

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twenty-Sixth Legislature  
State of Maine

Daily Edition

Second Regular Session  
beginning January 8, 2014

beginning at Page 1544

The Secretary opened the vote.

**ROLL CALL (#585)**

**YEAS:** Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, GERZOFSKY, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, LACHOWICZ, LANGLEY, MAZUREK, MILLETT, PATRICK, SAVIELLO, TUTTLE, VALENTINO, VITELLI, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

**NAYS:** Senators: BURNS, COLLINS, CUSHING, FLOOD, HAMPER, KATZ, MASON, PLUMMER, SHERMAN, THIBODEAU, THOMAS, WHITTEMORE, YOUNGBLOOD

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, and 22 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

The Secretary has so informed the Speaker of the House of Representatives.

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Off Record Remarks

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All matters thus acted upon were ordered sent down forthwith for concurrence.

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Senate at Ease.

Senate called to order by the President.

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

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Senator **TUTTLE** of York was granted unanimous consent to address the Senate off the Record.

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Senator **KATZ** of Kennebec was granted unanimous consent to address the Senate off the Record.

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**RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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Out of order and under suspension of the Rules, the Senate considered the following:

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

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

H.P. 1343 L.D. 1856  
(S "C" S-522)

In House, April 9, 2014, **PASSED TO BE ENGROSSED**.

In Senate, April 15, 2014, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "C" (S-522), in NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

Senator **TUTTLE** of York moved the Senate **RECEDE** and **CONCUR**.

On motion by Senator **VALENTINO** of York, 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 York, Senator Valentino.

Senator **VALENTINO:** Thank you Mr. President. Men and women of the Senate, first of all I rise today to say thank you. Thank you for your overwhelming support on your last vote on this. It was wonderful to see the amendment go through. I'm not rising today to try and persuade anybody to vote with me. I think the die has been cast on that one. I do want to say thank you for your support last time. This bill is back here today because the other Body Insisted and they did not accept the amendment that we had put on. It was not an overwhelming vote in the other Body. In fact it was a tie vote, 71-71, which we all know on a tie vote it loses. It was unfortunate that one person could not switch their vote and let it get through. When I left the other Body after the vote I did see a lot of disappointed faces in the hallway. Those were especially among the tribes and the horsemen. There were two glowing faces and those were people who represented the existing casinos. For the love of me I don't know what makes that amendment so threatening that they could not vote for both a fiscal analysis and suggestions for a comprehensive plan but they didn't. I think I know how this vote's going to go, but I'm not going to vote for it even if it's 34-1. I don't feel that we should be spending \$150,000 on a study that basically stops at the word "if" and does not address the comprehensive plan. I think it's too much for a market analysis to spend and it's not what this Body had wanted with some type of a suggestion for a comprehensive plan. So again thank you for your support the other day. I truly appreciate it and it is unfortunate that the other Body didn't agree with us. Thank you.

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

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, I can agree with the good Senator. She's done an awful lot of work and, as most of us did last time, I did support her in her efforts, but we sort of are at a precipice here. We have been talking about this for the last 20 years. We have never had a market study and I think that we're behind the eight ball by not doing that and I do thank the good Senator for her efforts, but I think that at times we have to face the reality of the moment and the reality of the moment is I do not want to see this thing go down. I think one good thing about what we will be doing is that the whole committee on Veterans and Legal Affairs will be doing this study, reporting back to the next Legislature, and, as a former horseman, my family, other areas, I can assure you those issues will be addressed in the upcoming study. Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Cleveland.

Senator **CLEVELAND:** Thank you Mr. President. Women and men of the Senate, I think what we need in this state is a comprehensive, clear, structural path on what the role of gaming should be in the state of Maine, what gambling should be in the state of Maine. When we were going through all these votes, I remember receiving market analysis done by private entities telling us what the consequences of any additional casinos would be. I understand they were done by a particular point of view or interest, but I think that they had some validity to them. I, personally, don't think we need to spend another \$150,000 to know what we know. I think that ship has already left and is gone. What we have left to do is decide where do we go forward with gambling in the state of Maine and what will be a comprehensive plan that makes sense going forward. Receding and concurring will not achieve that, in my estimate, and it's \$150,000 which I think will not move us forward very much. I will not be supporting the Recede and Concur.

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Mason.

Senator **MASON:** Thank you Mr. President. Men and women of the Senate, I stand in support of the pending motion. I believe that the study that passed out of the Veterans and Legal Affairs Committee truly does put us on a firm footing going forward. It will give us the study that we need and will make the considerations that need to be made. The study, itself, does say in these places where pari mutuel betting is done need to be considered. So all of the parties that were interested in the amendment will be interested and will be considered in the feasibility study. I think that this is 20 years overdue. The Senator from York, Senator Tuttle, mentioned that. I completely agree with him. I think this is the right way forward. I would appreciate your support and thank you, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from York, Senator Tuttle to Recede and Concur. 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 (#586)**

**YEAS:** Senators: BOYLE, BURNS, CAIN, COLLINS, CUSHING, FLOOD, GERZOFKY, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MASON, MAZUREK, MILLETT, PATRICK, PLUMMER, SHERMAN, THIBODEAU, THOMAS, TUTTLE, VITELLI, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

**NAYS:** Senators: CLEVELAND, CRAVEN, DUTREMBLE, JACKSON, SAVIELLO, VALENTINO

29 Senators having voted in the affirmative and 6 Senators having voted in the negative, the motion by Senator **TUTTLE** of York to **RECEDE** and **CONCUR**, **PREVAILED**.

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Out of order and under suspension of the Rules, the Senate considered the following:

**ENACTORS**

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

**Emergency Measure**

An Act To Implement the Recommendations of the Commission To Study Long-term Care Facilities

S.P. 704 L.D. 1776  
(S "A" S-521 to C "A" S-497)

On motion by Senator **HILL** of York, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

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**Resolve**

Resolve, To Eliminate Financial Inequality in MaineCare Reimbursement for Community-based Behavioral Health Services  
H.P. 1164 L.D. 1593  
(C "A" H-829)

**FINALLY PASSED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

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Out of order and under suspension of the Rules, the Senate considered the following: