

# MAINE STATE LEGISLATURE

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

**Volume II**

**First Special Session**

May 26, 2005 – June 17, 2005

**Second Special Session**

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ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
FIRST SPECIAL SESSION  
34th Legislative Day  
Monday, June 13, 2005

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

Prayer by Honorable Herbert Adams, Portland.

Pledge of Allegiance.

The Journal of Friday, June 10, 2005 was read and approved.

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**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act To Amend Certain Fish and Wildlife Laws"

(S.P. 344) (L.D. 1004)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-317), HOUSE AMENDMENT "A" (H-668) AND SENATE AMENDMENT "A" (S-330)** in the House on June 9, 2005.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-317), HOUSE AMENDMENT "A" (H-668) AS AMENDED BY SENATE AMENDMENT "A" (S-361)** thereto **AND SENATE AMENDMENT "A" (S-330)** in **NON-CONCURRENCE**.

On motion of Representative CUMMINGS of Portland, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

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**Non-Concurrent Matter**

Bill "An Act To Permit Recording Proceedings of the Legislature"

(H.P. 913) (L.D. 1315)

Unanimous **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED** in the House on June 8, 2005.

Came from the Senate with the Unanimous **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-414) AS AMENDED BY SENATE AMENDMENT "B" (S-355)** thereto in **NON-CONCURRENCE**.

On motion of Representative CUMMINGS of Portland, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

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

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act To Authorize, Subject to State Referendum, a Tribal Commercial Track and Slot Machines in Washington County"

(H.P. 1197) (L.D. 1690)

Sponsored by Representative MOORE of the Passamaquoddy Tribe.

Cosponsored by Senator RAYE of Washington.

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

Committee on **LEGAL AND VETERANS AFFAIRS** suggested.

On motion of Representative DUPLESSIE of Westbrook, **TABLED** pending **REFERENCE** and later today assigned.

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**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

the following students from Gorham High School who are recipients of the Best Delegation Award at the 2005 Maine Model United Nations Conference: Antoine Cadot-Wood, Maia Fleming, Samantha Jones, Patrick Parker and Anastasia Miliano. The conference was held May 17 to 19 and involved more than 300 students from high schools throughout New England in a simulation of the activities and deliberations of the United Nations. The Best Delegation Award is presented to the country team whose delegates best embody excellence in research, written composition, knowledge of procedures, conflict resolution, negotiation skills and speech making. These Gorham High School students received this award for their exemplary work as delegates representing the United States. We extend our congratulations to these students on this achievement;

(HLS 872)

Presented by Representative FARRINGTON of Gorham.

Cosponsored by Representative BARSTOW of Gorham, Senator BARTLETT of Cumberland.

On **OBJECTION** of Representative BARSTOW of Gorham, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

On motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

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**Recognizing:**

James Alfred Louder, of Corinna, on the occasion of his retirement after 37 years as a teacher. Mr. Louder taught at the Vickery School and the Warsaw Middle School, both in Pittsfield. We extend our appreciation to Mr. Louder for his commitment to the youth of the State and wish him well in his retirement;

(HLS 1192)

Presented by Representative FITTS of Pittsfield.

Cosponsored by Senator PLOWMAN of Penobscot, Representative TARDY of Newport.

On **OBJECTION** of Representative FITTS of Pittsfield, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Pittsfield, Representative Fitts.

Representative **FITTS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I want to take you back to 1974. I was in the sixth grade and Mr. Louder was my math teacher. I am very proud to rise today and recognize his retirement after 37 years of teaching the youth of Pittsfield in the same district for his entire career. It is quite a feat. The kids were blessed, as was anybody who spent anytime around Mr. Louder's classes.

Teaching has changed alot through the years and when I was in the sixth grade it was a privilege and only the good kids got to have Mr. Louder as a teacher. But, we also had SRA, which was a bizarre teaching method and we have shifted several times through his career and I just wanted to rise and congratulate him for all of his effort. Congratulations Jim.

The SPEAKER: The Chair recognizes the Representative from Hartland, Representative Stedman.

Representative **STEDMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I wish to extend this by another generation because Mr. Lauder was a student of mine. I want to congratulate him on reaching this milestone and I know that he will have a good time with his retirement. Thank you.

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

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**Recognizing:**

the Robert W. Traip Academy, in Kittery, on the occasion of its 100th Anniversary. The school was founded in 1905 and its construction was funded from the estate of the late Robert W. Traip, who died in 1864. Mr. Traip was a direct descendent of one of Kittery's original settlers dating back to the 1600s. After the death of his last heir in 1897, an endowment was established to start an academy. The school grew in size, especially during World War II, when the town grew due to work at the Navy Yard. The academy property was sold to the Town of Kittery in 1967. Major renovations and construction began in 1989. We acknowledge the long and distinguished history of the school and its contributions to education in the State of Maine. We extend our congratulations to the academy on its centennial celebration and we send our best wishes for future success;

(HLS 1193)

Presented by Representative **WHEELER** of Kittery. Cosponsored by Representative **THOMPSON** of China, Representative **MOULTON** of York, Senator **ANDREWS** of York.

On **OBJECTION** of Representative **WHEELER** of Kittery, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Wheeler.

Representative **WHEELER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have quite an interest in Traip Academy. I had eight children that graduated from Traip and three grandchildren and I also received my diploma from Traip Academy and it was quite an event when I received mine because I was a World War II Veteran and I went to Lewiston High and I quit and went in the Navy. They passed a law a few years ago that if you quit high school and went to serve your country that you would receive your diploma. So, my children graduated from Traip Academy so I figured that I would get my diploma from Traip Academy and I was very proud and so were my children.

Traip Academy always had good sports teams every year that they played. Even today I try to get to all of the events because I enjoy sports anyways. I am very pleased that they are celebrating their 100<sup>th</sup> anniversary. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from China, Representative Thompson.

Representative **THOMPSON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Just to lay the ground work here, I was one of four of the five boys in my family to go through Robert W. Traip Academy, a public school and by the time I got there there was not much that I could do that wouldn't make it home to my parents. I graduated in 19hmmm and the drinking age in Maine was 18. My grandmother would say that I was as crazy as an outhouse rat. To this day I am not sure why they picked me for Boy's State, but someone saw something.

The good Representative from Kittery did, in fact, graduate from Traip. He received his diploma in 2001, which is a

wonderful story and he didn't fill in a little detail. For my four years at Traip, my 1/5 of the past century, I know other Traip graduates that have come through this body and the other body and we have infiltrated the Chief Executive's staff. We are teachers, business consultants, lobbyists and army officers. We are scattered across Maine and the world and we traverse the political spectrum. There are two things that I would like to thank Traip for. One is for the friends I made. I love you all dearly, but today there are five or six people that I would trust with the safety and well being of my children and they are friends that I made at Traip some 30 years ago. Two, I would like to thank the teachers that helped me make it through those incredible four years. There was Mr. Rogers, the reading teacher who, for all intents and purposes was blind, whom when I fell over the last hurdle of my first 220 yard high hurdle race exhausted, was right there to say get up and finish. I can hear him to this day. Mrs. Perrault helped me to discover the humor of Shakespeare and Mr. McPhealy instilled a wonder of calculus and insisted on reading *The Dot and the Line*, a commentary on order and chaos out loud to us 18 year olds. It was he, more than any other teacher who helped me find engineering as a career. There was Mrs. Chase who did her very best to bring a dead language to life with Caesar and his campaigns. She was secretly pleased that I only took two years of Latin and there was Mr. Sprague the assistant principal who busted me for senior skip day when I was supposed to be on a tour at the University of Rhode Island, oops, rules are rules. There was the Honorable Steve Estes who taught me history his first year out of college and he clued us into the fact that there were lifelong decisions coming up and that they were just around the corner. There are many more characters in this production called high school and I want them all to know that I am a grateful alumnus and I want to thank Traip and the town of Kittery for their 100 year effort in creating the tapestry that stands before you today and the thousands of tapestries that have blown to the four points of the compass. Thank you Mr. Speaker.

