Peavey-Haskell, Pellon, Percy, Richardson E, Richardson M, Rines, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Sykes, Tardy, Trahan, Treadwell, Vaughan, Young.

ABSENT - Dugay, Duprey G, Goodwin, Greeley, Hatch, Jodrey, Maietta, McGowan, Murphy, Norbert, Perry A, Piotti, Saviello.

Yes, 74; No, 64; Absent, 13; Excused, 0.

74 having voted in the affirmative and 64 voted in the negative, with 13 being absent, and accordingly the Minority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

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

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

HOUSE DIVIDED REPORT - Majority (10) Ought to Pass as Amended by Committee Amendment "A" (H-868) - Minority (3) Ought to Pass as Amended by Committee Amendment "B" (H-869) - Committee on LEGAL AND VETERANS AFFAIRS on Bill "An Act To Establish the Gambling Control Board To License and Regulate Slot Machines at Commercial Harness Racing Tracks" (EMERGENCY)

(H.P. 1342) (L.D. 1820)

Which was **TABLED** by Representative CLARK of Millinocket pending **ADOPTION** of **Committee Amendment "A" (H-868)**.

Representative ANDREWS of York **PRESENTED** **House Amendment "D" (H-895) to Committee Amendment "A" (H-868)**, which was **READ** by the Clerk.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from York, Representative Andrews.

Representative **ANDREWS**: Mr. Speaker, Ladies and Gentlemen of the House. When I have been going door to door campaigning the past three terms, there have been two things that my citizens in the Town of York said they wanted. One was cheaper health care and the second was property tax relief. There is a proposal to provide health care, but we have not done anything to provide property tax relief to our citizens. Time is getting very short here. We still have not done it. One of the things that the people of the State of Maine felt was most important.

I understand we have a budget coming, a majority budget. I do know that in the original budget that was suggested, there was \$900,000 in the budget to take care of a shortfall for the overdraft of the Circuit Breaker Program. In other words, we had citizens in our communities applying for property tax relief under the Circuit Breaker Program. I know that I have had several from my community call and tell me that I sent it in, but they sent me a letter that said there is no money. The Governor had put that in his budget to honor this commitment to our taxpayers.

I now understand that this has been removed from the budget to take affect this year and has been put off until next year. What are we going to do next year for our citizens when we have this year and then the Circuit Breaker Program for next year also clumped together? When are we going to honor our commitment to the thing that the citizens of Maine want most? We know that because we have two proposals that we will be voting on by citizen's referendum. One definitely in June, which is felt by many citizens that will provide more property tax relief and then we have the Palesky tax cap, which we know is coming down. I firmly believe at the rate that we are going, that the citizens in the State of Maine will very eagerly and firmly latch on and vote for both these proposals. That is what I am hearing everywhere I go. Why haven't you done your job?

My amendment does two things. It takes three percent and distributes it evenly amongst the Circuit Breaker Program and then we are also looking at another budget item dealing with general assistance. That has been pushed forward to next year. Our towns are going to be required to pick this up now. How much more can we put on the backs of our local taxpayers. This is very simple. It just says that it reduces the amount retained by the slot machine operators by 3 percent and it is distributed evenly amongst the Maine Property Tax Program and municipal general assistance. This is one way that we can provide property tax relief to our citizens. When the vote is taken, I request the yeas and nays. Thank you.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "D" (H-895) to Committee Amendment "A" (H-868)**.

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

Representative CLARK of Millinocket moved that **House Amendment "D" (H-895) to Committee Amendment "A" (H-868)** be **INDEFINITELY POSTPONED**.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. The reason why I am getting up to Indefinitely Postpone this measure is we, in the committee, have dealt with different percentages right from day one. First of all, it was 55 to 45. We talked about tax relief. We talked about ways to spend this money. In order to spend this money, ladies and gentlemen, it has to be up and running first. The 61/39 percent, which the vender says they can't live with, but this amendment is increased by three more percent to 42 percent. If that is the case, then they will walk and somebody else will have to come in and try to operate this Racino in Bangor.

Property tax relief in the State of Maine is very, very viable. We need it here in the state. I don't think this bill, the Racino bill, is a place to look at it. We have numerous bills in the system, the Republicans have theirs, Democrats have theirs, the caucus in northern Maine have theirs, the skunk on the third tree from the left road has theirs. We have all kinds of different proposals in tax relief. All they have to do is get it voted out so we can talk about them on the floor.

I don't believe this is the proper way to have tax relief for the State of Maine in a gaming bill that is so hostile as it is to begin with. I hope that you will follow my light. Thank you.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "D" (H-895) to Committee Amendment "A" (H-868)**.

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

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "D" (H-895) to Committee Amendment "A" (H-868). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 430

YEA - Adams, Ash, Beaudette, Bennett, Berube, Blanchette, Bowles, Brannigan, Breault, Brown R, Bruno, Canavan, Churchill E, Churchill J, Clark, Courtney, Cowger, Craven, Cummings, Davis, Dunlap, Duplessie, Earle, Faircloth, Finch, Gagne-Friel, Gerzofsky, Goodwin, Grose, Honey, Hotham, Hutton, Jackson, Jennings, Kaelin, Kane, Ketterer, Koffman, Landry, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, Marraché, McGlocklin, McLaughlin, Mills J, Mills S, Moody, Moore, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Peavey-Haskell, Pellon, Percy, Perry J, Pineau, Pingree, Piotti, Richardson E, Richardson J, Rines, Sampson, Simpson, Smith N, Smith W, Sullivan, Tardy, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Usher, Walcott, Watson, Wotton, Young, Mr. Speaker.

NAY - Andrews, Annis, Austin, Barstow, Berry, Bierman, Bliss, Browne W, Bryant-Deschenes, Bull, Campbell, Carr, Clough, Collins, Cressey, Curley, Daigle, Dudley, Duprey B, Eder, Fischer, Fletcher, Glynn, Heidrich, Jacobsen, Joy, Ledwin, Lewin, McCormick, McKee, McKenney, McNeil, Millett, Muse, Rector, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Suslovic, Sykes, Twomey, Vaughan, Wheeler, Woodbury.

ABSENT - Bowen, Bunker, Crosthwaite, Dugay, Duprey G, Greeley, Hatch, Jodrey, Maietta, McGowan, Murphy, Norbert, Perry A, Saviello.

Yes, 88; No, 49; Absent, 14; Excused, 0.

88 having voted in the affirmative and 49 voted in the negative, with 14 being absent, and accordingly **House Amendment "D" (H-895) to Committee Amendment "A" (H-868) was INDEFINITELY POSTPONED.**

Representative **WOODBURY** of Yarmouth **PRESENTED House Amendment "B" (H-893) to Committee Amendment "A" (H-868)**, which was **READ** by the Clerk.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Yarmouth, Representative Woodbury.

Representative **WOODBURY**: Mr. Speaker, Men and Women of the House. When the public voted on this referendum I believe there was some vagueness about whether they were voting on a few slot machines at the racetrack or a major casino like facility with 1,000 or more slot machines. I am confident that they were voting for at least a few slot machines at the racetrack. I am not convinced that they were voting for a major casino like facility. My amendment seeks to gain clarity on this question.

It amends the committee report by approving immediately only 50 slot machines with an increase to 1,500 slot machines on January 1, 2005 if the voters in a November referendum say that they want the increase from 50 to 1,500. Again, I am just seeking to get clarity on what the voters intended when they voted on this referendum. When the vote is taken, I request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-893) to Committee Amendment "A" (H-868)**.

