

# MAINE STATE LEGISLATURE

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

**Daily Edition**

**Second Regular Session**

January 4, 2012 – May 31, 2012

pages 1084 - 1604

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE  
SECOND REGULAR SESSION  
52nd Legislative Day  
Thursday, May 31, 2012

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Honorable Susan E. Morissette, Winslow.  
National Anthem by Jackie Elizabeth Morissette, Winslow.  
Pledge of Allegiance.

The Journal of Wednesday, May 16, 2012 was read and approved.

Under suspension of the rules, members were allowed to remove their jackets.

**COMMUNICATIONS**

The Following Communication: (H.C. 395)

**STATE OF MAINE  
OFFICE OF THE GOVERNOR  
1 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0001**

May 25, 2012

The 125th Legislature of the State of Maine  
State House  
Augusta, Maine

Dear Honorable Members of the 125th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 807, "An Act To Limit the Bonding Authority of the Maine Governmental Facilities Authority to Court Facility Projects."

The original version of this bill would have required all bonds to go out to the voters by removing the Authority's power to bond. I understand that position and would have signed the bill. However, the enacted version requires most bonds to go to voters, except for court bonds. While I strongly support the judicial branch, why should they receive special treatment? Our Constitution gives us three co-equal branches of government. We must have consistency among them.

We also need to look at all the independent authorities and the way they issue debt. Whether you call it General Obligation, Lease Revenue, or Moral Obligation, a bond is a loan and loans need to be paid back. Government pays it back with taxpayer dollars. We owe it to Maine people to ensure that elected officials are involved and responsible for any debt because, at the end of the day, it is the taxpayers' money on the line.

For these reasons, I am returning LD 807 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,  
S/ Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying item An Act To Limit the Bonding Authority of the Maine Governmental Facilities Authority to Court Facility Projects

(H.P. 603) (L.D. 807)  
(C. "A" H-958)

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 365V**

YEA - Beaulieu, Bickford, Black, Burns DC, Celli, Chase, Clark T, Cotta, Crafts, Cray, Crockett, Cushing, Damon, Davis, Dow, Dunphy, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Gifford, Guerin, Hamper, Harmon, Harvell, Johnson D, Johnson P, Keschl, Knapp, Knight, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Plummer, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Strang Burgess, Tilton, Turner, Volk, Waterhouse, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Ayotte, Beaudoin, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Cebra, Chapman, Chipman, Clark H, Clarke, Curtis, Dill J, Dion, Driscoll, Eberle, Edgecomb, Eves, Flemings, Gilbert, Goode, Graham, Hanley, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Kruger, Kumiega, Lajoie, Long, Longstaff, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, Monaghan-Derrig, Morrison, Moulton, Nelson, O'Brien, Peoples, Peterson, Prescott, Rankin, Rochelo, Rotundo, Russell, Sanborn, Shaw, Stevens, Theriault, Timberlake, Treat, Tuttle, Valentino, Wagner R, Wallace, Weaver, Webster, Welsh.

ABSENT - Bennett, Cornell du Houx, Duchesne, Fredette, Gillway, Libby, Lovejoy, Pilon, Priest, Stuckey.

Yes, 63; No, 77; Absent, 10; Vacant, 1; Excused, 0.

63 having voted in the affirmative and 77 voted in the negative, 1 vacancy with 10 being absent and accordingly the Veto was **SUSTAINED**.

The Following Communication: (H.C. 396)

**STATE OF MAINE  
OFFICE OF THE GOVERNOR  
1 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0001**

May 25, 2012

The 125th Legislature of the State of Maine  
State House  
Augusta, Maine

Dear Honorable Members of the 125th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1469, An Act To Increase Gaming Opportunities for Charitable Fraternal and Veterans' Organizations."

The question of gambling is one that must be answered by Maine voters. While this bill seeks to increase revenues for Maine's important civic organizations, I cannot support doing so without voter approval. Just last November, Maine people had an opportunity to weigh in on new gambling initiatives. They saw a large number of additional major expansions as too much, too soon at this time. The Legislature should not substitute its judgment for the people it serves.

I know the veterans' organizations supporting this bill will be upset with my decision, but I would support this initiative if it allowed Maine people to provide their input, even if it was just at the local level. I look forward to working with them on a proposal that can go to the voters. Their missions are important to our communities and our veterans alike. We must find a way forward that directly involves the Maine people and gets their approval. For these reasons, I am returning LD 1469 unsigned and vetoed. I urge the Legislature to sustain it.

Sincerely,  
S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying item An Act To Increase Gaming Opportunities for Charitable Fraternal and Veterans' Organizations

(H.P. 1078) (L.D. 1469)  
(C. "A" H-887)

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Fitts.

Representative **FITTS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I received notice of the veto of this bill on Friday and the significance for me of receiving a notice of veto of a bill to help veterans' organizations improve their standing by having the ability to raise money on Memorial Day weekend was striking. I think the timing couldn't have been worse. It certainly made what is a somber weekend more somber for me and for those veterans' organizations that were looking forward to the fact that after 20 years, this Legislature finally responded to what has been an ongoing issue for them since they were told by an attorney general a long time ago that the machines that they had previously relied on, for what is for some of them a significant amount of funding, would no longer be legal.

Now this bill has a lot of components and I'm not going to get into the gory details of every aspect of it, but one of the things that is different today than 20 years ago is technology. These machines that previously were found to be in violation of law were not being monitored and that was one of the concerns, that you couldn't tell how much money went in and came out. But today's technology has advanced to the point where the same mechanisms and infrastructure that exists for the casinos, the two casinos that are licensed now in Maine, can be used to monitor these machines which, unfortunately or fortunately, by definition the way state law defines what these machines are, are technically slot machines. So that's why the law calls them out as slot machines. That's legitimate. But to make the argument that a reason for not allowing this law to go forward is that you want local people, or the state in general, to approve it first misses a significant point. These organizations already have games of chance. There is already gambling. This is not an expansion. This is an addition of another technology, I'll grant that, but to call it this massive expansion or that it's somehow a sea change, like we may hear as we move forward in what could be a moderate debate is, I think, misclassifying what actually is reality. So I ask you to think of those organizations that spent the weekend, those members, in what is probably for most, rightfully so, a very somber time and as they reflected on what this veto means to them, we have a way to answer that. So as we vote, I would ask you to vote in favor of the bill and against sustaining the veto. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. As the good Representative Fitts has said, I hope that we do override this veto. I believe that we had a similar piece of legislation in 1996 which this body did override the Chief Executive's veto and I hope that we would do that again. It was back when I was chairman of the, then, Legal and Veterans Affairs Committee. I received a number of letters from veterans' groups and other service organizations around the state. I've got one I'd like to

share with you. It says the income from beano has dropped 25 percent as stated in the Department of Safety reports given to the VLA Committee. The State of Maine VFW Service Office assisted veterans to receive over \$7 million in lump sum retroactive payments and over \$4 million reoccurring payment in January 2011 to December 2011. This office will be receiving \$16,000 less in the annual budgets from the National VA headquarters. If we are able to have LD 1469 passed into law, the posts that use the machines as described in this bill will have more funds to donate to Maine VFW Service offices around the state. If the veterans' service organizations fail to remain in service, the Maine Bureau of Veterans Affairs will have to open more veterans' services offices to assist Maine veterans. We are not asking for the legalization of video poker machines, but we hope that we will have more cash in the use of our organizations. We are asking that we can remain in service for our military veterans. I mean I've received calls from local Elks clubs, local Knights of Columbus. They are really in financial straits and I think unless we override this bill, you're probably going to see a number of organizations go out of business this year. So I'm asking, we did it in '96, I'm asking, we can do it again today. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Picchiotti.

Representative **PICCHIOTTI**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to report that in my town our local legion is against this, of which that I am also a member of that legion, but the legion itself is against this and is for the veto.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Willette.

