

# 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 II**

**First Regular Session**

May 27, 2003 – June 14, 2003

**First Special Session**

August 21, 2003 – August 23, 2003

**Second Regular Session**

January 7, 2004 - January 30, 2004

**Second Special Session**

February 3, 2004 - April 7, 2004

Pages 777-1562

and help people reap the benefits of this very valuable bill. Thank you Mr. Speaker.

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

Representative **SMITH**: Mr. Speaker, Men and Women of the House. I just want to touch two points on this issue. I am speaking in favor of the bill and will be voting for it. Harness racing is a key part of agriculture in Maine. We need the infrastructure in order to maintain all agriculture. There are veterinarians, feed and supply stores, equipment dealers and even quite a few farmers produce and sell hay and silage to the horse people. These are all Maine-based small businesses and by working with this we are supporting all of them and working to help all of Maine agriculture.

I would also point out early in the year we got two free passes. If you can find them when you clean out your desks, remember to take them home. Some people have them in their wallets ready to go now. Visit your local fairs. I am a member of the Monmouth Fair Association and work actively with it. It is a terrific fair. To me, it is just a side issue that the fairs get money from it. It is important. It is good, but the main thing is this will help all of agriculture. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wayne, Representative McKee.

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

The SPEAKER: The Representative may pose her question.

Representative **MCKEE**: Thank you Mr. Speaker. Would any of this money, this revenue that is coming in from these video lottery terminals that are going to help the agricultural fairs and harness racing be used or dedicated to the Department of Agriculture to put money into drug testing of the animals that are being raised, money that we could not raise this year? In order to do that, will any of this money go into the Department of Agriculture for that purpose? Second, on Page 24, it is a very long bill, by the way, it does cite a liquor enforcement officer. Would there need to be a change in that language? Thank you.

The SPEAKER: The Representative from Wayne, Representative McKee has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bangor, Representative Blanchette.

Representative **BLANCHETTE**: Mr. Speaker, Men and Women of the House. I am not sure I can answer the second part of the question, but the first part, under Maine State Harness Racing Rules, drug testing is done routinely at a Para mutual race in the state. They have tightened up the rules to the point where they test for race horses when they go into the paddock, before they are taken out for a warm up and, if, in fact, that horse comes in anywhere in the money, which is first, second or third place, they are routinely taken back and we have a urinologist that is a state employee that works at every race track, whether it is at Bangor, Scarborough or any one of the fairs that race for money. They are tested again. Drug testing is done. I am sorry that maybe we didn't appropriate enough money so that we could have more urinologists on the tracks, but so be it. Budget crunches are that, but we are drug testing. I am sorry I am not able to answer the second part. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Duprey.

Representative **DUPREY**: Mr. Speaker, Men and Women of the House. I still haven't figured out how I am going to vote on this yet. I haven't really been lobbied much on this. I have no opposition to gambling, but we are getting ready to legalize casino gambling with this vote. I just don't know if I am prepared to do that. When we began this session I head people say that

this Legislature would never approve casino gambling. We have to send that out to the people. Maybe we would have enacted that gaming act with the attitude and the talks I have heard about tonight. I see a lot of hypocrisy, people that say they are against casino gambling and they are voting for this. You are either for gambling or you are not. If you are voting for this, you are voting to legalize casino gambling and that is fine if you are for it. I may still vote for it. You are legalizing six to eight OTB casinos. It is going to be no different than an Indian gaming casino except there are going to be a lot less regulations. Think with your head. Remember, we are legalizing casino gambling with this vote. Thank you.

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. 228

YEA - Adams, Annis, Ash, Austin, Barstow, Bennett, Berry, Bierman, Blanchette, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bunker, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Collins, Cowger, Craven, Cressey, Cummings, Dugay, Dunlap, Duplessie, Duprey B, Duprey G, Earle, Faircloth, Finch, Fischer, Fletcher, Gerzofsky, Grose, Hatch, Heidrich, Honey, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Kaelin, Kane, Ketterer, Landry, Ledwin, Lessard, Lewin, Lundeen, Maietta, Makas, Marley, Marraché, McCormick, McGlocklin, McLaughlin, Millett, Moody, Moore, Murphy, Muse, Norbert, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry J, Pineau, Piotti, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Sampson, Saviello, Sherman, Shields, Simpson, Smith N, Smith W, Snowe-Mello, Sukeforth, Sullivan, Sykes, Tardy, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Walcott, Watson, Wheeler, Wotton, Mr. Speaker.