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Bangor, Representative Blanchette.

Representative **BLANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. I am going to urge you to vote against this amendment to adopt this. Let's call a spade a spade. What company is going to come in here and do major renovations, put hundreds of thousands and possibly millions of dollars into a facility, hire two people, just about what it would take to monitor 50 machines. I don't want to reiterate everything that I said to you this morning, but 60 percent of the voters in my municipality have gone to the polls and voted for a full Racino twice. You come down here as an elected Representative and a lot of you feel you have taken the ball home when you run for election and you receive 60 percent of the vote in your district. I feel that is a strong message in anybody's language. The people have said that they want a Racino. Fifty machines does not a Racino make. Let's pass this as it came out of committee. It is a strong bill. It is a good bill. It is a controlled bill. It is a regulated bill. Let's put it to bed and stop trying to tinker it to death and kill it because a few people are uncomfortable with what we are trying to do in Bangor and maybe give some people a good honest days work. Thank you Mr. Speaker.

Representative **CLARK** of Millinocket moved that **House Amendment "B" (H-893) to Committee Amendment "A" (H-868) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-893) to Committee Amendment "A" (H-868)**.

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. This amendment before us, like the good Representative from Bangor said, only places 50 slot machines in this facility and have it go out to referendum for another 1,450 in November. We, as a committee, looked at the different proposals, 3,000, 1,500, 25. There were all kinds of different numbers of proposals for slot machines in Bangor. We also looked at Scarborough because that was part of the discussion at the time. When the time is said and when the final vote was taken, we requested 1,500 machines in the City of Bangor. It does not go right up to 1,500 machines once they get that license, ladies and gentlemen. They have to start out gradually. They have to start out with 200 or 250 and then the following year or the year after that, they are going for another 250. They are not going to reach their full potential for another three years out after they get a license, if they choose to get a license. They are not going to have the maximum amount of 1,500 machines until three years out. Why do you want to send another election back to the people, which cost the people of the state more money to have a referendum to see if they want 1,450 more machines in the City of Bangor where the City of Bangor has already agreed to this and the people of the State of Maine has already agreed to it. Let's stop spending the taxpayer's money on elections putting things back out to referendum and start doing our jobs. I hope you will support the Indefinite Postponement. Thank you.

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-893) to Committee Amendment "A" (H-868). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 431

YEA - Adams, Annis, Ash, Austin, Barstow, Beaudette, Bennett, Berry, Berube, Bierman, Blanchette, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Courtney, Cowger, Craven, Cummings, Davis, Dunlap, Duplessie, Duprey B, Earle, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Glynn, Grose, Heidrich, Honey, Hotham, Hutton, Jackson, Jacobsen, Jennings, Kaelin, Kane, Ketterer, Koffman, Landry, Ledwin, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, Marraché, McCormick, McGlockin, McKee, McKenney, McLaughlin, Millett, Mills J, Mills S, Moody, Moore, Muse, Norton, Nutting, O'Brien J, O'Brien L, Paradis, Patrick, Peavey-Haskell, Pellon, Percy, Perry J, Pineau, Pingree, Piotti, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Sampson, Sherman, Smith N, Smith W, Snowe-Mello, Stone, Sullivan, Sykes, Tardy, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Usher, Walcott, Watson, Wotton, Young, Mr. Speaker.

NAY - Andrews, Bliss, Clough, Collins, Cressey, Curley, Daigle, Dudley, Eder, Joy, Lewin, McNeil, O'Neil, Rector, Shields, Simpson, Sukeforth, Suslovic, Twomey, Vaughan, Wheeler, Woodbury.

ABSENT - Crosthwaite, Dugay, Duprey G, Fletcher, Goodwin, Greeley, Hatch, Jodrey, Lemoine, Maietta, McGowan, Murphy, Norbert, Perry A, Saviello.

Yes, 114; No, 22; Absent, 15; Excused, 0.

114 having voted in the affirmative and 22 voted in the negative, with 15 being absent, and accordingly **House Amendment "B" (H-893) to Committee Amendment "A" (H-868) was INDEFINITELY POSTPONED.**

Representative **HOTHAM** of Dixfield **PRESENTED House Amendment "A" (H-879) to Committee Amendment "A" (H-868)**, which was **READ** by the Clerk.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Dixfield, Representative Hotham.

Representative HOTHAM: Mr. Speaker, Ladies and Gentlemen of the House. LD 1820 when it came to committee was a source of a considerable anxiety on my part. I was uncomfortable with the fact that we were adjusting and changing a bill that had been voted on and approved by the people of the State of Maine. I did believe that the Governor's bill was appropriate, however, in dealing with the shortcomings of the initiated bill as it regarded regulation. I support that going forward. As always with so many pieces of legislation, the confusion and the concentration of much time on the part of the committee came when it was time to talk about the money. The ruling guide for me personally as we went through that process was to keep in mind what we voted on last November, what the people of the State of Maine approved. As this bill comes forward this bill has part of the money piece, two additional stakeholders in the distribution of the monies. The bill as it currently written allows for 39 percent to come back to the State of Maine and be distributed to stakeholders. The two groups that are included on the list as a result of this legislation and the work of the committee are the commercial racing tracks and the off track betting facilities. They are on there for a reason. The commercial tracks are there because we heard testimony of particular Ms. Sharon Terry came to our committee and said that she is having a difficult time running that facility in Scarborough. She requested 4 percent. As I go through this, I hope you would keep in consideration that as the good Representative from Millinocket, Representative Clark, mentioned earlier, you won't see full implementation of these slot machines until the third year. That means in that third year it is projected that it is going to equal \$800,000. There is a ramping up in the first two years with full implementation in the third year. That means that the figure that Ms. Terry was talking about was \$3.2 million. She may very well need that. All this amendment asks is that the Gambling Control Board established through major substantive rulemaking criteria by which she and her organization will come forward to that board and prove her need. I think that is very little to ask since they were not part of the original piece of legislation passed by the people of the State of Maine.

Next, we have the off track betting facilities. We did not hear direct testimony from the off track betting facilities that I recall explaining why they should be on the list of stakeholders in this distribution. We have since heard through the media and also through information that we have received during the day today that they have supplied through their efforts \$30 million to harness racing in the State of Maine over the last 10 years. I have no reason to doubt that.

As you look at the legislation, it requires that we establish a fund to stabilize off track betting facilities. That, in my mind, tells me there is a need there. If there truly is a need, then the off track betting facilities can come forward, demonstrate that need and receive these funds. The same amount has been set aside on an annual basis, 4 percent and 2 percent to equal 6 percent. If those funds are not given out as a result of a failure to prove need, that money gets transferred to the general fund. We ask the most needy of us in the State of Maine to show that need. I don't think it is unreasonable for us to ask the commercial tracks and the off track betting facilities to show that need. I would hope that you would agree and help adopt this amendment. Mr. Speaker, I would request the yeas and nays.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-879) to Committee Amendment "A" (H-868)**.

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

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

Representative **PATRICK** of Rumford moved that **House Amendment "A" (H-879) to Committee Amendment "A" (H-868) be INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-879) to Committee Amendment "A" (H-868)**.

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Rumford, Representative Patrick.

