

STATE OF MAINE  
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
FIRST SPECIAL SESSION  
JOURNAL OF THE SENATE

In Senate Chamber  
Friday  
June 3, 2005

Senate called to order by President Beth Edmonds of Cumberland County.

Prayer by Senator Elizabeth H. Mitchell of Kennebec County.

**SENATOR MITCHELL:** You will recognize the prayer this morning as the wonderful famous pray of St. Francis of Assisi. It's a wonderful guiding light for all of us.

Lord, make me an instrument of Your peace. Where there is hatred, let me sow love. Where there is injury, pardon. Where there is doubt, faith. Where there is despair, hope. Where there is darkness, light. Where there is sadness, joy. Oh Devine Master, grant that I may not so much seek to be consoled as to console, to be understood as to understand, to loved as to love, for it is in giving that we receive, it is in pardoning that we are pardoned, it is in dying that we are born to eternal life. Amen.

Reading of the Journal of Thursday, June 2, 2005.

Off Record Remarks

**SENATE PAPERS**

Bill "An Act To Develop a New Judicial Facility in Bangor"  
S.P. 632 L.D. 1687

Sponsored by Senator PERRY of Penobscot.  
Cosponsored by Representative TARDY of Newport and Senators: PLOWMAN of Penobscot, ROSEN of Hancock, SCHNEIDER of Penobscot, Representatives: DUNN of Bangor, FAIRCLOTH of Bangor, FISHER of Brewer, GREELEY of Levant, RICHARDSON of Carmel.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

Sent down for concurrence.

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **JUDICIARY** on Bill "An Act To Make Dormancy Fees on Gift Cards Illegal"  
H.P. 737 L.D. 1084

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-624)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-624)**.

Report **READ** and **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-624) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

The Committee on **JUDICIARY** on Bill "An Act To Facilitate Voting by Participants in the Address Confidentiality Program"  
H.P. 768 L.D. 1115

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-625)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-625)**.

Report **READ** and **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-625) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

The Committee on **TAXATION** on Bill "An Act To Award Income Tax Credits for Boiler or Furnace Systems That Reduce or Eliminate Certain Pollutants"  
H.P. 1159 L.D. 1647

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-628)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-628)**.

Report **READ** and **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-628) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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The Committee on **TRANSPORTATION** on Bill "An Act To Amend the Laws Relating to Motorized Scooters, Motor-driven Cycles and Mopeds" (EMERGENCY)

H.P. 1027 L.D. 1464

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-626)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-626)**.

Report **READ** and **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-626) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act To Sunset Income Tax Checkoffs"

H.P. 1133 L.D. 1606

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

PERRY of Penobscot  
STRIMLING of Cumberland

Representatives:

CLARK of Millinocket  
PINEAU of Jay  
HUTTON of Bowdoinham  
SEAVEY of Kennebunkport  
WATSON of Bath

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-605)**.

Signed:

Senator:

COURTNEY of York

Representatives:

HANLEY of Paris  
McCORMICK of West Gardiner  
WOODBURY of Yarmouth  
CLOUGH of Scarborough  
BIERMAN of Sorrento

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

On motion by Senator **STRIMLING** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

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**Senate**

**Ought to Pass As Amended**

Senator HOBBS for the Committee on **JUDICIARY** on Bill "An Act To Provide Guidelines, Standards and Rights for Children and the Guardians Who Care for Them"

S.P. 491 L.D. 1402

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-326)**.

Report **READ** and **ACCEPTED**.

**READ ONCE.**

Committee Amendment "A" (S-326) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Ordered sent down forthwith for concurrence.

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

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**ENACTORS**

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

**Emergency Measure**

An Act To Ensure the Safety of Victims of Domestic Violence  
H.P. 712 L.D. 1027  
(C "A" H-531)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with no Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Emergency Measure**

An Act Regarding Access to Mental Health Services  
S.P. 411 L.D. 1183  
(C "A" S-279)

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

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**Emergency Measure**

An Act To Create a Small Distillery Off-premises License  
S.P. 462 L.D. 1335  
(C "A" S-263)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Emergency Measure**

An Act To Amend the Potato Industry Licensing Laws  
H.P. 1110 L.D. 1572  
(C "A" H-562)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Emergency Measure**

An Act To Allow Lincoln and Sagadahoc Counties an Exemption from the Limitation on County Assessments  
H.P. 1176 L.D. 1667  
(C "A" H-537)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Emergency Measure**

An Act To Exempt Internet Services from Auctioneer Licensure  
S.P. 618 L.D. 1670  
(C "A" S-259)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Emergency Resolve**

Resolve, Regarding Legislative Review of Chapter 920: Maine Model Building Energy Code, a Major Substantive Rule of the Public Utilities Commission

H.P. 1127 L.D. 1591  
(C "A" H-510)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Emergency Resolve**

Resolve, To Retain Maine's Theater Arts and Dance Teachers  
H.P. 1167 L.D. 1656  
(C "A" H-520)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with 2 Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Emergency Resolve**

Resolve, Regarding Legislative Review of Chapter 11:  
PBX/Multiline Telephone System (MLTS) Requirements, a Major  
Substantive Rule of the Public Utilities Commission  
H.P. 1174 L.D. 1665  
(C "A" H-509)

This being an Emergency Measure and having received the  
affirmative vote of 32 Members of the Senate, with no Senators  
having voted in the negative, and 32 being more than two-thirds  
of the entire elected Membership of the Senate, was **FINALLY  
PASSED** and having been signed by the President, was  
presented by the Secretary to the Governor for his approval.

An Act To Implement Emergency Medical Dispatch Services for  
E-9-1-1 Calls

H.P. 959 L.D. 1373  
(C "A" H-560)

An Act To Assist in the Investigation and Prosecution of Theft  
Offenses

H.P. 973 L.D. 1409  
(C "A" H-499)

An Act To Address the Constitutionality of Maine's Resident-only  
Lobster License

H.P. 985 L.D. 1421  
(C "A" H-544)

An Act To Make Minor Substantive Changes to the Tax Laws

H.P. 1024 L.D. 1462  
(S "A" S-232 to C "A" H-392)

An Act To Improve Campaign Financing and Reporting and the  
Administration of the Maine Clean Election Act

S.P. 518 L.D. 1500  
(C "A" S-264)

An Act To Implement Recommendations of the Family Law  
Advisory Commission

H.P. 1054 L.D. 1502  
(C "A" H-500)

An Act To Amend the Laws Governing the Manufactured Housing  
Board

S.P. 525 L.D. 1509  
(C "A" S-260)

An Act To Update Professional and Occupational Licensing Laws

H.P. 1071 L.D. 1524  
(C "A" H-522)

An Act To Protect Maine Citizens from Lead Hazards that Harm  
Maine Children and Families

H.P. 1077 L.D. 1532  
(S "A" S-275 to C "A" H-542)

An Act To Amend the Laws Concerning Registration of Engineers

S.P. 537 L.D. 1548  
(C "A" S-257)

An Act To Expand the Powers of the Stonington Sanitary District

H.P. 1169 L.D. 1658  
(C "A" H-561)

An Act To Amend the Law Governing the Department of  
Transportation's Contracting Authority

H.P. 1173 L.D. 1662

**PASSED TO BE ENACTED** and having been signed by the  
President were presented by the Secretary to the Governor for his  
approval.

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**Acts**

An Act To Amend the Charter of the York Sewer District  
S.P. 137 L.D. 413  
(C "A" S-281)

An Act To Require Notification prior to Suspension of a Driver's  
License for a Nonmotor Vehicle Violation  
H.P. 460 L.D. 627  
(C "A" H-497)

An Act To Transfer Responsibility from the Potato Marketing  
Improvement Committee to the Maine Potato Board  
S.P. 342 L.D. 1002  
(C "A" S-276)

An Act To Promote Stability in Labor Relations  
H.P. 776 L.D. 1123  
(C "A" H-492)

An Act To Implement the Recommendations of the Legislative  
Youth Advisory Council  
H.P. 779 L.D. 1136

An Act To Amend the Laws Regulating Custom Vehicles  
H.P. 806 L.D. 1163  
(C "A" H-517)

An Act Regarding the Initiation of Cases of Murder and Class A, B  
and C Crimes in Superior Court by Complaint  
H.P. 866 L.D. 1248  
(C "A" H-498)

An Act Allowing Spirits Tasting Events  
H.P. 886 L.D. 1289  
(C "A" H-506)

An Act To Improve Funding for Telecommunications Relay  
Services  
H.P. 887 L.D. 1290  
(C "A" H-559)

An Act To Require a Criminal Background Check for the Initial Licensure of Emergency Medical Services Personnel  
H.P. 702 L.D. 1018  
(C "A" H-472)

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

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An Act To Provide Uniform Voter Verification and Recount Requirements for Voting Machines

H.P. 711 L.D. 1026  
(H "A" H-508 to C "A" H-453)

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

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An Act To Clarify the Laws Governing Agricultural Composting Operations

S.P. 381 L.D. 1064  
(C "A" S-256)

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

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An Act To Require Alcohol Retailers To Post Signs Regarding the Laws Governing Alcohol

H.P. 738 L.D. 1085  
(H "A" H-485 to C "A" H-455)

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

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An Act To Amend the Motor Vehicle Laws

S.P. 468 L.D. 1341  
(C "A" S-255)

On motion by Senator **MARTIN** of Aroostook, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

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An Act To Simplify Implementation of the Maine Learning Results  
H.P. 988 L.D. 1424  
(C "A" H-554)

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

An Act To Strengthen the Animal Welfare Laws  
H.P. 1036 L.D. 1473  
(C "A" H-502)

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

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An Act To Authorize a Tribal Commercial Track and Slot Machines in Washington County

H.P. 1111 L.D. 1573  
(C "A" H-563)

On motion by Senator **ROTUNDO** of Androscoggin, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

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### Resolves

Resolve, To Direct the State Board of Funeral Service To Consider the Need To Amend Its Rules with Regard to Licensed Funeral Establishments

H.P. 736 L.D. 1083  
(C "A" H-525)

Resolve, Directing the Department of Education and the Department of Environmental Protection To Implement Procedures To Remove Hazardous Materials from Maine Schools

H.P. 800 L.D. 1157  
(C "A" H-489)

Resolve, To Study the Establishment of a Controlled Substances Act for the State of Maine

H.P. 819 L.D. 1190  
(C "A" H-521)

Resolve, To Study the Accessibility of Birth Certificates and Other Vital Records

S.P. 416 L.D. 1202

Resolve, Regarding Discharges from Hospitals

H.P. 1002 L.D. 1438  
(C "A" H-557)

Resolve, Encouraging the Continuing Education of Physicians Regarding Disclosure of Confidential Medical Information

H.P. 1105 L.D. 1567  
(C "A" H-501)

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

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Senate at Ease.

Senate called to order by the President.

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Off Record Remarks

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**ORDERS OF THE DAY**

**Unfinished Business**

The following matters in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later (5/31/05) Assigned matter:

Bill "An Act Regarding Tribal Gaming and Gaming by Nonprofits"  
H.P. 788 L.D. 1145  
(C "A" H-550)

Tabled - May 31, 2005, by Senator **BRYANT** of Oxford

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-550)**, in concurrence

(In Senate, May 31, 2005, **RULES SUSPENDED. READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-550)**, in concurrence. On motion by Senator **BRYANT** of Oxford, **RECONSIDERED.**)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-550)**, in concurrence.

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The Chair laid before the Senate the following Tabled and Later (6/1/05) Assigned matter:

Resolve, Establishing The Task Force To Study Cervical Cancer Prevention, Detection and Education (EMERGENCY)  
H.P. 899 L.D. 1302

Tabled - June 1, 2005, by Senator **MAYO** of Sagadahoc

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-570)**, in concurrence

(In House, May 31, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-570)**.)