NAY - Berube, Bliss, Bull, Clough, Courtney, Crosthwaite, Curley, Daigle, Dudley, Eder, Gagne-Friel, Glynn, Joy, Koffman, Laverriere-Boucher, Lerman, Mailhot, McKee, McNeil, Mills S, Peavey-Haskell, Perry A, Pingree, Rector, Stone, Suslovic, Twomey, Vaughan, Woodbury.

ABSENT - Andrews, Davis, Goodwin, Greeley, Lemoine, McGowan, McKenney, Mills J, Usher, Young.

Yes, 112; No, 29; Absent, 10; Excused, 0.

112 having voted in the affirmative and 29 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

#### ENACTORS

##### Emergency Mandate

An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2003, June 30, 2004 and June 30, 2005

(H.P. 1190) (L.D. 1614)

(C. "A" H-560)

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

On motion of Representative **BUNKER** of Kossuth Township, 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 **RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-560)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "B" (H-564)** to **Committee Amendment "A" (H-560)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. Again, I appreciate the fact that you put up with my indulgence of the prior amendment and had to be here as long as you had to to hear the story that I related. One thing I want to do is I want to publicly apologize to the body and to publicly apologize to one of the victims in the documentation that I passed out. I don't know if you can tell, but under law when the Human Rights Commission releases public information it is strange system, the victim's information and name and identifiers are all public, but they black out the actors in the action. You can see in your document there is a thick black felt pen that attempted to eliminate the victim's name. I only felt it appropriate. That was my action. I tried to redact each and every place where the victim's name was not blacked out. I missed one and I want to apologize to any and all that saw that. I would ask that if you have any copies that you would black out that name and take that into consideration.

This proposal was the one that I told you before that I wished I had a chance to present beforehand, because I think it is the one that, quite frankly, solves many problems that we, in the Criminal Justice Committee, have to deal with. This funding source, again, along that same matrix you had, but, in addition, any remainder money would be directed to go to jail and therapeutic living centers, substance abuse diversion programs which would be diverting folks from coming into our over crowded jail problems. As you well know, part of this budget is over a million dollars in additional overtime for that and no one has any answers to that. I have been trying to promote the diversion program as an answer to the overcrowding and they want to study it and do next year or the year after in 2006. This amendment, for as little as 1.27 cents on a six-pack of beer at your local grocery store, negligible and wouldn't even be noticed. It would do two things. One, it would fully fund the missing amount of money to allow Liquor Enforcement to be reinstated. Two, about the equal amount of money would be able to leverage about \$78 out of \$110 for treatment out on the public site to divert people from the overcrowded jails and to get them out of our prisons. I think this thing solves two problems with one mechanism. I would ask for your support. I understand you are not supposed to mess with the budget. This does not mess with general fund revenues in any way, shape or form. It is a positive addition. It has never happened before. I don't expect it to happen now, but we have to put our best foot forward. Again, I apologize to any of the folks for my oversight. Thank you.

Representative **BRANNIGAN** of Portland moved that **House Amendment "B" (H-564)** to **Committee Amendment "A" (H-560)** be **INDEFINITELY POSTPONED**.

Representative **BUNKER** of Kossuth Township **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-564)** to **Committee Amendment "A" (H-560)**.