Representative PATRICK: Mr. Speaker, Ladies and Gentlemen of the House. Just in regards to a couple of things that the good Representative said. I am not in total disagreement with him, but being the senior member on Legal and Veterans Affairs, one thing I can tell you about the need for Scarborough Downs is pretty evident when testimony resulted in racers coming from northern Maine and Canada, bypassing Scarborough Downs and headed to New Hampshire, Massachusetts, New Jersey or New York track because the purses there were significantly higher. The monies that they will receive will increase the purses in the State of Maine and hopefully those southern Maine states will flock up to northern Maine.

In regards to the 2 percent for the OTBs, I am not totally against what the good Representative said. Over the years that I have been on Legal and Veterans Affairs, I will state that they have kept afloat the harness racing in the State of Maine. Without them, the industry probably would have collapsed. In the future there is no reason why a future Legislature and even myself would not come back later on the need to show whether or not there is a need for the funds.

In committee we did have two or three other proposals that we looked at and even our caucus other venues of incomes that other areas said they were going to lose money and I even made the case in point then that if we were going to add them on, that we probably should find out what the need was. At this time, to get the legislation passed, the vast majority of us, 10 of us, we thought we could live with subsidizing OTBs at least in the short term because the amount of monies are going to drop off in a couple of years or drop down to 1 percent and 1 percent will be going back to the state. With that, I would encourage you to vote green and Indefinitely Postpone this amendment. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Bath, Representative Watson.

Representative WATSON: Mr. Speaker, Ladies and Gentlemen of the House. As we spend the waning hours of this evening divvying up our ill gotten gains, I would remind this body that this question was brought to us and brought to the citizens of Maine when your grandmother appeared in a television commercial that the matter from heaven was going to fund prescription drugs for the elderly as a recall. That was a bill of goods sold to the State of Maine. If we now, and I am not going to denigrate the work of this committee, I know it has been difficult and hard, but if we now go home and brag about however we divvied these up, 4 percent to OTBs or 3 percent to whoever, we are selling our constituents a bill of goods. We cannot bind the 122nd Legislature to anything. I would remind this body and I would predict that come January if things haven't improved, you

are going to see all these disbursements disappear into that great sucking sound called the general fund anyway.

I would encourage you to join with me in indefinitely postponing this amendment. Others that may follow will try to change this mix. Let's pass the bill if that is what we are going to do and get on with it. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from York, Representative Andrews.

Representative **ANDREWS**: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER PRO TEM: The Representative may pose her question.

Representative **ANDREWS**: Mr. Speaker, Ladies and Gentlemen of the House. I believe it states in here that financial assistance will cease when all commercial tracks and all off track betting parlors have slot machines. That sounds like an expansion to me.

The SPEAKER PRO TEM: The Representative from York, Representative Andrews has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Dixfield, Representative Hotham.

Representative **HOTHAM**: Mr. Speaker, Ladies and Gentlemen of the House. The good Representative did not go on to elaborate. Off track betting facilities in the current bill will receive 1 percent in perpetuity. There has been an attempt in this amendment to cut that off at some point. There is another point that says that either they have slots, I am not expanding gambling, you will recall earlier this morning that I said that this should be treated like the term limit bill and that any changes and any expansion of gambling should go back to the voters. Instead of having these payments continue on in perpetuity, I have suggested a possible cut off point to be either determined by successfully securing slots at these facilities or by a recommendation by the Gambling Control Board. Thank you.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-879) to Committee Amendment "A" (H-868). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 432

YEA - Adams, Andrews, Annis, Ash, Austin, Barstow, Beaudette, Bennett, Bierman, Blanchette, Bliss, Bowen, Bowles, Brannigan, Breault, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Courtney, Cowger, Craven, Cummings, Davis, Dugay, Dunlap, Duplessie, Duprey B, Earle, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Glynn, Grose, Honey, Hutton, Jackson, Jacobsen, Jennings, Kaelin, Kane, Ketterer, Koffman, Landry, Ledwin, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, Marraché, McCormick, McGlocklin, McGowan, McKee, McLaughlin, Mills J, Mills S, Moody, Moore, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry J, Pineau, Pingree, Piotti, Richardson E, Richardson J, Rines, Sampson, Smith N, Smith W, Snowe-Mello, Stone, Sullivan, Tardy, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Twomey, Usher, Vaughan, Walcott, Watson, Wheeler, Wotton, Young, Mr. Speaker.

NAY - Berry, Brown R, Browne W, Clough, Collins, Cressey, Curley, Dudley, Eder, Fletcher, Heidrich, Hotham, Joy, Lewin, McKenney, McNeil, Millett, Muse, Peavey-Haskell, Richardson M, Rogers, Rosen, Shields, Simpson, Sukeforth, Suslovic, Sykes, Woodbury.

ABSENT - Berube, Crosthwaite, Daigle, Duprey G, Goodwin, Greeley, Hatch, Jodrey, Maietta, Murphy, Norbert, Perry A, Rector, Saviello, Sherman.

Yes, 108; No, 28; Absent, 15; Excused, 0.

108 having voted in the affirmative and 28 voted in the negative, with 15 being absent, and accordingly **House Amendment "A" (H-879) to Committee Amendment "A" (H-868)** was **INDEFINITELY POSTPONED**.

Representative SUSLOVIC of Portland **PRESENTED House Amendment "E" (H-896) to Committee Amendment "A" (H-868)**, which was **READ** by the Clerk.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Suslovic.

Representative **SUSLOVIC**: Mr. Speaker, Men and Women of the House. This amendment is quite simple. I believe that this amendment adheres to what Maine voters thought they were voting for. What this amendment does, very simply, is increases by 1 percent the amount going to the Maine Community College System and 1 percent to the University of Maine System Scholarship Fund. It also increases by 2 percent the amount to go the Fund for Prescription Drugs. Where does this money come from? This money replaces what is in Committee Amendment "A," which is the 4 percent that would be going to Scarborough Downs.

As the good Representative from Bath, Representative Watson, just said, people thought they were voting for "Madge" or you might call her the grandmother who said she needs help with her elderly prescription drugs and to send people to higher education. This is what people in Maine thought they were voting for. I don't recall any TV commercial saying, please help the owners of Scarborough Downs. The good people of Scarborough, Saco and Westbrook all got the chance to exercise their right to vote and they voted no. They did not want slot machines in their community. Now suddenly we have this 4 percent going back to Scarborough Downs. That is not what Maine people voted for. This, to me, smacks of that secret deal that was only unearthed after the people of Maine got their chance to exercise their right to vote. I would ask your support for this amendment. It adheres exactly to what the people of Maine voted for. I think when I look at the future of Maine, I would rather see, frankly, some more money going to get our young people to get higher education so they can get good jobs, career jobs, not the jobs that people have bragged about at these casinos, let's call them what they are.

I also think we are going to have to increase the support for prescription drugs. Maine's population, the second oldest in the country, is headed to becoming the oldest in the country. I can say that because my hair is going gray too. We are going from 14 percent of the population over 65 to 21 percent of the population over 65. That keeps me awake at night when I think about the challenge of providing health care, social services, but especially prescription drugs to a rapidly aging population.

This is no disrespect to the committee. The Legal and Veterans Affairs Committee worked long and hard, but ultimately it is this body that must speak for all the people of Maine who thought they were voting to put money into higher education and prescription drugs, not into the pockets of the owners of Scarborough Downs. I would ask that you vote for this amendment. When the vote is taken Mr. Speaker, I humbly request the yeas and nays.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "E" (H-896) to Committee Amendment "A" (H-868)**.

