

MAINE STATE LEGISLATURE

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

Daily Edition

First Regular Session

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Resolves

Resolve, Directing the Department of Administrative and Financial Services, Bureau of Revenue Services To Review the Farm and Open Space Tax Law

(H.P. 848) (L.D. 1142)
(C. "A" H-580)

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

An Act To Amend the Laws Pertaining to High-stakes Beano
(H.P. 418) (L.D. 535)
(H. "A" H-498 to C. "B" H-402)

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

On motion of Representative SOCTOMAH of the Passamaquoddy Tribe, was **SET ASIDE**.

On further motion of the same Representative, 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 "B" (H-402) as Amended by House Amendment "A" (H-498)** was **ADOPTED**.

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 **House Amendment "A" (H-498) to Committee Amendment "B" (H-402)** was **ADOPTED**.

On further motion of the same Representative, **House Amendment "A" (H-498) to Committee Amendment "B" (H-402)** was **INDEFINITELY POSTPONED**.

The same Representative **PRESENTED House Amendment "B" (H-606) to Committee Amendment "B" (H-402)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Passamaquoddy Tribe, Representative Soctomah.

Representative **SOCTOMAH**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. What that amendment does is address the bingo fee that was left out in the original amendment and puts it back in. That's all it does. Thank you.

Subsequently, **House Amendment "B" (H-606) to Committee Amendment "B" (H-402)** was **ADOPTED**.

Committee Amendment "B" (H-402) as Amended by House Amendment "B" (H-606) thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "B" (H-402) as Amended by House Amendment "B" (H-606)** thereto in **NON-CONCURRENCE** and sent for concurrence.

Acts

An Act To Amend the Process of Federal Aviation Administration Airport Improvement Program Grants

(H.P. 585) (L.D. 778)
(H. "A" H-479 to C. "A" H-193)

An Act To Provide a Temporary License To Operate a Public Dance Establishment

(H.P. 645) (L.D. 878)
(H. "A" H-578 to C. "A" H-299)

An Act Regarding the Attendance of Attorneys at Individualized Education Program Team Meetings

(H.P. 822) (L.D. 1110)
(CC. "A" H-590)

An Act To Allow the Repayment of Improperly Awarded Workers' Compensation Benefits

(S.P. 389) (L.D. 1268)
(C. "A" S-124)

An Act To Amend the Laws Concerning the Child Care Advisory Council and the Maine Children's Growth Council

(H.P. 1093) (L.D. 1486)
(H. "A" H-593)

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.

Resolves

Resolve, To Amend the Rules Concerning Long-term Care Services To Better Support Family Caregivers

(S.P. 232) (L.D. 739)
(H. "A" H-518 to C. "A" S-205)

Resolve, To Require the Commissioner of Labor To Convene a Stakeholder Group To Determine the Most Appropriate Amount of Time an Employer May Employ an Employee without Being Subject to Unemployment Compensation Requirements

(H.P. 829) (L.D. 1117)
(C. "A" H-271)

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

An Act Concerning Solid Waste Facility Citizen Advisory Committees

(H.P. 522) (L.D. 693)
(H. "A" H-500 to C. "A" H-444)

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

On motion of Representative **HAMPER** of Oxford, was **SET ASIDE**.

On motion of the same Representative the Bill and all accompanying papers were **COMMITTED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and sent for concurrence.

An Act To Amend the Laws Governing the Deadline and Conditions for Municipal Approval of a Second Racino and To Allow a Tribal Racino in Washington County

(I.B. 2) (L.D. 1203)
(C. "A" H-400)

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

On motion of Representative **HAYES** of Buckfield, 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: The Chair recognizes the Representative from Biddeford, Representative Casavant.

Representative **CASAVANT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This particular bill has been very emotional in both ends of the hall. Some very good arguments have been mentioned by both sides. Many people have spoken on the benefit of the Tribes and I agree there are many potential benefits there. People have talked about the benefits for the horsemen, and again, I find that there is some appealing attributes to that particular argument. However, when it comes to the City of Biddeford I have great reservations and so do the other two members of my delegation. Our issue remains we need to see all the cards on the table.

There are many doubts regarding the potential benefits of this particular project on the City of Biddeford. There are issues about socioeconomic points. For example, I'm not saying this is true, but there is an academic study that indicates that for every \$49 of money that comes into a community, there are \$289 worth of social costs. It makes one think and in the bigger picture, again it makes me wonder, why the rush? Why can't we look at that even more, and at least in terms of Biddeford, since day one the developers have been very aggressive gambling on their money by a rapid pursuit of this particular project, many promises. All I want to do is to strip away the promises and try to look at the reality of it all. It's sort of like when you go into a grocery store and you look for any apple, if the apple is bruised you put it back.

In terms of this bill, while there are things that look very attractive, I see bruises to it too. So I see no reason why, Mr. Speaker, we should hurry this and vote as a body to bypass what has been tradition. I see no problem with putting it out as a referendum. I ask, what is the rush? I have no real clear answer for that, but I think that it deserves some sort of investigation to learn the true ramifications of what we're about to do.

The last few days have been particularly revealing to me, as again the developers have ramped up the gambling on this, more money has been poured into getting us to sway or think about their particular ideas. As I said a couple of days ago, in the world of gambling the house always wins. I think it's too important to allow that philosophy to be part of our consideration, because I think that when we can detach ourselves and begin to question the bigger picture, when in fact this House wins by being able to circumvent and look beyond, I think that's when it's not the gambling interest that becomes part of the view, but the people's interest. So I ask everyone here today to think about the bigger socioeconomic considerations and to think about why should we hurry this through, wouldn't it be better just to slow it down, because inevitably it's not about really gambling, per se, or it's not about horseracing, it's just about public vetting. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Passamaquoddy Tribe, Representative Soctomah.

Representative **SOCTOMAH**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise again to defend 1203 and ask that you support it.

The good Representative from Biddeford, Mr. Casavant's concerns about investigation, I think, would be merited by the already operating casino or racino that you have in the State of Maine. But when it comes to Native American tribes, it's always investigate, investigate, investigate and investigate. The Native Americans here in Maine are tired of being investigated and we're tired of handing a handout. I think that your comments

were ill-warranted and I think it is dishonorable to my Tribe when you say think about...

The SPEAKER: Will the Representative defer. If the Representative would just make her case without commenting on comments from others, that would be my preference.

The Chair reminded Representative **SOCTOMAH** of the Passamaquoddy Tribe to not criticize others during her debate before the House.

Representative **SOCTOMAH**: Thank you, Mr. Speaker. The social impact of any casino or racino in this state have already been seen by the operation in the State of Maine. I think and I feel that the racino in Washington County is very well deserved. I think that we've been doing our reports in all areas of gaming and I hope that the members of the House support 1203.

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 won't subject this body to another long debate. I just want to state that if you recall the debate from our past discussion on this bill, that the timing issue that's been stressed is just relative to the process that we have, and any implication or inference that this seems to be being rushed, I think, is being misrepresented and that this process has been going on for nearly six months now. So I think the body has heard the arguments. I think we can move on. I don't think we need to re-debate it. I appreciate you following my light in support.

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

Representative **BEAUDOIN**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. I understand about Representative Soctomah. I understand the way she feels, but I hope that others will realize how we feel with Biddeford. I concur with Representative Casavant and everything he said and, for us, this was done very quickly and it really, really was pushed unbelievably. It just hurts to see things going like that. It just does. I mean we've never had anything like this in our town and I would like for things to be slowed down. We're not asking to stop. We're asking it to slow down for people to really get a chance to know what's going on. Thank you, Mr. Speaker.

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

Representative **CASAVANT**: Thank you, Mr. Speaker. I want to apologize to Representative Soctomah if she believes or felt that I was insulting or hurting the Tribes. That wasn't my intent whatsoever.

Mr. Speaker, Ladies and Gentlemen of the House, what I was trying to say, obviously clumsily, was that what fits the goose doesn't always fit the gander. What might be working or might be desirable in one end of the state might not be of benefit in the other end. So when you look at this particular bill, because it was all bundled together, either it was a move of genius or it was a move that had some flaws in it too.

So again, it's one of those big picture issues. For us in my community, we have doubts. In my view, that pollutes the whole bill. That's not to say that what's good for others is correct. So anyway, my apologies are extended.

One last thought. The other issue that I think we have to consider is the cannibalistic nature of these facilities. In other words, the more you have, they're all after the same dollar and I think that's important to consider. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Passamaquoddy Tribe, Representative Soctomah.