Representative **WILLETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have to admit that like Representative Fitts, I was a little taken aback when I got the news that this was vetoed. I went around to my fraternal organizations that I belong to – the Elks Club, the VFW and the American Legion – back when we passed this through this House and the other body as well. All the members in those organizations that I am a member to were very excited to have this as an option. Actually, as we were talking, the excitement grew and grew when they thought about the possibilities of new recruitment and the possibilities of having a new stream of revenue that they could use for their charitable givings in the community that they do so well. I just want to reiterate that I believe one of the reasonings for the veto was to provide more of a say from the citizens of the state and your local communities. In this bill, there is a provision in there that, depending on how your municipality wants to handle it, whether through city council vote or a city referendum, they have the option of including this in their town, so that is there. I also want to reiterate that in your towns, if you so decided to have these machines in your towns, you would never ever know that they were there unless you were a member of that organization. There will be no neon flashing signs outside promoting. There will be no advertisements on the TV, in the paper. So I urge you to let's stick to our guns and send this thing out of here the way we did the first time, send it out so we can take advantage of this bill. I encourage you to reconsider this veto. Thank you very much.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This weekend I had the opportunity to witness the dedication of a new monument to our veterans from a number of wars, and the reason that was so precious to me is that I got to see my uncle's name engraved

on it and it meant so much. I was thinking as I was standing there of all the things we've done for veterans and how proud I was that we had passed this particular bill, because it was the one bill that the veterans really, really wanted. We had folks come into our committee from World War II, from the Korean War, from the Vietnam War, and they really, really were passionate about this bill and not because of gaming, per se, but because of the revenue that it would generate and the help that it would allow them to provide other veterans who are returning home from the war or folks who have been home for some time.

You know, the thing that is so striking about this bill is that they are asking for it, particularly now, because they are losing revenues to other gaming sources. We have, the people of Maine, approved two casinos or they approved a racino and they approved a casino and just this session we allowed Hollywood Slots to become Hollywood Casino. They have table games. We have seen the revenues drop since Hollywood Slots came on board online for the gaming opportunities that the veterans provide to raise money, and it's such a significant drop. And it's not about revenue, per se, it's about what we can do with that money and what the veterans do with that money. One of the things that they do is they provide van service, transportation...I'm sorry, Mr. Speaker, I can't hear myself speak let alone anybody else.

The SPEAKER: The House will be in order.

Representative **RUSSELL**: Thank you, Mr. Speaker. The veterans provide van service to folks who are going to Togus or to other locations to have medical services. They reach out and they work with the VA to make sure that veterans are actually getting the services that they have earned, but also the pensions that they have earned. They negotiate with the VA and they advocate on their behalf and we have brought in, just with the VSOs, the Veteran Service Officers that we provide to the state, millions and millions and millions of dollars each year in new revenue that comes into the state. It comes in to our veterans and they then turn around and they spend that money in the state. This is a volunteer side of it. We don't pay for that as a state. This is a volunteer service that those veterans' groups provide. You know, we're still in the middle of a war and we have the opportunity to not just pay lip service but to actually provide an opportunity for those folks to earn revenue to help people who are coming home. It was such an honor to see my uncle's name engraved from the Vietnam War over the weekend and I can't wait to see my brother's name engraved in Bryant Pond from the Iraq War and so many other folks who have served their county well. I think that just following on the heels of Memorial Day weekend, we have an obligation to honor the requests of our veterans, to acknowledge the needs that they have and the services they provide are real, and to provide them an opportunity to be sustainable and to provide those services. I think, like I said, following on the heels of Memorial Day weekend, I see this as a real honor and a real tribute to our returning soldiers and to the folks who have been here all along. Thank you.

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

Representative **VALENTINO**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today also to urge you to override the Governor's veto. I think it's only fitting on my last day here in this chamber to be rising up on a gambling issue. I've been here for eight years. I've served six years on the committee that oversees this and I am actually rising to support this issue. This bill is a very thoughtful bill. It is not a one-page bill. This is a seven-page bill that the committee very, very carefully crafted together. I also want to take note about the

Governor's veto letter. From the tone of the letter, I feel that the Governor struggled with this veto. I feel that he maybe had difficulty coming to this veto. I know that the Governor has always supported the veterans and the military. I know I have attended many, many events...

