

# MAINE STATE LEGISLATURE

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

**Daily Edition**

**First Regular Session**

beginning December 5, 2012

beginning at page H-1

Hayes, Jackson, Johnson D, Johnson P, Keschl, Kinney, Knight, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Beck, Bolduc, Carey, Clark, Libby A, Peterson, Priest, Shaw, Turner, Villa.

Yes, 84; No, 56; Absent, 11; Excused, 0.

84 having voted in the affirmative and 56 voted in the negative, with 11 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-162)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-162)** in concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-139)** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Secretary of State, Attorney General and Treasurer of State

(S.P. 441) (L.D. 1279)

Signed:

Senators:

LACHOWICZ of Kennebec  
COLLINS of York  
GERZOFISKY of Cumberland

Representatives:

CHENETTE of Saco  
COTTA of China  
MacDONALD of Old Orchard Beach  
NADEAU of Winslow  
NADEAU of Fort Kent  
PEASE of Morrill

Minority Report of the same Committee reporting **Ought Not to Pass** on same RESOLUTION.

Signed:

Representatives:

GRAHAM of North Yarmouth  
BOLAND of Sanford  
HAYES of Buckfield

Came from the Senate with the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

**READ**.

Representative GRAHAM of North Yarmouth moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from North Yarmouth, Representative Graham.

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Quite honestly, this bill is looking for a solution to a problem that doesn't exist. There have been no problems raised on the current method of selection of the Constitutional Officers and there has been no outcry from the public to change the Constitution. The current process that we have in place keeps money and special interest

groups out of the process. It keeps corporations and unions from affecting the election of our Attorney General, our Secretary of State, and our Treasurer of our state. In my opinion, I think that this bill is not needed. Again, it's a solution looking for a problem and I ask that you support the motion on the floor.

Representative WILLETTE of Mapleton **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought Not to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The same Representative **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

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

Representative **CHENETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a great bill. Eighty percent of the country is already doing this. Let's follow suit. I think it's time that our constituents are able to vote for their own Secretary of State, their own Treasurer and their own Attorney General. That's all this bill does. It sends it out to the people to let them make their own decision on a voting right. That's what this does. You can disagree with the concept of electing Constitutional Officers, but all this does is send it out to the people and let them decide. We do not have effective polling on this, so this idea that somehow it's a solution looking for a problem, we don't know in this chamber if that's the case. We don't know what our constituents want because that's our job up here, is to stimulate that political discussion about the challenges that we face, to see what our constituents are actually wanting. Maine is the only state in which the Legislature chooses all of our Constitutional Officers. Now, I'd also make a note that how did we choose our Constitutional Officers? Okay, so we had Constitutional Officers, different candidates for Secretary of State, for Treasurer, for Attorney General, go out and campaign on both sides of the aisle to basically hobnob our legislators, us, in order to get our votes internally up here. Now, how transparent is that? How is that not being influenced by special interests? I think of it as the same thing. Now, to be honest with you, I would much rather have this process be transparent and open and put it out to the people, and yes, guess what? PACs are still a problem. Yes, big special interest money is still a problem. But at least the public is involved in the process. They know the people in these certain positions. They know what's going on. I think that's worth it. For my Democratic colleagues, this is a "right to vote" bill. For my Republican colleagues on the other side, this is about governmental accountability and transparency. Both are critically important. So I would urge everybody to take a look at this from the perspective of allowing people a chance to vote for their own right to vote, period. The Secretary of State position, the Treasurer position, the Attorney General, these are important influencing officers. Why are we denying people the opportunity to decide whether they want to vote on it or not? That's all this does. I keep on hearing "Well, oh gosh, we don't want to be influenced by special interests or anything," but I feel like now it's so behind the scenes and it's just, to me, its disingenuous to the democratic process, and I think it's a slap to our voters if we don't pass this. So I would urge everybody against this and I would make note, it was a 10-2 report. Only two people on the committee. There is a reason why I am wearing purple today, folks. This is a bipartisan bill. There is a reason why I am a cosponsor on this with Senator Cushing, and there is a reason why it was a bipartisan report out of committee, 10-2. I would urge you to vote against the pending motion. Thank you, Mr. Speaker. I want to request a roll call.