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

Representative **MOULTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to also congratulate the people of Kittery on this significant occasion. Having grown up in the town next door and being an arch rival of those students from that unnamed academy next to the shipyard, I can tell you that we put up with a lot in academics and sports and I remember in particular some upstart who was four inches taller and a year younger than I and whom I competed against on the track field for the honors of having bragging rights in the triple jump. I am also honored to say today, just as Representative Thompson of China has so indicated, that those graduates of the academy occupy important opinions and that same former opponent has served honorably on the board of selectmen in the town of Wells and has served the town in many other capacities. Mr. Speaker, Ladies and Gentlemen, I do congratulate the town on its graduates who serve the state honorably in many different positions and give them my best regards. Thank you.

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

**Recognizing:**

Androscoggin County Head Start and Child Care on the occasion of its 40th anniversary. Androscoggin Head Start and Child Care promotes the positive growth of children, families and staff by increasing opportunities for learning and supporting personal goal development. It provides child care services to more than 400 children at 13 locations throughout Androscoggin County. We extend our appreciation and congratulations to Androscoggin County Head Start and Child Care and its staff for their dedicated commitment to the families of Androscoggin County;

(HLS 1194)

Presented by Representative MAKAS of Lewiston.

Cosponsored by Representative O'BRIEN of Lewiston, Senator ROTUNDO of Androscoggin, Representative BERUBE of Lisbon, Representative BRYANT-DESCHENES of Turner, Representative CEBRA of Naples, Representative CRAVEN of Lewiston, Representative HAMPER of Oxford, Representative JENNINGS of Leeds, Representative LANSLEY of Sabattus, Representative PELLETIER-SIMPSON of Auburn, Representative ROBINSON of Raymond, Representative SAMPSON of Auburn, Representative SHIELDS of Auburn, Representative SMITH of Monmouth, Representative VAUGHAN of Durham, Representative WALCOTT of Lewiston, Senator NUTTING of Androscoggin, Senator SNOWE-MELLO of Androscoggin.

On **OBJECTION** of Representative MAKAS of Lewiston, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

On motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

**In Memory of:**

Rance Knowles, of Manchester, beloved husband, father and grandfather. Mr. Knowles served for 3 years in the United States Army. He worked in many capacities for the Town of Manchester. He was fire chief, selectman, chair of the Board of Selectmen and code enforcement officer. He was a lifetime member of the Maine State Federation of the Firefighters and a member of the Maine Fire Chiefs Association, the State of Maine Board of Underground Tank Installers, Manchester Lions Club, Post 202 of the AMVETS, Post 2 American Legion and a cofounder of the Manchester Festival. He enjoyed his gardens, cooking with his grandchildren and spending time with his family. He will be missed by his loving family and many friends;

(HLS 1191)

Presented by Representative MOODY of Manchester.

Cosponsored by Senator COWGER of Kennebec.

On **OBJECTION** of Representative MOODY of Manchester, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Manchester, Representative Moody.

Representative **MOODY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Manchester has lost another favorite son. The passing of Rance Knolls has struck me as the passing of an era in small towns in Maine where common sense once prevailed, where people once pulled together for the common good in the years before the kitchen light went out in America. Rance was, you might say, the original hometown boy. His family was one of the founding families of Manchester. He followed in his uncles footsteps and he was a selectmen and the

chairman of the board, fire chief, code enforcement officer and the all around chief cook and bottle washer and sometimes in the shadow of another prominent Manchester resident, the Honorable John Daggett, a former member of this body. If it weren't for Rance I might not be here today, which may be good or bad depending on your perspective I guess.

His invitation to participate on the Town Manager Study Committee was the beginning, but it wasn't always pretty. Over the past 20 years, Rance and I, two good ole boys from rural Maine, went to war against each other from time to time. I can remember one time he got so mad at me that he changed the locks in the town hall. The end result of these battles was always a mutual respect. Rance loved Manchester and was a voice in support of those people who had no voice. Rance was Manchester and Manchester was Rance and I shall miss him deeply. Thank you Mr. Speaker.

Subsequently, the sentiment was **ADOPTED** and sent for concurrence.

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

Expression of Legislative Sentiment recognizing Gorham High School Students.

(HLS 872)

Which was **TABLED** by Representative BARSTOW of Gorham pending **PASSAGE**.

The **SPEAKER**: The Chair recognizes the Representative from Gorham, Representative Farrington.

Representative **FARRINGTON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Last week we recognized a student from the town where I teach and this morning we are recognizing a group of students from the town that I live in and represent and, as you just heard, these Gorham High School students are being recognized for the honors that they received at last month's Maine Model United Nations Conference.

In the few years since they started their model UN program Gorham High School has certainly become the envy of other schools involved in model UN. No other school comes close to Gorham in terms of the number of students participating each year and each year the quality of the students' performances get better and better. This recognition today is a testament to the hard work of these students and of their teachers and on behalf of all of us I want to congratulate both students and teachers from Gorham on receiving these awards.

The **SPEAKER**: The Chair recognizes the Representative from Gorham, Representative Barstow.

Representative **BARSTOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I too would like to compliment the remarks of my good friend from Gorham and congratulate these students in item 5-3. Also, to be efficient and save time I would like to bring recognition to 5-4 and 5-5 to this body.

Mia Fleming and D.J. Joffe both separately received diplomacy awards from this UN model conference and I found that in the last couple of years the teachers that have come in and those that are here and will be recognized momentarily, Mr. Bon and Ms. Grady have done an excellent job in helping these students to gain talent and gain an education of the diplomatic process and the civics process. I know that many times we go out as legislators and have a difficult time trying to get our populace to be interested and to be involved in the decisions that we make.

These students are exceptional and have continued to receive these awards and gratefully receive this recognition today and I congratulate all of them and thank them for being here and hope that their success, involvement and interest in civics continues. Thank you Mr. Speaker.

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

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

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#### REPORTS OF COMMITTEE

##### Divided Report

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-359)** on Bill "An Act To Modify the Calculation and Implementation Date of Savings Offset Payments under the Dirigo Health Act" (S.P. 555) (L.D. 1577)

Signed:

Senators:

SULLIVAN of York  
MAYO of Sagadahoc

Representatives:

PERRY of Calais  
BRAUTIGAM of Falmouth  
PILON of Saco  
MARRACHÉ of Waterville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-360)** on same Bill.

Signed:

Representatives:

MCKANE of Newcastle  
LINDELL of Frankfort  
VAUGHAN of Durham  
GLYNN of South Portland  
RICHARDSON of Warren

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-359)**.

**READ.**

On motion of Representative PILON of Saco, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

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#### Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Resolve, To Transfer Ownership of Certain Public Reserved Lands to the Town of Allagash

(H.P. 653) (L.D. 934)

has had the same under consideration, and asks leave to report:

That the House **RECEDE** from acceptance of the Majority (10) **OUGHT NOT TO PASS** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and **COMMIT** the Bill and accompanying papers to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

That the Senate **RECEDE** and **CONCUR** with the House.

Signed:

Representatives:

JACKSON of Fort Kent  
SMITH of Van Buren  
CARR of Lincoln

Senators:

NUTTING of Androscoggin  
MARTIN of Aroostook  
RAYE of Washington

The Committee of Conference Report was **READ** and **ACCEPTED**.

The House voted to **RECEDE** and to **COMMIT** the Resolve and all accompanying papers to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and sent for concurrence.

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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 Friday, June 10, 2005, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Expression of Legislative Sentiment Recognizing October 15, 2005 as "Pregnancy and Infant Loss Remembrance Day"

(HLS 840)

**TABLED** - June 6, 2005 (Till Later Today) by Representative SMITH of Monmouth.

**PENDING - PASSAGE.**

The **SPEAKER**: The Chair recognizes the Representative from Monmouth, Representative Smith.

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I want to first thank the speaker for his patience. This item has been on the calendar for a week and we have been doing such good and efficient work that we haven't had to come in on Saturdays when I had arranged for the women that I have been working with to come in, but I do want to comment on this as it comes off the calendar because you see that it has already started to serve its purpose.

Several legislators have thanked me and told me the stories of their losses related to infant and pregnancy loss and it is also prompted first time conversations within my own family. My mom and dad suffered the loss of still born twins after I was born and my sister miscarried her first pregnancy. There was never much discussion about Billy and Tommy, or about my sister's loss. There are two purposes to designating October 15 as pregnancy and Infant Loss Remembrance Day. The first is exactly that, to generate these conversations. A family that has had the promise or the loss of a baby does not need an annual official reminder of their loss, but we do need this designation to educate friends and members of the community on how to respond to a family's grief.

One of the stories that I heard from the woman I am working with on this issue was that her grandmother, two generations past, lost an infant daughter named Elizabeth and her doctor's advice was to have another baby as soon as possible and name it the same thing. There are many unmarked graves in our older cemeteries where our infants were not considered name worthy and we moved on. One generation ago is my parent's story. When my mom lost Billy and Tommy one of the neighbors said that it is just as well because she already had enough children. That is not how my parents felt about the loss and in this

generation my sister describes her miscarriage as a life-altering event and now a new generation is standing up and speaking out about the losses that they suffer. These conversations are vital to the healing of a family's loss.

The second purpose is for those who loose a baby or the promise of a baby need to know that they are not alone. So, I want to thank my fellow Representatives for their support on this issue. This sentiment is my first step toward joining an international and national effort on October 15 and includes a proclamation done by President Ronald Regan during his term to raise awareness during his pregnancy and infant loss and its effects on the families. Thank you very much.

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

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**SENATE PAPERS**

**Non-Concurrent Matter**

An Act To Implement Certain Recommendations of the Commission To Study Maine's Community Hospitals

(S.P. 620) (L.D. 1673)  
(C. "A" S-356)

**PASSED TO BE ENACTED** in the House on June 10, 2005.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-356) AS AMENDED BY SENATE AMENDMENT "A" (S-363)** thereto in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

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**CONSENT CALENDAR**

**First Day**

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

(H.P. 1055) (L.D. 1503) Bill "An Act To Amend the Economic Development Statutes" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting Ought to Pass as **Amended by Committee Amendment "A" (H-683)**

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.

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

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**ENACTORS**

**Acts**

An Act To Make Revisions to the Laws Governing Agriculture  
(H.P. 167) (L.D. 216)  
(C. "A" H-671)

An Act To Improve the Collection of Restitution and Supervision Fees

(H.P. 613) (L.D. 862)  
(C. "A" H-669)

An Act To Establish the Maine-New Hampshire Cooperative Trails

(S.P. 635) (L.D. 1688)

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. **ORDERED SENT FORTHWITH**.

**Resolves**

Resolve, Directing the Bureau of Health To Study Additional Information about Abortions

(H.P. 1057) (L.D. 1512)  
(C. "A" H-664)

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

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

Bill "An Act To Amend Certain Fish and Wildlife Laws"  
(S.P. 344) (L.D. 1004)

Which was **TABLED** by Representative CUMMINGS of Portland pending **FURTHER CONSIDERATION**.

On motion of Representative CEBRA of Naples the House voted to **RECEDE**.

**Senate Amendment "A" (S-361)** to House Amendment "A" (H-668) was **READ** and **ADOPTED**.

**House Amendment "A" (H-668)** as Amended by **Senate Amendment "A" (S-361)** thereto was **ADOPTED**.

The same Representative **PRESENTED** House Amendment "A" (H-684) to **Senate Amendment "A" (S-330)** which was **READ** by the Clerk.

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

Representative **WATSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to just point out that this is a friendly amendment to the Inland Fisheries and Wildlife amendment to this bill. I would like to extend my appreciation to my Republican colleagues for discovering this problem and taking care of it so amicably and I would ask you to join in adoption of this amendment. Thank you very much.

Subsequently House Amendment "A" (H-684) to Senate Amendment "A" (S-330) was **ADOPTED**.

**Senate Amendment "A" (S-330)** as Amended by House Amendment "A" (H-684) thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-317)**, **House Amendment "A" (H-668)** as Amended by **Senate Amendment "A" (S-361)** thereto and **Senate Amendment "A" (S-330)** as Amended by **House Amendment "A" (H-684)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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The House recessed until 11:30 a.m.

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(After Recess)

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The House was called to order by the Speaker.

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

Bill "An Act To Permit Recording Proceedings of the Legislature"

(H.P. 913) (L.D. 1315)

Which was **TABLED** by Representative CUMMINGS of Portland pending **FURTHER CONSIDERATION**.

The **SPEAKER**: The Chair recognizes the Representative from Waldoboro, Representative Trahan.

Representative **TRAHAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You can see by looking at your calendar what the chamber did with this piece of legislation. Unfortunately, this body had acted in a previous motion to kill this bill. I made that motion. It isn't very pleasurable to kill your own legislation, but I did have some nice discussions with our good Speaker and our Rules Committee chair and I believe that we don't need this legislation to do this. For that reason I support the Adhere Motion and I ask the chamber to support me in this as well.

On motion of Representative **TRAHAN** of Waldoboro, the House voted to **ADHERE**.

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

Bill "An Act To Authorize, Subject to State Referendum, a Tribal Commercial Track and Slot Machines in Washington County"

(H.P. 1197) (L.D. 1690)

Which was **TABLED** by Representative **DUPLESSIE** of Westbrook pending **REFERENCE**.

Representative **RICHARDSON** of Brunswick moved that the Bill be **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.

Representative **GLYNN** of South Portland **REQUESTED** a roll call on the motion to **REFER** the Bill to the Committee on **LEGAL AND VETERANS AFFAIRS**.

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 South Portland, Representative Glynn.

Representative **GLYNN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We have before us a last minute attempt at the eleventh hour to come in and override our actions as a body along with the governor, in sustaining the veto to send the racino legislation out to a public referendum. I would like to remind the members of the chamber that the voters have spoken on this issue. The initial legislation that was approved said that racinos would only be allowed to be proposed up until December 1, 2003 and that was the action of the former legislation.

Speaking with voters in my district the question that they want asked isn't should we have a racino in Washington County, the question that they would like to be asked is should we repeal racino legislation in Maine and no longer have the gambling facility in Bangor? I strenuously object to having this bill referred to the committee and having this debate further continued after we have voted on this subject and I urge you to vote with me in denying the motion. Thank you.

