

MAINE STATE LEGISLATURE

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House of Representatives
One Hundred and Twenty-Fourth Legislature
State of Maine

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Pages 609-1214

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

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment 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 (9) Ought to Pass as Amended by Committee Amendment "A" (H-612) - Minority (3) Ought to Pass as Amended by Committee Amendment "B" (H-613) - Committee on LEGAL AND VETERANS AFFAIRS on Bill "An Act To Distribute Funds Received from the Racino in Bangor to the Department of Health and Human Services, Office of Substance Abuse"

(H.P. 569) (L.D. 833)

TABLED - February 11, 2010 (Till Later Today) by Representative PIOTTI of Unity.

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

The **SPEAKER**: The Chair recognizes the Representative from Waterville, Representative Trinward.

Representative **TRINWARD**: Thank you, Madam Speaker. The Majority Ought to Pass Report allows that this money would go from the Office of Public Safety to the Office of Substance Abuse. There has been money every year put away from the racino for gambling addition and gambling addition problems that has not been used. This money has been available but it's not been in a situation where people could reach out and take advantage of it. The state now receives a substantial amount of money to the General Fund from the racino in Bangor. We receive money to the General Fund from the lottery. We receive money from the General Fund where nonprofit gaming is also going on. There is a lot of gambling going on in Maine and we feel that it's only responsible to not only present a program for the next few years, to present a program that will be there in the future, that will be able to develop and grow and meet the needs of the citizens of Maine. If the program is not used, if it's made available and people are not taking advantage of it, then we will again, of course, move the money back to the General Fund as we have every year. By moving it to the Department of Substance Abuse, they have provided as part of their screening that they do now, they've changed their screening program where they've asked programs that directly relate to gambling addiction. It is very often found that gambling addiction goes hand in hand with substance abuse, and we feel this is the correct way to deal with this program and to provide responsible policy, considering that we do receive substantial amounts of money to the General Fund from gambling. I hope that you'll support my light and vote in favor of this bill. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Saco, Representative Valentino.

Representative **VALENTINO**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I want to call your attention to basically what the vote is today. This vote is not about whether or not this bill is going to pass or not pass. The people that did not vote for the Majority Report want the bill to pass. They want it to pass in the exact same form except for one item, and that one item is funding. I see many of you looking at your orange or salmon or whatever colored sheet it is, looking through. The difference, this Majority Report that is before you

right now puts the funding into statute. You see it here in statute for the fiscal year beginning July 1, \$50,000, going to \$100,000, then going to \$115,000; \$130,000; \$145,000; \$160,000; \$175,000; \$190,000; \$205,000; \$220,000; \$235,000; up to \$250,000 in 2023. This is in statute. This would need to be changed if we find that there is not a problem for it. In these financial difficult times we have wouldn't any organization, wouldn't any group, wouldn't any department in the budget want to be guaranteed in statute an increase in their budget every year for the next year until 2023? That is what the Majority Report is saying, and that is the only difference on the Majority Report from the people who did not vote for it.

What I also want to call is your attention to several other quotes that we had in our committee hearing during this. There were lots of questions posed to Robert Welch, who is head of the Gambling Control Board. One of the questions is we understand that no one has made use of the day one gambling addiction program. Specifically, how much money has come into the program? So in 2006, in '07 and '08, they had a total of \$60,000, and you know what we spent that on? Not gambler, not gambling addiction, on setting up a database, on doing training sessions and having administrative costs covered. The next question we asked them, to provide monthly financial and narrative reports. Please provide us with copies for the fiscal years. Their answer? Monthly reports have been sent to the Office of Substance Abuse, but there are no monthly charges for services since there has been no use of the program. When asked also what entry points for data are there for potentially addicted gamblers, we have personal family, medical court referrals, mailings by the sheriffs, the state police, by Hollywood Slots, websites for the Department of Health and Human Services, the Office of Substance Abuse, the Gambling Control Board, and Hollywood Slots. We have had this program since 2006 and we don't have problem gamblers that have taken advantage of this and come into the system, so why are we increasing it from \$50,000 to \$250,000 in statute? I say, and others say on our committee when we reviewed this, yes, let's put it into the Office of Substance Abuse, let's put this money aside, and let's see if there is a problem and we can grow it. We would grow it to \$75,000, and then as every other department and every other line item, let them go to the Appropriations Committee, in two or three or four years and prove that there is a problem and get additional money as everybody else does. If you vote the Majority Report, this money is in statute and you will have to now come back and take it away after you've given it. I would rather see if there is a problem and get them additional money and compete for this like everybody else does in the State of Maine.

One of the things I want to call your attention to is that Hollywood Slots has a self exclusion list. This means that anybody who does not want to go into the racino to gamble can put themselves on a list. It varies. Hollywood Slots has about 100 people on the self exclusion list. Hollywood Slots has been a very good neighbor. When we allowed gambling first in the State of Maine, we thought that there was going to be a huge problem at Hollywood Slots. There is no problem. Hollywood Slots has been a good neighbor, they set up a self exclusion list, they do mailings, they have a website, they have their own programs. What I'm saying is that this should not be in statute. That is why I'm urging you to vote against the pending motion, which is the Majority Report. Do we want the bill to pass? Yes, we want it to pass. You will have an opportunity to do that. But do not put in statute this cascade you have until 2023. That is the function of the Appropriations Committee after they have determined that there is a need. The only thing we have determined so far is that nobody has used the program. We have a gambling addiction

hotline on the back of the lottery tickets and on 211, and testimony before our committee said all of the people who call on this hotline are basically calling because they want the results of the lottery for that day, and they mistake this number, and we're getting call after call, after call from people who want to know what were their numbers for that day. They are not calling for gambling addiction; they are not calling on this hotline. They just want to know the results of the lottery. So actually we're spending a lot of money on calls that are unnecessary. So I just really would like to point out that this is a good bill, I am for this bill. I am for doing it; I am against the funding portion of the bill. I am against going from \$50,000 to \$250,000 when we have not proved in the last three years that anyone has taken advantage of this. If we have a lot of people, then let it go to Appropriations in three years and let them budget the money accordingly. Thank you.

Representative TUTTLE of Sanford **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 Lexington Township, Representative Pinkham.

Representative **PINKHAM**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. Number one, being on the minority side of everything doesn't mean you are on the wrong side. I rise in opposition to the pending motion. We started funding the gambling addiction services at \$100,000 annually for the period 2006 through 2008. Since not one person used this service during this period, it was cut to \$50,000 annually for the current biennium. Still no takers. In spite of handouts and so forth, advising them over the program for addictive gambling, this bill wants to take \$50,000 annually for the next three years, transfer it to Health and Human Services, and increase it to \$100,000 by \$100,000 in 2013, and incrementally \$15,000 annually until 2023, when it hits the \$250,000 mark. I have no problem using the funds from the slot machine revenue to fund gambling addiction if it is necessary. In four years, not one person has applied for help. Please ask yourself before you push your green button, should we be funding this project through 2023 without knowing if it is needed? Please, let's fund it for the biennium, wait for the report from Health and Human Services and let future legislatures decide what the level of funding should be. Please vote no on this motion. Thank you, Madam Speaker, and I would request a roll call.

Representative **PINKHAM** of Lexington Township **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 Lewiston, Representative Carey.

Representative **CAREY**: Thank you, Madam Speaker. As a sponsor of the bill, I want to speak briefly to the intent and what I believe to be the intent of an issue that we worked in committee for a number of years. The State of Maine gets about \$70 million a year from gambling. If there is a problem that is created there, the State of Maine should be part of helping to fix that problem. It is that simple. That is an idea that was put forward in statute when we created the racino law.