The SPEAKER: Will the Representative defer? The Chair would remind the Representative to speak of the Executive rather than the Governor, and although it would be okay to read from the Governor's veto message, it's not proper to assign motives to the Governor's position.

The Chair reminded Representative VALENTINO of Saco that it was inappropriate to refer to the Chief Executive as the Governor and not proper to assign motives to the Governor's positions.

The SPEAKER: The Representative may proceed.

Representative **VALENTINO**: And I know that I have also attended many events throughout the state with the First Lady to honor Maine women veterans. So I feel that this issue is not necessarily about veterans, but it is about gaming and that's why I want to weigh in on the gaming aspect of the letter and the bill itself.

As far as the bill goes, it has safeguards in it. The maximum machines are 250 machines scattered over the entire State of Maine. For the first year, it's only 100 machines scattered over the entire State of Maine. The maximum amount of machines at any one facility is five, only five, that's all, and in order to do that you have to be an invited guest to go in and play it. These are not mini casinos. People from off the street just can't walk in and play. These are for their members and for the guests. There are many safeguards that go into this.

I also want to mention the lottery. The lottery in 1974 was voted on by the Maine Legislature and at that time it was 50¢ for a lottery ticket and that was an expansion also of gaming in the State of Maine. What we have now in the lottery, we have only 44 instant game tickets for values up to \$20 and we have 38 weekly draw tickets, anywhere from \$2 up to \$5 that we have. This was an expansion of gambling and other than the Powerball, not all of these games came to the Legislature because it was approved once for the gaming on it and these games went through. We have \$20 tickets. We've never approved of those. I would say that this expansion in these organizations that already have gaming and have had gaming for at least two years prior to this bill going into effect is not the same as having it go out to people on a referendum for 1,500 machines. To me, this is no different than putting a new game into the lottery, that we are now giving them five machines in a facility that already has gambling. Therefore, I treat this differently as those referendums for larger facilities. This is just merely an expansion of gaming to help fraternal organizations and the veterans' organizations who so dearly need that money, and the money is not just to operate, but it's money to give back to charitable causes. Therefore, I would ask you to vote to override the veto. Thank you.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Theriault.

Representative **THERIAULT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As a paid up for life member of the American Legion Post 147 in Madawaska, I stand before you today to tell you that that organization in my community gives and keeps on giving. This would give them an opportunity to raise more money. We do Angel Flight. We do Tribute to Courage Walk which is for cancer patients. I could go on and on. You've heard all the different rules and regulations from the other people here. Basically, this is not just a given. They just can't walk in and get a license and whatever they need to get one of these machines. They need to put up some funds

and there are rules and regulations. So therefore, as a paid up for life and a member of the American Legion, I ask for your support on this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Crafts.

Representative **CRAFTS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I guess I don't really understand the argument that we're having today on trying to find ways to raise money for these organizations. To me, if they're having a problem surviving, the last thing that I would do if the memberships are having a hard time to support their own organization is to put a gambling machine, a slot machine in the organization, to tempt them to take more of their hard earned money and to put it into a slot machine. I would think that that would end up hurting the membership more than helping the membership. It makes more sense to me if maybe there needs to be an increase in maybe the membership. I think the bottom line is that there would be more money in their pocket than to tempt them with gambling. I just don't understand this argument. This is a major expansion of gambling. I think the public has shown in the last vote that we had that we don't want any more expansion in this state, and I don't think this solves the problem. I absolutely believe this creates a bigger problem for these organizations. Thank you.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Briggs.

Representative **BRIGGS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, too, rise in support of this bill. I, too, participated in services in my district this past Memorial Day, a day of remembrance. We, too, remember the fallen soldier Buddy McLain who was killed in Afghanistan in November 2010. Funding for veterans is such a struggle and battle. Our veterans are reaching out to us asking for their support. Please let's not let them down but stand strong and show them how much we care in what we can do for them. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Gilbert.