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

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am standing today to ask the body to defeat the motion to send the bill to the Committee on Legal and Veterans affairs because what I would like to do is see this bill go out to the people. This same bill with a different number, I believe that it was 1573 at the time and is now 1690, is basically the identical bill that we passed here and in the Senate. I believe that it is an appropriate time because I think that it would be great for the people of Maine to have a say whether or not they want racinos and economic development in Washington County.

The original referendum did say two racinos, but like I said once before someone less honorable than myself designed the referendum so that it would have a quick ending time, which would have been the end of 2003 or 2004 and had we had an opportunity we probably would have had two racinos in and I think that there is probably no area of the state more deserving of economic development than Washington County, the poorest of the poor. The racino referendum is not just about racinos, it is about a harness racing track year round. I really believe that this will bring economic prosperity to the harness racing industry, to the breeders, to the hay growers and to the farmers of the state of Maine and that although the Chief Executive doesn't agree I don't believe that there has been brought forward any real type of economic development for Washington County. Having said that, I think that, although this may not be the best, it is a good fit for Washington County. As it was said in previous testimony, they have had a couple of harness racing tracks. Back in the early seventies I used to go to the Lewiston Fair Grounds and there were three tracks, Bangor, Lewiston and Scarborough and racing was a predominate sport in the State of Maine and people throughout the state raised thousands of horses and in years past that has dwindled down to a few and those that have raised their horses are actually doing it for Yonkers, New York and New Jersey and other states and I think that this can actually be an economic boom.

The difference between this one and the one that we passed for Bangor is that they are actually going to give 2% extra which will go to the Washington County Community College and to me that is a factor in what we want to do because we want to educate the people in Washington County so that they can develop quality jobs and help start economic development. I would ask all of you to defeat the reference so that we can move on to try and pass this bill today. Thank you.

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

Representative **MILLS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I think whether you are for or against a racino of any sort that you would agree with me that the matter should be further studied by the good people of Legal and Veterans Affairs for several reasons. One, I think that there is a difference between a bill that the Legislature enacts or rejects versus a bill with a referendum whereby we send something out to the voters to enact or reject. I think that you have to be much clearer in what you are sending to the voters than this bill is. I think it could be drafted a lot better to say what it means and nothing more or less than what is meant to be said in this bill before it goes out for a vote in referendum. Secondly, I agree with the good Representative from Rumford, my good friend, Representative Patrick that something like this could be good for economic development in some areas of our state. I disagree that there has been sufficient analysis of that issue. I checked with the folks on the Legal and Veterans Affairs Committee to see whether or not there was a marketing study that had been provided to the committee upon which to base their recommendation on. I checked to see whether or not there had been an economic analysis of any sort and I found none. I feel that if we send this particular bill as drafted out to the people thereby passing the buck without sufficient analysis of the issues we are just passing on something that we don't really understand.

I listened to the debate in the other body, which won't be mentioned and supporters of the bill have said there, and elsewhere that this would be good for economic development, that case continues to be made, but not with sufficient study. I have heard it said that there are a million vehicles that pass over the border at Calais and Saint John and I have not heard about



whether or not those vehicles are primarily commercial trucks, tourists, whether they are commuters, what kind of vehicles they are and what sort of people and who is going to stop and place a bet at a race track or slot machines or an OTB or high stakes beano facility that is also envisioned in this bill.

The people voted very narrowly to permit one or two existing race tracks to incorporate in their facilities with a certain limited number of slot machines. That was one of four or five referenda that the people have had on this issue or a very similar issue in recent decades. In 1980 people completely rejected by nearly 2-1 a blanket provision that would have allowed slot machine gambling. In 2000 the people rejected, in every single county and statewide, a proposal that would have allowed video gambling at a racetrack. That is not too dissimilar from this proposal in some respects and in the other referenda that we know about in 2003. But, in each of those cases those were referenda that were initiated by the people, not sent out by the legislature. These were the products of a petition drive in each case that came from the people themselves. I think it is important to recognize that distinction. I'm going to vote for the motion to refer this back to committee for further work and analysis even if it means carrying it over or whatever it takes. If a bill is to be sent out regarding slot machines at any particular facility in any particular county it ought to be crystal clear what the bill is talking about, where it is talking about it being and exactly what kind of facility we are talking about it becoming. Thank you. Under Section 308 of Joint Rules I move to suspend the rules for the purposes of giving this bill its first reading.

Representative PATRICK of Rumford moved that the Bill be given its **FIRST READING WITHOUT REFERENCE** to a committee.

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

Representative MILLS: Mr. Speaker, point of order

The SPEAKER: The Representative may proceed.

Representative MILLS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Does this mean that the proposal is for this bill not to be referred back to the committee? I also request a roll call.

Representative MILLS of Farmington **REQUESTED** a roll call on the motion to give the Bill its **FIRST READING WITHOUT REFERENCE** to a committee.

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 Waldoboro, Representative Trahan.

Representative TRAHAN: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative TRAHAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I pose a parliamentary question to the Speaker. Under Rule 17, Measures Rejected at a Prior Session, this appears to be identical to a bill that we previously killed during this session and I am wondering if this is being voted on by a different entity, would it violate that rule?

Representative TRAHAN of Waldoboro asked the chair to **RULE** if the Bill was properly before the body pursuant to House Rule 107.

Subsequently, the Chair **RULED** the Bill was properly before the body pursuant to House Rule 107.

Subsequently, Representative MILLS of Farmington **WITHDREW** her **REQUEST** for a roll call on the motion to give the Bill its **FIRST READING WITHOUT REFERENCE** to a committee.

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

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

Representative GLYNN of South Portland moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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 South Portland, Representative Glynn.

Representative GLYNN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would also like to thank the members of leadership for helping us procedurally get by the motions to this point so that we could have a straight up or down vote on this bill. What the house is being asked to do at this point is to wave all committee processes and take this bill as drafted and send it out to public referendum having not had the benefit of going through the committee process, having not had the benefit of amendments that should be suggested on ways to tighten this legalized gambling expansion in Maine. I think that this bill is a very bad idea. It sets a very bad precedent and goes against the referendum directions set in the previous vote by the public. I also think that the real question that the public wants to be asked is if they want to have racinos in Maine and I think that if we ask them the question, if they want more racinos in Maine then the answer would be a resounding no. I think that they realize, now that they have seen the facility in Bangor and have gotten a taste of what it means. I don't think that they are in favor of it anymore. In think that that is the question that we should be asking. I clearly don't believe that we should be asking to expand this. I urge you to vote with me and follow a green light to indefinitely postpone this issue, which has already been rejected by the Legislature and Governor with our vote to sustain the governor's veto.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Twomey.

Representative TWOMEY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I couldn't agree more with my counterpart from the other side of the aisle. This makes the whole process a sham. We do everything to have public input. We have public hearings. People come and now, depending upon the outcome and whether we like it or not, we come up with this. I am totally against these kinds of procedures and I will be voting to indefinitely postpone it. People have already spoken. I am all for democracy and I am always for asking people what they think but the last referendum we had on tax reform we didn't listen so I am starting to think that referendums don't matter. I hate saying that because I think that people should have a say, but I think that it is the process that I am opposed to. Thank you.