(In Senate, June 1, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-570)**, in concurrence. On motion by Senator **MAYO** of Sagadahoc, **RECONSIDERED.**)

On motion by Senator **MAYO** of Sagadahoc, Senate Amendment "A" (S-325) **READ.**

**THE PRESIDENT:** The Chair recognizes the Senator from Sagadahoc, Senator Mayo.

Senator **MAYO:** Thank you, Madame President, ladies and gentlemen of the Senate. This is a technical amendment. It was not caught in the original drafting and it allows for the expenditure of funds which will be raised to support this particular study. The funds, in fact, have been raised as I speak, but without this they could not be expended.

On further motion by same Senator, Senate Amendment "A" (S-325) **ADOPTED.**

**PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-325)**, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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The Chair laid before the Senate the following Tabled Unassigned matter:

Bill "An Act To Create Freedom of Citizen Information Regarding Ballot Questions and Political Action Committees"  
H.P. 648 L.D. 929  
(C "A" H-412)

Tabled - May 26, 2005, by Senator **GAGNON** of Kennebec

Pending - **FURTHER CONSIDERATION**

(In Senate, May 20, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-412)**, in concurrence.)

(In House, May 25, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-412) AS AMENDED BY HOUSE AMENDMENT "A" (H-503)** thereto, in **NON-CONCURRENCE.**)

On motion by Senator **GAGNON** of Kennebec, the Senate **RECEDED** and **CONCURRED.**

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Senator **DAVIS** of Piscataquis was granted unanimous consent to address the Senate off the Record.

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Senator **MARTIN** of Aroostook was granted unanimous consent to address the Senate off the Record.

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

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Senator **DAVIS** of Piscataquis was granted unanimous consent to address the Senate off the Record.

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

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

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On motion by Senator **BRENNAN** of Cumberland,  
**RECESSED** until 11:30 in the morning.

After Recess

Senate called to order by the President.

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Senator **SAVAGE** of Knox requested and received leave of the Senate that all members and staff be allowed to remove their jackets for the remainder of this Session.

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

#### **PAPERS FROM THE HOUSE**

##### **Joint Resolution**

The following Joint Resolution:

H.P. 1193

#### **JOINT RESOLUTION MEMORIALIZING THE FEDERAL AVIATION ADMINISTRATION TO FULLY AND PROPERLY STAFF AND MAINTAIN THE AUTOMATED FLIGHT SERVICE STATION LOCATED AT THE BANGOR INTERNATIONAL AIRPORT IN BANGOR, MAINE**

WE, your Memorialists, the Members of the One Hundred and Twenty-second Legislature of the State of Maine now assembled in the First Special Session, most respectfully present and petition the United States Department of Transportation's Federal Aviation Administration as follows:

WHEREAS, Bangor International Airport, in the City of Bangor, County of Penobscot, Maine is the home to the Bangor Automated Flight Service Station, AFSS, of the Federal Aviation Administration, which serves all of the State of Maine and all of the State of New Hampshire, and provides facilities that provide briefing and weather services to pilots throughout those regions; and

WHEREAS, the flight service controllers at the Bangor AFSS on a daily basis provide essential aviation weather and

aeronautical information, assist civilian and military pilots with flight planning, perform search and rescue operations and orient lost aircraft; and

WHEREAS, given it is the most northeastern flight service station in the Nation, and with Maine being a border state, the strategic importance of the Bangor AFSS cannot be understated; and

WHEREAS, the services provided by the Bangor AFSS and other similar stations across the country are so crucial and intimately related to the public interest as to mandate performance by federal employees; and

WHEREAS, on September 11, 2001, automated flight service stations were the primary source of vital information for the other air traffic control facilities, airports and the Nation's general and business aviation communities, and the Bangor AFSS quickly changed from being a provider of weather and flight planning information to an important source of information regarding expectations of the resumption of flights in the region; and

WHEREAS, the proper staffing and maintenance of the Bangor AFSS with a full contingent of station controllers is a fundamental necessity for the continuation of crucial services to civil and military aviation in Maine and New Hampshire; and

WHEREAS, as do employees of the rest of the air traffic control system, the employees of automated flight service stations deal with the safety of lives and property, both in the air and on the ground, and this important duty makes operation of these stations an inherently governmental function; and

WHEREAS, the closure or degradation of the only automated flight service station in Maine and New Hampshire is contrary to the public interest and the safety of civil aviation as administered by the Federal Aviation Administration and homeland defense; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge that the Federal Aviation Administration recognize that the employees of automated flight service stations conduct an inherently governmental function and that it is necessary to maintain the staffing standard of station controllers in order to maintain the Bangor AFSS; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the United States Secretary of Transportation, Norman Y. Mineta, to the Administrator of the Federal Aviation Administration, Marion C. Blakely, to each Member of the New Hampshire Congressional Delegation and to each Member of the Maine Congressional Delegation.

Comes from the House, **READ** and **ADOPTED**.

**READ** and **ADOPTED**, in concurrence.

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act To Eliminate Estate Taxes on Family-owned Businesses"  
H.P. 321 L.D. 436

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

PERRY of Penobscot  
STRIMLING of Cumberland

Representatives:

CLARK of Millinocket  
WOODBURY of Yarmouth  
PINEAU of Jay  
HUTTON of Bowdoinham  
WATSON of Bath

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-589)**.

Signed:

Senator:

COURTNEY of York

Representatives:

HANLEY of Paris  
McCORMICK of West Gardiner  
CLOUGH of Scarborough  
BIERMAN of Sorrento  
SEAVEY of Kennebunkport

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-589)**.

Reports **READ**.

Senator **STRIMLING** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act To Adopt the Streamlined Sales and Use Tax Agreement"  
H.P. 747 L.D. 1094

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-603)**.

Signed:

Senators:

PERRY of Penobscot  
STRIMLING of Cumberland

Representatives:

WATSON of Bath  
HANLEY of Paris  
CLARK of Millinocket  
McCORMICK of West Gardiner  
WOODBURY of Yarmouth  
PINEAU of Jay  
HUTTON of Bowdoinham  
SEAVEY of Kennebunkport

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**.

Signed:

Senator:

COURTNEY of York

Representatives:

BIERMAN of Sorrento  
CLOUGH of Scarborough

Comes from the House 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" (H-603)**.

Reports **READ**.

Senator **STRIMLING** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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Off Record Remarks



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**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

An Act To Authorize a Tribal Commercial Track and Slot Machines in Washington County

H.P. 1111 L.D. 1573  
(C "A" H-563)

Tabled - June 3, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - pending **ENACTMENT**, in concurrence

(In Senate, June 2, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-563)**, in concurrence)

(In House, June 2, 2005, **PASSED TO BE ENACTED.**)

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

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. For your edification, I wanted you to know that the Appropriations Committee recently met, deliberated, and voted to exempt L.D. 1573 from the Special Appropriations Table. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Washington, Senator Raye.

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. I rise in support of the pending motion. The bill before us is the culmination of a partnership between Maine's Native Americans and the people of Washington County. That partnership is reflected in the unanimous support of the entire Washington County legislative delegation for this bill. My colleagues, you've heard me speak on a number of occasions about the economic challenges faced by Washington County. For years, many of those challenges have been attributed to our geographic location at the extreme eastern tip of Maine. With this bill, at long last, we, in Washington County, are presented with an opportunity to take advantage of our geography. It may come as a surprise to you that Calais, Maine is the nation's 8<sup>th</sup> busiest border crossing with Canada. From coast to coast, Calais, Maine is the 8<sup>th</sup> busiest border crossing. According to U.S. Customs officials, between 2.5 and 2.9 million people a year cross the bridge at Calais. Fully half of New Brunswick's population of 738,000 live an hour's drive from Calais. For the vast majority of the 1.8 million Canadian citizens who live in the maritime provinces to our east, Calais is the gateway to New England. For years, struggling local business people have watched, in utter frustration, as tourists pour through our beautiful part of Maine and out of communities in search of activities, attractions, and destinations to our east and to our west. I would invite you to visit with the local business people along the main street in Calais and let them tell you about standing at their store windows and watching tour bus after tour bus after tour bus pass us by, and of watching and counting the license plates from all over the United

States of America and Canada pass us by. A racino will help transform our area into a destination where tourists will find a reason to stop, to stay awhile, and to learn about the other opportunities our part of Maine offers for recreation.

For longer than I have been alive, policy makers in this city, our capitol city, have noted, discussed, debated, and decried the severe economic distress that Washington County has long endured. While many of this bill's most ardent foes enjoy the relative comforts of life in more prosperous areas of our state, Washington County knows first hand the harsh day-to-day reality of enduring the highest unemployment rate of Maine's 16 counties, a rate consistently more than double the state average. We are painfully aware of the consequences of a medium household income that is nearly \$11,000 less than the statewide figure. I would point out that household income in Washington County is less than half that of Cumberland and York Counties'. Just ruminate on that for a moment. We live daily with the knowledge that Washington County families and children suffer poverty rates 60% and 70% higher, respectively, than the statewide averages. We lag far behind the state average in the percentage of our citizens who have college degrees.

A succession of Governors and legislatures have wrestled with how to change the dynamic in a way that will allow Washington County to overcome its economic distress. Nobody argues, and I'd like to make this very clear, nobody argues that a racino alone is the answer or the end-all and be-all for Washington County. I can assure you that there have been countless efforts to attract other businesses to our county. I, personally, have been involved in those efforts. We have the Sunrise County Economic Council, led by Diane Tilton as Director, who has been working for over a decade. Getting out of bed, her first job has been what can we do to improve the economy of Washington County? We have waited far too long, far too long, for all these efforts to bear fruit. In the meantime, our economy and our population have continued their steady decline.

Even for those of us who don't see a racino as the end-all and be-all of job creation, there can be no doubt that this bill provides a significant catalyst towards economic development. Just as clearly, it will be a valuable component of our economic development strategy, along with other approaches, to attract businesses, strengthen our natural resource base industries, increase tourism, and grow the creative economy. The facilities envisioned with this bill will provide an impetus for some of those folks who travel through, those 2.5 to 2.9 million every year who pass us by, to stop and stay awhile.

I'd like to also talk about something that I think has been lost in the debate that has occurred outside this chamber to date. That is the agricultural aspect of this proposal. My great-grandfather, who was born, brought up, and lived his 84 years in Washington County, was a horseman. In his day we had tracks in Washington County. There are a great many of our older people alive who remember those days and for whom this bill offers a promise of restoring that important piece of our agricultural heritage. By offering racing days during times that other Maine tracks do not currently operate, this proposal carves out a unique niche in Maine's racing industry. Rather than competing with any other race site, by this process Maine horsemen will be provided additional racing days in the spring and the fall and help make it possible for them to make a living. In Washington County, in addition to the direct jobs created at the racino itself, the spin-off in the agricultural sector will benefit feed stores, hay producers, and the like.

This is based closely on the referendum that the people of Maine approved in November 2003. I think sometimes that gets lost in this debate too. Remember, the people of Maine approved racinos. They went to the polls and cast their vote. I would say to my friends in the southern end of the state that when the people did that there was an expectation that one of those would be in Scarborough and still the whole state voted for it. I'm puzzled, as are my constituents, by the argument that by supporting a racino 250 miles away, in little old Calais on the Canadian border, is somehow going against the wishes of the people of southern Maine. That argument is lost on me.

This bill not only extends long overdue respect to Maine's Native Americans, Maine's first people, but it will also create hundreds of jobs, directly and spin-offs, in our agricultural and tourism sectors. Just like the existing racino law, the proceeds from this are going to support the Sire Stakes Fund, Maine's agricultural fairs, purse supplements, and the Fund for a Healthy Maine. It is modeled on existing law. By taking a portion of the proceeds that would ordinarily go to the tribes, with the agreement of the tribes and written into this bill, we're going to have funding for economic development and education for Washington County residents to help us begin to lift ourselves out of these depths. The bill devotes racino revenue to the Washington County Development Authority and secondary vocational education. I'd like to pause here for a moment to remind the members of this chamber, or to inform those who don't know it, the western half of Washington County is the only region of this great state that does not offer a secondary vocational education facility for their students. Can you think of a place where it's more needed? Here is the funding stream, right here in this bill. There is also funding for scholarships for students at Washington County Community College, the University of Maine at Machias, and Unobsky School in Calais. It will fuel not only job creation, but also the opportunity for education. The two things we need the most if we are going to be able to lift ourselves up. It is a source of, I would say puzzlement but it's deeper than that, profound hurt that for those of us who live and love Washington Country, it is a source of hurt that so many of our fellow Mainers who seldom, if ever, have even visited our part of the state, would so vehemently oppose an effort that holds such promise for creating jobs in our part of Maine, especially when currently there is so little opportunity for working families and young people to carve out their lives. I could tell you personal stories of people I know, people in my town, people I went to school with, and the pain of families watching their young people leave. You know, it's a great thing if you leave because you want to go out and explore the world and expand your horizons. God bless you and good luck. We would all send them off with our best wishes. It is painful, deeply painful, to watch communities suffer the loss of their young people because they have no alternative and they are hopeless. It is profoundly unfair.

For those in other parts of Maine who may be worried about the prospect of sighting a racino in your backyard, make no mistake about it, despite the scare tactics that have been passed out to our desks, this bill is very clear. There is nothing in this bill to suggest that we are seeking to expand gambling anything other than this one racino in Washington County. Madame President, few would argue with a straight face that the Foxwoods Resort Casino, 195 miles southwest of Portland, has profound effect on southern Maine. I am at a loss to understand how this modest racino, 225 miles and well over a 4-hour drive northeast of Portland, could have a negative effect on the people of southern

Maine. It would most certainly have a profoundly positive impact on the part of Maine that has been hurting economically for longer than any of us have been alive. Perhaps that is why, and I was amazed to discover this, somebody told me the other day that I should go on-line and look at the poll on MaineToday.com. There had been a poll about the Washington County racino bill. People in my part of the state don't generally look at MaineToday.com. That's the Portland Press Herald, the Kennebec Journal, and the Morning Sentinel. I went on, and low and behold, over 500 readers, who I would assume are primarily folks in that region of the state, had taken part in that poll. By an over-whelming 2 to 1 margin, they support this effort. 63% to 31%. I think that is because they have a sense of fairness, both to our Native people and to their fellow Mainers who have suffered the indignity, and it is an indignity, of economic deprivation for far too long. I'd also remind this body that our own Chief Executive, when he served in this chamber as a Senator from Penobscot during the 116<sup>th</sup> legislature in 1993, was the chief co-sponsor of a bill to site not a racino but a full fledged casino in Calais. I would submit that 12 long hard years later the conditions that prompted him to co-sponsor that bill are not better. If anything, they are worse.

Ladies and gentlemen of the Senate, I urge you to stand with Maine's Indian tribes, who have come together in a partnership of their own and in the partnership that they have forged with the people of Washington County, to reverse the decades old economic stagnation that has plagued both our Native American people and the residents of our eastern most county. I hope that you will join with the 10 to 3 majority Ought to Pass as Amended report and support enactment of this bill. I thank you for your consideration.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Strimling.

Senator **STRIMLING:** Thank you, Madame President. May I pose two questions through the Chair?

**THE PRESIDENT:** The Senator may pose his questions.

Senator **STRIMLING:** Thank you, Madame President. The two questions I have are: can anybody tell me where in the bill it states that this must be in Washington County? Secondly, does there need to be a vote in locality? I have heard differing things, one is that it could either be a vote by the popular referendum in the locality or it could be done by just the municipal government. I can't find either of those in the bill. The two questions are: where in the bill does it state that this must be in Washington County, and secondly, can somebody point to me where in the bill it talks about a public vote and if there needs to be one.

**THE PRESIDENT:** The Senator from Cumberland, Senator Strimling poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Kennebec, Senator Gagnon.

Senator **GAGNON:** Thank you, Madame President. To answer the good Senator's question. The answers are yes and yes. It is required that the locality be in Washington County. That is described in the language having to do with the fact that it is reservation land. There are only two reservations of that tribe and they are in Washington County. The third reservation would not be eligible because of the boundary. The second question, there

is a requirement that there be a local referendum. I don't know exactly what the language is and unfortunately I hoped the analyst would be here but she's not. If it's not accurate enough or should be tightened up in some way we'd be glad to do that with the good Senator's vote. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator Plowman.

Senator **PLOWMAN:** Thank you, Madame President. Just to clarify a little further about the Indian reservation land. I will read you the paragraph that is our committee amendment. We are no longer working with the bill. The bill has been substantially revised. I will read you the paragraph. 'Is located more than 90 miles from an existing commercial track that operates slot machines but within 45 miles of the operating tribe's Indian reservation as described in Title 30, chapter 601.' Title 30, chapter 601, is the Maine Indian Claims Settlement Act. It is very specific, under definition, as to what an Indian reservation is, where they are located, what their lands consist of, and we were very careful to write this so that there would be no misunderstanding when this point was brought before this body that there was not a definite intended location.

The reason that this bill has progressed is because Washington County made its case for the need. When the bill came to us it wasn't tight enough. Through incredible committee work, and I say incredible because it's my committee, we brought forth a bi-partisan group of people from around the state who said, 'Twelve years ago we didn't have what we needed to reassure us.' I was here 12 years ago and I didn't like that bill. I don't think there is anybody here that knows that I didn't like that bill. Twelve years later and nothing has happened in Washington County except that there has been more sliding back for the people of Washington County. Their standard of living decreases while the standard of living in York and Cumberland have only increased. Interstate 95 does not extend to Washington County. You may not know how to get there, but when the Senator from Washington, Senator Raye, says 225 miles, you can do the first 90 or 100 real quick but the 120 from Bangor over is a long way to go. People don't go there. They take Route 9 and run right down when they head to Foxwoods. Go figure. We haven't done anything for Washington County. When I campaigned over in Washington County a few years ago, the saddest thing I ever heard was when I was talking to a man, who was in his 70's, that had nobody to take care of him because his family had moved away for economic opportunities. He said to me, 'I'm lonely. I'm lonely.' Not only does he not have anybody to take care of him, we have this generational thing that has happened in Washington County. We're leaving all the old people to take care of themselves as best they can. Every once in a while this city, as I heard earlier, sends a lick and a promise or the hint of a kiss towards Washington County. This is a little bit more. I understand that there are moral objections and there is some talk of no sustainable economy. Well you know what, if they fail, they fail. There is no bailout here. Someone puts their money up, they take the risk, they fail, and they go out of business. This is not a guaranteed thing for the tribes. They have to put up their money, go through the investigations, fill out a 48-page application, and meet every hoop. So anybody that says that we are just handing a monopoly, please understand that this is not the case. I'm trying to refute a few things that have come across my desk.

This is a chance to say, 'Here Washington County, take a run with it.' We haven't given them anything to run with in 12 years. I think it's time that you just kind of say, 'I'm stepping aside and I'm going to enable you to take care of yourselves and make a go of it.' Let's give them an honest to goodness chance to make a go of it and stop throwing things at this that are trying to impede what's going on. I fully understand the other arguments. You need to understand that Washington County is desperate. When you are desperate, you develop an imagination and you start working for things. I've been to Washington County and they are doing economic development 3 and 4 jobs at a time with the most ingenious people that you could even imagine. They are scraping by with no infrastructure, no help, and no people. I don't think you can even get DSL down that way. People aren't even moving from New York City to work in a home office in Washington County. They can't do it. There is nothing there for infrastructure. There are promises coming. I've watched for 12 years. You know, a promise from Augusta is not something you should put in the bank.

Please put aside some of the prejudices that I'm hearing about what is good economic development and what is not and let a business try to make a go of it. You'll be the first ones to hear if they fold. I'm sure that you will, but if they never get out of the gate, as we like to say, then you never know if they could have won. Please, let's just think this through a little bit further today and go ahead and give Washington County the chance that they have not been given yet. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Strimling.

Senator **STRIMLING:** Thank you, Madame President. I appreciate some of the answers that we are given, although I'm not quite sure I am comfortable on the piece about it being in Washington County. I am glad that it is on the record. I also want to say, and extend to my colleague from Washington County, that the speech that he just gave was as moving a speech as I've heard this year. I understand, without question, the economic deprivation that you are feeling. I run an organization that works with people who are below the poverty line in the middle of a city that is incredibly wealthy. It drives me crazy. It kills me inside in the same way that I'm sure you see wealth all around this state, but in your own community it's not there. I see it in my own city.

I rise today in opposition to this exactly for the reason of who I work with. Madame President, while I understand there maybe some economic impact of value to someone in this, the piece that gets left out is the impact that it can have on the community and the people who are using the facility. Madame President, I have enough clients at my organization. I have enough people who are in poverty, enough people who are bankrupt, enough people who are trying to dig their way out, trying to find affordable housing, and trying to find a job. I don't need more facilities in Maine that can suck money from poor people and make their situation worse. There is an impact to this. I understand there is gain for some, but there is loss for others. Slot machines are called video crack for a reason. They are addictive. They are designed to suck you in and get as much money as possible. They are not designed to let you leave with a big winning. They are designed to have you come in and have your pockets be emptied. There is an impact to that on people. I realize some will gain from this, but we have looked at communities across this country and seen the

detrimental impact that it has on people and on those communities.

Madame President, I urge my colleagues to vote against this bill today. I cannot say it strongly enough, I do not need more clients. I don't know of a social service agency in the State of Maine that needs more clients. The soup kitchens in my town cannot feed everyone who needs food. The shelters cannot house everyone who needs housing. This will make those situations worse. I believe in real economic development. If we want to build a future, we need to invest in our schools, we need to invest in our roads, and we need to invest in research and development. That is economic development. This is not. This will make a few wealthy and it will pull more money from those who can't afford it away from them. I strongly encourage my colleagues to please vote against the pending motion. Thank you, Madame President.

**THE PRESIDENT:** The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Thank you, Madame President and men and women of the Senate. The end of session is always stimulating because we have great occasions and people rise to those occasions. It's been wonderful to listen this morning to great speeches on both sides of this issue. I have voted consistently against gaming initiatives for 11 years and I intend to vote against this one. I start with that proposition so that you know where I am coming from. I start with the proposition that it has to be one of the dumbest of human activities, to sit in front of a machine and put a dollar in it and get 89¢ back. I don't understand it. That's where I come from.

I also have read the literature and I also understand, as the good Senator from Cumberland does, what the predominant impact is of these gaming parlors on the localities where they are situated. The predominant impact is that it makes for more poor people rather than fewer. It takes money from the very people who can least afford to lose it. It increases bankruptcies, divorce, criminal activity, and drugs. Washington County has enough of all of the above already. I have to remind some in this body that Washington County does not have a monopoly on poverty or the lack of economic development or rurality. I claim a little bit of that for myself, coming from Somerset County. We routinely challenge Washington County for having the highest unemployment rate, some of the poorest health statistics, and some of the highest numbers of divorces and bankruptcies in the State of Maine.

We have done a great deal for Washington County, at least in terms of what the state can properly offer. Washington County is part of the Eastern Maine Development Corporation, which is, I think, the largest and certainly, I think, the most successful of the economic development agencies that we have in our state. It is well funded. It is large. It is effective. It does a great job. It is doing what it can. It is supported by the state. It is supported by the federal government. It is supported from many other sources. Its mission is specifically economic development and it includes Washington County. We have built a Port Authority in Eastport. We built that port in recent years. There is a Calais Tourism Center that the state funded through a bond issue. There is a new border crossing going in to facilitate traffic. Under the King administration, Route 9 was rebuilt throughout its entire length because the good people from Washington County were sick and

tired of getting killed by an inadequate highway. Today that highway is a far cry from what it was 12 or 15 years ago.

Unfortunately, the state does not have a cure for remoteness. I can say that about my own county. There are sections of my own county that suffer from just being a long ways away from other things. We don't have a cure for that.

I'm also told that we don't have enough horses right now to fill the race days that we are committed to in Scarborough, Bangor, and the other county fairs. To a large extent, the horses that are coming in to fill the race days are coming from Canada. If we build another track, to add to the number of race days available, the odds are pretty good that it won't be Maine horses racing on that track. In large measure, it would be Canadian horses coming down to visit because we don't have enough horses right now and we're not likely to have until we perhaps give the Bangor situation a chance to do whatever it is supposed to do. Here we are, with a very thin public margin, directed to set up a gambling parlor in Bangor to help the harness racing industry. We've gone through a lot of pain to try to figure out how to manage that operation, and we've got it on the verge of being launched. It's a big social experiment that of many object, strenuously, to but have suffered to go forward. We haven't even given it a chance to see what will happen in Bangor before there are so many of us ready to vote for a second one without even seeing the first one take hold and see what it will do and the impact it will have on our state and on the region where it is being put.

People have said, 'Well, it's just for one tribe in one location.' I don't necessarily read it that way, and politically, how on earth are we going to turn down the Micmacs, the Penobscots, or the other tribes when they come in and say, 'Well, they've got one, why don't we get one?' Are we voting today on one racetrack or are we voting on three or how many are we voting on? If you have read any of the literature on the background behind how these things got started in Connecticut and other places, you know one thing, you carry one lesson above all others and that is do not trust one single word of a piece of legislation that is written by the gambling industry. There are hookers in there and they will take us to the cleaners every time that they can. They have done it in state after state.

I just can't see us voting for this today and seeing this thing rushed through the chamber at the end of the session. Doubling the number of slot machines in the State of Maine without even having tried this social experience that is about to be launched in Bangor. We know for a certainty that an isolated casino of this sort, of the very sort that they have located in other states that are isolated, produces primarily more poverty, more divorces, more bankruptcies, and more hardship for the very areas in which they are located. That is the primary financial and economic impact. I don't think there is any getting away from it. The studies are practically unanimous on that point.

**THE PRESIDENT:** The Chair recognizes the Senator from Franklin, Senator Woodcock.

Senator **WOODCOCK:** Thank you very much, Madame President, ladies and gentlemen of the Senate. I always love the emotion at the end of session and I know that the good Senator from Somerset, Senator Mills, has aged well because his emotion level is rising a bit today. I'm very appreciative of the word of the good Senator from Cumberland, Senator Strimling. Many of those words I certainly would take no issue with at all. I was

particularly moved, given the nature of the emotional speech, by the good Senator from Washington, Senator Raye.

I rise today in support of this motion, in spite of the fact that, historically, I've been much opposed to gambling. When I came to the Senate, this body, I found one unique issue that I feel we've been dancing around for a long time, and that is gambling. I would pose to you today that I don't think if this racino was built in Washington County that there would not be one single person in attendance. The reason for that is they've spent all of their money on scratch tickets. I have argued about this with members of this body, members of the other body, and Chief Executives, current and past. Why is it that we have scratch tickets in front of every glass counter of every country store in this state and you say to me, 'I don't like gambling'? I pose to you that we have been extremely hypocritical about gambling in this state.

Many of us in this body, many of us come today with a preconceived notion of this issue. We argue that points that we feel will make it successful. Most of know that none of us are changing our minds. I have heard that we have no horses. We aren't going to have a conflict of race dates because these race dates are different race dates. The reason we currently have no horses is very simple. Quite often they race for \$800 a race. In New York, Massachusetts, and Delaware they race for \$4,000, \$6,000, \$10,000, or more a race. No horses, no money. My grandfather was a horse trainer at the Lewiston Raceway. I remember when I was a youngster of 5 years old, he put me on a sulky and we'd jog around the track. I didn't know a thing about gambling. I still don't know a heck of a lot about gambling. I know the effect it has on some people. I do know the effect that this agricultural community of Maine has felt from harness racing's lack of purse money. We have a significant number of people affected in the agricultural community by harness racing. It has a long and storied history in Maine.

I say to you today, don't let me hear about scratch tickets any more. They are easy to buy. A loaf of bread? No. A scratch ticket? Yes. We debate racino. We debate casino. We debate Washington County. We debate Franklin County. We debate Scarborough, Maine. We do not debate scratch tickets. So let us continue to wonder about the hypocrisy of our debate on gambling, but none of us should wonder about the impact on the agricultural community that this bill will have. Thank you, Madame President.

**THE PRESIDENT:** The Chair recognizes the Senator from Kennebec, Senator Gagnon.

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. I certainly can't bring the emotion that other people have brought to this debate. I can, however, bring a little bit of my history, or my background, and that of my family and also background of what the committee did.

I want to make it clear, first of all, the answer to a question. This bill is intended to be for Washington County and only Washington County. It is to be for the Passamaquoddys and the Passamaquoddys are in agreement with the other tribes, the Maliseets, Micmacs, and Penobscots, that this will be the only racino. These will be the only slot machines in the State of Maine for the tribes. They have an agreement amongst themselves that they will actually be sharing the revenues. The revenues will be shared based on the population of those various entities. This does not commit you, in the future, to allow yet another racino for another tribe. That is very clear to the committee and I just

wanted to make that clear for the record of what our legislative intent is and more importantly what it is not.

I served for a number of years in the Taxation Committee. Things are always fairly black and white, although the Taxation Committee used to get a lot of bills. We used to receive very short bills, like the tax exemption on blue clothes on every-other Tuesday, or something like that. They were relatively short. Then I got moved over to Legal and Veterans Affairs and I'm dealing with gambling and liquor. Thank God for the veterans there because they are the only ones that seem to have rational issues and people who are rational on most of these things. Much of the other stuff is pretty emotional. There was this boy that grew up in Skowhegan, from the good Senator's area, and there was a fairground there, which there still is. There was horse racing there, and I did a little bit of that. We used to sneak through the gate once in a while. Mr. Fitzsimmons, one of our teachers, would allow me to come through the back gate without having to pay three times a day. We'd go over to the racetrack and we'd see these beautiful animals racing around the track. I was pretty excited.

I don't get gambling either. I have never really done that. I don't buy the scratch tickets. I don't get that thing. My daughter is here today and I'm going to embarrass her. She always wants to drop a quarter or 50¢ into that little machine with the crane that pulls out the stuffed animal. I just don't get that either. I don't spend my money on that either, unfortunately. There are a lot of things I don't get. I don't get why in some parts of Maine we have wrestling. You go into this place. It's hot and probably pretty smelly, from what I can imagine. You get these grown men in spandex throwing each other around. Everybody sort of knows it's all kind of an act and it's all kind of fixed, but people go. It's incredible. People go to these things. There are a lot of things I don't get that people do and spend their money on, what forms of entertainment they chose. I don't get standing in front of a machine and punching it either. We have an OTB in my city. People do go down there, they spend money and enjoy themselves. They talk with each other and I can understand all that. It's interesting, all those TV screens and these races from across the country. The technology is kind of neat. I'm more interested in that than what's going on on the screen. These are people's value judgments. What they chose to spend their leisure dollars on and we do know that there are these buses that are coming through Calais and traveling south to Connecticut and other places. Hopefully they'll be stopping in Bangor at the racino if that is what they are doing. Maybe they will stop. I was listening to how it will empty people's pockets. Well, I hope that all those buses come from Canada and I do hope they leave with empty pockets because that will mean they are leaving their money someplace in Maine. That is what we hope when they come up Route 1 and buy lobsters and all those little trinkets. You know, the Captain Pepper and Old Salty little things that you can buy in almost every store along the coast of Maine when they leave their dollars here. It ends up being the people's choice.

Now for economic development. That's an interesting one. Here we have an industry that wants to come to Maine. Never mind that it is gambling. Let's just make believe it is industry X. They want to come to the State of Maine. They are going to pay higher than the average in the county. That is the big issue we think about. We think highly of the ETIF law, we try to strive for that. This is an industry that, unlike other industries, has to go through this process. It has to go through the process of a local vote. It has to go through a very rigorous process for getting a

license for their activity, probably one of the most rigorous in the country, just in order to set up to do business. They don't expect BETR. They don't expect a double dip of TIF. In fact, all of the regulations associated with this they will pay for. They will give money to our Community College System. They will give money to our University System. They will give money to our agricultural horse racing industry. If we had heard that this X industry was coming to Maine we would have thought we had died and gone to heaven. If any of you saw Empire Falls over the weekend, you will remember that they were always looking for that big white limousine to come into town. Remember, to save the day. That limousine with the Massachusetts plates to come and save the day. They finally did roll up at the Hathaway Shirt plant. Good God, I wish it was really true, that they had rolled up to the Hathaway Shirt Company in Waterville. Hasn't happened yet.

I'm not suggesting that this is the big limousine and I'm not suggesting that there aren't dangers involved with this. When you hear from the Chamber of Commerce of the area that they support it. When you hear from independent businesses of the area, large and small, and there are very few large and some of who are sitting behind me, that they are supporting it. When you hear from the Washington County Sheriff's Association, the primary law enforcement agency of the county whose primary concern is law enforcement and criminal activity, that they support it. They understand the law that we spent a long time working on last year, the controls that are there, and the controls that they are going to have. Then when you hear individuals come to speak and talk, as the good Senator from Washington, Senator Raye, talked, about the hardships of Washington County and the lack of options for them. They can't get a job at Wal-Mart because there is no Wal-Mart. They can't get a job at the K-Mart. They can't get a job at Wendy's. They don't have them. They don't have the critical mass. You know what, if those tour buses start stopping someplace, you can be sure that those things will come and we'll be there giving them TIFs and BETR. We will be there giving them all of those things to provide, basically, minimum wage or student jobs. Hopefully, more will grow and more will grow and more will grow. There is an opportunity here.

I think what was most impressive is the work that the representative of the Passamaquoddy Tribe presented to us. It is incredible, the homework that he did in presenting this issue. I have to say, probably to his embarrassment, he did this without any lobbyists, unlike the last bill. As you recall, I think with the last bill we broke all records in the amount reported to the Ethics Commission on the amount of money that was spent on lobbying the last bill a year ago. There are no lobbyists on this. This is Representative Moore of the Passamaquoddy who did the legwork, who got the people down here, convinced us of the need, and convinced us of the will in that county to allow this to go forward. That is probably what was the most impressive of this whole thing. There was another bill that would have allowed more racinos. The Penobscots also had a bill in that would have allowed it on Indian Island. Once it was understood that they were having success with this, the good representative of the Penobscots, Representative Sockalexis, came before our committee and withdrew his bill. He knew that the Passamaquoddy bill was moving forward. That was their ticket. They were pleased. They understood the sharing arrangement. We're done, we're all done.

The other thing is that most of the committee members don't really have a dog in this fight. I received hundreds of e-mails on this issue, hundreds. I was very careful to look at the bottoms of

them. I didn't read them all because most of them said the same thing. I didn't receive one from my district, not one. I could sort of sit back, listen to all sides, and listen to all the angles. I'm not a proponent of gambling. Never did it. My family wasn't really into it. I came from a town that had a little bit of it. I come from a town that has an OTB. I'm not a big supporter of it. I don't hate it. I just sort of sat back, I've been able to do that in this committee, and just listen.

We wanted to make sure that we had sufficient funds, more than enough funds, to deal with those people who are going to have a problem. They are going to have a problem with the scratch tickets. I remember my late father used to talk how he hated the lottery because he always felt it was another excuse, in his words, for that man, who he didn't consider to be a man, to walk into the store after getting his paycheck and buying his 6-pack of beer and buying his carton of cigarettes for himself and now buying a lottery ticket and not going home with a quart of milk for the kids. We know those people exist. It's frustrating. They will buy the scratch tickets and they will probably gamble at the local club that they belong to. They will do those things. That is their values. We may end up taking care of their kids. I don't know. There are those people who are going to have a disease, a problem, a compulsion. I have a family member who has a compulsion and has been treated for it. It's a shopping compulsion. This is a person, I don't want to get too specific because I'll get myself in trouble, who can't let a birthday go by in my family, in my extended family, or in my extended family's in-laws family without buying something even though this person has economic problems themselves. We have said, 'The kids' birthdays are coming up, don't do it.' She can't help herself, she's got to buy something. She's getting help. Maybe the solution is to shut down all retail stores. That would be her only solution. We have to deal with these issues and we have to deal with these people. We have a very good piece of legislation that sets aside money to make sure we deal with compulsive disorders such as compulsive gambling. The safety nets are there.

I hate it when we are compared to other states because, number one, we're not of that size, we're not of that caliber, we're not of that money. This is a racino that we are talking about that is expected to do, if we're lucky, half of what the Bangor racino is expected to do. We've got the mechanisms in place. We've got the safety nets in place as best we can. I would like to think we do things in Maine a little bit better. We spent a lot of time, a lot of pain, and a lot of trouble. Much to this legislature's credit, I might add, we did an excellent job of passing a control for this system. We have a very good Gambling Control Board. Will you have other bills in front of you for future racinos? I'm sure you will. I'm not inclined to support them. I'm not inclined to support any unless there is a true feeling from the area that they want it. Not that they don't mind, but that they want it. This isn't a 'Not in my backyard.' This isn't even a 'I don't care about my backyard.' This is a 'I want it in my backyard.' Let's let the people in Washington County have it. Let's let them give it a try, as the good Senator said. Let's let them have a try. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Washington, Senator Raye.

Senator **RAYE:** Thank you, Madame President. I want to respond to a few of the comments that I've heard from colleagues here this morning. To begin with, this bill is modeled, virtually mirrored, on existing Maine law. It was not written by gambling

interests, but modeled on existing Maine law. I can tell you that I sat down with Representative Moore, the Passamaquoddy representative, and with people from Washington County and we ironed out the specifics as they related to Washington County and how we could help make sure that this bill lifts the county, as a whole, in terms of the education and economic development pieces that I talked about before.

I'd also like to respond to the good Senator from Somerset, Senator Mills, who stood here a few minutes ago and expounded on the tremendous success of the economic development interests in Washington County and eastern Maine. Success. Double the unemployment rate. Poverty rate 60% and 70% higher than the rest of Maine. A median income of \$11,000 below the state median income. I guess we differ on our definition of success.

With respect to Route 9 and the bridge. Somehow I guess the suggestion is, 'What more do you want, you have a road and a bridge?' We do have that road and that bridge and we are grateful for them. It certainly helps make it easier for all those tour buses passing through. We'd like it if they would stay awhile. It sort of misses the point. Remoteness. Can't have a legislative cure to remoteness and isolation? We are sitting at the 8<sup>th</sup> busiest border crossing between the United States of America and Canada. For someone in southern Maine, you may look at the map and say, 'Way up there in Washington County. Never been there. It's way out there. Kind of remote.' Tell that to the 1.8 million Canadians who live to our east, for whom Calais is the gateway to New England. It's not remote. It maybe remote in some people's minds. It's certainly remote from southern Maine. We're not remote in the big picture.

There was also the suggestion of, 'Hate to see this rushed through.' Rushed through. Twelve years. Is that our definition of rushing here? Twelve years. I've heard the good Senator from Penobscot, Senator Plowman, talk about her memories of this very same debate twelve years ago and all the same arguments. One of my colleagues stood up and talked about the social ills that will follow if this is approved. Drug abuse and poverty. We were told the same thing 12 years ago, and guess what, we got the drug abuse, we got the poverty, we just didn't get the economic development that went with it. We're asking for that now.

Not enough horses. Why do you suppose the Maine Harness Horsemen's Association is onboard with this? Why do you suppose they have been out here in the hallway, trying to convince people to help Maine's horsemen make a go of it? It defies common sense. Of course we have horses and we'd have more if they could make a living. That is what this is designed to do.

I'm told, 'Oh my goodness, we can't do this. The other tribes will want to do it.' This is the other tribes. They are all in this together. This is a partnership. This is a moment in history that can lift the Native people of Maine, not just one tribe and not just two tribes, and can lift the people of Washington County.

I would respectfully suggest to the Senator from Cumberland, Senator Strimling, and I know you are heartfelt when you talk about your clients, but I would respectfully suggest that if any of your clients are going to have a problem gambling, it's probably going to be the unregulated, on-line gambling they can already do. Perhaps it's going to be the Powerball that they can already do. Perhaps they are going to visit Foxwoods, which after all is an hour closer than little old Calais. To suggest that somehow the presence of this facility a good 4 hours is going to affect them.

It usually takes me 4 hours and 15 minutes to get from Washington County to Portland. I don't know how many of your folks are going to make that trek the other way.

With respect for what this has done for other communities. Boy, let's talk about that. Let's talk about up-state New York, which a number of years ago virtually mirrored the current conditions in Washington County. Poverty, too much drug abuse, and a sense of hopelessness. They now have a casino. I heard from one of the good members of leadership in the other body who hails from this region. It's completely turned around. You go there now and you see hotels, restaurants, prosperity, and hope. We'd like a little bit of that.

I hope that you would extend a modicum of respect to the good people that I represent. Just because they have been held in a position of economic deprivation and their incomes are lower, maybe they haven't been able to get to college and have the same opportunities as people in the more southerly regions of our state, but I can assure you that it doesn't mean they are less intelligent. To suggest that the people of Washington County will all become wild-eyed gambling addicts, sitting in front of those things, and pulling the lever. Please don't insult our intelligence. That's a preposterous notion. There is not going to be any greater impact on the local community than anywhere else but it is going to give us the opportunity to have some of those tour buses stop and become known as a destination.

I hope that when this debate is over and we take the vote that we will not play into the age old two-Maine's syndrome. It's divisive. It's unnecessary. It's disrespectful to suggest that a region, that on the one hand you argue is remote, but on the other hand somehow it's too close and you don't want us to have this opportunity because it's somehow a negative. Remember, if you are representing a district south or west of Bangor, it's already going to be closer than the one in Washington County. We do have the capacity for those 1.8 million Canadian citizens to our east. We do have the capacity that some of those cars driving through with those out-of-state plates will do more than buy a tank full of gas.

We were visited yesterday by the owner of one Maine's most prominent and largest businesses. He argued to those of us on my side of the aisle in a caucus against this proposal. Well, my response was that I've worked in the trenches of trying to improve the economy of Washington County. In fact, I had even appealed to that very company, 'Won't you come, won't you give us an opportunity to show that we can have a call center? Let us share in Maine's prosperity.' The answer, 'I'm sorry, you're too far away. You don't fit into our business plan.' Yet, this very same business leader would come here to say that our opportunity for prosperity is too close to his part of Maine and somehow threatening.

I'm sorry. There are so many things about this debate that leave me puzzled and befuddled. I hope that, given the discussion we've had here today, it will be clear what the right thing to do is. I hope that you won't misread what the people of Maine were saying in votes that they took a year and a half ago. We had two proposals. We had a proposal for a huge casino in southern Maine. I would submit that the results of that vote reflect two different things that were at work. The people in southern Maine didn't want it in their backyard. The people in my part of Maine were hurt and frustrated and angry that the effort that had begun a decade earlier, with the proposal for a casino in Calais, was going to now end with the construction of a casino in southern Maine. We voted against it too. At the same time, on the same ballot, there was a question for the racino. It didn't

specify where they would be but everybody knew there were two places at the time, Bangor and Scarborough. York County voted for it. Cumberland County voted for it. If your constituents would support a racino virtually in their backyard, what makes you think they would be opposed to one 250 miles away? Those will be my final words. I don't want to belabor this, but as you can tell I do feel passionately about this. I hope that your conscience will lead you to do the right thing and to extend fairness to our Native Americans and to the county in Maine that needs your help the most. Thank you.

**THE PRESIDENT:** The Senator from Cumberland, Senator Strimling, requests unanimous consent of the Senate to address the Senate a third time on this matter. Hearing no objection, the Senator may proceed.

Senator **STRIMLING:** Thank you, Madame President and colleagues. In responding to a few of the points and to the good Senator from Washington, Senator Raye, I am not fearful that my clients will be going to Washington County. I don't think that my clients have the resources to get up there, but the State of Maine is all of ours. I do represent the city of Portland, but I am also a member of a chamber that represents the entire state. I am concerned for the clients that are up there already. I am concerned for the people that are there now. The Canada Safety Commission has just recommended that they put a moratorium on any expansion of casinos or racinos in the entire country because up to 360 problem gamblers a year are committing suicide. That's almost one a day. Is that what we are importing? Down in Mohegan and Foxwoods the prosecutors are saying, 'Do you know what has replaced the drug habit that this was supposed to help deal with?' Embezzlement is now the number one crime, the number one crime. Is that what we are bringing to Washington County? This is going to happen to our people, our people. There are Canadian visitors to the United States all across this country. These racinos take money from the communities where they live. It is our people who are going to be hurt, Madame President, whether they are from Portland or Presque Isle or Eastport or Rumford. If are going to be doing this kind of damage, I am going to stand up and oppose it. Economic development is roads, it is education, it's infrastructure, and it's research and development. That is what's going to build the future for this state. Slot machines will not.

**THE PRESIDENT:** The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President and members of this body. I really had no intention of participating in this debate, but after listening to some of the comments there are a couple of things I want to say. First of all, it's the first debate on gambling we've had where we haven't done it because we wanted money. We put scratch tickets in this state when we needed it to balance the budget prior to the 1960's. Last year I fought against Powerball, but we needed it for the money. So we put it in. I'm pleased that we are debating an issue that we are talking about something else and doing something about something that we're not doing because we need the cash. At least we are dealing with the issue.

Second, the good Senator from Cumberland, Senator Strimling, talked about how awful this is going to be and what it means for his people and others. If we were so concerned about

that issue we would repeal scratch tickets because the citizens of the city of Portland alone last year spent \$6,596,000 on scratch tickets. South Portland spent \$3.2 million. As a matter of fact, little old Cumberland County spent \$26 million in scratch tickets alone. My hometown, with a population of about 1,000 with only three stores, two of them have the machines and three of them have scratch tickets. Last year it was \$300,000. We're not gambling in this state? Who are we kidding? I'd vote to abolish all of them; scratch tickets, Powerball, and all of them. I'd rather have a casino or a racino. My constituents aren't going to spend the money to go to Calais. They don't go to Foxwoods. We don't have bus transportation. If we did, I suspect they would be right there. I suspect that some enterprising person is going to develop bus transportation to Bangor to the racino there. Who are we kidding when we talk about what this means? Scratch tickets started with \$1. They went to \$5. Now you can get scratch tickets for \$10. That's not impacting poor people? We do it because it benefits the pocketbook of the state, not the pocketbooks of our constituents.