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

Representative CLARK of Millinocket moved that **House Amendment "E" (H-896) to Committee Amendment "A" (H-868)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "E" (H-896) to Committee Amendment "A" (H-868)**.

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. I again stand before you to Indefinitely Postpone House Amendment "E." The good Representative from Portland, Representative Suslovic, has brought a good amendment to this body. Ladies and gentlemen, it is already in the bill. It is what the people of the State of Maine voted for it. On the 75/25 split out of the 10 percent from the 90/10 on the slots is broken down to 25 percent of that. Ten percent of the 25 percent was for the Funds for a Healthy Maine. Two percent of the 25 percent was for scholarships for the University of Maine System. One percent of the 25 percent were for scholarships for the community colleges of the State of Maine. It is what the people of the State of Maine voted for in November.

In the Majority Report are the 39 percent. Ten percent of the 39 percent is for the Fund for a Healthy Maine. Two percent out of the 39 percent is for scholarships for the University of Maine System, which, in fact, goes directly to the University of Maine System, not through FAME, but directly to the University of Maine System for scholarships and also 1 percent out of the 39 percent goes back to the technical colleges, through the technical colleges for scholarships, not through FAME. It is already in the bill, ladies and gentlemen. It is already in the Majority Report. It is what the people of the State of Maine voted for back in November.

The committee wrestled hard and long on percentages. The allocations 61/39 or however you want to look at it. Everybody had their own little mathematical calculator or slide rule when it came time to look at allocations in the committee. The Majority Report had 61/39. Here we are spending taxpayer dollars printing amendments with the amount of the allocation already in the bill.

The Representative from Portland is right. Yes, the committees do most of the work and respect the process, but the majority of the work does go on in this body and also in the other body. I hope that you Indefinitely Postpone House Amendment "E."

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Portland, Representative Suslovic.

Representative **SUSLOVIC**: Mr. Speaker, May I pose a question through the Chair?

The **SPEAKER PRO TEM**: The Representative may pose his question.

Representative **SUSLOVIC**: Mr. Speaker, Ladies and Gentlemen of the House. My question simply put is, did Maine voters vote to give 4 percent to the owners of Scarborough Downs?

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. It is not to the owners of Scarborough Downs. It is based on race dates. Of course, Scarborough has a considerable number more race dates than Bangor. They are going to get a majority of the money. That is how it is broken down in the formula. It is 26 race dates for the City of Bangor and about 100 to Scarborough Downs. That is how it is based out.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Rumford, Representative Patrick.

Representative **PATRICK**: Mr. Speaker, Men and Women of the House. The 4 percent to Scarborough Downs doesn't go to the pockets of Scarborough Downs. It goes to the purses to raise the purses of Scarborough Downs and Bangor racetracks. We heard countless testimony that even Canadian drivers go down to southern New England or New York. Our \$5,000 stakes in Maine are \$15,000 in New York. Why would a horse owner or breeder or anything want to stay in Maine? I really think it is important to expand and make harness racing viable by increasing our purses and this is exactly what it does.

It is kind of silly to debate what everyone in the State of Maine voted for. I have asked many people what they voted for and if they had read the bill. I would probably be hard pressed to say that 1,000 people in the State of Maine actually read the bill. The one thing that I do know is that of the people I have personally asked is they did want to protect harness racing, the farms, the breeds, the horse racers in the State of Maine. From that aspect, I think the money is going to a worthwhile cause that is going to raise increased purses and make our harness racing viable and hopefully it will expand. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from South Portland, Representative Glynn.

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. I rise to provide some additional input as a member of the Legal and Veterans Affairs Committee to the testimony just given by the good Representative from Rumford, Representative Patrick. Representative Patrick misspoke on the percentages. I steer the body to the filing number (H-868), which is the Committee Amendment that we are debating and looking at amending. If you look to Page 21, it talks about the percentages. In the detail of the bill, 10 percent of the supplemental harness racing purses are looked to be funded as part of this bill. That is the percentage for racing purses. As the good Representative from Portland, Representative Suslovic pointed out, that does not count in as different and as separate from the 4 percent fund to encourage racing at Maine's commercial tracks. Again, already in the bill we made a distinction as the Legal and Veterans Affairs Committee that supplemental racing purses, which both the Majority and the Minority Report agreed was a good thing because it promotes the harness racing industry is different than the direct subsidy to Scarborough Downs, which is the 4 percent to fund and encourage racing at Maine's commercial tracks.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. I just want to remind everybody, it goes by race dates. Race dates are different. The way it is dispersed is through the race dates. Bangor has 25 or 28, which is based on the Harness Racing Commission. Scarborough has 100 and something, which is based on the Harness Racing Commission. That is how that money is paid out.

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "E" (H-896) to Committee Amendment "A" (H-868). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 433

YEA - Annis, Ash, Austin, Bennett, Berry, Bierman, Blanchette, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Campbell, Canavan, Churchill E, Churchill J, Clark, Clough, Courtney, Cowger, Craven, Cummings, Curley, Davis, Dugay, Dunlap, Duplessie, Earle, Faircloth, Finch, Gagne-Friel, Gerzofsky, Grose, Heidrich, Honey,

Hotham, Hutton, Jackson, Jacobsen, Jennings, Joy, Kaelin, Kane, Ketterer, Koffman, Landry, Ledwin, Lessard, Mailhot, Makas, Marley, Marraché, McCormick, McGlocklin, McGowan, McKee, McLaughlin, Millett, Mills J, Mills S, Moody, Moore, Muse, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry J, Pineau, Pingree, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Sampson, Smith N, Smith W, Snowe-Mello, Sullivan, Sykes, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Usher, Vaughan, Walcott, Watson, Young, Mr. Speaker.

NAY - Adams, Andrews, Barstow, Beaudette, Bliss, Carr, Collins, Cressey, Daigle, Dudley, Duprey B, Eder, Fischer, Glynn, Lemoine, Lundeen, McKenney, McNeil, Peavey-Haskell, Piotti, Sherman, Shields, Simpson, Stone, Sukeforth, Suslovic, Thomas, Thompson, Twomey, Wheeler, Woodbury.

ABSENT - Berube, Bowen, Bunker, Crosthwaite, Duprey G, Fletcher, Goodwin, Greeley, Hatch, Jodrey, Lerman, Lewin, Maietta, Murphy, Norbert, Perry A, Rector, Saviello, Wotton.

Yes, 101; No, 31; Absent, 19; Excused, 0.

101 having voted in the affirmative and 31 voted in the negative, with 19 being absent, and accordingly **House Amendment "E" (H-896) to Committee Amendment "A" (H-868)** was **INDEFINITELY POSTPONED**.

Representative **SIMPSON** of Auburn **PRESENTED House Amendment "F" (H-897) to Committee Amendment "A" (H-868)**, which was **READ** by the Clerk.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Auburn, Representative Simpson.

Representative **SIMPSON**: Mr. Speaker, Men and Women of the House. My amendment simply adds for an additional distribution of 4 percent of the total gross slot machine income into the general fund for this body to decide how it should be dispersed for the people of the State of Maine. Thank you.

I would hope you would vote for this amendment. Thank you.

Representative **CLARK** of Millinocket moved that **House Amendment "F" (H-897) to Committee Amendment "A" (H-868)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "F" (H-897) to Committee Amendment "A" (H-868)**.

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. Like I said time and time again in the previous debate, the committee has struggled tirelessly on what allocation to look at. When we first looked at this bill back in January, I had the notion of 55/45, fifty-five going to the operator and 45 to the state. The very next day when I said that, it was in the *Bangor Daily News* that I was trying to drive Penn National out. My fellow committee members know that I am not trying to force anyone out of the state for doing business. I thought that was a fair price to have for slot machines for an operator here in the State of Maine. Over deliberations from the committee, which we did time and time again, sometimes one or two sessions a day, we came up with 61/39. It is not perfect to everybody. I lose some. Everybody on the committee loses some. Here we are trying to change the allocations from 39 to 43 percent. Where is that 4 percent going to go? The good Representative from Auburn, Representative Simpson said, that it will be decided by the people of this body. Like I said previous times, I wouldn't mind having 4 percent going to my hometown. I mean, Congress does it in the highway bill. Why can't I? When the time came down to vote for a bill to come out of committee, we had a strong

majority of 10 members of the committee, both the House and the other body, to go with the 61/39 percent. Like I said, everything is not perfect. Like my good seatmate said in the previous debate, the 122nd will probably come and change everything. No Legislature is bound by the previous Legislature. It could happen. If the Representative from Auburn gets reelected, they can put in the bill for 4 percent to the City of Auburn. Every legislator can do that. I know a lot of wheels are turning right now in member's minds of where to spend the extra 4 percent. Everybody in our committee did it. Like I said, when the time came out to vote on this, with the agreement, it was better on 61/39.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Bangor, Representative Blanchette.

Representative **BLANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. This amendment was well intended I am sure. I know that there are many avenues where we could put an additional 4 percent revenue to help our general fund. I want you to know that the members of the Legal and Vets Committee all took this into consideration. We all came to the table with our own thoughts about what was the best percentage for the state for host communities, Fund for a Healthy Maine, scholarship money for the University of Maine, funding for the University colleges within the state. We all had our ideas. We also had to keep in the back of our mind that what was a workable solution for the entity that wanted to bring this into Bass Park. We came to a meeting of the minds. A 10 to 3 report out of any committee is a strong recommendation. There was give and there was take on both sides of the aisle on this one. I urge you to Indefinitely Postpone this amendment and let's pass the good bill that that came out of Legal and Vets. Thank you.

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "F" (H-897) to Committee Amendment "A" (H-868). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 434

YEA - Annis, Ash, Austin, Barstow, Beaudette, Bennett, Berry, Bierman, Blanchette, Bliss, Bowles, Brannigan, Breault, Browne W, Bruno, Bryant-Deschenes, Bull, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Courtney, Cowger, Craven, Cummings, Curley, Davis, Dugay, Dunlap, Duplessie, Duprey B, Earle, Eder, Faircloth, Fischer, Gagne-Friel, Gerzofsky, Grose, Heidrich, Honey, Hotham, Hutton, Jackson, Jacobsen, Jennings, Joy, Kaelin, Ketterer, Koffman, Landry, Ledwin, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, Marraché, McCormick, McGlocklin, McKee, McKenney, McLaughlin, Mills J, Mills S, Moody, Moore, Muse, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Peavey-Haskell, Pellon, Perry J, Pineau, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Smith N, Smith W, Snowe-Mello, Stone, Sullivan, Sykes, Tardy, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Usher, Walcott, Watson, Wotton, Young, Mr. Speaker.

NAY - Adams, Andrews, Clough, Collins, Cressey, Dudley, Finch, Glynn, Kane, Lemoine, Lewin, McNeil, Millett, Percy, Pingree, Piotti, Sampson, Shields, Simpson, Sukeforth, Suslovic, Twomey, Vaughan, Wheeler, Woodbury.

ABSENT - Berube, Bowen, Brown R, Bunker, Crosthwaite, Daigle, Duprey G, Fletcher, Goodwin, Greeley, Hatch, Jodrey, Maietta, McGowan, Murphy, Norbert, Perry A, Rector, Saviello, Sherman.

Yes, 106; No, 25; Absent, 20; Excused, 0.

106 having voted in the affirmative and 25 voted in the negative, with 20 being absent, and accordingly **House**

Amendment "F" (H-897) to Committee Amendment "A" (H-868) was INDEFINITELY POSTPONED.

Representative ANDREWS of York **PRESENTED House Amendment "C" (H-894) to Committee Amendment "A" (H-868)**, which was **READ** by the Clerk.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from York, Representative Andrews.

Representative **ANDREWS**: Mr. Speaker, Ladies and Gentlemen of the House. This has been a rather long debate. This amendment would remove from the bill something that was not voted on by the public and that was to give money to the off track betting parlors, unless you take into consideration the agreement that was signed without the public really being aware of that would have allowed slot machines. Having said that, I was quite moved by the good Representative from the Penobscot Nation's talk this morning. She did carry the water. I have to say that I was probably one of the strongest ones fighting that fight against her and the tribes. Having said that, I fought the fight because I truly felt that that bill as was written was not in the best interests of all the citizens of the State of Maine, including the Penobscot and Passamaquoddy Nation.

What this bill seeks to do is to take the money from the off track betting parlor that would have gone to them and give it to the tribal nations to be used for housing and medical needs. When this bill first came up, we do know that there was another individual that had the license to have the slot machines. That person withdrew. We also know that the tribal nations have been looking at ways to provide economic development and means to take care of their own nation. Although I am against the Racino bill per say, I do feel that it would have been appropriate and they should have been allowed to have a seat at the table to present their proposal to run the slots at the commercial tracks. They asked and they were denied. They are still looking for ways to provide for their people. I see this as one way. If we are going to deny them other ways, then perhaps doing that. Thank you.

Representative CLARK of Millinocket moved that **House Amendment "C" (H-894) to Committee Amendment "A" (H-868) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "C" (H-894) to Committee Amendment "A" (H-868).**

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. The good Representative from York, Representative Andrews, has put forth an amendment that the committee is very familiar with. We tinkered from day one. In fact, I was the one who put the idea in front of us about the Indians getting a percentage from the allocation. From a draft that was proposed by the chairs to use as a boiler point, on February 12, we had 1 percent going to the Passamaquoddy and the Penobscot Nations. Like with the OTBs, after 48 months, it would be reduced to a .5 percent. The OTBs were going to get reduced so the committee thought it was fair for the tribes to be reduced. On February 18, the committee voted three in favor and eight no. We had 11 people and two people absent. Three people voted in favor of having the Indians included in the allocations. Eight people voted against it. We looked at this long and hard. When we took it out to different caucuses it was brought up again about adding them back in. Again, it got voted down by the committee. We have looked at this with the allocations from day one from the tribes and OTBs and from the fairs, the Fund for the Healthy Maine, the scholarships, the host

community and from these other places that are receiving money from that 39 percent. We are looking at the allocations. We already looked at this as a whole committee. Like I said, three people from the committee, of which I was one of them, voted in favor of it and eight people voted against it. We already looked at it long and hard.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Dixfield, Representative Hotham.

Representative **HOTHAM**: Mr. Speaker, Ladies and Gentlemen of the House. You all know how I feel about an allocation to the off track betting facilities and the classification under which I place that. I would place this under the same classification as not being part of the initiated bill. I would urge that you would vote in favor of the motion on the floor. Thank you very much.