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

Representative FAIRCLOTH: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I stand before you as someone who is generally skeptical about the referendum process. We are elected to deliberate on issues, analyze them and decide and it is unusual for me to support sending something out to the voters, but we all know the parliamentary situation we are in. The substance of this has had a detailed hearing, but because of the actions of the Executive, whether you agree or disagree, this is the choice with which we are faced. I agree with

Kimberly Johnson of the Office of Substance Abuse about concerns about gambling addiction. I, as a former prosecutor, strongly support better efforts with regard to law enforcement as they relate to this area, but all of that said, the history of this last decade is very clear. America has said yes to tribes throughout the entire United States allowing them to have gambling casinos. Indeed, many non-tribal gambling facilities have sprung up throughout the United States when, a decade ago, things were very limited to places like Nevada and Atlantic City. Recently, we said yes here to a gambling facility in Bangor.

After all these yeses, all of these many, many yeses over the last decade how is it that we said no? How is it that we deny the voters a chance to say yes to the most impoverished county in the State of Maine? It adds to the economic viability of this concept. I served on a committee ten years ago that was looking at this issue and they analyzed the nation of Australia where they looked at these issues and in Australia they said, let's not put it in urban areas, let's put it in remote resort locations that would help people in low income areas of those rural areas. To the degree that people think this is effective that is the method by which it is effective. This location, out there in Washington County can draw from Quebec; it can draw from Atlantic Canada. I think that after all of this time and after all of these yeses for everywhere else in America, let's give these folks a chance to send this out to the voters and hear what they have to say. I thank the Men and Women of the House.

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

Representative MILLS: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I mentioned before in the previous motion on this issue that there had been no economic analysis and no marketing studies done or submitted to the committee, at least none that I have seen or heard about. I think that it is an important issue to consider.

I have read the voluminous task force report that was submitted in December of 2003 to this Legislature and nowhere in that report does it mention that it would be a good idea to locate a racino or other particular gambling facility in Washington County. I recall the public debates on the casino issue in November of 2003. I recall asking many people such as Mr. Tureen, who was a proponent of the casino proposal in Sanford, "If this is a great idea for economic development why don't you propose locating it in a location like Washington or Piscataquis County or Franklin or Somerset, where the unemployment rates are high and where the needs are great?" Time after time he said, "The marketing studies don't support locating a facility in those areas." If the marketing studies don't support it or if there is no marketing study that does support it then what we are proposing here is a facility that prays upon local people, not people from out of town or out of state. No matter how many vehicles cross the border at St. Stevens what we are talking about is a proposal that will take money out of the pockets of local people, people who, in this case, are already suffering from poverty.

Had I had time would have distributed some information, some editorials and news analysis going back a number of years. In the Bangor Daily News from September of 2000 entitled *Gaming Games Elude Tribes* notes that there have been studies across this country. In response to the good Representative from Bangor, Representative Faircloth's remarks about economic analysis, it is an analysis that shows it has not benefited tribes. In fact, there is higher unemployment in many areas where major gambling facilities are located. There are higher rates of suicide, higher rates of family breakups and abuse, higher rates of unemployment, higher rates of substance abuse and I know that

you all recognize the major problem in Washington County that is presented by rampant substance abuse, the oxy-codone plague that exists in that county. I don't think that we want to add to that.

Without further analysis and further study I don't think that we can support building a racetrack in order to build slot machines. That is not what the people voted on in 2003. That is not what the people have ever voted for and this bill is flawed. I point out again, for instance, that it has been stated in recent weeks that this bill will allow the towns where the facility might be located a say whether or not a facility goes there. I point you to the paragraph in question. It says that where the slot machines are located there would be approval by affirmative vote at a regular meeting of the governing body or by referendum of the voters of the municipality where the commercial track is located. This does not give the people of the municipality a vote. It gives a couple of selectmen the vote, which might be contradictory to what the people might want. The bill talks, in the final paragraph about "games on nontribal lands notwithstanding, the Department may issue a high stakes beano license to a federally recognized Indian tribe to operate games on nontribal lands in Washington County." I don't see in this paragraph where it allows the local municipality or community any say on where this might be located or whether they want a particular size facility or a particular facility at all.

It says that the department may issue a high stakes beano license to all federally recognized Indian tribes in the state jointly. I haven't heard any comments about what that is about and I hesitate to send a bill like this out to the voters without knowing a lot more about what is intended by these various specific provisions. It is passing the buck and I suggest that we vote to indefinitely postpone this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Davis.

Representative DAVIS: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative DAVIS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Has there ever been a gambling enterprise in the United States that hasn't brought corruption, addiction, alcoholism and poverty to the people that participate in them? Is there any such place in the United States that hasn't had trouble with gambling? I would like to know. Thank you.

The SPEAKER: The Representative from Falmouth, Representative Davis has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Dennysville, Representative McFadden.

Representative MCFADDEN: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Yes, I can answer that very quickly. The Maine State Lottery and Powerball. Thank you.

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

Representative DAIGLE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I urge you to support the pending motion to indefinitely postpone this bill and when you think about how to vote on this issue put aside for a second the emotionally charged subject of the racino and let's talk a second about process.

When this session began we all submitted our legislation requests and there was not among them a request for having a referendum vote on a casino. We had the bill itself. The committee decided to not ask for a referendum vote and it went through its course here in the House and in the Senate and down in the Chief Executives Office. The bill failed.

The process by which we enact laws in this state, set by the Constitution, resulted in the bill failing. There comes a point in time when you have to accept that that is the outcome. What we are asking to do here is to bypass that process and say that the rules don't work. The citizen-initiated referendums are one thing, this is not that, this is a legislative referendum and the only reason why we are proposing this is because the Chief Executive vetoed this legislation. Think of what this would do if were to go forward in this direction. The first thing that it does is that it throws into chaos the system by which we pass laws because now the Constitution says that it passes the legislation and is sent down to the second floor, but that is not always true. If you don't like the outcome you can go this route instead and that is a very, very bad precedent. The other thing that this does is that it goes back to the people of Maine in what will be a very divisive campaign and a referendum process that will tear apart the state. York and Cumberland counties will suddenly be cast as being opposed to Washington County. York and Cumberland counties are not opposed to Washington County, we think of you as our brother and what to help you fund that, but we will not be painted that way. It will be stigmatized that any opposition to this casino is somehow a personal affront to the citizens of Washington County. That will be very unfortunate, because number one it is not true and number two, it will result in hard feelings within this state that will last for many, many years to come.

We are setting ourselves up to throw into chaos, and to discourage, the process by which we pass laws and we are setting into place a process by which we are going to have people, brothers and their families, be opposed to each other and no good can come from this. Let's vote to indefinitely postpone this and let's look for a future legislative session to deal with this issue or let the citizens circulate petitions to do it on their own and come up with a process. If it has to go by referendum it should do so by a process, which isn't going to result in these two very unfortunate outcomes. Thank you.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Pineau.

Representative PINEAU: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I worked in Washington County and lived in St. Steven because there were no places for us to stay in Calais. People in Washington County came down here to ask us for help and some sort of economic stimulant for their area and I couldn't find anything in my bag of tricks. The only thing that I can see that we can offer is this and this isn't much. This bill will go out to the voters of the state of Maine and we have already said in these two bodies that if you go anywhere outside of Washington County we won't support that kind of economic activity.

Living in St. Stevens I lived in an area that was subsidized by the Canadian government and it was pretty well taken care of. Right across the bridge in Calais it was quite a different story. We need to do something to help the people of Washington County if the Baileyville mill closes down and this is one area we can look at. Thank you Mr. Speaker.