Representative **GILBERT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am in support of this bill and I think we should vote yes on it. I'm speaking as a life member of the American Legion Post 10 in Livermore Falls, the AMVETS post in Jay and as a member of the Knights of Columbus. All three groups do a lot of good in our community and this would help them to continue the good that they do.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Crockett.

Representative **CROCKETT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I promise that my comments will be brief because I hope the day is brief. We've heard a lot about Memorial Day and the patriotic cause of veterans' organizations, of which I'm a life member of one and a member of another, but let's not wrap this in the flag. This is an expansion of gaming and we're dealing with this issue as an expansion of gaming. We're talking about 250 slot machines getting added to the State of Maine without going to the people. The good Representative from Saco has been honest saying it's a minor expansion of gaming, but it still is an expansion of gaming. The Governor...my apologies, Mr. Speaker...the executive branch made a decision. There is a lot of problems with this bill. We keep talking about veterans' organizations. Fraternal organizations are also in the mix. Who decides? We've heard that the casinos that have been approved have affected the gaming at the American Legion halls, but there's nothing in this bill that weights the criteria to those legions that

are most affected, like those in Oxford County or in Penobscot County, close to Hollywood Slots. There's nothing that this bill addresses. My suggestion is we allow the comprehensive bill that we passed, that it gave these nonprofits a seat at the table to address an overall comprehensive view of gaming in the state and we take a pragmatic approach. I think this is bypassing that process and is contrary to the other bill that we passed, but that's just my humble opinion and I hope you follow my light. Thank you.

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 366V

YEA - Beaudoin, Beavers, Beck, Beliveau, Berry, Bickford, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Chapman, Chipman, Clark H, Clarke, Cotta, Dill J, Dion, Driscoll, Eves, Fitts, Flemings, Flood, Gilbert, Goode, Graham, Hanley, Harvell, Haskell, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Keschl, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, McFadden, Monaghan-Derrig, Morrison, Nass, Nelson, O'Brien, Parry, Peoples, Peterson, Plummer, Rankin, Richardson D, Rochelo, Rosen, Rotundo, Russell, Sanborn, Sanderson, Shaw, Stevens, Theriault, Tilton, Treat, Tuttle, Valentino, Weaver, Webster, Willette A, Willette M, Winsor, Wood.

NAY - Ayotte, Beaulieu, Black, Burns DC, Cebra, Celli, Chase, Clark T, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Eberle, Edgecomb, Espling, Fitzpatrick, Fossel, Foster, Gifford, Guerin, Hamper, Harlow, Harmon, Hayes, Johnson D, Johnson P, Kaenrath, Kent, Knapp, Knight, Long, Maker, Malaby, McClellan, McKane, Morissette, Moulton, Newendyke, O'Connor, Olsen, Parker, Picchiotti, Prescott, Richardson W, Rioux, Sarty, Sirocki, Strang Burgess, Timberlake, Turner, Volk, Wagner R, Wallace, Waterhouse, Welsh, Mr. Speaker.

ABSENT - Bennett, Cornell du Houx, Duchesne, Fredette, Gillway, Libby, Pilon, Priest, Stuckey.

Yes, 80; No, 61; Absent, 9; Vacant, 1; Excused, 0.

80 having voted in the affirmative and 61 voted in the negative, 1 vacancy with 9 being absent, and accordingly the Veto was **SUSTAINED**.

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

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#### ORDERS

On motion of Representative McCABE of Skowhegan, the following Joint Order: (H.P. 1422)

ORDERED, the Senate concurring, that the Joint Standing Committee on Criminal Justice and Public Safety shall report out, to the House, a bill establishing a stakeholder group to examine the issues regarding reimbursement rates for housing prisoners in the consolidated jail system. The bill must specify that the stakeholder group include representatives from local, county and state government as well as members of the public and direct that the report of the stakeholder group, together with any necessary implementing legislation, be submitted to the joint standing committee of the Legislature having jurisdiction over