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "C" (H-894) to Committee Amendment "A" (H-868). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 435

YEA - Annis, Ash, Austin, Barstow, Beaudette, Bennett, Berry, Bierman, Blanchette, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Courtney, Cowger, Craven, Cummings, Davis, Dugay, Dunlap, Duplessie, Duprey B, Earle, Faircloth, Finch, Gagne-Friel, Gerzofsky, Glynn, Goodwin, Grose, Heidrich, Honey, Hotham, Hutton, Jacobsen, Jennings, Kaelin, Kane, Ketterer, Koffman, Landry, Ledwin, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, McCormick, McGlocklin, McKenney, McLaughlin, Millett, Mills J, Mills S, Moody, Muse, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Percy, Perry J, Pineau, Pingree, Piotti, Richardson E, Richardson J, Rogers, Sampson, Sherman, Shields, Smith N, Smith W, Snowe-Mello, Sullivan, Sykes, Tardy, Thomas, Tobin D, Tobin J, Trahan, Treadwell, Usher, Walcott, Wotton, Young, Mr. Speaker.

NAY - Adams, Andrews, Bliss, Clough, Collins, Cressey, Curley, Dudley, Eder, Fischer, Fletcher, Joy, Lewin, McKee, McNeil, Peavey-Haskell, Richardson M, Rines, Rosen, Simpson, Stone, Sukeforth, Suslovic, Thompson, Twomey, Vaughan, Wheeler, Woodbury.

ABSENT - Berube, Crosthwaite, Daigle, Duprey G, Greeley, Hatch, Jackson, Jodrey, Maietta, Marraché, McGowan, Moore, Murphy, Norbert, Norton, Pellon, Perry A, Rector, Saviello, Watson.

Yes, 103; No, 28; Absent, 20; Excused, 0.

103 having voted in the affirmative and 28 voted in the negative, with 20 being absent, and accordingly **House Amendment "C" (H-894) to Committee Amendment "A" (H-868) was INDEFINITELY POSTPONED.**

Representative SIMPSON of Auburn **PRESENTED House Amendment "G" (H-898) to Committee Amendment "A" (H-868)**, which was **READ** by the Clerk.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Auburn, Representative Simpson.

Representative **SIMPSON**: Mr. Speaker, Men and Women of the House. This amendment reduces to 1 percent the distribution of gross slot machine income to off track betting and transfers that 1 percent to the Baxter Compensation Fund. Students in the care of the state at the Baxter School For the Deaf were terribly abused. We have a moral obligation to compensate them. The fund has run out of money. I see this as a priority for them. No amount of money can repair the damage done to the students at the Baxter School for the Deaf, but we do have a moral obligation

to try. Since the people of the state did not vote for off track betting to receive a percentage of the slot machines. I see this as an issue of fairness. It is a higher priority for me and I would hope for this body to restore the money to the Baxter Compensation Fund over giving money to the off track betting parlors, which was not part of the initiated bill. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER PRO TEM: The Representative may pose his question.

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House. After 48 months, does this 1 percent get reduced to .5 percent? Also, is the 1 percent the significant amount of money that they need for their amount that is owed to them by the state.

Representative CLARK of Millinocket moved that **House Amendment "G" (H-898) to Committee Amendment "A" (H-868)** be **INDEFINITELY POSTPONED**.

The same Representative REQUESTED a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "G" (H-898) to Committee Amendment "A" (H-868)**.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House. Here we are asking for another percentage point away from the allocations. Like previous members from the committee have said before, we looked at every avenue for additional revenues for those allocations to be used on. We had Millinocket and other places, the Indians and we even had money allocated to go to the new Bangor Auditorium without even looking at it. Although I believe that the good Representative from Auburn, Representative Simpson, has brought forth a good amendment. I have a constituent that goes to this Baxter School for the Deaf. He has been interviewed on numerous occasions. I don't think it is the responsibility for the City of Bangor with the Racino being up and started in the City of Bangor for them to take a percentage point away from them. I know the OTBs with the 2 percent is very, very shaky. I understand that, but like I said before, the committee looked at every possible way of allocation. This is what the committee came up with. When the committee looks at tax reform, usually the tax reform components come from the Committee on Taxation. It has an idea of their own. We look at the committee process very, very strongly in this body and also in the other body. I am not saying that this amendment is not a good amendment, but I don't think it is an amendment that we should put on this bill in order for it to pass. Thank you.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "G" (H-898) to Committee Amendment "A" (H-868). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 436

YEA - Annis, Ash, Austin, Bennett, Berry, Berube, Blanchette, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Clough, Courtney, Cowger, Craven, Daigle, Davis, Dugay, Dunlap, Duplessie, Duprey B, Earle, Faircloth, Fletcher, Gerzofsky, Grose, Heidrich, Honey, Hutton, Jackson, Jennings, Kaelin, Kane, Ketterer, Landry, Ledwin, Lessard, Lundeen, Mailhot, Makas, Marraché, McCormick, McGlocklin,

McGowan, McKee, McKenney, McLaughlin, Millett, Mills J, Mills S, Moody, Moore, Muse, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Peavey-Haskell, Pellon, Perry J, Pineau, Richardson E, Richardson J, Rogers, Rosen, Shields, Smith N, Smith W, Snowe-Mello, Sullivan, Tardy, Thomas, Tobin D, Tobin J, Trahan, Treadwell, Usher, Walcott, Wotton, Young, Mr. Speaker.

NAY - Adams, Andrews, Barstow, Beaudette, Bliss, Bull, Collins, Cressey, Cummings, Curley, Dudley, Eder, Finch, Fischer, Glynn, Joy, Koffman, Lemoine, Lerman, Marley, McNeil, Percy, Pingree, Piotti, Rines, Sampson, Sherman, Simpson, Sukeforth, Suslovic, Thompson, Twomey, Vaughan, Wheeler, Woodbury.

ABSENT - Bierman, Bunker, Crosthwaite, Duprey G, Gagne-Friel, Goodwin, Greeley, Hatch, Hotham, Jacobsen, Jodrey, Lewin, Maietta, Murphy, Norbert, Perry A, Rector, Richardson M, Saviello, Stone, Sykes, Watson.

Yes, 94; No, 35; Absent, 22; Excused, 0.

94 having voted in the affirmative and 35 voted in the negative, with 22 being absent, and accordingly **House Amendment "G" (H-898) to Committee Amendment "A" (H-868)** was **INDEFINITELY POSTPONED**.

Subsequently, **Committee Amendment "A" (H-868)** was **ADOPTED**.

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

Representative GLYNN of South Portland **PRESENTED House Amendment "A" (H-891)**, which was **READ** by the Clerk.

The same Representative REQUESTED a roll call on the motion to **ADOPT House Amendment "A" (H-891)**.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from South Portland, Representative Glynn.

Representative GLYNN: Mr. Speaker, Ladies and Gentlemen of the House. You have before you a very simple, but very important question. It is the question that is on the minds of many Mainers, all Mainers. It is how the Legislature is going to act on this Racino legislation if we are going to uphold the will of the voters and if we are going to allow the voters an opportunity to weigh in again. This amendment is quite simple. What it does is it allows the Majority Report as proposed by the committee to go into full force so that we do have a regulatory authority here in Maine and that this industry is highly regulate. What it does is it acknowledges that the Legislature has gone into a public referendum, a proposal proposed by the people, the will of the people, and we have amended it. It provides for a check in back to the voters.

The check in is going to be a three-part question next November. Simply stated, the question will be, to either allow the slot machines at commercial harness racing tracks as amended by this bill and all of these accompanying amendments, part B, would be the slot machines of the commercial harness racing tracks as enacted by the citizen's initiative, the bill that was the bill of the public put before us as they proposed it November 4, 2003 or C, repeal Racino.

The voters of Maine did weigh in on the question of Racinos and we have that legislation. It is public law. The Legislature has started down a very slippery slope. That slippery slope is that we say on one hand that it is the will of the public that we have Racinos in Maine and then we talk out of both sides of our mouth and we say, however, they really meant this and then we proceeded to amend the public law and change it, divvying up percentages, setting the number of slot machines and expanding

gambling in Maine by subsidizing other gambling interests, the least of which is OTBs, off track betting parlors.

A poll in Maine as actually taken regarding Racinos. In my opinion, they are the only polls that count. Those are the election polls. Let me tell you about those polling results. The voters in Scarborough weighed in on Racinos when they got an opportunity to see exactly what Racinos in Maine would be and they said no. The voters of Westbrook got a chance to weigh in after they saw what this Racino law really is and they said no. The voters of Saco got a chance to weigh in on what this Racino law looks like and what it actually meant to their community and they said no.

Ladies and gentlemen of the House, now that the voters of Maine have had the opportunity to see what exactly this Racino is all about, I charge that they have changed their minds. They would like the opportunity to undo this referendum and they would like to have the opportunity to repeal Racino. I bet, and I am not a betting man, but we do have some betting folks here in the chamber, if this referendum went back out on the ballot, we would see Racino repealed. Mainers don't like what they have seen.

Consequently, voters in southern Maine when they have been asked to have one of these facilities located in their community, they have stood up and they have said no. They have stood up and they have said no by a very wide margins. For all these reasons, I think it is important that we do continue the good work of the committee and put into force regulations to regulate this industry. If we are going to have Racinos in Maine, yes, they should be regulated and they should be highly regulate. The bill provides for that. What the bill does not provide for is for the voters to be able to weigh in on all of these changes of expansion of gambling that this body has adopted nor does the public have an opportunity to do what I think they want to do and what my constituents want to do and that is to repeal Racinos.

Ladies and gentlemen, I hope you join with me in sending this issue back to our boss, the voters.

Representative CLARK of Millinocket moved that **House Amendment "A" (H-891)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-891)**.

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. This amendment before us, House Amendment "A," was something again that the committee looked at very, very closely. We looked at sending it back out to the voters. Yes, there were some changes in this bill to make it a little bit stronger for the people of the State of Maine on a control board. We have two-tier monitoring system for monitoring slot machines in Bangor. We have a Gaming Control Board, which is not going to be done by the Harness Racing Commission as standard in Q2 last November. It is a five-member board appointed by the Governor and confirmed by the Legislature. They are going to have an executive director. When this item was brought forth to us in committee, let me go back to my notes on February 18, the motion before the committee was to have a referendum process to bring this back to the people. Out of 11 people in the committee, two voted yes and nine voted no.

The good Representative from South Portland, Representative Glynn, has brought forth an amendment which adds Part C to the bill in the Committee Amendment, but it also repeals it if this bill is passed. What it means is that you can

have harness racing on one hand if enacted, but you can't have slot machines. I want to remind the body of the House that if we pass LD 1820 as amended by the Majority Report, they still have to go in front of the gaming board to get a slot license. It is not a guaranteed license. They still have to go in front of the gaming board, which is a board of five members, which hopefully will be set up, because we set in a date of September 30, 2004 to look at these applications for a slot license in the State of Maine. We only have one vendor, which is Penn National. We only have one site, which is going to be Bangor.

We have slot machines that the people of the State of Maine voted for. My district is totally different from what the good Representative from South Portland, Representative Glynn's district is like. He has the Maine Mall. I have the woods, the moose and the trees, the mountain, a beautiful view of anywhere that you want to see of Mt. Katahdin or Baxter State Park. My voters are totally different from what his voters are and the polls stipulated that the City of Bangor voted 60 percent that they wanted slot machines at the Bangor Historical Track. That was a referendum held in the City of Bangor. Again in November of 2003, the City of Bangor voted 60 percent to have slot machines at Bangor Historical Track.

I know that the good Representative from South Portland knows that the people in Scarborough voted against it. The people of Saco voted against it. The people of Westbrook voted against it. That is their prerogative. That is their right. The people of Bangor voted for it. The people of Bangor should have the opportunity to have the slot machines in their home community. That is like saying that the people for Millinocket voted for me, but they can't have me because the Legislature doesn't want me in the Legislature. I know some people would like that. We are here today to write policy for the State of Maine. Everything that we do here shouldn't be sent back out to the voters. The people of the state voted us here to represent them, to be their voice in Augusta. If you don't want to be their voice in Augusta, why did you run?

We have to make these tough decisions. It is very tough. I know. Like I said, in the committee when this was brought up time and time again, numerous times it was overwhelmingly defeated, nine to two or 10 to two. We even put it on a list to defer. We had a whole laundry list to do. When push came to shove, we said that the people of the State of Maine would go by what they voted on back in November. Yes, the allocations have changed. It is not 75 percent anymore to the operator. It is 61 percent. The people of the State of Maine win. It is not 25 to the state. It is 39. The people of the state win. I hope my fellow colleagues will join me in Indefinite Postponement of House Amendment "A." Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Bangor, Representative Blanchette.

Representative **BLANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. I guess I am standing here to further your education on Racino, as if you haven't heard enough though the amendments and the bill that has been before us today. The polls do count. The polls have told us and they have told us twice, once statewide and once within my municipality that the people in Maine and the people that reside in the City of Bangor want slot machines. That is the point. They voted. Every municipality in this state also has the right to vote whether they want gambling or not. My people have. If we send this back out to a statewide referendum, you are, in fact, saying that because you live in Bangor and you live in northern Maine, you didn't actually know what you were voting for so we want you to go out statewide so we can tell you that you were wrong. My people were not wrong. I was not wrong. I supported the casino. I have

supported the Racino because I am looking at a 150 year old industry in the State of Maine that without some financial support from the slot machines is very, very likely to die. Let's add that to the list of other industries that we have set in the Legislature and tried our best, couldn't think of anything creative enough to bring income in to retain these industries. You have the logging industry, the shoe industry, the poultry industry. The potato industry is just a fraction of what it used to be years ago. Let Bangor citizens have the right to go to the polls and vote and the people in the State of Maine and their legislators that they vote to send down here to have the respect of that vote and to allow slot machines to go into Bangor. Your community will have its chance if it ever comes there to say yes or no. Thank you Mr. Speaker.