I was not going to vote for this until two weeks ago. I started thinking that maybe this is an economic package that can benefit Washington County. The rest of the state isn't helping Washington County or Aroostook County. We didn't recover from Loring because the State of Maine helped us. We helped ourselves. Maybe this is an opportunity to do something that will provide an opportunity for Washington County. Hey, it's worth a try because, frankly, nothing else that the state has been willing to provide has worked. I will be voting for it and I'll be trying to convince our Chief Executive that he ought to sign it because in the long run it might just work. It might just work.

On motion by Senator **BRENNAN** of Cumberland, 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 Kennebec, Senator Gagnon.

Senator **GAGNON:** Thank you, Madame President. Hopefully this will be my last comment. I'll be very brief. I had talked about the movie Empire Falls. The good Senator from Cumberland, spoke of another movie. That was The Music Man. You remember, that pool hall that was going to come to town and how that rhymes with T and that stands for trouble. I couldn't help but mention that.

I also wanted to comment on what the good Senator from Aroostook, Senator Martin, mentioned about the money issue. I do want to say that we do need the money. We really do need the money.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Turner.

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. My apologies for not being with you yesterday. I understand I missed a ruckus debate on this subject. Thankfully I'm here today because I think I've caught up on all the matters and the issues.

I have talked with both sides on this issue and have indicated to both sides that I am inclined to support the racino in Washington County. I needed to have assurances, however, that the receiving municipality would have an opportunity to vote on



the matter, up or down. I am satisfied that this is the case in the modified legislation.

Secondly, I wanted assurances that I wouldn't be voting for something that was supposed to be going to Washington County and would end up in the western part of the state. I am now satisfied that this is the case.

The third issue that I had was; what are the economics of this? Frankly, I had no clue and I am still a tad befuddled. If you look at the amendment to the bill, it does give you total slot revenue projections out through fiscal years 2008 and 2009. As you all know, we are drawn to rely on the numbers provided to us in the fiscal note. It talks about gross revenues in excess of \$400 million three years out. What I don't know is what the source is of that revenue. The assumption I would make is that it has to come largely from our neighbors to the north and to the northeast of us in Canada. We know the resources of Washington County are minimal. By the time you get out to the western part of Washington County, you are closer to Bangor's racino and probably would go there anyways.

I can't tell you whether this is an advantage or disadvantage, but I walked the streets of the same community that the Senator from Washington, Senator Raye, walked as a child. I went to the same schools as the Senator from Washington, Senator Raye, went to as a child. I didn't realize, in fact, that I was a low income person until I had my education loans and understood the interest rate I got was because I was from a low income family and from a really impoverished area. That was at least 35 years ago. Washington County was in trouble then. Washington County was in trouble when I was a child. I have watched, from near and far, as the federal government has poured money into Washington County to save it, economically. I have watched the state do the same thing, pour money into save it economically. From my perspective, almost nothing has taken. Now you have the people in this county coming forward and wanting to try to lift themselves with a proposition that is repugnant to some and less so to others. I wish, as we go down to the final deliberation on this, that we would confine ourselves to the facts because I've heard lots of opinions, lots of emotion, but not a lot of facts.

I wonder, aloud, and pose this as a question for somebody to answer if they are so inclined; we have a high stakes beano facility in Penobscot County. I can't tell you how long that has been there. It's been there at least since I've been back to Maine in 1999. They come by the bus loads. I don't know of one person from Maine who has gone there. Here we have a magnet that would suck money away from those who can't control themselves and it's not clear to me that it is doing that. It maybe, and this is conjecture on my part, because the gambling that the good Senator from Franklin, Senator Woodcock, mentions, and others have mentioned as well, such as the scratch tickets, the lottery tickets, and the Powerball tickets on every street corner and every hamlet of this state are readily available to people now. I suspect that this gambling addiction in Washington County is probably being adequately taken care of by the options available to them now. I have a hard time believing that someone from Machias, who might be on the cusp of going to Bangor or to Calais to do their gambling, would stop buying their scratch ticket or their Powerball ticket and get in their car and drive 60 miles round trip to drop quarters in a slot machine. I don't know. That is conjecture on my part.

I would close by posing two questions. Do we have a study that has indicated an increase in the social ills of those in proximity of the high stakes beano or bingo facility on Indian

Island? Is there anyone here who can enlighten me as to the sources of the \$400 million in revenue that would flow to this facility, should it be built and be in its third full year of operation? Where would that money come from? Thank you, Madame President.

**THE PRESIDENT:** The Chair recognizes the Senator from Kennebec, Senator Mitchell.

Senator **MITCHELL:** Thank you, Madame President. I will defer if someone can answer the good Senator's question. I did not rise to answer the question. I will be very brief and I'll be even briefer if someone would just turn that bell off.

Madame President and colleagues in the Senate, I rise briefly because I do have a bit of institutional memory as well. Without being disrespectful, I feel like saying déjà vu all over again. I went to the law library and I brought up a debate book from 1994. Rest easy, Madame President, I will not debate it for anybody. However, I did want to point out a couple of things because this debate is almost identical to what we said in 1994 when there was a proposal about a casino in Washington County that was defeated by the Maine legislature. There are some things that have changed and I will close with that. I did not know the good Senator from Washington, Senator Raye, at that time but I did know a wonderful man named Representative Joe Driscoll from Washington County. Seared in my memory are the tears running down that man's face after the final vote when the legislature overwhelmingly rejected the casino after listening to debates exactly like these. He came into the debate very optimistic in his testimony, and I'll just read a couple of paragraphs. 'When I was campaigning,' and this was in 1992, 'I found that, due to the declining economy, the main concerns of my area were hospitalization, care for the elderly, better roads, quality education, and job, especially quality jobs. Not new, not old. One of my campaign promises was to work to find an environmentally clean business or industry that would settle in the area and employ somewhere around 150 people. My prayers were answered before the debate.' On the floor of the debate everybody stood up and talked about no jobs, gambling problems, and all of the things that you have heard today. Just wait, Washington County, we're from Augusta and we're here to help you. We will be bringing many things. There was a representative from Washington County. I didn't have the good fortune to be from Washington County. I'm sorry, Senator Raye, but I think his remarks were eloquent, as were yours. I will close with that because I will be supporting the racino today as I supported the racino before. I will end with his words, because they are very powerful. 'There have been a lot of folks talking about, and I know they are sincere, how they are concerned about Washington County. Well, thank you, ladies and gentlemen. I have got to offer to you that being concerned is only one part of it. What Washington County needs is action and action speaks louder than words.' For the life of me, I cannot understand why it is okay to have a racino in Bangor but not in Washington County and for our tribes. I hope you will support this report.

**THE PRESIDENT:** The Chair recognizes the Senator from Kennebec, Senator Gagnon.

Senator **GAGNON:** Thank you, Madame President. In response to the questions of the good Senator from Cumberland, Senator

Turner, had posed. The Senator was right in speculating where he thought the overall revenues would be coming from, obviously, that is from across the border. As the good Senator from Washington, Senator Raye, mentioned, it is the 8<sup>th</sup> busiest Canadian crossing border in the United States. A lot of folks coming back and forth across that border. As many of you know, if you simply look at a map of the United States you will see Maine is kind of stuck up next to this neighbor of ours, Canada. There is a lot of traffic going back and forth. We've had discussions about east-west highways and whatnot. There is a lot of transportation back and forth between the Canadian Provinces and Quebec. That is primarily, I think, what you are seeing.

The high stakes bingo, I don't have the specific numbers or whatnot, but that certainly has created a great deal of revenue and additional prosperity for the Penobscot tribe on Indian Island. In fact, they had a surge of building as a result of the facility there. By in large, from what I understand, it has been relatively successful. Again, I think a lot of the fear that people have, I suspect there are people that go to the high stakes bingo and may have a compulsion problem. Again, fortunately it's not one of my relatives. Those types of issues are going to come along.

I just need to close saying that the committee did a great deal of work on this and I really want to applaud not just this year's committee, but also the previous year's committee, in making sure that we had a solid law. We did not have to re-invent the wheel. We have the Gambling Control Board. If this passes we would have two facilities, which in a way is an advantage from the perspective of trying to monitor. You haven't got just one show in the state with one operator. You are able to be fed information from two different operations. From that sort of strange perspective, I think it will be better for the Gambling Control Board to be able to gather statistics and information and have more resources to do the work that they need to do. Thank you, Madame President.

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator Plowman.

Senator **PLOWMAN:** Thank you, Madame President. I'd like to try to address, as best I can, the two questions from the Senator from Cumberland, Senator Turner. I live in Penobscot County. I have lived in Penobscot County for 23 years. I'm not aware of a huge gambling addiction problem that has happened due to the high stakes bingo going on at Indian Island. We have our share of social problems, but I don't think that those are the ones that concern us the most. We're more concerned about the people that live on our streets and aren't getting the mental health services that they need. They are our biggest concern.

The second question, we had conversations with the office that prepares the fiscal notes. I know that this is just a slightly inappropriate thing to say. We're not supposed to have any influence down there. Believe me, we don't. We went down and tried to expand this geographic area that we thought we would draw from. The office said that they would rather give us a conservative fiscal note and run it through. I don't understand computers and I don't understand math, but I can read. They insisted that we take a conservative approach to the fiscal note so that the state would not be inclined to book too much money. This is considered the conservative approach because there are probably more people in the geographic area up there that will be coming through.

We're looking at a 89% payback. That's mandated. 89% of what comes in has to go back out. This is not something that gets swept up and every penny is spent by the owner. We told them, 'You have to program the machines to give 89% back. You take what's left and divide it up with all the other categories.' When you are talking about taking this money out of the pockets of people, there is going to be an 89% return. When I go by a ticket to the movie theater do you know how much money they give me back when I leave? I've been entertained. I paid my \$8 and I paid another \$20 for popcorn and coke. They said, 'Glad you had a good time, come back and give us some more money.' They don't give me part of my entertainment dollar back. We mandate them to give you part of your entertainment dollar back, a whole lot. If you are going to be entertained, and you object to paying full-price for your entertainment, then we ought to look at a bunch more laws. I should be only renting the seat. After I give the seat back, maybe I ought to get half my money back. I don't know. There is a lot to be said for it coming around and going around. There will be people who lose and there will be people who win. When you have to give back 89%. Believe me, hit a cruise boat. We're talking a whole lot less on a cruise boat because they can't be regulated. They get out to sea. Everybody passes a mandated return. I've been looking at the mandated returns on-line this afternoon as you speak. Some tribes are actually paying a 94% return and they are still making money. People are still having a good time. Honest to God, nobody twisted their arm to go in through the door. They want to be entertained. It's their tourism dollars and they know what they want to spend them on. We're not capturing any of those tourism dollars. We try every year to capture the gas tax for the people who are coming in. We love to hear the tourists are coming because that is not us paying for it. That is the tourists coming. We don't mind jacking up the sales and lodging tax because that is not us paying for it. Those are tourists. That's great. Let's get some more of their money. That is where the money comes from and there is a pretty good return for your entertainment dollar if you happen to be one of the winners. You could be one of the losers. That's called gambling, but people seem to like it and consider it entertainment. This is not really a bad thing. I really don't know how to express this. I know that the Senator from Cumberland, Senator Strimling, doesn't want more clients. I doubt that people from Calais are going to be visiting him. They are more likely to be stopping in on the way back from Foxwoods. They were glad to take their money at Foxwoods. I don't see how we can say we're not going to expand gambling. We have 25 or so scratch off cards. This week kids were able to approach slot machines without arms. Do you know what those are? They are the kiosks where you can buy a scratch off ticket. We put those in the middle of shopping centers. People gamble. We're actually letting children do this in the State of Maine. When they push the button, this little card comes out and it looks like a slot machine that we scratch off and three cherries come up and you win \$5. Sounds like a slot machine to me. We've got them already and they are endorsed by the State of Maine. Right at the bottom it says, 'Please play responsibly.' You know, what's good for the goose is good for the gander. I hear that a lot around here. The gander is waiting. I really wish you would give the gander a chance. I'm beginning to think that the goose doesn't like the competition. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Turner.