Now it has been said that nobody has used it and that is a statistic that has frustrated and infuriated 13 members of our committee. Zero is not a real number. If five people have used it, that is a problem that doesn't need to be fixed. Zero means there is no attempt to get out and find people. Zero means that there is no mechanism to see if there is a problem to be fixed.

So we thought about it and the basic point is this: If you had an addiction problem, if you had a gambling addiction problem and you were at a place that had law enforcement when you were gambling, or not, would you go to your cop or would you go to a doctor? This bill is premised on the idea that, if you have an addiction, you are probably going to go to a doctor or some other health care professional. It is that simple. I ask you to vote for the pending motion. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Waterville, Representative Trinward.

Representative **TRINWARD**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I would just like to clarify a couple of issues. As Representative Carey suggested, there is grave concern on our committee that this money was created through the racino, has not been used because it has not been able to reach the people that need it. The Department of Public Safety is not in a position to be reaching these people.

The second question is why would we extend the money? If the money isn't being used, it will go back into the General Fund just like it does now, just like it does in everyone's committee. If the money is there, it gets swept right back into the General Fund. This just creates a mechanism where the money will continue to grow as it was intended. It was intended to be a percentage of the total amount of money that came into the General Fund from the racino. That percentage is growing and could well grow more, so rather than do a percentage we just did a small gradual amount that would continue to grow. But rest be assured, if the money isn't used, it goes right back to the General Fund. I think we are all familiar with that circumstance where money in our different budgets that we deal with goes back into the General Fund. I don't see that as a problem. We're just setting this up on a long-term basis so we won't be dealing with it three years down the road. That's all we did. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Auburn, Representative Beaulieu.

Representative **BEAULIEU**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. Before I begin, I'd like to reiterate a statement that was made a short time ago that every member of that committee, I think, recognizes that need to provide assistance for people who suffer with this addiction, if, in fact, you can find them. Consequently, both reports request that some level of assistance be provided.

In past budgets, this Legislature has consistently recognized this potential problem and has included a review source to meet this challenge. The conflict here is that there have been few, if any, individuals who have requested Day One service. For whatever reason, they have failed to come forward and take advantage of this program. I certainly wish they would. Then there would be some justification, I think, for increasing the amount of money that we put in the program. Consequently, the money has never been utilized for its intended purpose, a purpose each member of the committee recognizes as both an obligation and a responsibility of the state.

The report we are about to vote on substantially increases the amount of money appropriated to meet the needs of those afflicted with this addiction. It is asking you to vote yes to increase spending on a program that to date has not come near to exhausting present allocations. I personally recognize the value in extending a helping hand to those who find themselves in this situation, but I first want to be certain that this population for which we are expanding the funding can be accurately identified and is willing to come forward to acquire the assistance. Given the historical record relative to the use of these funds, I believe we are more than justified in defeating this measure.

Though not available at the levels called for in the Majority Report, this program will continue to be adequately funded to meet existing demands. Therefore, I hope you will vote no on the existing motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Valentino.

Representative **VALENTINO**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Just to clarify a couple of points that was mentioned that saying where a lot of these brochures are handed out, and it was mentioned that people don't necessarily get them from the police or the sheriffs or anything else. I want to point out to you, also on the sheet, one of the questions that we asked for Robert Welch. What data exists for crossover between gambling addiction and other addictions? The answer to that was in a study in 2005 that found that, out of people with gambling problems, 75 percent also have an alcohol disorder, 38 percent had a drug use disorder and 60 percent had a personality disorder, and this is very important because I want to note to you that all of these—alcohol addictions, personalities, drug use—they are all funded in different portions of the budget already. So probably somebody with a gambling problem is already talking to a counselor, they are already in counseling because 75 percent of them are already in counseling for an alcohol disorder on it. So we do have a lot of crossovers, so we are reaching out to a lot of people on that.

