

# MAINE STATE LEGISLATURE

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

**Volume II**

**First Regular Session**

May 27, 2003 – June 14, 2003

**First Special Session**

August 21, 2003 – August 23, 2003

**Second Regular Session**

January 7, 2004 - January 30, 2004

**Second Special Session**

February 3, 2004 - April 7, 2004

Pages 777-1562

**Acts**

An Act to Promote Fairness and Opportunity for Working Amputees

(S.P. 48) (L.D. 125)  
(C. "A" S-259)

An Act To Authorize the State To Establish a Multijurisdictional Lottery or Lottery Games

(S.P. 515) (L.D. 1536)  
(C. "A" S-147)

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

The following items were taken up out of order by unanimous consent:

**SENATE PAPERS**

Resolve, To Ratify the Endorsement of the Towns of Otisfield and Harrison in Renaming the Bolsters Mills Bridge

(S.P. 588) (L.D. 1632)

Committee on **TRANSPORTATION** suggested and ordered printed.

Came from the Senate, under suspension of the rules and **WITHOUT REFERENCE** to a Committee, the Resolve **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-270).**

Under suspension of the rules and **WITHOUT REFERENCE** to a Committee, the Resolve was **READ ONCE. SENATE AMENDMENT "A" (S-270) READ** by the Clerk and **ADOPTED.**

Under further suspension of the rules, the Resolve was given its **SECOND READING** without **REFERENCE** to the Committee on **BILLS IN THE SECOND READING** and was **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-270)** in concurrence. **ORDERED SENT FORTHWITH.**

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-256)** on Bill "An Act To Support Harness Horse Racing in Maine, Equine Agriculture in Maine, Maine Agricultural Fairs and the General Fund of the State"

(S.P. 449) (L.D. 1361)

Signed:

Senators:

GAGNON of Kennebec

MAYO of Sagadahoc

Representatives:

HOTHAM of Dixfield

BROWN of South Berwick

MOORE of Standish

CLARK of Millinocket

PATRICK of Rumford

BLANCHETTE of Bangor

CANAVAN of Waterville

JENNINGS of Leeds

LANDRY of Sanford

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

Signed:

Senator:

LEMONT of York

Representative:

GLYNN of South Portland

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-256).**

**READ.**

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

Representative BULL of Freeport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

The **SPEAKER:** A roll call has been ordered. The pending question before the House is acceptance of the Majority **Ought to Pass as Amended** Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 224**

**YEA** - Adams, Annis, Ash, Austin, Barstow, Bennett, Berry, Bierman, Blanchette, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bunker, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Collins, Courtney, Cowger, Craven, Cressey, Cummings, Davis, Dudley, Dugay, Dunlap, Duplessie, Earle, Finch, Fischer, Fletcher, Gagne-Friel, Gerzofsky, Greeley, Grose, Hatch, Heidrich, Honey, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Kaelin, Kane, Landry, Ledwin, Lerman, Lessard, Lewin, Lundeen, Maietta, Mailhot, Makas, Marley, McCormick, McGlocklin, McGowan, McLaughlin, Millett, Mills J, Moody, Moore, Murphy, Muse, Norbert, Nutting, O'Brien J, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Pineau, Pingree, Richardson E, Richardson M, Rines, Rogers, Rosen, Sampson, Saviello, Sherman, Shields, Smith N, Smith W, Snowe-Mello, Stone, Sukeforth, Sullivan, Sykes, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Walcott, Watson, Wheeler, Wotton, Young, Mr. Speaker.

**NAY** - Berube, Bliss, Bull, Clough, Crosthwaite, Curley, Daigle, Duprey B, Eder, Glynn, Joy, Laverriere-Boucher, Lemoine, McKee, McNeil, Mills S, Peavey-Haskell, Rector, Suslovic, Twomey, Vaughan, Woodbury.

**ABSENT** - Andrews, Bryant-Deschenes, Duprey G, Faircloth, Goodwin, Ketterer, Koffman, Marraché, McKenney, Norton, O'Brien L, Perry J, Piotti, Richardson J, Simpson, Tardy, Usher.

Yes, 112; No, 22; Absent, 17; Excused, 0.

112 having voted in the affirmative and 22 voted in the negative, with 17 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-256)** was **READ** by the Clerk and **ADOPTED.**

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

The **SPEAKER:** The Chair recognizes the Representative from Wayne, Representative McKee.

Representative **MCKEE:** Mr. Speaker, Men and Women of the House. This came up very, very quickly before I realized it was LD 1361, which is why I voted red when I did see it.

I did want to say to the body that you don't see the Department of Agriculture supporting this bill. They have never supported the video terminal and they don't today. I just consulted with the Deputy Commissioner who was here. We have debated this before. It certainly got a lot more interest than it did today. I guess when we are in bad economic times we do turn to things such as this to generate more money. I certainly have sympathy with the great historic tradition of horse racing. My father was very fond of it in his day when he had a farm. Of

course there was no betting such as this, certainly no formalized betting. In my opinion, for what it is, and I realize the body does not agree, but I think it is in conflict with what the ethos of the Maine Agricultural Fairs are and I was somewhat offended by the beguiling list of revenues that we would have if we put in these. Just so we are reminded of what this is all about and the Department of Agriculture did not support it in the past, just to bring that to your attention. Thank you Mr. Speaker. A roll call, please, Mr. Speaker.