The SPEAKER: A roll call is already in order. The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm speechless, as the good Representative from Saco took most of my speech, but I sincerely agree with the good Representative from Saco. You know, this is an idea whose time has come in Maine. You know, we rely upon the people of the great State of Maine to look at issues of referendums, bond issues, electing senators and congressmen and the Chief Executive of this state, yet we don't think they are capable of making a choice on who the Attorney General should be when, again, most of the states in the country are already doing this. Maine is an outlier. If there is one thing that I've learned here in Augusta, it's, you know, Maine is an outlier. It seems like we are always a little bit off the beaten trail, and we're off the beaten trail on this. This is sort of a relic of a history of Maine. It's a history whose, maybe at a certain point in time, it was important that it be there. But I believe and I agree with the good Representative from Saco that this is an issue whose time has come. You know, in other states, when they talk about the AG, the Attorney General, someone once said to me "Do you know what AG stands for?" I said, "No." They said, "Well, it means Almost Governor" and that's because when they elect some of these people, on statewide races, it's an opportunity for some folks to step forward and to run a statewide race and to show what it is that they can do in the capacity in which they are elected. We don't allow that right here in Maine because it's really just decided amongst 186 people who sort of get in a room and talk about who should get this job and who shouldn't. And I agree with the good Representative from Saco, and I appreciate his good words on this because I believe he was appropriately accurate and correct on this, and I will be supporting him in his speech on this and will be opposing the motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from China, Representative Cotta.

Representative **COTTA**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the current motion. I would ask that you check your calendar and you will see the report has been read. I serve on the committee and I can't add anything after Representatives Fredette and Chenette have actually taken everything I wanted to say. But the only thing I would like to say clearly is let the people speak. This takes it to the people. I trust the people. These are the same people that voted for everybody that serves in this chamber, so you either trust them or you don't. Thank you.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Parry.

Representative **PARRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to also agree with my good friend from Saco, but I think the thing that disturbs me the most about this is we just spent the last five months in committee. We cannot all be in committee, and we keep moving 2-10 reports, 3-10 reports, 2-11 reports. Why don't we just start voting in January and not even do the committee work if we are going to continue to move these reports? Thank you, Mr. Speaker.

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

Representative **CHIPMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm kind of glad that this bill has gotten as far as it has. I actually introduced a very similar bill and became a mandatory cosponsor to this legislation. I don't know if it's this exact bill, but a similar bill to

this. It has always struck me as odd that these positions aren't elected, that it's essentially an inside job among us here that we pick who these people are going to be. I would challenge all of us here to go out and just randomly ask 10 people on the street "Who is the Attorney General?" and see what kind of response you get. I bet most people don't even know who the people are in these positions because they don't vote for them, and I think it's time that they have an opportunity to decide whether they want to vote for them in the future. I also want to respond to a point made by the good Representative from North Yarmouth about keeping money out of the process. But, we all know how this works. If somebody wants to be in one of these positions, they go out and they start raising money, and they donate it to the party. You know, a lot of money is involved in this anyway, the way that it works currently, and we are one of just a very few number of states that do not allow these positions to be elected and I think it's time to let the voters decide if we want to elect these folks or not. Thank you.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Daughtry.

Representative **DAUGHTRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the pending motion. Maine is an outlier and you know what? That is something that I am very proud of. When I was elected to this body, and I heard about the fact that we elect the Constitutional Officers, I was curious about how this process went around, and I read about it. I read about it extensively. At first, I did think that it was a little bit odd, but the more I read, the more I appreciated our system. The way that we currently elect our Constitutional Officers is by secret ballot, which means that these Constitutional Officers, once they are elected, have no idea who voted for them, which means that they are beholden to no one. I want to remind you about what all of these Constitutional Officers do. We have the Attorney General who is the legal backbone of this state, we have the Treasurer who is in control of the financial matters of this state, and we have the Secretary of State which oversees ballots. These are folks we want to be neutral and by not having someone that they know put so much into their campaign or knowing so, and so voting for them, it actually puts them in a position where they aren't quite sure, they just know that they won and they aren't beholden to anyone. So I understand the backing behind let's open this up to a general election and let's let the people speak, and I have full trust in the people of Maine to elect the best candidate. But I am very concerned about money getting into these elections, where we have an Attorney General spending tons of time going out campaigning, raising tons of money and having people behind them whom they know are major campaign supporters potentially impacting a court case. Or same thing with the Treasurer, when they are issuing a bond, maybe they issue a bond to a constituent that could benefit a construction company who helped this person run for office. So I just want to keep in mind, when you are voting on this measure, we need to find a system, and we have a system that keeps these Constitutional Officers in a position that keeps them neutral. They don't know who is supporting them, and I urge you to support the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Grant.

Representative **GRANT**: Thank you, Mr. Speaker. I rise in support of the pending motion to Accept the Minority Ought Not to Pass Report, and I would like to go on record as saying my choice of attire today had nothing to do with this bill. It was completely serendipitous. I am always one who approaches changing or proposing to change Maine's Constitution very, very

thoughtfully, and at this point, I am waiting for the people of Maine to speak to tell us that it's time to change our Constitution. At this point, I see no polling, no data. No one has approached me to say, "Oh please let us vote for the Attorney General and the other Constitutional Officers." So until that time comes, I will not support this attempt until I am motivated by the people to do otherwise. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Morrill, Representative Pease.

Representative **PEASE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this bill. As a proud member of the State and Local Committee, I very much agree with my partner over there from Saco. Also, I didn't dress appropriately today because I dress with whatever my wife tells me to put on, but I wouldn't have any heartburn one way or the other with this. But the point I have with this bill, this bill came out of a committee that worked very well together. We listened to each other. We talked to each other. State and Local, this year, voted very much nonpartisan, and if you look at this vote, it was 10-2. There wasn't any party lines drawn here and I think that you all are on committees, you know we do hard work, and that is the purpose of a committee, is to try to do the work of all the Legislature, so that when we get here we have a pretty good feel of what the direction is. We heard the testimony. It's the right time. It's the right time to give the people a choice. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative **HARVELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Having sat on State and Local, I saw this bill twice. I was against it two times, and I am still against it and in support of the motion today. The reasons have nothing to do with whether the Committee Report is bipartisan or not. In fact, they are rooted in history. The first bill I believe that I voted on after getting elected was this bill, and we had a little partisan caucus before the support of this bill, we went outside and we were lining up this, among other votes, of where we were, and they were asking. They said, "Well, you know there is a Republican Senator that supported you. Are you in support of this?" I said, "No, I'm not in support of this." I said, "Why would I give the Attorney General and the Secretary of State and the Treasurer their own power base for god sakes?" I deplore the Seventeenth Amendment. This is along those same lines. So there was some discussion back and forth and I said, "I'll tell you what. If I can look every one of you guys in the eye and you can tell me that if we, the Republicans, were in power, we would be voting on this motion, I will vote for it." And the heads dropped and no one looked me in the eyes. I said, "Well, my vote is not going to change whether we are in power or not." We were in power the next year I came back, my vote still did not change and here's why. If you want to go down to the Law Library and you want to start reading about what this Legislature used to do prior to the Seventeenth Amendment when we elected Senators, we directed those Senators in Washington what to do. We used that language, and why, because they were hearing from the person that voted for them. How many people have gotten Christmas cards from the Secretary of State and the Attorney General? I am under no illusions that I am Mr. Popularity when I get this Christmas card. They want to be nice to the people that voted for them. When I wander the halls and see the Attorney General and the Secretary of State, I don't assume that they are hanging around because we're just such a great bunch of people to be with. In Pennsylvania, when they passed the Seventeenth Amendment, there had been an individual there for a long time that had been trying to get the

Legislature of Pennsylvania to choose him to be a Senator. He couldn't do it. When they passed the Seventeenth Amendment, he said, "You know what? I couldn't get them to choose me, but I will buy that seat." And buy that seat he did. When you start to open these up to elections too, you open them up to the same problems that we are fraught with in elections, and that is campaign contributions, and what that may or may not mean in decisions that they make. The people of this state thought that the citizens of the state had the most control over their elected officers and, at the time, over their Senators, because they had control over the members of this body and the body down the hallway. And if you take that away, right, you are actually taking away power from the citizens because if 10, 15, or 20 people in any one of our House races really want us gone, who amongst us thinks that we're not going to be gone, and if they want to change those officers, they can change this body. Then you also end up with a problem of if you have a further divided government because you may have Republicans and Democrats in opposition to each other within the officers themselves. So if you want to go ahead and do this, go ahead, but I'm telling you history says it's a bad idea. Thank you very much.

The **SPEAKER**: The Chair recognizes the Representative from Yarmouth, Representative Cooper.

Representative **COOPER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'd like to offer another historical analogy as to why we ought to vote yes on the pending motion. Maine has judges that are appointed by the Chief Executive and confirmed by the other body. Many other states in the Union have elected judges and history and current news is rife with stories of the corruption and the favoring that can result when judges have to solicit funds from the public and special interests in the course of their electioneering. We removed these officers, both judges and our Secretary of State and our Attorney General and our Treasurer, from the political process because we count on their integrity and their professionalism to give us an honest answer. Yes, this is a political body and we do have a say in their choice, but it is a step removed. Frankly, I have never seen any evidence, at least as long as I've been here, which isn't very long, that they do act in a political manner. They are staffed by professionals. They are professionals in the way they go about their business and that is the way I think we must keep it for the foreseeable future. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Winterport, Representative Brooks.

Representative **BROOKS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I heard some very good arguments this morning about corruption among judges and I've watched and looked over the long, I guess it's a long history that I've been either reporting in this room or serving in this Legislature, and I can tell you that not only did I, at one point, think what idiot would want to serve here, and now I am one, but also watch the appointment of or selection of officers, Constitutional Officers, within this body or by this body. That all notwithstanding, I believe it's time for change. I will be voting against the motion. If you think about the responsibilities that the Constitutional Officers now have and I have been sitting here wondering exactly what it is that we should do in this particular debate. On my campaign, I have in the past – and believe me, I've campaigned a lot. I've only served here four terms, but I believe I've campaigned for the last 15 years. I have heard people say it is unfortunate that the folks that we are talking about this morning aren't elected, because I think that there would be better constraint. If you use the argument that by electing judges, then money comes into the state and they

become corrupt and all of that, then we can be saying the same things about ourselves or the Chief Executive or others who are elected. So I don't buy that argument. It is true and it was argued in the last election that too much money was coming into the state and attempting to regulate our elections and who we put into office. The people, to me, are the very last bastion of true democracy. What they say stands. It doesn't really matter, other than true corruption, who gets elected, and that's why we are here today. Again, think about the role that the Treasurer plays in finances. If there is a broken system, I would much rather have that broken system blamed upon the individual and/or blamed upon some misgivings of calculations in government, rather than to have it be blamed on partisan politics. If the Attorney General answers to those folks who elected him or her, then are we, at some point, going to be accountable for actions that the Attorney General took? Last, but certainly not least, if we have a Chief Executive, at some point in the future, that needs for whatever reason to be removed from office, who do you turn to? The Secretary of State is empowered to accept the letter and call for an investigation. I, frankly, at that point, would want that Secretary of State elected by the people and not appointed by one party or another, where politics certainly does enter into it and the blame that would fall would be blame on the party that happens to be in control at the time. I think it's time to change. I think it's time for us to send out to the folks who elect others like us, to give them the opportunity to say, "This is a candidate of my choosing, with whom I place my vote and who I believe has great integrity." It's time for us to turn to the people and say, "It's your choice." Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Nadeau.

Representative **NADEAU**: Thank you, Mr. Speaker. Dear fine Members of this Legislature, LD 1279 is a bipartisan Majority Report out of committee. Working together, we came to this conclusion. Therefore, I stand behind the good work of good people who voted Ought to Pass as Amended. Please recognize the work involved and vote against the pending motion. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Buckfield, Representative Hayes.

Representative **HAYES**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise with a bit of a conflict because I didn't vote for many constitutional amendments in committee and I don't think I voted for this one, but I appear on that report so let me explain. Most of the constitutional amendments that are proposed will come to us and it has been my observation over the years that if nobody is invested in educating the voter on that particular proposal, the amendment will fail at the ballot box, and we've watched that happen. So the question I tend to ask is not necessarily the merits of the proposal, it's who is going to fund the effort to educate the people we're asking to make this decision, and if we don't have an answer for that, then I'm likely to vote against it. I've been researching this during this entire debate because I thought I voted with the current motion in committee, but I don't appear to have done that. So I probably had a senior moment and I stand at this point in time in support of the Ought Not to Pass for just that reason. I cannot identify anybody invested enough in this that they will spend their money to educate the people we're going to give this decision to make. So I am going to support, contrary to what the calendar may say, I am going to vote in support of the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The good Representative from Farmington once recited some information about a time machine, so I invite you all to get in the time machine and we'll go back, we'll go back to 2011 when this bill was before this body and did not pass. If we were to go back in that time machine, we would actually see that the Representative from China, Representative Cotta, the Representative from Sanford, Representative Boland, the Representative from Auburn, Representative Bolduc, the Representative from Biddeford, Representative Casavant, the Representative from North Yarmouth, Representative Graham, the Representative from Farmington, Representative Harvell, the Representative from York, Representative Moulton, and the Representative from Burlington, Representative Turner, all voted against this bill in committee and here we are today, in the future, voting on this bill yet again. This time in sort of a different posture and this time some people in a different position. I encourage folks to vote as many of us did last time and vote to support the pending motion. Thank you very much.

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

Representative **RUSSELL**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative **RUSSELL**: Thank you, Mr. Speaker. How will these elections be funded? Will candidates have the use of Clean Elections funds or will it be exclusively private funds financing the campaigns?

The SPEAKER: The Representative from Portland, Representative Russell, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Buckfield, Representative Hayes.

Representative **HAYES**: Thank you, Mr. Speaker. In response to the question from my colleague from Portland, there is no provision in the constitutional amendment to address the question that the Representative raises, so it is as yet unknown. There would be no language added to the Constitution that would allow these folks who participate. That would have to be done, I believe, in statute, if it was to be done at all.

The SPEAKER: The Chair recognizes the Representative from Freedom, Representative Jones.

Representative **JONES**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I don't know if many of you noticed this and you could call me provincial if you wish, but the further we move away from direct democracy, the more distorted our political system becomes. Pretty straightforward. Like I said, call me provincial. You know, we have a town meeting in a town of 750 people, every citizen shows up at the meeting, becomes informed and casts their ballot. When we get to the State House, quite frankly, I call on anyone to challenge the notion that partisan politics has affected the work of the people here. When we get to the third level, which is further removed from the people in Washington, there is absolutely no dispute that the system is functionally broken. You know, the good Representative from Buckfield pointed out the cost of the election process of these Constitutional Officers. I ask the fellowship here, what is the cost of democracy? The question before us is whether we wish our Constitutional Officers to be elected, chosen, in a partisan fashion as they are now, there is no denying that fact, by representatives of the people or whether we want our Constitutional Officers chosen directly by the people, and as one who will consistently, unerringly speak in favor of democracy, I would urge that we reject the pending motion. Thank you, Mr. Speaker.

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

Representative **CHENETTE**: Thank you, Mr. Speaker. I don't apologize for rising a second time. I just want to clear up some of the misconceptions from the good Representative from Gardiner about polling. I would argue, how much polling have we done on some of the other bills that we've passed? There is 1,700 bills we had to tackle. How much polling did we do for each one of those? This bill, in and of itself, is a poll. We're essentially asking a simple question: Do you want to vote for Secretary of State, Treasurer and Attorney General? This idea about educating voters on a referendum regarding the Constitution, I would typically agree with the good Representative from Buckfield. But it's a simple question, folks. Do you want to vote or do you not? What more education do we need? From the good Representative from Skowhegan, we can change our mind through education, through knowing new information and we can evolve. As the President of the United States has evolved on certain issues, we've evolved in this chamber on certain issues. It is possible to change your view based on new information based on what is right over what is easy. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Minority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 187**

YEA - Beaulieu, Beavers, Berry, Boland, Briggs, Campbell J, Casavant, Chase, Cooper, Crafts, Cray, Daughtry, DeChant, Devin, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Harvell, Hayes, Herbig, Hubbell, Jorgensen, Knight, Kornfield, Kruger, Kusiak, Lajoie, Libby N, Long, Longstaff, Luchini, Malaby, Mason, Mastraccio, McCabe, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Nelson, Newendyke, Noon, Nutting, Peoples, Plante, Powers, Pringle, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Shaw, Sirocki, Stanley, Theriault, Timberlake, Tipping-Spitz, Treat, Welsh, Werts, Winsor, Mr. Speaker.

NAY - Ayotte, Bennett, Black, Brooks, Cassidy, Chapman, Chenette, Chipman, Clark, Cotta, Crockett, Davis, Dickerson, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Gifford, Gillway, Guerin, Hamann, Harlow, Hickman, Jackson, Johnson D, Johnson P, Jones, Kaenrath, Kent, Keschl, Kinney, Kumiega, Lockman, MacDonald S, MacDonald W, Maker, Marean, Marks, McClellan, Morrison, Nadeau A, Nadeau C, Parry, Pease, Peavey Haskell, Pouliot, Rankin, Schneck, Short, Tyler, Verow, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Wood.

ABSENT - Beaudoin, Beck, Bolduc, Campbell R, Carey, Fredette, Hobbins, Libby A, Peterson, Priest, Stuckey, Turner, Villa.

Yes, 79; No, 59; Absent, 13; Excused, 0.

79 having voted in the affirmative and 59 voted in the negative, with 13 being absent, and accordingly the Minority **Ought Not to Pass Report was ACCEPTED** in concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-155)** on Bill "An Act To Reduce the Licensing Fee for Certain Tournament Games"

(S.P. 125) (L.D. 329)

Signed:

Senators:

TUTTLE of York

PATRICK of Oxford

Representatives:

LUCHINI of Ellsworth  
FOWLE of Vassalboro  
LONGSTAFF of Waterville  
RUSSELL of Portland  
SAUCIER of Presque Isle  
SCHNECK of Bangor

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

MASON of Androscoggin

Representatives:

BEAULIEU of Auburn  
GIFFORD of Lincoln  
JOHNSON of Eddington  
KINNEY of Limington

Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (S-155)** Report.

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-155)**.

**READ.**

Representative LUCHINI of Ellsworth moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative **KINNEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This legislation reduces the license fees for tournament games that do not exceed 100 players and would result in reduction in other special revenue funds to the Department of Public Safety for \$31,747 in fiscal year 2013-14, and \$32,000 for 2014-15 and thereafter. These fees are used by the state law enforcement to oversee these tournament games, thereby reducing the funds that are available to conduct oversight inspections. Thank you, Mr. Speaker.

Representative WILLETTE of Mapleton **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** 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 Ellsworth, Representative Luchini.

Representative **LUCHINI**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I just wanted to make a quick correction. The Ought to Pass as Amended Report, the fiscal note was reduced down to \$21,000 in fiscal 2013-14, and then \$28,000 going forward the next years. In spite of the cost, what this bill would do is help the nonprofit organizations like the Elks, the Eagles, the American Legions, VFWs that host these events and the type of charitable gambling opportunities have really diminished for these groups recently with the expanded gaming opportunities that have happened in Maine, allowing casinos here. So I think this gives a chance for those charitable organizations a chance to compete and the money stays local,