

MAINE STATE LEGISLATURE

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

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

Representative **CLOUGH**: Thank you Mr. Speaker. What were the conditions that prompted the repeal of a similar program in 1995?

Representative **CLOUGH** of Scarborough **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "A" (S-409)**.

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

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

Representative **CLOUGH**: Mr. Speaker, Ladies and Gentlemen of the House. I would ask that you vote against this.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Adoption of Committee Amendment "A" (S-309). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 486

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

NAY - Andrews, Annis, Austin, Berry, Bowen, Bowles, Browne W, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Fletcher, Glynn, Goodwin, Greeley, Heidrich, Honey, Jacobsen, Jodrey, Lewin, Maietta, McCormick, McKenney, McNeil, Millett, Mills S, Moore, Murphy, Nutting, Rector, Richardson E, Richardson M, Rogers, Rosen, Sherman, Snowe-Mello, Stone, Sykes, Tardy, Tobin D, Tobin J, Trahan, Treadwell.

ABSENT - Ash, Berube, Bierman, Breault, Brown R, Bunker, Churchill E, Duprey B, Hotham, Joy, Kaelin, Kane, Landry, Ledwin, McGlocklin, McGowan, Muse, O'Brien J, Peavey-Haskell, Piotti, Shields, Vaughan, Young.

Yes, 76; No, 52; Absent, 23; Excused, 0.

76 having voted in the affirmative and 52 voted in the negative, with 23 being absent, and accordingly **Committee Amendment "A" (S-409)** was **ADOPTED**.

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

Representative **SAMPSON** of Auburn **PRESENTED House Amendment "A" (H-765)**, which was **READ** by the Clerk.

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

Representative **SAMPSON**: Mr. Speaker, Ladies and Gentlemen of the House. Tonight I do rise with a little trepidation. This is my maiden voyage. In these two sessions I have been in the chamber I have adhered to the adage that it is best to remain quiet unless one can improve upon the silence. Tonight I hope to do just that.

While I believe this is a good bill, one that will encourage, in fact, reward state workers that come forth with ideas and suggestions for best practices that could save the State of Maine

money, I don't believe the bill is complete. Currently there is no protection for State of Maine employees that do come forth with ideas or suggestions in best practices or cost savings. In fact, there are employees who have faced discrimination or termination because they have come forward with suggestions that put a supervisor in bad light. It would be unfair to offer the carrot of financial awards to employees and then to allow them to be targeted for discrimination. This amendment is my attempt to provide a shield of safety for those employees who acting in good faith bring forth ideas that could improve the way we do business in Maine. I thank you for your indulgence and ask that you approve this amendment.

House Amendment "A" (H-765) was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-409) and House Amendment "A" (H-765) in NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

UNFINISHED BUSINESS

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

Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

(H.P. 1418) (L.D. 1916)

TABLED - April 14, 2004 by Representative **DUPLESSIE** of Westbrook.

PENDING - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-907)**.

Representative **NORBERT** of Portland **PRESENTED House Amendment "A" (H-923) to Committee Amendment "A" (H-907)**, which was **READ** by the Clerk.

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

Representative **NORBERT**: Mr. Speaker, Ladies and Gentlemen of the House. This is the errors bill, the final installment of it. Before we continued I just wanted to express my gratitude to the terrific members of the Judiciary Committee who probably unbeknownst to many of you have worked countless hours on this after many of us have gone home. The committee regularly got together and did the very hard work of going over the very fine points of various bills that have become laws that conflict with other previously enacted laws, bills that had infirmities, whether they be grammatical or structural. I can tell you that it is a unanimous bill. I am very proud of that. The committee all along, the two years of this Legislature, has acted with great servility. Those of you who have been before the committee know that it is a committee that just rolls up its sleeves and tries to do the very best work, regardless of partisan implications. I am very proud of the work and I just want to thank the terrific members of the committee for all their hard work on this. I suggest to this body that a great deal of gratitude is owed to these other members and if you do see them, then congratulate them on their good work. Thank you Mr. Speaker.

House Amendment "A" (H-923) to Committee Amendment "A" (H-907) was ADOPTED.

The same Representative **PRESENTED House Amendment "B" (H-946) to Committee Amendment "A" (H-907)**, which was **READ** by the Clerk and **ADOPTED**.

The same Representative **PRESENTED** House Amendment "C" (H-947) to Committee Amendment "A" (H-907), which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-907) as Amended by House Amendments "A" (H-923), "B" (H-946) and "C" (H-947) thereto was **ADOPTED**.

On motion of Representative NORBERT of Portland, the House **RECONSIDERED** its action whereby Committee Amendment "A" (H-907) as Amended by House Amendments "A" (H-923), "B" (H-946) and "C" (H-947) thereto was **ADOPTED**.

On further motion of the same Representative, Joint Rule 311 was **SUSPENDED** for the purpose of offering amendments.

The same Representative **PRESENTED** House Amendment "D" (H-950) to Committee Amendment "A" (H-907), which was **READ** by the Clerk and **ADOPTED**.

The same Representative **PRESENTED** House Amendment "E" (H-952) to Committee Amendment "A" (H-907), which was **READ** by the Clerk and **ADOPTED**.

The same Representative **PRESENTED** House Amendment "F" (H-953) to Committee Amendment "A" (H-907), which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-907) as Amended by House Amendments "A" (H-923), "B" (H-946), "C" (H-947), "D" (H-950), "E" (H-952) and "F" (H-953) thereto was **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** as Amended by Committee Amendment "A" (H-907) as Amended by House Amendments "A" (H-923), "B" (H-946), "C" (H-947), "D" (H-950), "E" (H-952) and "F" (H-953) thereto and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

BILLS IN THE SECOND READING
House

Bill "An Act To Ensure the Economic Viability of the Harness Racing Industry"

(H.P. 472) (L.D. 642)

Was reported by the Committee on Bills in the **Second Reading** and **READ** the second time.

On motion of Representative DUPREY of Medway, was **SET ASIDE**.

The same Representative moved that the House **RECONSIDER** its action whereby the motion to **ADOPT** Committee Amendment "A" (H-906) as Amended by House Amendment "A" (H-912) thereto **FAILED**.

Representative GLYNN of South Portland **REQUESTED** a roll call on the motion to **RECONSIDER** whereby the motion to **ADOPT** Committee Amendment "A" (H-906) as Amended by House Amendment "A" (H-912) thereto **FAILED**.

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

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to point out that it is 11 o'clock at night and what we are contemplating is the reconsideration of an amendment that failed the House continuing the debate, which is going to be a very lengthy debate on this issue of high-stakes

Indian bingo being relocated off from tribal land. I would like to appeal to the body on its sense of business that we have to attain going over the these items over and over again isn't going to get us very far. This is going to be a very long debate. Please join with me in opposing this and let's move onto the business at hand.

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

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. We are back here again. We have asked to compromise with different people and that failed to work. All we are asking to do is have the Passamaquoddy, about 5 hours ago, to come off sovereign land, which is federally recognized land at Indian Township and also Pleasant Point. It is 45 miles, which will bring it to either Calais or Machias. Those municipalities will have the right to approve it. It is local control. If they do not approve of it, then those people will not be able to operate high-stakes beano in that facility in that town and in that municipality. It is the right of local control, which this chamber talks about day in and day out. I ask you to support the pending motion.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Calais, Representative Perry.

Representative **PERRY**: Mr. Speaker, Ladies and Gentlemen of the House. This is more than just a bill about the Passamaquoddy being able to do this. This is also a bill about the ability for a town like Calais to work with the Passamaquoddy to do something that may help both. We are living in a depressed area. We are looking for those things that we can do to help the people in our area, both the Passamaquoddy and the Washington County people begin to be able to have jobs. We have an unemployment rate of 15. The state is 4. We are a few times over what the state's unemployment rate is. It has been chronic. We are looking for ways to find and bring business and tourism in. We are asking that you look at our area and you allow us to make the decision as to whether we can work together with our neighbors so that both of us may benefit. I would like to ask that you vote for reconsideration so that we can at least have the opportunity to try to do something together so that we can work within our area to improve our life. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Cornville, Representative Mills.

Representative **MILLS**: Mr. Speaker, Men and Women of the House. It seems that for the last three and a half months about all that this institution has done is dodge lobbyists on gambling issues from one end of the hall to the other. I, for one, am sick and tired of it. I would like to stop this. I would like to vote against reconsideration and start closing down this interminable discussion about the expansion of gambling in this state. The people have told us repeatedly they don't want this. I don't understand why we in this Legislature persist in punishing ourselves with this interminable discussion. I want to go home at some point. We have serious issues facing this state and high-stakes beano and expanding of casinos and messing around with the gambling industry is not one of the things that we ought to be occupying our time with. I am done with it.

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is to Reconsider whereby the motion to Adopt Committee Amendment "A" (H-906) as amended by House Amendment "A" (H-912) thereto failed. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 487

YEA - Barstow, Bennett, Bowles, Brannigan, Bruno, Bull, Bunker, Canavan, Clark, Cowger, Craven, Cummings, Dugay, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Fischer, Gagne-Friel, Gerzofsky, Goodwin, Hatch, Hutton, Jackson,