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

Daily Edition

Second Regular Session

beginning January 8, 2014

beginning page H-1301

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass pursuant to Public Law 2011, chapter 699, section 3, subsection 5** on Resolve, To Conduct a Market Analysis Regarding the Feasibility of Expanded Gaming in Maine (EMERGENCY)
(H.P. 1343) (L.D. 1856)

Signed:

Senators:

TUTTLE of York
MASON of Androscoggin

Representatives:

LUCHINI of Ellsworth
BEAULIEU of Auburn
FOWLE of Vassalboro
GIFFORD of Lincoln
KINNEY of Limington
LONGSTAFF of Waterville
SAUCIER of Presque Isle
SCHNECK of Bangor
TURNER of Burlington

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-821)** pursuant to **Public Law 2011, chapter 699, section 3, subsection 5** on same Resolve.

Signed:

Representative:

RUSSELL of Portland

READ.

Representative LUCHINI of Ellsworth moved that the House **ACCEPT** the Majority **Ought to Pass pursuant to Public Law 2011, chapter 699, section 3, subsection 5** Report.

Representative RUSSELL of Portland **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass pursuant to Public Law 2011, chapter 699, section 3, subsection 5** 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 Portland, Representative Russell.

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. If you were opposed to gaming, support this proposal. If, however, you voted previously to support the harness racing industry, if you voted to support the Passamaquoddy Tribe, if you voted to support the Maliseet Tribe, and if you voted to support the Penobscot Indian Tribe, I would hope that you would pay close attention.

The proposal before you, yes, it is an 11-1 report. I am the one. I will own it. The report in front of you does not do what folks are telling us that it does. Now, you can listen to me or you can pull out the amendment and read it yourself. But let me read you the key pieces. "Whereas proposals for banded gaming in Maine should be based on objective analysis of what is feasible within the existing market. Whereas a market analysis will provide the Legislature with valuable information as it considers future proposals for expanding gaming in Maine." Further down in section 2 it says, "that the Executive Director shall insure that the contract requires the consulting firm to provide an analysis that considers the following: The current regional gaming

markets capacity for additional casino style gaming facilities in the state, considering all existing facilities where wagering is currently conducted." Further down the line, if a market exists at that time, once we have gotten a market analysis from a third party independent group, at that time if a market exists then, at that time, we can look at future gaming facilities.

This study is a sweetheart deal for Las Vegas. If you want your gaming money to go to places like the Bellagio and MGM, be my guest. Study this and vote for it. If, however, you would like to have Maine-based industry included in the study, I strongly suggest you vote against the pending motion. There is an alternative for consideration that helps the harness racing industry and Scarborough Downs, that helps the Passamaquoddy Tribe who has fought for over two decades to have a casino in their district, that helps the Maliseet Tribe and that helps the Penobscot Tribe.

I wanted to bring to you a comprehensive approach to gaming, because this body flipped the Veterans and Legal Affairs reports, four of them, as you may recall, in one morning. They flipped them because they wanted to help those industries. They wanted to help Maine-based people. They wanted to help Maine-based businesses. They understood that certain folks have been trying for years to have access to gaming. We have already voted to open casinos in this chamber. Now, if you voted against those casinos, by all means, vote with the study, vote against the study, because the study may bring more casinos, who knows.

I want to be very clear about what this study does and does not do, because you will hear or you may have heard in the halls already, that this will help provide the framework from which we can develop a comprehensive proposal. It does so in a very narrow way. It does so by limiting the scope to the existing people. Now, we have studies. We have had plenty of studies and, in fact, one of those studies that came to us granted it was not an unbiased study, but I think it was fairly accurate, that study came out and said that Scarborough Downs would cannibalize Churchill Downs. If you live in Oxford County, you should vote for this study. It did not talk about whether Churchill Downs has cannibalized Scarborough Downs, which it has. But under the language of this proposal, we would only be able to talk about Scarborough Downs if a market exists and it is already evident that a market will not exist, ergo, we will not be talking about Scarborough Downs because according to this, we are only limited to the very essence of what is before us.

Now it is great. I think we should have a market analysis, but it should not just be focused on the existing market. It should not be focused on what is feasible within the existing market and it should not just approach it as saying a market analysis will provide the Legislature with valuable information as it considers future proposals, because in order to get to those future proposals, we already have to have a market that exists and it has already been determined by study that in the southern Maine portion of the state that that is not the case.