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

Representative **SUSLOVIC**: Mr. Speaker, Ladies and Gentlemen of the House. Just very briefly, I know I shouldn't use the expression, but I think we have beaten this to a dead horse, but the point I wish to make is we have heard repeatedly this evening and at great length how difficult it was for the Legal and Veterans Affairs Committee to wrestle with these issues. I really do respect and appreciate the work that they have put in. This exorbitant amount of work and how difficult it was to me sends the message that some significant changes had to be made on what the voters of Maine originally voted on. If these were just minor tinkering, then it wouldn't have been as difficult and as contentious. I would just recall a year ago when this bill came before this body through the citizen initiative, we were given the choice of either enacting it verbatim or if we wanted to amend it, then it would have to go out on a competing measure or we could pass it without change. It seems to me that in order to honor, if not the letter of the Constitution, then certainly the intent, this bill should go back out to the voters. Occasionally the good Representative from South Portland, Representative Glynn and I are on the same page and this is one of those occasions. I commend him for his work on this. Thank you.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-891). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 437

YEA - Annis, Ash, Austin, Barstow, Beaudette, Bennett, Berube, Blanchette, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Courtney, Cowger, Craven, Cummings, Davis, Dugay, Dunlap, Duplessie, Duprey B, Earle, Faircloth, Finch, Fischer, Fletcher, Gagne-Friel, Gerzofsky, Grose, Heidrich, Honey, Hutton, Jackson, Jacobsen, Jennings, Kaelin, Kane, Ketterer, Koffman, Landry, Ledwin, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, Marraché, McCormick, McGlocklin, McGowan, McKenney, Millett, Mills J, Moody, Moore, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry J, Pineau, Pingree, Piotti, Richardson E, Richardson J, Richardson M, Rines, Sampson, Smith N, Smith W, Snowe-Mello, Sullivan, Tardy, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Walcott, Watson, Wotton, Young, Mr. Speaker.

NAY - Adams, Andrews, Berry, Bliss, Clough, Collins, Cressey, Curley, Daigle, Dudley, Eder, Glynn, Joy, Lemoine, Lewin, McKee, McLaughlin, McNeil, Mills S, Rogers, Rosen, Shields, Simpson, Stone, Sukeforth, Suslovic, Twomey, Wheeler, Woodbury.

ABSENT - Bierman, Crosthwaite, Duprey G, Goodwin, Greeley, Hatch, Hotham, Jodrey, Maietta, Murphy, Muse, Norbert, Peavey-Haskell, Perry A, Rector, Saviello, Sherman, Sykes, Usher, Vaughan.

Yes, 102; No, 29; Absent, 20; Excused, 0.

102 having voted in the affirmative and 29 voted in the negative, with 20 being absent, and accordingly **House Amendment "A" (H-891) was INDEFINITELY POSTPONED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-868)** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

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

UNFINISHED BUSINESS

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

An Act To Exempt Unemployment Benefits from State Income Tax

(H.P. 1267) (L.D. 1745)

(C. "A" H-755; H. "A" H-813)

TABLED - April 7, 2004 (Till Later Today) by Representative BRUNO of Raymond.

PENDING - **PASSAGE TO BE ENACTED.** (Roll Call Ordered)

The SPEAKER PRO TEM: The Chair recognizes the Representative from Union, Representative Sukeforth.

Representative **SUKEFORTH**: Mr. Speaker, Ladies and Gentlemen of the House. I stand today to urge you to vote no on LD 1745. I understand the basics of this bill and the good intentions if somebody has a hardship and they are on unemployment that perhaps we should give them a break and not be taking state income taxes from their unemployment check, but the problem with it that I see is that it is a blanket policy and there could be seasonal workers who may work in the construction industry and work eight or nine months of the year and perhaps may make \$25,000 or \$30,000 or \$35,000 and be collecting unemployment for several weeks because of the seasonal nature of their job. I don't think it is people like that that should not have state income tax taken from their unemployment benefits. That is the beauty of our state income tax system. It already is a progressive tax system. If somebody really has a true hardship and doesn't make that much money or over the threshold, then they won't have or have very little state income tax withdrawn anyway from their income. I think there are serious flaws with this. I would urge you to vote no. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Old Orchard Beach, Representative Lemoine.

Representative **LEMOINE**: Mr. Speaker, Men and Women of the House. This issue came up when we debated the bill the first time through here. We were talking about those seasonal employments in this state where men and women work for some months of the year and then the nature of the work they are involved in terminates. They are out of work for the rest of the year. That is an employment practice that does not favor working men and women. It is not the kind of thing that we want to support in the state, but it is not the kind of thing that we need to redress through the unemployment bill before us. What we are

working for here is to help the men and women who are working and who have been laid off through no fault of their own and therefore need unemployment insurance benefits. That is what we are talking about. The issue before us is whether or not we are going to give those folks a chance to give those limited benefits without taxation, without Maine income tax. If we want to address the employment practices in this state, I would be more than happy to support any effort to do that and I look forward to my colleagues perhaps on the Labor Committee taking that up. In the meantime, working men and women in this state who are involuntarily unemployed deserve a Maine income tax break. Thank you.

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

ROLL CALL NO. 438

YEA - Adams, Ash, Barstow, Beaudette, Bennett, Blanchette, Bliss, Brannigan, Breault, Brown R, Bull, Campbell, Canavan, Carr, Clark, Cowger, Craven, Cummings, Dudley, Dunlap, Duplessie, Earle, Eder, Faircloth, Gagne-Friel, Gerzofsky, Goodwin, Grose, Hotham, Hutton, Jackson, Jennings, Kane, Ketterer, Koffman, Landry, Lemoine, Lerman, Lessard, Mailhot, Makas, Marley, McGlocklin, McKee, McLaughlin, Mills J, Norton, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry J, Pineau, Pingree, Piotti, Richardson J, Rines, Sampson, Smith N, Smith W, Sullivan, Suslovic, Thomas, Thompson, Twomey, Usher, Walcott, Watson, Wheeler, Wotton, Mr. Speaker.

NAY - Andrews, Annis, Austin, Berry, Berube, Bierman, Bowen, Bowles, Browne W, Bruno, Bryant-Deschenes, Churchill E, Churchill J, Clough, Collins, Courtney, Cressey, Curley, Daigle, Davis, Dugay, Duprey B, Finch, Fischer, Fletcher, Glynn, Heidrich, Honey, Jacobsen, Joy, Kaelin, Ledwin, Lewin, Lundeen, Marraché, McCormick, McGowan, McKenney, McNeil, Millett, Mills S, Moody, Moore, Muse, Nutting, O'Brien J, Peavey-Haskell, Richardson E, Richardson M, Rogers, Rosen, Shields, Simpson, Snowe-Mello, Stone, Sukeforth, Sykes, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Woodbury, Young.

ABSENT - Bunker, Crosthwaite, Duprey G, Greeley, Hatch, Jodrey, Maietta, Murphy, Norbert, Perry A, Rector, Saviello, Sherman.

Yes, 73; No, 65; Absent, 13; Excused, 0.

73 having voted in the affirmative and 65 voted in the negative, with 13 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

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

The Speaker resumed the Chair.
The House was called to order by the Speaker.

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

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Reinstate a Milk Handling Fee" (EMERGENCY)

(H.P. 274) (L.D. 345)

Signed:

Senators:

STANLEY of Penobscot
STRIMLING of Cumberland
NASS of York

Representatives:

LEMOINE of Old Orchard Beach
PERRY of Bangor
McGOWAN of Pittsfield
SIMPSON of Auburn
SUSLOVIC of Portland
CLOUGH of Scarborough
COURTNEY of Sanford
McCORMICK of West Gardiner
TARDY of Newport

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-885)** on same Bill.

Signed:

Representative:

LERMAN of Augusta

READ.

Representative LEMOINE of Old Orchard Beach moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

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

On motion of Representative BREULT of Buxton, the House adjourned at 7:04 p.m., until 9:00 a.m., Tuesday, April 13, 2004 and in honor and lasting tribute to the Honorable Philip P. Berry, of Buxton, Jeanette Farrar Melcher, of Bingham and Specialist E-4 Jeremiah Holmes, of North Berwick.