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

Representative PATRICK: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise once again to touch upon a couple of aspects that I think were misrepresented by accident. The good Representative from Farmington said that the passport study was in '03 but it was in '02. We are wondering whether or not this should go forward because of the process. The process passed in this house and the other body, but failed at the executive branch. I can't remember what the last

statistics where, but I think that its acceptance rating was around 29. So that really doesn't tell me a lot.

What do the people of Washington County want? I think I testified last time I stood up that the people of Calais wanted this. The City Council of Calais has a petition that they all signed stating that they want it. The Council Resolution from Baileyville says that they want it. The Standard Breeders and Horse Owners Association wants it. The Sheriff's Department says that it believes that the benefits far outweigh some of the problems that may arise. The executive director Of the Sunrise Economic Council wants it.

St. Croix Chamber of Commerce wants it. The question I had asked before, and I haven't gotten an answer from the Chief Executive's Office, is that there are hundreds of millions of dollars leaving the State of Maine on airplanes and buses. There are thousands, upon thousands of trips to Las Vegas, Atlantic City, Mohegan Sun and to all of the other casinos in America. They are leaving from Maine and I don't think that everyone from Maine is impoverished, but there is gambling going on in non-profits. We allow casino nights. We allow high stakes bingo. We allow regular bingo. We allow lottery tickets. We allow Powerball. Even in people's homes throughout the State of Maine they are playing poker. They are playing Texas Hold Em, the biggest craze since Nascar. I don't understand how we can say that this is a terrible idea. You have a county that is dying for economic development and what do we give them. We give them a few little scraps. They are saying to you that they want an opportunity. What we are saying here is that we want to have the state to have an opportunity for Washington County to make their pitch to the people of the State of Maine.

I don't have a stake in this one way or the other. I stated before that I don't like slots and if I do the ponies it is probably once a year. But, they want an opportunity to make their pitch. They are going to give the L.L. Bean's of the world that have got millions of dollars of Casino Nos of the world saying that this is a lousy idea. Well, I am willing to put my reputation on the line to give them an opportunity to say yes or no if they want to. Half the time we say that we don't fool around with this referendum and that we don't do that. Well, the Shawn Scott referendum was a lousy piece of work and in the Legal and Veterans Affairs Committee we turned that around and if this gets passed and there are a few glitches in it we can turn that round and make this the best possible piece of legislation because those people want it in Washington County, not the other 15 counties. They want it in Washington County. Give them an opportunity throughout the state to make their case to the people and if they get it fine and if they don't get it fine, but let's vote on this issue. Thank you.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Twomey.

Representative TWOMEY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This is a very emotional issue and I don't want to prolong the debate any longer, but I would simply like to say that the people in my area see Maine in a different light and I think that if we need to be truthful to the Native Americans we need to give them back the land we took from them when we did the Indian land claims. I feel bad for the Native Americans because I don't think that this is economic development. We are talking about Washington County, the poorest of the poor. They have no money to get hooked and go and gamble.

This is not a morality issue and we are going to disagree. Some say we need it, some say that we have it and I know that the people in my area see Maine in a different light and I just want to go on record. I have been very vocal against the Chief Executive. I have not agreed with his tax plan and I have not felt

that he was courageous enough, but I have to tell you that on this issue I agree with him. I think that he has a different vision for Maine as I do and I think that I have to give Governor Baldacci credit where credit is due and on this issue I believe that he sees a different vision for the State of Maine as I do and I have done many studies on this issue when the people in my community had a referendum in opposition to it and there are people that are so hooked that they wait for their social security check so that they can go sit and get hooked on those machines. It is a serious problem. We can't dictate morality and I don't think that this is the place to do it, but I think that the governor is right on this and I think that the Native Americans deserve better. I really do. Thank you.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Bowles.

Representative **BOWLES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The question before us is to indefinitely postpone the bill and accompanying papers, but the real question that is before us is why the opponents of this are so afraid to let the people vote? I heard what I can only characterize as a disingenuous argument earlier that there has been no public hearing or that by sending this out to referendum now there will be no public hearing. All of you are aware that we just had a public hearing. It was extensive. Every aspect of this bill has been looked at.

I heard the good Representative from Farmington say earlier that market studies for casinos indicated that there wasn't enough support in Washington County. That may well be true, but it doesn't have much to do with what we are looking at now. This is not a casino. I remind you again, as I did the last time we spoke on this that this is a proposal for a horse racing track, a harness racing track, a valued and honored industry in the state of Maine. I would also suggest to you that when a new entrepreneur comes into the state and wants to open up a McDonald's at the corner of Main and Winter, we don't ask whether or not a market study has justified it. We assume that if they are going to make the commitment then they have done the study. It is not up to us to decide whether it is a good business decision or a bad business decision for the entrepreneur. That is up to the entrepreneur.

I further remind you that on the engrossment vote for the prior bill we had a vote of 94 to 53 in favor. On the enactment vote we had a vote of 87 to 46 in favor. If anything, you could make the argument that we should have more people supporting sending it out to referendum and letting the people have a vote on this. Finally, I would ask you to please, please don't let a few wealthy individuals, mostly living fifty or sixty miles away from Washington County and some of whom haven't been there in years and only drive through on their way to Nova Scotia, New Brunswick or some other place to dictate the outcome of this issue. Let's let the people of Maine and the people of Washington County have a voice in this.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think Representative Bowles said it just the way that it is. Why do we continue and continue to tell the Native Americans what they can do and what they can't do. It was brought up in this House a short time ago that there would be another tribe that would come into the state to run the slots. Before we arrived over here there was no such thing as states. This wasn't the United States of America, it was America and there were Native Americans.

The Chief Executive was against gambling. He was against Powerball, but then when he thought he could put some money

into the black hole in our budget he was all for it. We have that now. There is horse racing in Scarborough, they voted that they didn't want slots over there and they don't have slots over there, but you can go to Portland, get on a cruise ship and take a little cruise out to sea and use all the slots that you want and we have no problem with that do we? It seems that if the Native Americans want something we have a big problem with it. Well, I think that we voted to give them this racetrack, we have the fairs, we have the Bangor Raceway, we have the Scarborough Downs so let's get together and give them a shot at life up in Washington County and let's back the Native Americans for a change. Thank you.

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

Representative **MOORE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Thank you for this protracted debate on an issue that is very important to many of us. I too, like the Representative on the other side of the divide here, see Maine in a different light than they do in the area that she represents because most of the folks in the town that I represent and the folks that I am in contact with around the state are very much in favor of this issue from the get go. They were not opposed to it. They see it much the same as I and my friends do, that harness racing is quite likely one of the last vestiges of the agricultural heritage of our state. It may be true that this line is drifting from Saco to Scarborough to just south of Standish and it is likely to keep drifting further north as time goes on if we as a Legislature don't step up and put a stop to it.

Many years ago I was sitting at home in Standish and wondering why it is that that Legislature doesn't do anything about all of the shoe manufacturing industries going overseas? Why is it that that legislature doesn't do something about all of our manufacturing and our woodturning jobs going overseas? Why is it that that Legislature doesn't step up? Why is it the Legislature doesn't do what is right for the Indian people of our state. Why is it that our Indian people are treated in such a paternalistic, nonchalant manner? It just isn't right.

All of the arguments that have been advanced here pale in significance to the lack of attention that has been focused on economic development in Washington County over the last 15 years. Isn't it a wonderful thing that the people of that county came forward? Indian people and all of the people that we have spoken to from Washington County, isn't it wonderful that they have grasped a chance? Isn't it wonderful that they have shown some ingenuity and that they have dared to step up where this Legislature failed for so many years, year after year, after year. Isn't it pathetic that our Chief Executive had to be forced into appointing a special envoy to Washington County to figure out an economic development plan, as if we were dealing with some third world country? Isn't that sad. I hope that this effort to derail our last vestige of agricultural endeavor in our state fails. I hope that we can at least put a temporary halt to this march on the other Maine up north. Can we stop it just a little south of Standish? Please don't support this indefinite postponement bill. Let the folks out there decide this issue on its merits. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Trahan.

Representative **TRAHAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to address a couple of points, first of all, this idea that the voters somehow need to vote on this and that they haven't had a chance too. That is totally inaccurate. They have had a chance to speak on this issue and they did it in the referendum and we know how that turned out. They also spoke through their elected

Representatives. This bill went through this chamber and went through the other and then went through the Chief Executive's Office and we all know what happened with that. They had their opportunity to speak on the issue and I think that this is just a way of getting around the answer and I am reminded once of what my grandmother told me. I said to my grandmother, "Geeze, I prayed to God that something would happen and it didn't happen. Why didn't he listen?" She said, "He did, he just said no."

I would like to make a point for the people of Maine that are going to be affected by this. All of this discussion seems to be around all of those that would benefit from this, but there are going to be a lot of people who will be harmed by doing this. I want to speak for them for just a minute.

These families that are living day to day on credit cards will spend their time in gambling and losing that money, taking money out of their children's mouths to feed the racinos. I want to speak for them for just a minute. I want to speak to the crime that will go up in the communities surrounding this tribal track and slot machine facility. Those people will lose money. I would like to talk about the people that will go bankrupt because they come hooked on gambling and I would like to talk about the drugs and the alcohol and the crime that will increase around these facilities and that has been proven around the country. I just wanted to rise and get us back and refocused on not just the issues of who will benefit, but also thinking about those who will not benefit. That is where we come in. We have to strike a balance between those who will benefit and those who will not and I am going to fall on the side of those that will not and I will be voting to indefinitely postpone. Thank you.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Pelletier-Simpson.

Representative PELLETIER-SIMPSON: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. As everyone knows I was a big supporter of the casino referendum, which did fail. In answer to the good Representative from Farmington's comments about the marketing, that was marketing for a resort, convention center and whole huge arrangement of investment that they would have to recover and which would require more participation in order to recover the investment. This is not a proposal for an investment anywhere near that scale. I want to respond to this idea that this isn't about economic development.

I had the opportunity a year and a half ago to tour with the people from the Gila River Indian Community different things that they had done. First they showed us this small building where they had a casino and with that money that they earned from that one small building they started an industrial park, which employs thousands and thousands of people. I was staying at the resort that was built with that money. There were two national conferences going on there at the same time. They have a telecommunications business and their unemployment rate has dropped and they have money for childcare and healthcare for their people. I was impressed that with entertainment dollars that people are willing to spend they were able to invest in their people and provide jobs and a real opportunity. I hope that we can do the same for the people of Washington County. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dennysville, Representative McFadden.

Representative MCFADDEN: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I won't go on the long spiel that I went on here two weeks ago, but I had one thing. I don't understand how a racino in Bangor can be sustainable economic development and one in Washington County cannot

be? I am sure that the people in the Bangor area are going to vote no against this and rightfully so, but I am also sure of the people in northern Massachusetts are going to vote no also.

This vote to me is a vote against the tribes. If some other group were doing it people might see it differently. I think that it is a vote against the tribe and a vote against Washington County and it is a vote against the Harness Racing Association. The Harness Racing Association has it tough enough as it is right now, but this would fill that gap in the winter when there is no racing going on in Scarborough or down in St. John where some of them go. Anyway, I definitely ask you to vote against the indefinite postponement. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Driscoll.

Representative DRISCOLL: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I proudly stand in this chamber today where my father stood over a decade ago to support gaming in a different way, but it was all about job creation for Washington County, but that is why I stand today in support of defeating the indefinite postponement of this bill.

I think that you just have to look at the history of Washington County. For over a decade there have been many meaningful attempts to provide economic opportunity for the people of Washington County. There have been enterprise zones. There have been Pine Tree Zones developed – probably pine cone zones. There have been a number of economic development tools that have been implemented over the years and yet what do we see in Washington County? We see double-digit unemployment and we see high subsidization of social services for the residents of Washington County. These are proud and hard working people. These are people who are thirsting for jobs, yet what have we done to enhance job opportunities for the people that want to stay there?

I grew up in Calais. I spent my teenage years there and graduated from high school there, but like many I left the area because there are limited opportunities there for jobs. There were probably thirty members of my family that lived in Calais. Today there are zero. This is about the out migration of the residents of Washington County because of the lack of job opportunities in that area and what have we done over the past decade for the people of Washington County? It's a sad situation and one that I think should be on the top of our agenda as well as the chief executives agenda.

What are we going to do for Washington County? There is talk of drug abuse and alcohol abuse and a probable increase in that due to a harness racing/slot machine racino. Well, let me tell you, you come into the emergency room with me on any given night or a weekend in southern Maine and see how much drug abuse and alcoholism there is. We have no racinos and we have no casinos in southern Maine.

There was mention of economic analysis around how Washington County would benefit or whether there was any analysis of how it would benefit and I think that you just have to look at the numbers that have been presented through the years. There has been a decrease in employment; there has been a decrease in population. There have been fewer opportunities for the people of Washington County to pull them up and to do the things that they would like to do to improve economic development and to stabilize their economy. Some of the better jobs that are left in Washington County are jobs that you or I might not want to be in because we don't know if they are going to be there tomorrow or not. We need to provide some concrete good paying jobs with healthcare that will serve the people of Washington County now and down the road so that people will

want to stay there and will want to live there because people want to do that, but they don't have the opportunity to do that.

Increased alcoholism and enhanced credit card usage was mentioned as well as increased bankruptcies. To me that sounds like our society in general right now across the United States. I support voting against this Indefinite Postponement and supporting looking into providing economic opportunity in Washington County so that the people that live there now can continue to live there and raise their families with good jobs and good opportunities and I thank you Mr. Speaker.

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

Representative DAIGLE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will be brief. This is the second time I spoke and the first time I stood up and told you that this referendum process would be divisive to our state and would damage us all. Let me give you some examples of why I think it is exactly so. In spite of our own House rules and etiquette here many people have stood up in the last one hour and impugned the motives of each of us. Let me just address my own caucus so that I don't trigger any partisan issues with this. My good friend from Newfield, Representative Campbell implies that a vote for indefinite postponement was a vote against the Native American tribes. My good friend from Standish says that if we fail to support this we are being paternalistic to our Native American tribes and my good friend from Dennysville says that voting yes on this indefinite postponement is also a vote against the tribes and I say to you that there isn't a single member of this body who is deciding their vote in anyway to do anything other than support the Native American tribes. It is offensive to me that we can't stand up here and say that I think that this is bad policy for the State of Maine. It is bad policy for our legislative process and it is bad policy for Washington County without someone standing up here and saying you're against the Native American tribes. That is absolutely not true, but it has happened in this chamber several times in the last one hour. If you read the record there are many more of them. Ladies and gentlemen if we go forward and approve this it is going to happen all over this state. That is what it will be like from now until the November election. It will be the accusation that that is why you don't want the racino. You don't want the Native American tribes to succeed. That is not true, but it will be the message and because it will be the message it will be broadcast over and over in the commercials before the election and regardless of the result will be discussed after the election and become true. It will be a self-fulfilling prophecy and it will harm this state. The process resulted in a bill that didn't get through the State House. Please do not send this out to referendum and start in motion that which will destroy the relationship inside this family we call the State of Maine. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of the bill and accompanying papers. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 309

YEA - Adams, Ash, Babbidge, Beaudette, Bishop, Bowen, Cebra, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis G, Finch, Glynn, Goldman, Hamper, Jacobsen, Lansley, Lewin, McKane, McKenney, Mills, Moulton, Norton, Percy, Pilon, Plummer, Rector, Richardson D, Seavey, Shields, Stedman, Thomas, Trahan, Twomey, Valentino, Wheeler, Woodbury.

NAY - Annis, Austin, Barstow, Berube, Bierman, Blanchard, Bliss, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carr, Churchill, Clark,

Craven, Crosby, Cummings, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Greeley, Grose, Hall, Hanley B, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Jodrey, Joy, Kaelin, Lerman, Lindell, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McLeod, Miller, Moody, Moore G, Muse, Nass, Nutting, O'Brien, Paradis, Patrick, Pelletier-Simpson, Pineau, Pingree, Pinkham, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Sherman, Smith N, Smith W, Sykes, Tardy, Thompson, Tuttle, Vaughan, Walcott, Watson, Webster.

ABSENT - Blanchette, Bryant-Deschenes, Hotham, Koffman, Merrill, Millett, Ott, Perry, Piotti, Richardson E, Richardson M, Mr. Speaker.

Yes, 41; No, 98; Absent, 12; Excused, 0.

41 having voted in the affirmative and 98 voted in the negative, with 12 being absent, and accordingly the motion to INDEFINITELY POSTPONE the Bill and all accompanying papers FAILED.

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

Representative DAIGLE: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative DAIGLE: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. When the board was illuminated we didn't see a light on your name. Can you tell us how you voted please.

The SPEAKER: Pursuant to the rules the Chair does not need to vote.

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

Representative CLOUGH of Scarborough REQUESTED a roll call on **PASSAGE TO BE ENGROSSED**.

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 Passage to be Engrossed. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 310

YEA - Annis, Austin, Berube, Bierman, Blanchard, Bliss, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carr, Churchill, Clark, Craven, Crosby, Cummings, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Greeley, Grose, Hall, Hanley B, Hanley S, Harlow, Hogan, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Lerman, Lindell, Lundeen, Makas, Marean, Marley, Marraché, McCormick, McFadden, McLeod, Miller, Moody, Moore G, Muse, Nass, Nutting, O'Brien, Paradis, Patrick, Pelletier-Simpson, Pineau, Pingree, Pinkham, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Sherman, Smith N, Smith W, Sykes, Tardy, Thompson, Tuttle, Vaughan, Walcott, Watson, Webster.

NAY - Adams, Ash, Babbidge, Beaudette, Bishop, Bowen, Cebra, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis G, Finch, Glynn, Goldman, Hamper, Lansley, Lewin, Mazurek, McKane, McKenney, Moulton, Norton, Percy, Pilon, Plummer, Rector, Richardson D, Seavey, Shields, Stedman, Thomas, Trahan, Twomey, Valentino, Wheeler, Woodbury.

ABSENT - Barstow, Blanchette, Bryant-Deschenes, Hotham, Koffman, Merrill, Millett, Mills, Ott, Perry, Piotti, Richardson E, Richardson M, Mr. Speaker.

Yes, 97; No, 40; Absent, 14; Excused, 0.

97 having voted in the affirmative and 40 voted in the negative, with 14 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

**ENACTORS**  
**Emergency Measure**

An Act To Ensure Maine's Readiness To Respond to Decisions Relative to the Base Realignment and Closure Process (H.P. 1195) (L.D. 1689)

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. 126 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.

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**Acts**

An Act To Amend the Laws Governing Crimes against People Who Are Homeless

(H.P. 1170) (L.D. 1659)  
(H. "A" H-640 to C. "A" H-595; S. "A" S-354)

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. **ORDERED SENT FORTHWITH.**

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An Act To Prevent Lead Poisoning of Children and Adults

(H.P. 719) (L.D. 1034)  
(S. "A" S-358 to C. "A" H-642)

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

On motion of Representative TARDY of Newport, 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. 311**

**YEA** - Ash, Babbidge, Beaudette, Blanchard, Bliss, Brannigan, Brautigam, Brown R, Bryant, Cain, Campbell, Canavan, Clark, Craven, Cummings, Curley, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Flood, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Kaelin, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, Miller, Moody, Moore G, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Pilon, Pineau, Pingree, Rector, Rines, Rosen, Sampson, Schatz, Smith N, Smith W, Thompson, Trahan, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

**NAY** - Annis, Austin, Berube, Bierman, Bishop, Bowen, Bowles, Browne W, Carr, Cebra, Churchill, Clough, Collins,

Cressey, Crosby, Crosthwaite, Curtis, Daigle, Davis G, Davis K, Duprey, Edgecomb, Emery, Fitts, Fletcher, Glynn, Greeley, Hall, Hamper, Hanley B, Jacobsen, Jodrey, Joy, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Moulton, Muse, Nass, Nutting, Pinkham, Plummer, Richardson D, Richardson W, Robinson, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Vaughan.

ABSENT - Adams, Barstow, Blanchette, Bryant-Deschenes, Burns, Hotham, Koffman, Merrill, Millett, Mills, Ott, Perry, Piotti, Richardson E, Richardson M, Saviello.

Yes, 76; No, 59; Absent, 16; Excused, 0.

76 having voted in the affirmative and 59 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.

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**REPORTS OF COMMITTEE**  
**Divided Report**

Ten Members of the Committee on **STATE AND LOCAL GOVERNMENT** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-242)** on Bill "An Act To Amend the Laws Governing the Enactment Procedures for Ordinances"

(S.P. 507) (L.D. 1481)

Signed:

Senators:

SCHNEIDER of Penobscot  
ANDREWS of York

Representatives:

BARSTOW of Gorham  
McFADDEN of Dennysville  
MOULTON of York  
BISHOP of Boothbay  
CROSTHWAITE of Ellsworth  
BLANCHARD of Old Town  
MUSE of Fryeburg  
SCHATZ of Blue Hill

One Member of the same Committee reports in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (S-243)** on same Bill.

Signed:

Representative:

HARLOW of Portland

One Member of the same Committee reports in Report "C" **Ought Not to Pass** on same Bill.

Signed:

Senator:

ROTUNDO of Androscoggin

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT.**

**READ.**

On motion of Representative BLANCHARD of Old Town, Report "A" **Ought to Pass as Amended** was **ACCEPTED.**

The Bill was **READ ONCE.** **Committee Amendment "A" (S-242)** was **READ** by the Clerk and **ADOPTED.**

Representative ADAMS of Portland **OBJECTED** to suspending the rules in order to give the Bill its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading.**

Subsequently, the Bill was assigned for **SECOND READING** Tuesday, June 14, 2005.

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

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

Representative **ADAMS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Regarding LD 1034, the lead paint bill and roll call 311, had I been voting I would have been voting yea for passage.

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On motion of Representative **MOODY** of Manchester, the House adjourned at 1:30 p.m., until 4:00 p.m., Tuesday, June 14, 2005 in honor and lasting tribute to Rance Knowles, of Manchester.