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

Volume III

Second Special Session

April 8, 2004 - April 30, 2004

Appendix
House Legislative Sentiments
Index

Pages 1563-2203

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

UNFINISHED BUSINESS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Representative CLARK of Millinocket inquired if a Quorum was present.

The Chair declared a Quorum present.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ROLL CALL NO. 424

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

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

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

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

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

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

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

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

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

UNFINISHED BUSINESS

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

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

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

(C. "A" H-833)

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

PENDING - PASSAGE TO BE ENACTED.

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

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

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

ROLL CALL NO. 425

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

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

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

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

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

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

The House recessed until 4:00 p.m.

(After Recess)

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