The process that went into this is rather disappointing, but I will spare you the details, but suffice it to say, if you voted to support the harness racing industry, if you voted to support the Passamaquoddy Tribe, if you voted to support the Maliseet Tribe or if you voted to support the Penobscot Tribe, then you may not want to support the motion before you. I will be voting in opposition to the pending motion so that we can bring forth an alternative proposal that truly is a comprehensive study that is an inclusive study that focuses on Maine businesses and not the sweetheart deals for Las Vegas that you have before you. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Beaudoin.

Representative **BEAUDOIN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I have heard about these studies for the past eight years. They have been talking about studies and more studies and now still more studies and I think the Passamaquoddy still do not have gaming and I think it is disgusting, since they were here before us and everybody has gaming except them. Something is wrong here. I think it is high time for us to vote this in. That is it, no more arguing, no more talking about this bill. Let's get together on this for the last time. Let's vote them the gaming that they have been wanting for eight years or better. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I got this supplement in front of me with 11 supporting this bill. I think that 11 are a good number to follow. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass pursuant to Public Law 2011, chapter 699, section 3, subsection 5 Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 686

YEA - Beaulieu, Beck, Berry, Black, Bolduc, Briggs, Brooks, Campbell J, Cassidy, Chipman, Clark, Cooper, Cotta, Cray, Crockett, Daughtry, Davis, Dion, Duprey, Espling, Evangelos, Farnsworth, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Harvell, Hayes, Herbig, Hobbins, Hubbell, Johnson P, Jorgensen, Keschl, Kinney, Knight, Kornfield, Kumiaga, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marean, Marks, Mastraccio, McCabe, McLean, Monaghan-Derrig, Moonen, Moriarty, Nadeau A, Nadeau C, Nelson, Newendyke, Nutting, Parry, Pease, Peterson, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Sanborn, Saucier, Schneck, Shaw, Sirocki, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Mr. Speaker.

NAY - Ayotte, Beaudoin, Beavers, Bennett, Boland, Casavant, Chapman, Chenette, Crafts, DeChant, Devin, Dill, Doak, Dunphy, Fitzpatrick, Hamann, Harlow, Hickman, Jones, Kaenrath, Kent, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Mason, McClellan, McElwee, McGowan, Morrison, Peavey Haskell, Russell, Rykerson, Sanderson, Saxton, Short, Stanley, Stuckey, Theriault, Volk, Wallace, Weaver, Wood.

ABSENT - Campbell R, Carey, Chase, Dickerson, Dorney, Jackson, Johnson D, Noon, Peoples, Villa.

Yes, 96; No, 45; Absent, 10; Excused, 0.

96 having voted in the affirmative and 45 voted in the negative, with 10 being absent, and accordingly the Majority Ought to Pass pursuant to Public Law 2011, chapter 699, section 3, subsection 5 Report was **ACCEPTED**.

The Resolve was **READ ONCE**.

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

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 Reform Regulation of Consumer-owned Water Utilities

(S.P. 710) (L.D. 1784)

(C. "A" S-484)

TABLED - April 8, 2014 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - **PASSAGE TO BE ENACTED**.

Subsequently, on motion of Representative HOBBS of Saco, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-484)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-817)** to **Committee Amendment "A" (S-484)** which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-484) as Amended by **House Amendment "A" (H-817)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-484)** as Amended by **House Amendment "A" (H-817)** thereto in **NON-CONCURRENCE** and sent for concurrence.

SENATE PAPERS

Bill "An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes of the Town of Old Orchard Beach" (EMERGENCY)

(S.P. 753) (L.D. 1855)

Came from the Senate, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

The **SPEAKER**: The Chair recognizes the Representative from Lewiston, Representative Libby, who wishes to address the House on the record.

Representative **LIBBY**: Thank you, Mr. Speaker. In reference to Roll Call 669, had I been present, I would have voted nay. In reference to Roll Call 670 through 682, had I been present for all of those roll calls, I would have voted yea. Thank you.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

On motion of Representative LUCHINI of Ellsworth, the House adjourned at 11:39 a.m., until 9:00 a.m., Thursday, April 10, 2014.