Senator **TURNER**: Thank you, Madame President. May I pose a question through the Chair?

**THE PRESIDENT**: The Senator may pose his question.

Senator **TURNER**: Thank you, Madame President. Looking at the amendment, House Amendment "A" (H-563), it indicates that the facility is to be located more than 90 miles from an existing commercial track that operates slot machines but within 45 miles of the operating tribe's Indian reservation as described in Title 30, chapter 601. That would seem to me to pretty clearly define for us where this can go. I'm back to; can this migrate, somehow, from Washington County? It has been suggested by an opponent that if you look at Title 30, chapter 601, that you would be able to move a reservation in some what of a loose fashion. My question is; can that be clarified by anyone in the chamber with respect to the ability to physically move the reservation? For example, our reservation has been at Pleasant Point for as long as I can remember. We're going to uplift it and move it to Cumberland Foreside. Thank you very much, Madame President.

**THE PRESIDENT**: The Senator from Cumberland, Senator Turner poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Kennebec, Senator Gagnon.

Senator **GAGNON**: Thank you, Madame President. In reference to the question, it is clearly defined that it will be Washington County. In fact, the Penobscot Reservation would not be eligible because they are within that area and there are two others. Those would be the only two that would be eligible. It is not easy to move a reservation. Those reservations were codified with the Indian Land Claims Act and it would jeopardize a lot of the other aspects of the Indian Land Claims issue.

**THE PRESIDENT**: The Chair recognizes the Senator from Penobscot, Senator Plowman.

Senator **PLOWMAN**: Thank you, Madame President. As an 8-year member of the Judiciary Committee, I'm somewhat familiar with the Maine Indian Claims Settlement Act, which I made myself familiar with way back when. I will tell you that this is codified here and codified in the federal statute. It also says that any lands acquired after this act are not considered reservation lands. They are considered Indian territory. They fall under a very different definition and the reservation land has been made very specific. It was made specific because the \$80 million that was coming as part of the act was meant to allow the tribes to acquire more land. What happened was, at that point, it was decided that the land would have a different definition. It would not fall under the definition of reservation lands. If you would like me to read, and look at me and yell yes or no, I could read to you the whole definition of Passamaquoddy Indian reservation. It's small print and it goes on for about four inches. I will tell you that it is very defined. You cannot pick up and move it. We've had a significant number of bills that came before the Judiciary Committee where tribes sought to have Indian lands in other parts of the state to be used. We very carefully examined whether it was a territorial land, was it an acquisition after 1980, or did it fall under reservation? There was a lot of this that went on. That is why I was very careful, when we crafted this, to assure people that it

was going to happen in Washington County and Washington County alone. The 90 miles precludes the only other reservation in the State of Maine, which is at Indian Island, because they are within 90 miles of a currently approved and licensed racino. They are out. There are two other reservations defined in law here and in Washington. Even if, by some stretch of the imagination, you try to mess with this, you still have to get to Washington.

I think there should be a little bit of a trust element here. When you talk about a reservation, the tribal people know where their reservation is. We sure didn't make them big. We negotiated hard. Some say they didn't get the best end of the deal. Then we said, 'That's it.' So that is it. I would appreciate it if that would lay that argument to rest. Thank you.

**THE PRESIDENT**: The pending question before the Senate is the motion to Enact. 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 (#226)

YEAS: Senators: BRYANT, COURTNEY, DAMON, DAVIS, GAGNON, HASTINGS, MARTIN, MAYO, MITCHELL, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, SAVAGE, SCHNEIDER, TURNER, WESTON, WOODCOCK

NAYS: Senators: BARTLETT, BRENNAN, BROMLEY, CLUKEY, COWGER, DIAMOND, DOW, HOBBS, MILLS, NASS, ROTUNDO, SNOWE-MELLO, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: ANDREWS

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

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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

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Allow Counties a One-year Exemption For Jail Costs from the Limitation on County Assessments"

H.P. 1175 L.D. 1666

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-535)** (9 members)

Minority - **Ought Not to Pass** (4 members)

In House, June 1, 2005, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-535) AS AMENDED BY HOUSE AMENDMENT "B" (H-617)** thereto.

In Senate, June 2, 2005, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

Senator **SCHNEIDER** of Penobscot moved the Senate **ADHERE**.

On motion by Senator **WESTON** of Waldo, the Senate **INSISTED** and **JOINED IN A COMMITTEE OF CONFERENCE**.

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

**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass As Amended**

Senator **HOBBS** for the Committee on **JUDICIARY** on Bill "An Act To Adopt the Uniform Environmental Covenants Act"  
S.P. 543 L.D. 1559

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-328)**.

Report **READ** and **ACCEPTED**.

**READ ONCE**.

Committee Amendment "A" (S-328) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Ordered sent down forthwith for concurrence.

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

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

**ORDERS**

**Joint Order**

On motion by Senator **DAMON** of Hancock, the following Joint Order:

S.P. 633

ORDERED, the House concurring, that the Task Force To Study Sea Urchin Fishery Management is established as follows.

1. The Task Force To Study Sea Urchin Fishery Management established. The Task Force To Study Sea Urchin Fishery Management, referred to in this order as "the task force," is established.

2. Task force membership. The task force consists of the following 9 members:

A. One member of the Senate, appointed by the President of the Senate, who serves on the Joint Standing Committee on Marine Resources;

B. One member of the House of Representatives, appointed by the Speaker of the House, who serves on the Joint Standing Committee on Marine Resources;

C. Four members appointed by the President of the Senate:

Two members who are marine scientists with expertise in sea urchins, one of whom is employed by the Department of Marine Resources and one of whom is not;

One member representing the sea urchin processing industry; and

One member representing the Sea Urchin Zone Council; and

D. Three members appointed by the Speaker of the House:

One member who holds a Zone 1 sea urchin fishing license;

One member who holds a Zone 2 sea urchin fishing license; and

One member representing the Department of Marine Resources.

3. Task force chairs. The first-named Senator is the Senate chair of the task force and the first-named member of the House is the House chair of the task force.

4. Appointments; convening of task force. All appointments must be made no later than 30 days following passage of this order.

The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointing of all members has been completed, the chairs of the task force shall call and convene the first meeting of the task force, which must be no later than September 15, 2005.

5. Duties. The task force shall study the current management structure and strategies of the sea urchin fishery and make recommendations regarding short-term and long-term management options. Recommendations must address the sea urchin harvesting season, including the number of open days. The task force shall hold at least 3 meetings and may hold no more than 5 meetings to complete its work. The task force may study the following issues:

- A. Number and area of sea urchin fishing zones;
- B. Minimum and maximum size laws;
- C. Sea urchin harvesting season and open days;
- D. Sea Urchin Zone Council composition, membership requirements and terms;
- E. Licensing and entry issues;
- F. Research methods, funding and a resource recovery plan;
- G. Methods of sea urchin sales; and
- H. Any other issues to further the purposes of the task force.

6. Staff assistance. The Legislative Council shall provide necessary staffing services to the task force.

7. Compensation. Legislative members of the task force are entitled to receive the legislative per diem and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the task force. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the task force.

8. Report. No later than February 1, 2006, the task force shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Marine Resources and the Legislative Council. The task force is not authorized to introduce legislation. Following receipt and review of the report, the Joint Standing Committee on Marine Resources may report out a bill to the Second Regular Session of the 122nd Legislature.

9. Extension. If the task force requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension. Upon submission of its required report, the task force terminates.

10. Task force budget. The chairs of the task force, with assistance from the task force staff, shall administer the task force's budget. Within 10 days after its first meeting, the task

force shall present a work plan and proposed budget to the Legislative Council for its approval. The task force may not incur expenses that would result in the task force's exceeding its approved budget. Upon request from the task force, the Executive Director of the Legislative Council shall promptly provide the task force chairs and staff with a status report on the task force's budget, expenditures incurred and paid and available funds. Notwithstanding any other law, the Sea Urchin Research Fund, established in the Maine Revised Statutes, Title 12, section 6749-R, must be used to cover the costs of the study.

11. Funding. Notwithstanding the Maine Revised Statutes, Title 12, section 6749-R, the State Controller shall transfer \$3,790 at the beginning of fiscal year 2005-06 from the Sea Urchin Research Fund within the Department of Marine Resources to the Legislature to fund the expenses of the Task Force To Study Sea Urchin Fishery Management.

**READ and PASSED.**

Sent down for concurrence.

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

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The President requested the Sergeant-At-Arms escort the Senator from Aroostook, Senator **MARTIN** to the rostrum where she assumed the duties as President Pro Tem.

The President took a seat on the Floor.

The Senate called to order by President Pro Tem **JOHN L. MARTIN** of Aroostook County.

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**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later (5/31/05) Assigned matter:

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act To Care for Families"

S.P. 361 L.D. 1044

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-280)** (8 members)

Minority - **Ought Not to Pass** (4 members)

Tabled - May 31, 2005, by Senator **STRIMLING** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report

(In Senate, May 31, 2005, Reports **READ.**)

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Cumberland, Senator Edmonds.

Senator **EDMONDS:** Thank you, Mr. President, men and women of the Senate. I haven't come down here before in this session and I do so because this bill means a lot to me. This is a bill that I have worked on and put my attention towards for a number of years. As you may be aware, when the bill was first brought before the committee it was vastly different from where it is now. I want to thank the members of the committee, advocates, and folks from all areas of the labor world for their work on this bill. There was a lot of cooperation and a great deal of compromise. What we have before us now is a bill that does something that I feel very strongly about. It is a bill that provides the ability for a person who already has sick leave, or already has a benefit of sick leave, to be able to use 5 days of that sick leave for the care of a child, a parent, or a spouse's parent. I care about this because, and we have talked about this a lot, it is one of things that helps families work well and this is a chance for a family to have an adult member look after a young person or an elder in their family.

I'm going to tell you what the amended bill does and tell what it doesn't do. First of all, it exempts small employers, those with fewer than 15 employees. I know there is a great deal of concern about the burden that might be placed on small business owners, so this exempts folks who have under 15 employees. It allows an employee to use accrued, already accrued, not going forward but stuff they have already earned, paid sick leave to care for a child, a parent, or a spouse's parent. It allows employers to limit such use of paid leave to 5 days, 40 hours, in a calendar year. It allows employees to balance and work responsibilities. It retains significant flexibility for employers and it enhances flexibility for employees. It exempts, in this form, more than 80% of Maine employers. What it doesn't do is it does not require employers to grant paid sick leave. If you don't already have that as a benefit, it does not require that you do so.

I guess beyond the details, I must say that I was gratified in the course of this bill's life to hear how well the committee and the advocates from business and for women were working together. I take my hat off to all of them. They worked very hard to come up with a decent solution. In fact, they had a unanimous committee report. I was chagrined, disappointed, and frankly, disturbed that the committee chose to go back and change that report. Certainly the committee has the right to do that, but from my point of view it was one of those cases where you see people really, really work together in a committee, on all sides of the issue, to craft a decent solution and one was crafted. Then to have it pulled away was a severe disappointment to me. I know that people still have concerns about small business people, but I guess I'll have to say that my Dad was a small business person. He had 12 employees. There would not have been a day when he would not have let somebody use their sick leave to take care of their child or their parent. My Dad's been dead for a long time, but I know very well that he understood the importance of families and supporting those families in whatever way was possible because, in his little business, those 12 guys who worked for him and worked with him often got paid more than he got paid because he valued them and he valued their families. I remember one time he bailed a guy out of jail. You do what you have to do for your people and this is a simple little thing. You allow somebody to use their sick time that they have accrued already. They will not be able to use it, you allow them the

chance to use that sick leave to take care of their child or their parent. I don't think that is too much to ask. I hope you will join me in supporting the majority Ought to Pass report. Thank you.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Androscoggin, Senator Snowe-Mello.

Senator **SNOWE-MELLO:** Thank you, Mr. President. This is a very difficult bill to oppose. Yes, the committee did come out unanimous on it in the beginning. Many of us on the committee have never served on the Labor Committee and so there are many areas that we don't completely understand. After voting for the bill, I learned of all the unintended consequences that can happen. L.D. 1044, An Act to Care for Families, has been amended to pertain to any employer who employ 15 or more employees. L.D. 1044 also defines family as an employee's child, spouse, or parent. L.D. 1044 defines paid leave as leave for which the employee receives compensation, limited to sick time, vacation time, compensated time, and aggregate leave, for use at the employee's discretion. This also allows any employee receiving paid leave under a collective bargaining agreement to use such leave for care of an ill member of the immediate family. The bill provides the employer the opportunity to adopt policies limiting immediate family sick leave to 40 hours per year unless the collective bargaining agreement allows for more. L.D. 1044 prohibits any disciplinary action against anyone utilizing this leave. It requires application of this leave to be the same as the family medical act and sets progressive fines of \$50 to \$250 for employer violations. Should L.D. 1044 be passed into law, this has the potential of the first foot in the door, or the camel's nose in the tent, for proposals to extend the definition of immediate family and the number of paid days that will no doubt follow. The potential exists for this employer policy becoming a bargain able issue as the mandate provision becomes part of the employment landscape. There is a potential negative unplanned impact on 2005 - 2006 budgets have not anticipated the cost incurred by employee utilization of this benefit.

I urge this body to please vote against this well-intentioned L.D. that will have unintended consequences which will have impact on our school systems and our small business employers. Remember, school administrations and municipalities that have over 15 employees are also considered to be small businesses. Many businesses will be caught short with their labor and depend on more and more on temporary employment agencies. Many of these jobs require expertise and trained personnel that a temporary worker cannot provide. There are additional costs implications also to L.D. 1044 as amended for any school system that does not currently offer paid leave for illness to the family.

For the 40 hour maximum of time, one teacher, in a system not previously providing such leave, would cost the school system an average of \$1,126 to paid wages plus approximately \$375 for substitute services at a total cost of \$1,501 per teacher. Any employer with 15 or more employees will face a significant liability for their teacher workforce alone. That, ladies and gentlemen of the Senate, in my mind, will no doubt add to the cost of our property taxes. The expansion of illness to family leave to school system employees, who are not traditionally eligible for such leave, represents a significant cost increase. Such employees are school bus drivers, custodians, secretaries, food service employees, and others in supportive staff roles. I can only speak for my own district, but I am sure that many of your towns have difficult times finding school bus drivers. Periodically, a couple of

times a year actually, the Auburn School District puts their bus right in front of the entrance of the school with a sign saying 'School Bus Drivers Wanted'. You cannot reach into a pot and find a school bus driver to replace a school bus driver who is out on sick leave. Currently all such benefits are subject to collective bargaining and are included as a cost item in the total of any bargaining proposal.

With my testimony I hope that I have been able to explain, to your satisfaction, why L.D. 1044 would not prudent to put into law. Just a few weeks after the announcement regarding the Kittery Portsmouth Naval Shipyard and the Brunswick Naval Air Station that may result in 13,400 jobs lost, according to Defense Department figures, we are being asked to pass a law that very few states have passed. We have been asked to impose new government regulations on businesses, small and large. We are being asked to make it more difficult to successfully operate a business in Maine. This is another bill that will make it more difficult to create jobs in Maine. Is that the message that we want to send? Look at the bill we just addressed previously. The lack of jobs in Washington County and resorting to opening a racino to try to replace jobs that we most critically need, is that the message that we want to send? Is that the message that we can afford to send? The amendment exempts employers with fewer than 15 employees. That still leaves as many as 5,000 public or private employers that are not exempt. Most of these are small employers. It is my understanding that Connecticut and Hawaii have paid sick leave laws but Connecticut exempts employers with fewer than 75 employees and Hawaii exempts those with fewer than 100. This legislation, as amended, is not harmless. It changes the status quo. It imposes new mandates on thousands of employers. It creates new problems in the workplace for hard working small business owners, who are struggling to keep up with the demands of the global marketplace and competition from very large businesses. I believe employers should take care of their employees, most definitely I believe that. The vast majority of employers do.

I cannot support the State of Maine getting involved and telling businesses how their employee benefit program shall be used. This legislation opens the door to more mandates on employers in future years, mandates that might increase the number of hours to more than 40, mandates that might expand the reasons for taking leave, mandates that might impose minimum standards for paid sick leave, or mandates that might impose minimum standards for paid vacation leave. Once the legislature crosses the threshold and begins to dictate the content and uses of employee benefit packages, there is no end to proposals in future years that will demand the law be expanded. This legislation would penalize small businesses that grow beyond 14 employees. It would penalize small businesses that want to expand and create a stronger economy in Maine. Maine has the 7<sup>th</sup> highest cost of doing business ranking in the U.S. It has the 8<sup>th</sup> highest cost of employer provided health insurance cost. The labor cost index is 13<sup>th</sup> highest. A recent survey of business people found that most of them believe the Maine business climate is worse than other states. Our economic performance is weak. Per capita income growth for 2003 to 2004 ranks lowest in New England. Personal income growth in 2003 to 2004 ranked 16<sup>th</sup> lowest in the United States. Ladies and gentlemen, we need more jobs, more paychecks, a better economy, not more mandates on employers, not more reasons to create jobs in other states, not more headaches imposed on mid-sized businesses.

There is a fiscal note on this bill. This bill will increase costs to local school administrative units and other public and private employers who do not currently provide paid leave for illness of an immediate family member. The amount of these additional costs cannot be determined at this time. Increased cost to local school administrative units will increase the total of future costs for funding K-12 education as well as the level of General Fund appropriations required to fund the state's share beginning in the fiscal year 2007 and 2008.

Ladies and gentlemen, I know we all care about our workers. We all care about them wanting to spend time and take care of their families. This is not the way to do it. I ask you to please do not support the Ought to Pass motion and vote no. Thank you.

Same Senator requested a Roll Call.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Cumberland, Senator Bartlett.

Senator **BARTLETT:** Thank you, Mr. President. I rise to speak in support of the pending motion and I promise to keep this brief. I just want to speak to a couple of the things that I've heard. One of the points that the Senator from Androscoggin, Senator Snowe-Mello, pointed out was the concern about people, bus drivers and others, who might use these sick days to care for a child and leave their employer in a lurch. The first thing that I will remind you of is that we are talking about employers who are already providing paid sick leave. If this is a critical issue to the employer, they are not going to provide sick leave. If I worked for one of those employers and I got the flu and I had paid sick leave, I'm not coming in. There is no difference between doing that and using that same time if a child is sick instead of me. We're also talking about a limit of 5 days. This is not a case where somebody is going to be out for an endless period of time and leave the employer in a lurch.

I had an opportunity last night to go to the Small Business Administration's award ceremony. I was particularly pleased to be there, and this does relate, believe it or not. I was particularly pleased to recognize Marianne Sensale-Guerin of Guerin Associates, which is located in my district in Gorham, who one not only the state but also the national SBA award. She runs a hazardous clean-up business. When an oil spill happens, she'll get a call at any random moment. She's always got her cell phone on her. She'll get a call saying, 'We need you here to help clean up this spill right now.' I figure if there was ever an employer who would oppose this bill it would be someone like her who needed her limited 22 employees always on call and always available. I had a chance to ask her that last night. She didn't blink. She looked right at me and instantly said, 'Of course this bill is a good idea. What's more important than family.' I think that says it all, speaks volumes about the small businesses that we have here in Maine. Therefore, I urge you to support the pending motion.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from York, Senator Courtney.

Senator **COURTNEY:** Thank you, Mr. President, men and women of the Senate. I'm going to be supporting this bill today. That may surprise a few of you. As I look at this, I don't really see a problem. I think the committee's done a good job on it. I have the utmost respect for the Senator and her work on labor because

she does a wonderful job. On this side of the aisle it is very, very difficult, at times, to do that. Another thing, when you are on this side of the aisle you are the only one in committee, so you have to remember everything and bring it back to your caucus. It is quite a challenge. One of my concerns is the school districts, for instance. They are lower paid employees who wouldn't qualify for this. For them to say that they wouldn't do this when they budget for it. In many cases they budget for this and then they take the money that is left over at the end of the year and use it to shift to some other place. I think this is clearly an act of fairness and I hope that we can support this bill. I would encourage some consideration and maybe we can talk about an amendment or something to look at the fines. I really don't like the fines, but maybe we can discuss that later. Thank you.

On motion by Senator **SNOWE-MELLO** of Androscoggin, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

**THE PRESIDENT PRO TEM:** The pending question before the Senate is the motion by the Senator from Cumberland, Senator Strimling to Accept the Majority Ought to Pass Report. 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 (#227)

YEAS: Senators: BARTLETT, BRENNAN, BRYANT, COURTNEY, DAMON, DOW, EDMONDS, GAGNON, HOBBS, MAYO, MITCHELL, PERRY, PLOWMAN, RAYE, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT PRO TEM - JOHN L. MARTIN

NAYS: Senators: BROMLEY, CLUKEY, COWGER, DAVIS, DIAMOND, HASTINGS, MILLS, NASS, ROSEN, SAVAGE, SNOWE-MELLO, TURNER, WESTON, WOODCOCK

ABSENT: Senators: ANDREWS, NUTTING

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **STRIMLING** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

#### READ ONCE.

Committee Amendment "A" (S-280) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-280)**.

Sent down for concurrence.

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

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The President Pro Tem requested the Sergeant-At-Arms escort the Senator from Cumberland, Senator **EDMONDS** to the rostrum where she resumed her duties as President.

The Sergeant-At-Arms escorted the Senator from Aroostook, Senator **MARTIN** to his seat on the floor.

Senate called to order by the President.

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Senate at Ease.

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:

#### ENACTORS

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

#### Emergency Measure

An Act To Amend the Motor Vehicle Laws  
H.P. 1026 L.D. 1463  
(C "A" H-600)

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

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#### Emergency Measure

An Act To Allow Nurse Practitioners To Sign Death Certificates  
H.P. 1106 L.D. 1568  
(C "A" H-594)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** 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:



**ENACTORS**

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

**Emergency Resolve**

Resolve, Regarding Legislative Review of Chapter 120: Release of Data to the Public, a Major Substantive Rule of the Maine Health Data Organization

H.P. 967 L.D. 1390  
(C "A" H-592)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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On motion by Senator **PLOWMAN** of Penobscot, **ADJOURNED**, to Monday, June 6, 2005, at 10:00 in the morning, in memory of and lasting tribute to William Black of York County.

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**Emergency Resolve**

Resolve, To Study the Cost of the Provision of Certain Governmental Services in the Unorganized Territories

H.P. 1154 L.D. 1636  
(C "A" H-587)

On motion by Senator **GAGNON** of Kennebec, placed on the **SPECIAL STUDY TABLE**, pending **FINAL PASSAGE**, in concurrence.

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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:

**Mandate**

An Act To Amend the Laws Governing the Student Code of Conduct

H.P. 419 L.D. 564  
(C "A" H-333)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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Senator **PLOWMAN** of Penobscot was granted unanimous consent to address the Senate off the Record.