The other thing I just wanted to point is that I agree, again, with the sponsor on taking it out of Public Safety and putting it into Substance Abuse, and that is why if you vote down the Majority Report you will exactly do that in the next opportunity that you have to vote. This is exactly the same except for the funding. And as far as the argument on every account can be swept, I don't go along with sweeping an account if you know its being over funded to begin with or if you don't know how much the funding is going to be. I would rather put in what we think is an adequate amount of funding so that we can go out and do the work and reach these people and see if there is a problem, and then if there is a problem, come back and fund it. But I don't think we should be putting things in to statute with the intention we can sweep it if we don't need the money. So I would urge you just to vote against the Majority Report at this time. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waterford, Representative Millett.

Representative **MILLETT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. First, I'd like to sincerely thank the good Representative from Saco and the others who have spoken in opposition to the Majority Report before us this morning for so articulately stating what I have waited eight years to hear, and that is to say that we in this chamber ought to express our appropriations support only on the relation to the needs demonstrated and the resources available and not get persuaded into putting automatic pilot relationships in statute, tying them to a stream of revenue without any sort of intended documentation of need. This, to me, is like putting money into a place where it's automatically set aside and earmarked for a service that isn't being used. While I recognize that the Representative from Waterville has stated that the money could be taken back, it would go into a program area which is always strapped and would most likely be spent and could only be taken back into the General Fund by conscious deappropriation. So I think that the approach taken by the minority signers of the bill is the much preferred approach, and I do want to say and not attempting to dismiss the role of the Legal and Veterans Affairs Committee. I applaud what they are trying to do. In fact, we in Appropriations had a couple of conversations

about this cascade, which has existed since the Hollywood Slots program went into effect, and asked that they take a look at the cascade as it exists today and update it in accordance both with the flow of revenues and the documented need for those revenues. So I think it would be a better step this morning to reject the Majority Report, adopt the Minority Report, and let the two committees work this out at the point where it gets to the Appropriations table. We should not ever, and particularly these circumstances, earmark moneys for which there is no documented need, and I thank the Representatives who have come to that conclusion this morning and I hope you will join me in supporting them.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Sykes.

Representative **SYKES**: Thank you, Madam Speaker. May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **SYKES**: Madam Speaker, is it true that to vote yes, green, on this bill means that we, the members of the House of Representatives of the State of Maine, are unwilling to reduce funding for a program that has never been used?

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. 265

YEA - Beck, Berry, Blodgett, Bryant, Cain, Carey, Cornell du Houx, Crockett P, Duchesne, Eves, Goode, Haskell, Hinck, Kent, Magnan, Martin JL, McCabe, Perry, Pieh, Piotti, Pratt, Priest, Rotundo, Smith, Stuckey, Sutherland, Theriault, Treat, Trinward, Tuttle, Watson, Webster, Madam Speaker.

NAY - Austin, Beaudette, Beaudoin, Beaulieu, Bickford, Blanchard, Bolduc, Briggs, Browne W, Burns, Butterfield, Campbell, Casavant, Cebra, Celli, Chase, Clark H, Cleary, Cohen, Cotta, Cray, Crockett J, Curtis, Cushing, Davis, Dill, Dostie, Driscoll, Eaton, Eberle, Edgecomb, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Fossil, Gifford, Gilbert, Greeley, Hamper, Hanley, Harlow, Harvell, Hayes, Hill, Hogan, Hunt, Johnson, Jones, Joy, Kaenrath, Knapp, Knight, Kruger, Lajoie, Langley, Legg, Lewin, Lovejoy, MacDonald, Martin JR, Mazurek, McFadden, McKane, McLeod, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Peterson, Pilon, Pinkham, Plummer, Prescott, Rankin, Richardson D, Richardson W, Robinson, Rosen, Sanborn, Sarty, Saviello, Schatz, Shaw, Sirois, Stevens, Strang Burgess, Sykes, Thibodeau, Thomas, Tilton, Valentino, Van Wie, Wagner J, Wagner R, Weaver, Welsh, Wheeler, Willette, Wright.

ABSENT - Adams, Ayotte, Boland, Clark T, Connor, Crafts, Giles, Innes Walsh, Miller, Percy, Russell, Tardy.

Yes, 33; No, 106; Absent, 12; Excused, 0.

33 having voted in the affirmative and 106 voted in the negative, with 12 being absent, and accordingly the Majority **Ought to Pass as Amended Report was NOT ACCEPTED.**

Subsequently, on motion of Representative VALENTINO of Saco, the Minority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE**. **Committee Amendment "B" (H-613)** was **READ** by the Clerk.

Representative VALENTINO of Saco **PRESENTED House Amendment "A" (H-635)** to **Committee Amendment "B" (H-613)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Valentino.

Representative **VALENTINO**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This

amendment was the exact same amendment that was actually being offered also on the Majority Report. It is just to remove the appropriations and allocations section for this year. Everything else is exactly the same.

Subsequently, **House Amendment "A" (H-635)** to **Committee Amendment "B" (H-613)** was **ADOPTED**.

Committee Amendment "B" (H-613) as **Amended by House Amendment "A" (H-635)** thereto was **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, February 23, 2010.

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass** - Committee on **INLAND FISHERIES AND WILDLIFE** on Resolve, Directing the Department of Inland Fisheries and Wildlife To Adopt Rules Clarifying Fish Stocking Decisions

(H.P. 1057) (L.D. 1508)

TABLED - February 17, 2010 (Till Later Today) by Representative CLARK of Millinocket.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

Subsequently, on motion of Representative CLARK of Millinocket, the Resolve and all accompanying papers were **COMMITTED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and sent for concurrence.

SENATE PAPERS

The following Joint Order: (S.P. 699)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 23, 2010 at 10:00 in the morning.

Came from the Senate, **READ** and **PASSED**.
READ and **PASSED** in concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 1239) (L.D. 1742) Resolve, Regarding Legislative Review of Portions of Chapter 232: Well Drillers and Pump Installers Rules, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY) Committee on **NATURAL RESOURCES** reporting **Ought to Pass**

(H.P. 857) (L.D. 1238) Bill "An Act Concerning the National Animal Identification System" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-641)**

(H.P. 1113) (L.D. 1575) Bill "An Act To Establish a Residential Wood Stove Replacement Fund" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-642)**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-639)** on Bill "An Act To Amend the Laws Governing the Somerset County Budget Procedure" (EMERGENCY)

(H.P. 1061) (L.D. 1512)

Signed:

Senators:

JACKSON of Aroostook
COURTNEY of York

Representatives:

BOLAND of Sanford
CELLI of Brewer
WILLETTE of Presque Isle
BEAUDETTE of Biddeford
COTTA of China
CLARK of Easton
HARVELL of Farmington
KAENRATH of South Portland
SCHATZ of Blue Hill

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-640)** on same Bill.

Signed:

Senator:

SIMPSON of Androscoggin

Representative:

HAYES of Buckfield

READ.

Representative BEAUDETTE of Biddeford moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative HAYES of Buckfield **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: 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. 266

YEA - Austin, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Bolduc, Briggs, Browne W, Bryant, Burns, Butterfield, Cain, Campbell, Carey, Casavant, Cebra, Celli, Chase, Clark H, Cleary, Cohen, Cornell du Houx, Cotta, Cray, Crockett J, Crockett P, Curtis, Cushing, Davis, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Fossel, Gifford, Gilbert, Goode, Greeley, Hamper, Hanley, Harlow, Harvell, Haskell, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Jones, Joy, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Langley, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, McKane, McLeod, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Perry, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rosen, Rotundo, Sanborn, Sarty, Saviello, Schatz, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Theriault, Thibodeau, Thomas, Tilton, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Weaver, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Hayes.

ABSENT - Adams, Ayotte, Boland, Clark T, Connor, Crafts, Giles, Miller, Percy, Russell, Shaw, Tardy.

Yes, 138; No, 1; Absent, 12; Excused, 0.