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 Indefinite Postponement of House

Amendment "B" (H-564) to Committee Amendment "A" (H-560). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 229

**YEA** - Austin, Barstow, Bennett, Berry, Bierman, Blanchette, Bowen, Bowles, Brannigan, Breault, Browne W, Bruno, Bull, Campbell, Canavan, Carr, Clark, Clough, Collins, Courtney, Cowger, Craven, Cummings, Curley, Daigle, Dudley, Dugay, Dunlap, Duplessie, Earle, Faircloth, Finch, Fischer, Fletcher, Gagne-Friel, Gerzofsky, Glynn, Honey, Jennings, Jodrey, Joy, Kaelin, Kane, Koffman, Landry, Laverriere-Boucher, Ledwin, Lemoine, Lundeen, Mailhot, Makas, Marraché, McCormick, McGlocklin, McGowan, McKenney, McLaughlin, Millett, Mills J, Mills S, Moody, Moore, Murphy, Muse, Norbert, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Perry J, Pineau, Pingree, Piotti, Richardson E, Richardson J, Rogers, Rosen, Smith W, Snowe-Mello, Suslovic, Tardy, Thomas, Thompson, Tobin D, Vaughan, Woodbury, Wotton, Mr. Speaker.

**NAY** - Adams, Andrews, Annis, Ash, Berube, Bliss, Brown R, Bryant-Deschenes, Bunker, Churchill E, Churchill J, Cressey, Crosthwaite, Duprey B, Duprey G, Eder, Grose, Hatch, Heidrich, Hotham, Hutton, Jackson, Jacobsen, Ketterer, Lerman, Lessard, Lewin, Maietta, Marley, McKee, McNeil, Paradis, Patrick, Peavey-Haskell, Pellon, Percy, Perry A, Rector, Richardson M, Rines, Sampson, Saviello, Sherman, Shields, Simpson, Smith N, Stone, Sukeforth, Sullivan, Sykes, Tobin J, Trahan, Treadwell, Twomey, Walcott, Watson, Wheeler.

**ABSENT** - Davis, Goodwin, Greeley, Usher, Young.

Yes, 89; No, 57; Absent, 5; Excused, 0.

89 having voted in the affirmative and 57 voted in the negative, with 5 being absent, and accordingly **House Amendment "B" (H-564)** to **Committee Amendment "A" (H-560)** was **INDEFINITELY POSTPONED**.

Subsequently, **Committee Amendment "A" (H-560)** was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-560)** in concurrence.

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

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. Over the last couple of weeks the good Representative from Kossuth Township, Representative Bunker, has been fighting very hard for liquor enforcement, to restore it in this Part II budget. With both committees of jurisdiction, actually three committees with Department of Transportation, Criminal Justice and Legal and Vets. I take my hat off to him for his companionship and also for the time he has put into this issue. He has worked very hard in trying to restore some sort of liquor enforcement for the people of the State of Maine.

I have been here for seven years now. I know the process. I know you have the budget and the Appropriations Committee asks for committees of jurisdiction's recommendations. I know that the majority vote wins in this body, in the other body and with the Chief Executive downstairs. I will be voting for the budget this evening, but it is very hard. I hope that the Chief Executive and his departments will look at from now until January and critique the way that Liquor Enforcement is dealt with from now on in the State of Maine and report back to us in January with an update of how this is working. It is very important to look at this, because with the liquor business being privatized now with the lease up in 2005 and if we have some sort of gaming, either the OTBs or the casinos when the people vote on it in November, we might need some other sources of liquor enforcement, gaming or other types of enforcement.

Ladies and gentlemen, you know this and I know this, the State Police, municipal police and county police are all stretched

way too thin. We cannot put more and more work on the backs of those people. I know that in the 11th hour there were deals struck here. That is all fine and dandy, but what we have to do is we have to look to the people back home who put us here, all 8,400 in your district and listen to their values, ladies and gentlemen. I know that a majority of the vote wins here to put you in these seats today, listen to their values back home. You talk about property tax relief, ladies and gentlemen, if you don't have liquor enforcement that goes back to the state and the municipal government. You need more revenue to make those police officers do more work. Guess, what, ladies and gentlemen, that is more money coming out of our pocket on our property tax. Is that relief? That is not how I spell it. A tax is not a relief.

These people in both corners and also the speaker, my committee, Transportation Committee, the Appropriations Committee and the Criminal Justice Committee have worked very hard over the last couple of weeks dealing with these issues. I commend them. I know it is very difficult being up here for all this time and also working behind the scenes as a page, because you learn a lot being a page. You learn what kind of strategic places and roles to play when you work as a page. You see that. When you sit up there, you look into the eyes of the people that sit in these seats. You can tell what is going on in their minds. When you vote today, you can vote green and follow my light on this budget, but just remember you are hurting people back home. Thank you.

