

MAINE STATE LEGISLATURE

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Legislative Record
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

PASSED TO BE ENACTED, signed by the Speaker and sent to the Senate.

Acts

An Act To Expand MaineCare for Veterans and Low-income Residents

(S.P. 631) (L.D. 1640)
(C. "A" S-464)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative WILLETTE of Mapleton, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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 Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 716

YEA - Beaudoin, Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumięga, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Peoples, Peterson, Pouliot, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Winchenbach, Mr. Speaker.

NAY - Beaulieu, Bennett, Black, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gillway, Guerin, Harvell, Jackson, Johnson P, Keschl, Kinney, Knight, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Reed, Sanderson, Sirocki, Timberlake, Turner, Volk, Wallace, Weaver, Willette, Winsor, Wood.

ABSENT - Ayotte, Gifford, Johnson D, Nadeau A, Noon, Plante, Tyler, Wilson.

Yes, 93; No, 50; Absent, 8; Excused, 0.

93 having voted in the affirmative and 50 voted in the negative, with 8 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Provide for Temporary Commissioners at the Public Utilities Commission

(H.P. 1354) (L.D. 1860)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

Representative BERRY of Bowdoinham **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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 Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 717

YEA - Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jackson, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumięga, Kusiak, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Peoples, Peterson, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Ayotte, Gifford, Johnson D, Nadeau A, Noon, Plante, Tyler, Wilson.

Yes, 143; No, 0; Absent, 8; Excused, 0.

143 having voted in the affirmative and 0 voted in the negative, with 8 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Amend the Laws Governing Poultry Processing

(H.P. 1353) (L.D. 1859)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, To Conduct a Market Analysis Regarding the Feasibility of Expanded Gaming in Maine

(H.P. 1343) (L.D. 1856)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

Representative WILLETTE of Mapleton **REQUESTED** a roll call on **FINAL PASSAGE**.

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 the Houlton Band of Maliseet Indians, Representative Bear.

Representative **BEAR**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Briefly, I would just urge that we not enact this bill as it is written. It is, again, an unnecessary study of gaming in the State of Maine as to feasibility by any sort of market analysis that might be conducted and funded. It would be a waste of money since we already know gaming is feasible. The question is what are the impacts of other gaming on existing gaming? That is the real question and we know that we have tensions right now. The existing market

does not want competition and those who are prepared to invest their own money to go into business are willing to take the risk, because they know gaming is feasible.

In the State of Maine, gaming is legal, but it is legal for some and others would like it legal for themselves. Maine benefits from gaming. We have lotteries. We have the bingos. We have the casinos and we now are seeing that what this bill will do is give some weight to those, I would suggest, who would prefer not to have impacts on existing gamings or revenues in the State of Maine, which I would submit is unfair. It is not the way things are done. Companies take the risk. They invest and if the market doesn't support them, then they fail. I would urge that this body, the law, allow market forces to work, that this be seen as unnecessary because experts have already concluded that existing casinos are feasible. The fiscal office here has reported that other gaming ventures would generate state revenues and would be feasible. All of the evidences before us, gaming is feasible. I would urge that in this present form that this bill not be supported, that instead this be allowed to basically go to the legislative file or whatever the term is and that instead we allow the business community to make application to this body who has the authority to license and there is no need for a study to do so. I would urge that you not support this bill to delay business development, to delay hundreds of new jobs being immediately brought online once these businesses are started and to delay funds that we desperately need for the University of Maine System, for health care for Mainers and for the tribes who desperately need to change the situations at home to meet programs that should be equally valued as important as health care for Mainers, generally, housing for Mainers, generally, etcetera, but for the tribes. We would feel that if this study did not go forward, we would be able to make application to the state and be fairly considered without any further delay. Thank you, Mr. Speaker.

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

Representative **BEAULIEU**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I am assuming and I would hope that the Speaker would clarify if I am incorrect, that this is not the same product that we submitted to the Senate this morning. It has come back changed and the amendment has been removed.

The SPEAKER: The Chair would answer that the House Insisted and the Senate Receded and Concurred with our actions. Therefore, Senate Amendment "C" is not on the bill. The Representative may proceed.

Representative **BEAULIEU**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I understand how some people may feel somewhat slighted as a direct result of the amendment that was eliminated from the document this morning; however, this was the original bill that was proposed by the committee to begin with. It had an 11 to 1 report. It certainly is not the intention of the committee and was not the intention of the committee to neglect anyone in the state. What the committee was looking for was data, information, that would tell us more about where and how and what kinds of processes are needed in order to make sure that this is done correctly. We have been waiting for a long time for this to take place. We are now in a position, if, in fact, we pass this, to dictate the terms upon which this kind of industry will take hold in the state, and I promise all of the bodies and all of the interested parties that if I am part of that committee, when we come back or when the study is made, that no one will have to be concerned about being neglected. That is not my intention. It certainly wasn't the intention of anyone on that committee and I think from what I've read from the actions of

this body in the past, I don't believe that this body wants anyone forgotten. They should not be. They will not be and you have my commitment, and I think the commitment of every member of that committee, to that regard. I appreciate you hearing me out and I thank the body for listening. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hollis, Representative Marean.