Representative McKEE of Wayne **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended**.

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

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

**ROLL CALL NO. 225**

YEA - Adams, Annis, Ash, Austin, Barstow, Bennett, Berry, Bierman, Blanchette, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bunker, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Collins, Courtney, Cowger, Craven, Cressey, Cummings, Davis, Dugay, Dunlap, Duplessie, Earle, Finch, Fischer, Fletcher, Gagne-Friel, Gerzofsky, Greeley, Grose, Hatch, Heidrich, Honey, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Kaelin, Kane, Landry, Ledwin, Lerman, Lessard, Lewin, Lundeen, Maietta, Mailhot, Makas, Marley, McCormick, McGlocklin, McGowan, McLaughlin, Millett, Mills J, Moody, Moore, Murphy, Muse, Norbert, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Pineau, Richardson E, Richardson M, Rines, Rogers, Rosen, Sampson, Saviello, Sherman, Shields, Smith N, Smith W, Snowe-Mello, Sukeforth, Sullivan, Sykes, Tardy, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Walcott, Watson, Wheeler, Wotton, Young, Mr. Speaker.

NAY - Berube, Bliss, Bull, Clough, Crosthwaite, Curley, Daigle, Dudley, Duprey B, Eder, Glynn, Joy, Laverriere-Boucher, Lemoine, McKee, McNeil, Mills S, Peavey-Haskell, Pingree, Rector, Stone, Suslovic, Twomey, Vaughan, Woodbury.

ABSENT - Andrews, Bryant-Deschenes, Duprey G, Faircloth, Goodwin, Ketterer, Koffman, Marraché, McKenney, Norton, Perry J, Piotti, Richardson J, Simpson, Usher.

Yes, 111; No, 25; Absent, 15; Excused, 0.

111 having voted in the affirmative and 25 voted in the negative, with 15 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-256)** in concurrence.

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

**CONSENT CALENDAR  
First Day**

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

(H.P. 1190) (L.D. 1614) Bill "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2003, June 30, 2004 and June 30, 2005" (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-560)**

On motion of Representative BUNKER of Kossuth Township, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ**.

The **SPEAKER**: The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. I have never stood before this honorable chamber and asked you to vote red on a supplemental budget before. I have a lot to say. I am not going to say it at this moment. I think there is a couple of amendments that I have coming forward. I would ask you to vote red and send a very strong message to the second floor and our corners in both bodies that we, in the committees of jurisdiction and in the rank and file also should have input in budgets. Quite frankly I have been blocked out of this budgetary process at every step of the way, including amendments to just general language that was approved by the committee of jurisdiction when it comes to the budget, the study for corrections, for instance. There were seven or eight amendments that I was sitting in Appropriations listening to that we had already discussed in our committee of jurisdiction, like putting an inmate on the board with the Chief Justice to review corrections. We all felt that was inappropriate, but here is an amendment that is being discussed without the committee of jurisdiction knowing about it down in Appropriations. I happened to be there. Nobody offered to ask the committee chair of that committee whether that was a good idea or not. That was only one of five or six that I heard while I was there.

The Chair reminded Representative BUNKER of Kossuth Township to stay as close as possible to the pending question.

Representative **BUNKER**: Mr. Speaker, in reply, I am focusing the debate on the supplemental budget process and that is very germane to this discussion and germane to my comments. I ask the leave of this body to continue.

I have a lot more to say and I have a lot to explain how the Liquor Enforcement piece was never put back into the budget as requested by 95 percent of the people out there in the recent poll of Channel 7. Our first line of defense for substance abuse is now missing. We all talked about how much we pay in Medicare and health and insurance and all these other things and those are all the driving forces, at least for our side of the aisle to support a budget like this. Many of those things are in there. I applaud the committee of jurisdiction for that. You don't start off by eliminating the first line of defense for substance abuse so that we can continue to see the driving cost of treatment and the driving cost of medical care, free care that is given to these people that fall under the prey of these horrendous drugs. Washington County, as you well know, is the Oxycontin capital of the world right now. Each and every one of those young people said that alcohol was their first usage of drugs.

I am very committed to this project. I ask you to vote red on this. I have a couple amendments later that I will ask you to entertain. I fully expect that leadership has done its job and we will be able to pass this by a majority vote. I ask you to vote red and make sure it does not pass by a two-thirds so that we can continue to discuss and to do a little bit of horse trading, if you want to, before we endorse a two-thirds budget out of this body. Thank you.

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

Representative **BRANNIGAN**: Mr. Speaker, Men and Women of the House. You have just stolen my first word. This is a unanimous committee report. This is the fourth unanimous committee report from the Appropriations Committee. We began with a supplemental budget to correct and bring into the balance that was passed previously for this, the second year of a