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

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. I first want to thank the committees of jurisdiction for all their very hard work on this Part II budget. I want to especially thank the members of Appropriations who have a new found respect, as far as I am concerned, for the many, many hours they spend here late at night getting the job done. I want to thank Republican leadership for all their efforts in these very tough times. We have tough times here in Maine and it requires really tough choices to be made. We have made that. I think we have done some historic work here. When people look back on the 121st Legislature, I think they will be reminded of the fact that we raised the awareness of Maine people about the economy, the way we do business here and that we balance this budget without raising taxes. We are facing a unanimous report on health care and we are doing some very, very fine things here. I think people will look back fondly on the fact that we did all of this in just one session.

It doesn't come without the joint bipartisanship that everyone demonstrated that is in the room tonight and those that unfortunately who are not here with us. That kind of bipartisan spirit is what has taken us through the toughest times. It no longer became a Democratic or a Republican idea about how to solve the problem. It became a collective idea and ultimately we were able to do so and be very successful. I know we are all tired. I know we all want to go home, but I just wanted to thank each and every one of you for all of your dedication on behalf of Maine people, all of the hard work that you put in to making this a successful first session. I would ask that you join me in enacting Supplement 7, LD 1614, so that we can help move Maine forward and help Maine people as we have all come here and strived here to do. Thank you.

The SPEAKER: The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative **BUNKER**: Mr. Speaker, Ladies and Gentlemen of the House. I will not speak to try to change anybody's mind, but I just wanted to relate one thing. When I

was out there on the road working as a law enforcement officer, I never once gave a young person a warning for drinking or alcohol or drug possession. I was the one that came along and took them out of the tree and had to go tell their mothers and fathers the reason why. I never wanted to be one of those good old boy cops that just patted them on the head and said go down some dirt road and get out of sight and don't bother us. It will be okay. I saw too much of that. I cannot support this budget for \$1.27. If I voted for this budget, it would like me writing a warning to the young people and then having to come at an accident scene not very long afterwards and having to go tell mom and dad and the family that for \$1.27 I made a judgment call that was not in the best interest of public safety. I cannot support it, even though I wish I could. There are so many great things in the budget. I just have to tell you why my light is red.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Brannigan.

Representative **BRANNIGAN**: Mr. Speaker, Ladies and Gentlemen of the House. I encourage everyone to support this unanimous committee report. I request a roll call.

Representative BRANNIGAN of Portland **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.

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.

#### ROLL CALL NO. 230

YEA - Adams, Andrews, Annis, Austin, Barstow, Bennett, Berube, Bierman, Blanchette, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Canavan, Carr, Churchill E, Clark, Clough, Collins, Courtney, Cowger, Craven, Cummings, Curley, Daigle, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Fletcher, Gagne-Friel, Gerzofsky, Glynn, Grose, Hatch, Heidrich, Hotham, Hutton, Jacobsen, Jennings, Jodrey, Kaelin, Kane, Ketterer, Koffman, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lundeen, Mailhot, Makas, Marley, Marraché, McCormick, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Millett, Mills J, Mills S, Moody, Moore, Murphy, Muse, Norbert, Norton, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rogers, Rosen, Sampson, Saviello, Shields, Simpson, Smith N, Smith W, Snowe-Mello, Stone, Sullivan, Suslovic, Sykes, Tardy, Thomas, Thompson, Tobin D, Trahan, Walcott, Watson, Wheeler, Woodbury, Wotton, Mr. Speaker.

NAY - Ash, Berry, Bunker, Campbell, Churchill J, Cressey, Crosthwaite, Duprey B, Honey, Jackson, Joy, Landry, Lessard, Lewin, Maietta, Nutting, Peavey-Haskell, Rines, Sherman, Sukeforth, Tobin J, Treadwell, Twomey, Vaughan.

ABSENT - Davis, Goodwin, Greeley, Usher, Young.

Yes, 122; No, 24; Absent, 5; Excused, 0.

122 having voted in the affirmative and 24 voted in the negative, with 5 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.