Representative **SOCTOMAH**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The good Representatives from Biddeford are concerned about being pushed. I reiterate, in my initial speaking of 1203, that we have been working on getting a racino or a casino for the past 17 years. So I do not believe the good Representatives from the Biddeford area. That would be a response, that we've been working on it for 17 years and, to date, we still do not have one. However, you do have one in Bangor, Maine. Thank you, Mr. Speaker.

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. We had a very lengthy debate on this. I do not want to prolong the debate that we had the other evening. I just want to rise to support the Representatives from across the river and my citizens in the town of Saco who would like to see this go to referendum. I would like to also rise to support the Majority Report of the committee, which the Majority Report of the committee was to send this to the voters. Thank you.

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. 168

YEA - Ayotte, Beavers, Beck, Bickford, Black, Burns DR, Cain, Cebra, Chapman, Clark H, Clarke, Cotta, Cray, Curtis, Dill J, Dion, Dow, Duchesne, Dunphy, Eves, Fitts, Fitzpatrick, Flemings, Flood, Foster, Fredette, Gifford, Gilbert, Gillway, Goode, Hanley, Harmon, Harvell, Haskell, Herbig, Hogan, Hunt, Johnson P, Keschl, Knight, Kruger, Libby, Long, Lovejoy, Luchini, MacDonald, Maker, Maloney, Mazurek, McCabe, McClellan, McFadden, Nelson, Newendyke, O'Brien, O'Connor, Olsen, Parker, Parry, Peoples, Peterson, Picchiotti, Pilon, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Rioux, Sanborn, Sanderson, Sarty, Shaw, Stevens, Stuckey, Theriault, Tilton, Turner, Tuttle, Volk, Waterhouse, Welsh, Winsor, Wood, Mr. Speaker.

NAY - Beaudoin, Beaulieu, Beliveau, Bennett, Berry, Blodgett, Boland, Briggs, Burns DC, Casavant, Celli, Chipman, Clark T, Cornell du Houx, Crafts, Crockett, Cushing, Davis, Eberle, Espling, Fossel, Guerin, Hamper, Harlow, Hayes, Hinck, Johnson D, Kaenrath, Kent, Kumiega, Lajoie, Longstaff, McKane, Morissette, Morrison, Moulton, Nass, Rochelo, Rosen, Rotundo, Russell, Sirocki, Strang Burgess, Timberlake, Treat, Valentino, Wagner R, Weaver, Webster.

ABSENT - Bolduc, Bryant, Carey, Chase, Damon, Driscoll, Edgecomb, Graham, Innes Walsh, Knapp, Malaby, Martin, Willette A, Willette M, Wintle.

Yes, 86; No, 49; Absent, 15; Vacant, 1; Excused, 0.

86 having voted in the affirmative and 49 voted in the negative, 1 vacancy with 15 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Provide Options to Municipalities Concerning the Maine Uniform Building and Energy Code

(H.P. 1042) (L.D. 1416)
(C. "A" H-553)

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

On motion of Representative **CURTIS** of Madison, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

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

ORDERS

On motion of Representative **CURTIS** of Madison, the following Joint Order: (H.P. 1178)

ORDERED, the Senate concurring, that when the House and Senate adjourn, the House does so until Tuesday, June 14, 2011, at 9:00 in the morning and the Senate does so until Monday, June 13, 2011, at the call of the President of the Senate.

READ and PASSED.

Sent for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 205) (L.D. 624) Bill "An Act To Require a Person Who Commits a Sex Offense against a Dependent or Incapacitated Adult To Register under the Sex Offender Registration and Notification Act of 1999" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-286)**

(S.P. 402) (L.D. 1299) Bill "An Act To Allow Deferred Disposition in Juvenile Cases" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-289)**

(S.P. 473) (L.D. 1503) Bill "An Act To Promote School Attendance and Increase School Achievement" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-287)**

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

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED** as Amended in concurrence.

UNFINISHED BUSINESS

The following matters, 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.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Schedule for Redistricting

(H.P. 387) (L.D. 494)

(C. "A" H-76)

TABLED - April 28, 2011 (Till Later Today) by Representative **CURTIS** of Madison.

PENDING - FINAL PASSAGE.

On motion of Representative **KESCHL** of Belgrade, the House **RECONSIDERED** its action whereby the **RESOLUTION** was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-76)**.

The same Representative **PRESENTED House Amendment "B" (H-565)**, which was **READ** by the Clerk.