Representative **MAREAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the pending motion. I am extremely pleased that it came back to us in the way we insisted when we sent it to the other chambers. This allows us to do a study going forward to get Maine in the position, or not in the position, of expanding gaming. I urge you please to support the pending motion and all is well that ends well. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newcastle, Representative Devin.

Representative **DEVIN**: Thank you very much, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am sure that the good Representative from Auburn was very honest when he said that the committee did not mean to neglect anyone; however, this study does neglect an important part of society and thus I am not going to be able to support it. This study will not attempt to quantify the cost of gambling addiction to the state. If these studies do not incorporate the cost of gambling addiction, it is a fraud and incomplete study and thus I can't support it and I encourage my colleagues not to either. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Very quickly, you will recall that we've made many votes in this body, this session, on various bills because we didn't have information. I think this becomes the vehicle for us to be able to continue to have those conversations and provide the information so when we are back here next session, and we are going to see similar bills to the ones we have seen this session, we can at least have a basis whereby we can make informed choices going forward and so I urge your support for the measure. Thank you.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. I don't have much more to say than what the leader on the other side said, that we should support this and support it wholeheartedly. Thank you.

The SPEAKER: The Chair recognizes the Representative from the Houlton Band of Maliseet Indians, Representative Bear.

Representative **BEAR**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I hear the words from the good Representative from Auburn and the leader and I understand the sentiment expressed and the commitment expressed; however, well, there was a comment that there wasn't sufficient information and it is good to have sufficient information, but on the record, right now, there is the evidence already that gaming is feasible. This act is simply to conduct a feasibility study, a market analysis. It doesn't go into policy so it is not the amendments, which I would have preferred to have seen. This is just a delay to get information that the record already contains, that there is space for markets, for gaming markets, and that this should be seen for what it is, in my view, as unnecessary because that information is on the record right now at Maine.gov with the gaming commission process of last summer. It is all there. The experts that will be probably contracted are going to just repeat what they said. In that sense, I think this should be seen for what it is and that is a successful program to prevent

market impacts, the existing market being impacted by any competition for a while longer and that shouldn't be tolerated. It should not be allowed. Thank you very much.

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. I know defeat when I have seen it, so I will be voting in support of the pending motion but do not rise in support. I would just like to say that we have exhausted every option to do the right thing and to kill the bill now is probably not the best decision for Maine. I think that the study falls far short of where it should. I don't think that it does what many of the parts of it that I would like to see it do, but to have no study is not the right direction at this time. Furthermore, for folks who are thinking about voting against the pending motion, there probably will be an amendment that strips the emergency clause if there is not two-thirds vote. So, as I said before, I will continue to fight to get this state in the right direction. I don't think this is the study that it could have been, but I am not going to stop getting the data that we need to make decisions down the line. I am disappointed, but I will be voting green today.

The **SPEAKER**: The Chair recognizes the Representative from Vassalboro, Representative Fowle.

Representative **FOWLE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the motion. I want to speak to the delay issue, that this is just another delay tactic. I don't see it as a delay tactic. I see it as something that we are planning on working off right off. Having four meetings is what the Resolve does. The study does and it is planned to have these meetings before we come back, so before any bills are in front of us again. It would give us a chance to look at this and understand it and as a new member, that is something I need to do. I understand that people can be in this body for six years, seven years and understand a lot more than I do, at this point in time, but I ask for this vote in support so that we can study it and us new members can get a grasp on things and move forward. I do counter the delay because I think it is our plan to move forward on this and move quickly. Thank you.

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

Representative **LONGSTAFF**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will be very brief. As a member of the committee that voted with the Majority Report, I will be supporting this. I rise now simply to provide one point of information. One of my colleagues said that he could not support the bill because it did not include provisions for gambling addiction and for combatting gambling addiction. You can't put everything in a brief bill, but there is a paragraph in this bill that provides for the establishment of a tax rate or revenue distribution of the revenues that come from any gambling operations and those do include, already, provisions for a certain amount of that revenue to be expended for prevention of gambling addiction or the treatment thereof. Thank you, Mr. Speaker and Ladies and Gentlemen of the House.

The **SPEAKER**: The Chair recognizes the Representative from Newcastle, Representative Devin.

Representative **DEVIN**: Thank you very much, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I apologize for rising a second time. I just want to stress to my good friend from Waterville that it is not setting funds aside that concerns me. My concern is that there is a cost to the state and to the people of this state in terms of gambling addiction. If we don't quantify how much that cost is, then we don't know how much money to set aside or appropriate or generate to cover that cost. So, without

quantifying the costs of gambling addiction, you are not going to have a complete study. Thank you very much.

The **SPEAKER**: The Chair recognizes the Representative from Limington, Representative Kinney.

Representative **KINNEY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I will be voting for the pending motion. In regards to gambling addiction, our present lottery operations do have cascades. Cascades do set aside monies for gambling addiction. We also have programs in place at both of those casinos. Thank you.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. I apologize for rising a second time, but I do want to speak to the addiction piece because we have actually done in the committee, over the years, a fair amount of work around this and I just want folks to understand it. It is not just that we set aside money. We actually have set it up with the Office of Substance Abuse. It used to be that that money was channeled through Public Safety. It has now been moved and shifted over to the Office of Substance Abuse counseling, so they have added to their database two questions. When you go in, if you are being checked out for mental health issues, there is a whole series of questions. That is part of how we quantify what the breadth and depth of our substance abuse and addiction issues are, and mental health capacity. A few years ago we were able to fight to get two questions added to that database. So, in fact, we already are working to quantify and understand the capacity, how far and wide the addiction problem is. So, we were already doing that. I just wanted folks to understand that for the record so that folks don't walk away thinking that we are not already doing something on that point.

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

Representative **BEAUDOIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I don't know why we keep voting constantly regarding gaming in Maine. I don't know. I think it is high time that we let the Passamaquoddy get to be able to vote, get to be able to have their own gaming. Everybody else does in this state. Why is it that, apparently, we don't want them to have it? I don't know why. I don't understand why. I think they should have been given the first option for it. They were here first. It seems incredible to me that we are constantly voting for gaming. Let's have them get their place that they should have. They should have had it a long time ago. I still feel that they should. We should vote for them to have their own place for a change. That is what they want. They have wanted it all along. I just think it is not right what we are doing, what we have been doing. I don't know, maybe it is me, but I don't think I am the only one that feels this way in this House. I think it is high time that we do something for them. Thank you, Mr. Speaker.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Final Passage. All those in favor will vote yes, those opposed will vote no.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 718

YEA - Beaulieu, Beck, Bennett, Berry, Black, Briggs, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chase, Chenette, Cooper, Cotta, Crafts, Cray, Daughtry, Davis, DeChant, Dickerson, Dill, Dion, Doak, Dorney, Dunphy, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant,

Hamann, Harvell, Herbig, Hickman, Hobbins, Hubbell, Jackson, Johnson P, Jorgensen, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Nadeau C, Nelson, Newendyke, Nutting, Parry, Pease, Peterson, Pouliot, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Schneck, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Verow, Volk, Wallace, Weaver, Welsh, Werts, Willette, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Beaudoin, Beavers, Boland, Bolduc, Brooks, Chapman, Chipman, Clark, Crockett, Devin, Duprey, Guerin, Harlow, Hayes, Jones, Kaenrath, Kent, Lockman, Long, Malaby, Morrison, Peavey Haskell, Peoples, Reed, Saxton, Stuckey, Villa.

ABSENT - Aytotte, Johnson D, Nadeau A, Noon, Plante, Tyler, Wilson.

Yes, 117; No, 27; Absent, 7; Excused, 0.

117 having voted in the affirmative and 27 voted in the negative, with 7 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

CONSENT CALENDAR
First Day

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

(H.P. 657) (L.D. 933) Bill "An Act To Establish a Separate Regulatory Board for Dental Hygienists" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-845)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

An Act To Make Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2014 and June 30, 2015

(H.P. 1280) (L.D. 1788)
(C. "A" H-830)

Which was **TABLED** by Representative BERRY of Bowdoinham pending **PASSAGE TO BE ENACTED**.

Subsequently, on motion of Representative WILLETTE of Mapleton, 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" (H-830)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "B" (H-847)** to **Committee Amendment "A" (H-830)** which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-830) as Amended by **House Amendment "B" (H-847)** thereto was **ADOPTED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-830)** as Amended by **House Amendment "B" (H-847)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Authorize a General Fund Bond Issue To Create an Animal and Plant Disease and Insect Control Facility Administered by the University of Maine Cooperative Extension Service"

(H.P. 1355) (L.D. 1861)

Sponsored by Representative FREDETTE of Newport. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

Sent for concurrence.

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

On motion of Representative BEAVERS of South Berwick, the House adjourned at 3:42 p.m., until 9:00 a.m., Thursday, April 17, 2014 in honor and lasting tribute to Edward H. Vetter, of Elliot, Rocco C. Risbara, Jr., of Scarborough and Stuart Nudelman, of Ogunquit.