

MAINE STATE LEGISLATURE

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Senate Legislative Record

One Hundred and Twenty-Fourth Legislature

State of Maine

Daily Edition

Second Regular Session
January 6, 2010 to April 12, 2010

Pages 1209 - 1846

READ and **ADOPTED**.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Allow a Casino in Oxford County" I.B. 5 L.D. 1808

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

SULLIVAN of York
GOODALL of Sagadahoc

Representatives:

CORNELL du HOUX of Brunswick
PINKHAM of Lexington Township
VALENTINO of Saco
TRINWARD of Waterville
CAREY of Lewiston
RUSSELL of Portland
TUTTLE of Sanford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-804)**.

Signed:

Senator:

PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn
FITTS of Pittsfield
NASS of Acton

Comes from the House with Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Reports **READ**.

On motion by Senator **BARTLETT** of Cumberland, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

Senate at Ease.

Senate called to order by the President.

Senator **BARTLETT** of Cumberland was granted unanimous consent to address the Senate off the Record.

Senator **RAYE** of Washington was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator **BARTLETT** of Cumberland, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

HOUSE REPORT - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Allow a Casino in Oxford County"

I.B. 5 L.D. 1808

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-804)** (4 members)

Tabled - April 5, 2010, by Senator **BARTLETT** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, April 2, 2010, Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.)

(In Senate, April 5, 2010, Reports **READ**.)

Senator **SULLIVAN** of York moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in concurrence.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Plowman.

Senator **PLOWMAN**: Thank you, Madame President. Men and women of the Senate, I would urge you to reject this motion. The motion will, as you know, kill the bill and will send it out for presentation to the voters of the state of Maine. It is an initiated bill that is before you, and the Bill is An Act to Allow a Casino in Oxford County. The committee urged the parties that are interested in the gambling issues of the state of Maine to go out and negotiate together because there was some interest in a competing measure. The interest was generated by the Passamaquoddy Tribe, who was seeking to be brought in at this point to recognize their efforts and their needs for economic development down in Washington County. At that point there was another party that came in, which was Penn National, who operates Hollywood Slots in Bangor. Penn National had discussed and actually asked Appropriations to consider giving them 35 table games in the Bangor area. So we sent these three parties out to negotiate and see if they could come to an agreement on a competing measure. Now keep in mind that we asked the initiators of this bill to go out and negotiate with two other parties, to form an alliance to actually help defeat their initiative, and have the competing initiative. They did this in good faith and came back to the committee. The work product before you is the Minority Report of the committee. I would love to have this motion defeated so we can talk about the Minority Report of the committee. It does give opportunity to all three. I would ask you to please oppose this motion so that we can talk about what that opportunity is and see if that is something we would actually like to send out before the people. Thank you, Madame Chair.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Raye.

Senator **RAYE**: Thank you, Madame President. Men and women of the Senate, I rise in opposition to the motion that is before us. If we pass this motion, we will be precluding an opportunity to put an end to the regionalism that has divided the state north and south and east and west on this issue. It is a very difficult situation for the people I represent in Washington County and the Passamaquoddy Tribe, who have worked for two decades now, two long hard decades, to bring this opportunity to our part of the state. The motion before us today would preclude that possibility and preclude the opportunity to bring together east and west behind one proposal, so I join with the Senator from Penobscot, Senator Plowman in expressing my opposition to this motion.

On motion by Senator **RAYE** of Washington, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Hastings.

Senator **HASTINGS**: Thank you, Madame President. Ladies and gentlemen of the Senate, I too rise to ask your opposition to the motion before you, so that we can move to the Minority report. My constituents of Oxford County know that they are going to be on the ballot with this, they have the signatures. I wanted to echo the sentiments stated by the Senator from Washington, and the Senator from Penobscot. Oxford County and Washington County have much in common. Those things they have in common are not the things that make us happy; economic blight, high

unemployment, lack of job opportunity. It seems to me that as we approach this we should consider moving ahead in a way that will aid both of those and let the public make this decision. Remember that this is not a decision that we make ultimately. It will be made by the public at referendum in any case. If we support the pending motion the public is going to make its decision about Oxford County and its needs and the public desire to expand their gaming in Maine. If the public supports that, it is only going to help Oxford County. Oxford County, which is lost in the Oxford Hills area, was once, when I started in this Body, a thriving base of manufactured housing and construction. Five plants were in existence, all going well. As I stand here today we are down to two plants, both of those struggling, and we have lost countless jobs in the Oxford Hills area and in Oxford County as a result. This is an opportunity that will be for the public to decide. Gaming is not my first choice for economic development but, ladies and gentlemen of the Senate, I stand here to say that right now it may be the only choice we have in Oxford County, and perhaps also in Washington County, which has even harsher economic circumstances than we do. So if we are going to let this go out to the voters, let's give the voters a chance to decide if they want to answer this question once and for all and do so in a way that would benefit two distant but similarly situated areas of our state, Oxford County and Washington County. So Madame President, I urge that we vote against the pending motion. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Sullivan.

Senator **SULLIVAN**: Thank you, Madame President. Men and women of the Senate, I don't really disagree with much of what has been said in this chamber this morning on this item. The State of Maine's laws at the present time require that if an area wants to have gambling, casino or racino, they must gather signatures and put it to a vote. Oxford County did that. They put a lot of money into it. They followed the law. Originally, if we put out a competing measure, and that is what we are talking about, a competing measure, that is our seal of approval of the way it is set up because that is a legislatively initiated bill. Unlike the citizen's initiative, they set the law up, they put it out and they asked and got 100,000 people to sign. Now we are creating a competitive measure, if we were to go further with this bill, and we are saying, 'You know what, there are certain areas that don't have to follow the law as we see it.' We also say we close the door to anyone in the future, other tribes in the future. That letter is written, that at this time the Penobscot choose not to be involved. We need to be very careful that if someone petitions for one casino, we don't go out and give three. The people did not ask for that. It is true however, and the Senator from Penobscot is 100% right, I believe that had we had more time, had this come in sooner, we might have been able to craft a bill that would set up a taxing situation, everything that would work, and you could send it out as a legislative initiative. That was clearly defined and was beneficial to the people of Maine, through taxes. This one is not. So by choosing to go the Indefinitely Postponed route, the casino question still goes out, and the people still get to vote. Those 100,000 people that signed the petition that it was going to be Oxford. I think we need to honor that given we did not have the time. Certainly the Senator from Penobscot and others worked like little beavers in trying to make sure that we could get something out. We ran out of time and we were unable to come

up with something, so I would ask for Indefinite Postponement. I think it is fair. I think it honors the route that we had set up, as a Legislature, in signing a petition and allowing the citizens to come forward to basically approve three casinos, which is not, in my judgment, what people were looking at originally. More time might have been a different story. We just didn't have it given the shortness and the direction from leadership to hurry up as quickly as possible. So I would ask you to please vote for the Indefinite Postponement. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Gooley.

Senator **GOOLEY:** Thank you, Madame President. Men and women of the Senate, I stand before you in opposition to the present motion. Over the last 15 years, when I started in the House in 1995, I was against casinos and I was for a whole number of years, but I think that the situation has changed. It has been mentioned about the unemployment around the state. Over in Rumford it is currently about 15%, and there are several areas in the state where it is almost pushing 15%. I stand before you to say that we need to vote against this motion because we need to go on to the amendment which shows that \$45 million in revenues for different programs, including K-12, that are very important to the state, and that is very important to all of us. Thank you very much.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Goodall.

Senator **GOODALL:** Thank you, Madame President. Men and women of the Senate, I rise today and join the good Senator from York in support of the motion to Indefinitely Postpone. I rise just to say a brief word or two about what is before us. We are not talking or debating whether or not we should have gaming, which we already have in this day, or more casinos. We are talking about whether or not we should allow this measure to go forward or be defeated. If we ultimately defeated this motion, then we would talk about the merits of a competitive measure. It is important to note that there will be a measure on the ballot deciding whether or not we will have a casino in the state. It is also important to note that, hopefully, anything that we put out on the ballot and any measure, any competitive measure, implicit in that it is a well thought out proposal. The time issue is very important to consider and, in my opinion and many people on the committee, we struggled with putting together a proper proposal. The only issue before us right now is if we want to have the Oxford Casino proposal on the ballot and nothing else. Thank you, Madame President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Sullivan to Indefinitely Postpone the Bill and accompanying papers. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#398)

YEAS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, COURTNEY, CRAVEN, DAMON, DAVIS, DIAMOND, GERZOFSKY, GOODALL, HOBBS, JACKSON, MARRACHE, MILLS, NUTTING, PERRY, RECTOR, SCHNEIDER, SIMPSON, SMITH, SULLIVAN, TRAHAN, WESTON, THE PRESIDENT - ELIZABETH H. MITCHELL

NAYS: Senators: GOOLEY, HASTINGS, MCCORMICK, NASS, PLOWMAN, RAYE, ROSEN, SHERMAN

ABSENT: Senator: BRYANT

26 Senators having voted in the affirmative and 8 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **SULLIVAN** of York to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in concurrence, **PREVAILED.**

The Chair laid before the Senate the following Tabled and Later (3/29/10) Assigned matter:

Emergency

An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2010-11 and To Make Certain Changes in the Laws Governing Tax Increment Financing Payments in the Unorganized Territories
H.P. 1294 L.D. 1807
(C "A" H-758; H "A" H-771)

Tabled - March 29, 2010, by Senator **PERRY** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, March 25, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-758) AND HOUSE AMENDMENT "A" (H-771)**, in concurrence.)

(In House, March 29, 2010, **PASSED TO BE ENACTED.**)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

The Chair laid before the Senate the following Tabled and Later (4/2/10) Assigned matter: