

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

Subsequently, the same Representative **WITHDREW** his motion to **RECEDE AND CONCUR**.

On further motion of the same Representative, the House voted to **INSIST** and **JOIN** in a **COMMITTEE OF CONFERENCE** in concurrence.

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

Non-Concurrent Matter

Bill "An Act To Require the Workers' Compensation Board To Adopt Rules To Require Electronic Filing"

(H.P. 268) (L.D. 339)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-191) in the House on May 14, 2003.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-191) AS AMENDED BY SENATE AMENDMENT "A" (S-243)** thereto in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**. **ORDERED SENT FORTHWITH**.

ENACTORS

Emergency Measure

An Act To Revise Certain Provisions of Maine's Fish and Wildlife Laws

(H.P. 1087) (L.D. 1482)

(H. "A" H-524 to C. "A" H-422)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of the same and 14 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

Emergency Measure

An Act To Amend the Motor Vehicle Laws

(S.P. 545) (L.D. 1590)

(C. "A" S-237)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 133 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Chapter 7: Rules Advancing the Performance of Sound Student Safety Practices in Maine's Public Schools and Colleges, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards, Board of Occupational Safety and Health

(H.P. 1101) (L.D. 1508)

(H. "A" H-521 to C. "A" H-423)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being

necessary, a total was taken. 132 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

Acts

An Act To Retain Teachers Holding Targeted Need Area Certificates, Conditional Certificates or Transitional Endorsements

(H.P. 714) (L.D. 957)

(H. "A" H-523 to C. "A" H-458)

An Act To Amend the Educators for Maine Program

(H.P. 985) (L.D. 1340)

An Act To Provide Equitable Treatment to State Employees

(H.P. 1198) (L.D. 1619)

(C. "A" H-531)

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

Resolves

Resolve, Directing the Department of Labor, Bureau of Unemployment Compensation To Provide Access to a Toll-free Telephone Number

(S.P. 39) (L.D. 116)

(H. "A" H-518 to C. "A" S-168)

Resolve, To Study Obesity and Methods To Decrease the Cost of Health Care and Increase the Public Health

(H.P. 363) (L.D. 471)

(H. "A" H-529 to C. "A" H-464)

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

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

HOUSE DIVIDED REPORT - Majority (10) Ought Not to Pass - Minority (3) Ought to Pass as Amended by Committee Amendment "A" (H-535) - Committee on JUDICIARY on Bill "An Act To Enact the Maine Tribal Gaming Act"

(I.B. 1) (L.D. 1370)

Which was **TABLED** by Representative NORBERT of Portland pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

The **SPEAKER**: The Chair recognizes the Representative from Hampden, Representative Duprey.

Representative **DUPREY**: Mr. Speaker, Ladies and Gentlemen of the House. Let me set the record straight from the beginning. I am not pro-casino and I am not anti-casino. I do think a casino could be good in some areas of the state. I think it could be disastrous in other parts of the state. Let me explain. Ever since the idea of having a casino in Maine surfaced about a year ago, proponents of the casino have been toting job creation, economic development, positive cash flow to the state coffers. There are many problems I have with the citizen-initiated bill, which is the Majority Report. I will try to hit some of them for you.

There is no provision to locate the casino in an area of the state that has high unemployment, low wages and available, affordable housing. I think a casino could jump start the economy of an area like Calais, Millinocket where there is 15 to 30 percent unemployment right now. To put it in southern Maine, an area that has almost non-existent unemployment, very high

wages and an affordable housing shortage does not meet the objective of economic development. I have heard almost 10,000 jobs could be created. Since there is hardly an available worker in southern Maine left with such low unemployment, where are these workers going to come from? Many will come from out of state and many of them will leave their jobs now where they are making \$10 an hour in southern Maine businesses because now they are going to have to compete with the casino that could pay much higher wages and benefits. The results will be major employment shortages to the local area businesses.

Since I can't go into the details of the Minority Report, you will have to read for yourself how I addressed these issues in the Minority Report.

Next, we want to make sure the taxpayers of Maine got the best bang for the buck. In the citizen-initiated bill, the tribes agree to give the state 25 percent of slot revenues. That number was arbitrarily decided on in the citizen-initiative bill, but it is the best deal the state could get. In some states the tribes split profits with the state 50/50. We decided if Maine were to get a casino, it should be through a competitive bid process. Since I can't go into the details of the Minority Report, you will have to read for yourself how we addressed this issue.

Another thing we had a concern about is ensuring that no BETR, TIF or other government incentives were used to build the casino or to buy slot machines or fill the casino with anything. Since I can't go into the details, you will have to read for yourselves how we addressed that issue. In the citizen-initiated bill there is no money to be diverted for gambling addiction services, which I think there should be money for. I think it could create some serious problems. You will have to read for yourself how we address this problem.

We had a problem with the citizen-initiated bill that the tribal gaming agency would be set up and not have proper scrutiny from the state. We want to make sure that all documents and financial transactions should not be confidential, but should be available to the state gaming agency for review at any time. You are going to have to look for yourself how we addressed that problem.

I have no doubt that the casino referendum will pass in November. The TV ads have been outstanding so far. The public opinion seems to be swaying that way. I feel the pro-casino forces will spare no expense to win in November.

Please oppose the pending motion so we could move on to the Minority Report and ensure that if Maine is to get a casino, it is the absolute best possible deal for the citizens of Maine. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Bryant-Deschenes.

Representative **BRYANT-DESCHENES**: Mr. Speaker, Ladies and Gentlemen of the House. I rise today to speak against the Majority Ought Not to Pass Report on "An Act To Enact the Maine Tribal Gaming Act." At the public hearings held on the casino those for the casino bills urged the committee to vote Ought Not to Pass. Those against the casino bill also urged the committee to vote Ought Not to Pass. Both sides said to us, just vote Ought Not to Pass and send the bill to referendum and let the people decide. That was an easy solution. I do not believe that our role as legislators is necessarily to find the easy solution. I believe that legislators have responsibilities. The Legislative Handbook discusses these responsibilities. It includes the following in its description, "to be well versed in complex subject areas and be familiar with a vast array of issues raised by pending legislation, to provide oversight." The handbook specifically mentions that impact of a Maine based casino in the section describing the legislator's role and

responsibility. This is an issue that requires the legislature to examine the bill, analyze the bill and the potential policy, legal and fiscal implications of enactment.

I have come to the conclusion that this is a very dangerous bill. First, it is my understanding that no amendments, no changing, no tweaking can be done to this bill. It must go to the voters exactly as written. I was very disturbed when I learned that this bill might be an amendment to the Indian Land Claims Settlement Act and that as such once this bill is enacted, there can be no changes to the bill. It cannot be amended or repealed without the consent of the Passamaquoddy Tribes and the Penobscot Nation. It is my understanding that this bill does not provide for a Maine State Gaming Commission, rather a tribal gaming agency formed by the Passamaquoddy Tribes and the Penobscot Nation.

This referendum question will be presented to voters, which merely asks whether voters would approve the building of a casino if part of the proceeds from the casino were to be used to reduce property tax and provide money for public education funding. It is my understanding that any proceeds from this endeavor would go to the black hole that is the general fund, unless there is an amendment to the State Constitution, there is no guarantee where the proceeds would go.

This bill, if passed, limits legislative oversight and state oversight. A Tribal Gaming Agency is on site, which would operate and manage the facility. Access to public safety for general law enforcement purposes, maintaining public order, public safety and enforcing criminal laws would be the state oversight. The Tribal Gaming Agency would have hands on oversight. Would this oversight be considered internal tribal matters, which would reduce access to this information? The voters will go to the polls intending to enact a gaming act that will provide funds for property tax relief and education. They will not be getting an act that guarantees funds for property tax relief and education.

What the voters will be approving is an amendment to the Indian Land Claim Settlement Act. They will not be able to amend this bill. They will not have a State Gaming Commission to oversee the operation of this casino. I did not vote Ought Not to Pass in committee. I did not vote for the easy solution. I ask you to consider the problems with this bill and move on to the Minority Report, which addresses these problems. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hodgdon, Representative Sherman.

Representative **SHERMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I thank Representative Bryant-Deschenes for her analysis and the fact that we have certain duties to perform here as legislators. She hit upon seven of the items that I had marked down. There is no State Gaming Oversight Commission as there are in 34 other states. The others that she said I agree with entirely. There are other issues in here that maybe legislators ought to take a look at. There is a question if they pay federal and state taxes on the restaurants and movie theater and shops in this casino. There is a provision in there for free drinks and the bars that may help some of us, but what would that do to outside establishments. It also says games of chance without limitation. Is there any possibility you could drop the slots because the state is going to get that money and do other games of chance? I think the prior two speakers have picked apart a good portion of this. There are still other provisions that the legislators sitting in this chamber should take a look at. Thank you.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Courtney.

Representative **COURTNEY**: Mr. Speaker, Ladies and Gentlemen of the House. I would encourage you to defeat this motion. I have some real concerns that this bill has been created by the tribes and for the tribes. It is very difficult. Our local selectmen are going to be negotiating against \$800 an hour lawyers. I don't think it is going to be a fair playing field. I think by defeating this and taking a good look at the Minority Report, we are at least giving them a hand at trying to create a level playing field. Our town is going to change forever if this is passed by this state. I think it is very important that we take the time and put the effort in to help our local municipality. We need it. I am asking for your help and I would appreciate your support. Thank you.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Mills.

Representative **MILLS**: Mr. Speaker, Men and Women of the House. As a member of the Judiciary Committee, I was privileged to listen to several hours of testimony on this bill and we had a lively discussion at the work session in the Judiciary Committee. We are a committee of varied views on this issue. The important thing to remember in this debate on this floor is when you vote on the Majority Ought Not to Pass Report, you can vote no, meaning you are against the casino or no, meaning you are for casinos. You can vote yes, meaning you are for casinos and yes, you are against casinos. Basically, either way, it doesn't matter. It is going to go to the polls. It is going to the referendum for the people to vote on. The only issue is if you vote not to accept the Majority Ought Not to Pass Report, then you get to a Minority Report for a competing measure, which entails another issue, whether or not there should be a competing measure on the ballot. It is something you need to think about. The issue for us is a little bit confusing in that respect.

Some of us who have strong views on casinos in the committee felt very strongly that our hands are kind of tied because of the posture we are in. Many of us were not part of the previous debates in the Legislature regarding casinos. We are looking at this with fresh eyes. I would encourage you to take this opportunity to at least skim though this rather large piece of legislation. It is some 20-odd pages long. It is LD 1370, as you know. It is important to read this very carefully because most things that we vote on here we can sort of rest assured that if we do make a mistake, we can come back and revisit it. We can change it next year. I don't believe we can do that if this passes in November. There are a lot of, what I would consider, flaws and a lack of information regarding this bill. There is, as has been pointed out, no State Gaming Agency set up in this bill as there is in many, many other states that have casinos and other states that have other forms of gambling, more formal, sophisticated gambling mechanisms. A lot of authority is delegated in the bill to the Tribal Gaming Agency. There is an awful lot of authority that otherwise in other states would be kept at the state level for the state to regulate the standards and operating procedures of sophisticated gaming operations such as this.

There are strange and new standards for licensing described in this bill. For instance, if you apply for a license or an opportunity to be employed in a gaming casino, you can be turned down because of your "reputation habits and associations that might pose a threat to the effective regulation of gaming or increase the danger of unfair, illegal practices, methods and activities in the conduct of gaming activities." I have no clue what that means and I am not sure that a court in this state would have

a clue what that means or be able to interpret it appropriately. We couldn't change it. We can't change it today. I can't propose a floor amendment to you to change this and clean it up and say what it means. It is set in stone and it is going to the people.

The references in the bill to something called the Connecticut Compaq and it says in the bill on Page 11 that "the initial standards of operation and management must be substantially identical to those currently in effect pursuant to the Connecticut Compaq." We weren't informed what the Connecticut Compaq was. It is kind of an important issue to know what the Connecticut Compaq is. Nobody gave us a copy of the Connecticut Compaq and told us how the initial standards of operation and management will be done under that Connecticut Compaq. It is in this bill. We can't change it.

There is no competitive bidding, as you know, as has been pointed out, as there is in other states, which regulate casino gambling. Questions were raised at the hearing and work session about whether or not gaming operations coming in from out of state would be able to take advantage of TIF Programs locally or to take advantage of the BETR Program. We couldn't see anything off hand in this bill that would prevent that. Some felt that that might be unfair of them to take advantage of the bill and of all of the advantages that this gives a casino gaming operation. In addition, give them the benefit of our tax benefits under the BETR Program and under the Tax Increment Financing Programs locally.

We couldn't clarify the bill. We couldn't change it. We can't change it now.

There were many questions raised about the taxation provisions on Page 16, state taxation and revenue sharing. There were questions that I don't believe were adequately answered at our work session or at our public hearing.

The licensing provisions are vague. There is a lot of language here that may well have been taken from some other law in some other state. I don't know. The drafters didn't explain that to us and we can't change it. The reason we can't change it is if the people pass this law in November, it is then subject to a vote of the tribes, the Passamaquoddy Tribe and the Penobscot Nation under the final provisions of this LD. Once they have affirmed their support for this bill, if it is passed by the people in November, I don't believe there is anything we can do to change it next year.

I have a great number of concerns with this bill. Whether or not you decide to go forward and debate a competing measure, there are certain concerns with this bill that the people ought to know about. They ought to know that our hands are tied. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Frenchville, Representative Paradis.

Representative **PARADIS**: Mr. Speaker, Men and Women of the House. Some day I would like to beat New Hampshire at something, something big. In is inevitable that there will be a casino in northern New England one of these days. I would like to see Maine lead and to build this in typical Maine ingenuity and put our stamp on it. Traditionally Maine has been slow to read the trends of the time. Work on Sunday, liquor sales on Sunday, we are getting our pants beat off by our southern neighbors. We have come around to it, but never could match New Hampshire in liquor sales. The lottery, there are all kinds of argument against it. What is wrong with capitalizing on out of state money coming in anyway? Foxwoods, for example, I have talked to a lot of people that have been there. It has been run well. It is running well. It has not increased the crime as people would like to say. What we have in the Minority Report is simply a slow down tactic. I would like to see one option go to referendum, undiluted,

uncomplicated, voted up or down. I am from northern Maine. I would like to see it in northern Maine, but the tribes have done a lot of work on this and I respect that. They would be a lot more profitable in southern Maine and I will support that option. I will encourage you to vote Ought Not to Pass and let's get into November with a clear bill. Thank you.

Representative **BRYANT-DESCHENES** of Turner **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The **SPEAKER**: The Chair recognizes the Representative from Sanford, Representative Landry.

Representative **LANDRY**: Mr. Speaker, Ladies and Gentlemen of the House. Bear with me, it is not a good day for my voice. I live in Springvale, which is part of Sanford. I have lived there for some time. When I became disabled I started doing a lot of volunteer work with the local businesses and what have you. When I started campaigning to come up here, I went to work as a volunteer at the Chamber of Commerce. One of the projects I worked on was to put together a trade show booth that was to be held at the Expo Center in Boston. The purpose behind this booth was basically to sell Sanford. The attendees at this trade show were all CEOs from electronic firms all over New England. I personally sat down and found 200 of them, sent invitations and hoped to meet them at the trade show. I met quite a few of them. As soon as I said that Sanford was located in Maine, I lost the sale. I got a lot of comments about taxes and how tough it to open up a business and what have you. Let me just say it was a hard sell.

We have had many, many firms, factories and manufacturers shut down or go chapter 11 or what have you. One of them even shut down and moved to Israel in the middle of a combat zone. Our unemployment rate skyrocketed. It went up to 2,500 plus in the Town of Sanford. That is just the ones that are on the rolls, not all of them. There were no trucks backing up unloading food. There was nobody donating anything. It is the same bunch downtown struggling trying to get some kind of business in.

The people of Sanford voted on a non-binding referendum to keep the door open to the casino project, the possibility of its existence. Being as controversial as it is, naturally there were people taking stands and taking sides.

In fact, I remember during my campaign that I kind of stayed on the fence, but I told people that when you are sitting on a barbed wire fence, you can't sit there long. It is true. I saw the merits of this project, but I also know that if it is allowed to go on to the referendum, changes are very likely it is going to pass. The only thing that I can see that the state has a problem with is they are not controlling the amount of money they are going to get out of it. Well, I look at it this way, 25 percent of something is a heck of a lot more than 100 percent of nothing.

I see no reason why the good people of Sanford, their elected officials, using their good common Yankee ingenuity and sense would not ensure that this will be negotiated to the betterment of all, both the casino folks and the towns people. They are not going to sell the towns people down the river. They are going to be awful darn careful how they set it up. I would urge you to vote along with the Majority Ought Not to Pass. Let's give our people a little bit of credit for being able to make a decision without us trying to reach into their pockets in the process. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Biddeford, Representative Twomey.

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. All bets in. No more bets. I will tell you a lot of reasons and I didn't think we were supposed to be allowed to

speaking on the merits of this. I have heard everyone get up and speak on the merits of the bill. I will not be supporting the Majority Ought Not to Pass Report. My community had a referendum and it was young families who decided that the quality of life was more important than the money. The money that came into Biddeford to spend was from Las Vegas. It is about out-of-state money trying to come in and tell us what is good for the State of Maine. It is about young families with children who do not want another 20,000 people coming into our community where hospitals cannot even service the extra amount of people. It is about being able to go from point A to point B without having to wait an hour and a half.

I have supported the Native Americans from day one. I still support them. I say if we really want to do something for the Native Americans, let's give them back the land that we took from them, for starters. There are other ways to help the Native Americans. I think that they are misguided in their thinking that casinos are the way to go. Filling your mattresses with money because somebody else lost their money is not acceptable to me. It is not acceptable to the people in my community of Biddeford. The mayor was in favor of this. The city council was in favor of this, but the people organized and the people spoke. It was two to one in opposition to casinos in Biddeford. The scary part about this is, we are looking at the big pot of gold that is coming into the State of Maine and wherever it goes we will all benefit because it will go towards education. It doesn't matter if it is not in your backyard. It doesn't matter if it is in southern Maine. I hear about the two Maines a lot up here. I have tried to cut across that line. I have tried to care about what happens in northern Maine as far as education. I have tried to become passionate and listen to people from northern Maine and Aroostook. I have listened to all of it and I have been compassionate about it. I am also compassionate about what is happening to southern Maine. We take the blunt of it. We have all the traffic. We have all the trash and the things that you might not want to accept. We are carrying our burdens. I think that this really goes across the lines. I think it is about quality of life. It is about Las Vegas money trying to come in and trying to influence.

Just look at who is spearheading this. Look at the lobbyists. Look at the people who are getting paid for this. It is really upsetting to me. I will not be supporting the Majority Ought Not to Pass Report. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Freeport, Representative Bull.

Representative **BULL**: Mr. Speaker, Men and Women of the House. Getting back to the question at hand, the question is accepting of the Majority Ought Not to Pass Report. Whether you support the Majority Ought Not to Pass Report or if you support the Minority Ought to Pass Report, we are going to see a question on the ballot in November on casino gambling being put forth by the Native Tribes. Opposition to casino gambling here in Maine aside, that should not matter. The question here is simply sending it out to the voters and letting them decide. I personally am heavily leaning towards voting against this in November. I have some very serious questions about this, about the appropriateness of this. That, to me, is not the relevant issue here. It is not relevant whether or not to support casino gambling in Maine or not. The question here is, do we respect the fact that the Native Tribes have spent a great deal of time and effort and they got a number of people, tens of thousands of people who signed a petition wanting this on the ballot. That really is the question here, ladies and gentlemen.

I say let's respect the process that has been done. Both the opponents and proponents of the casino gambling here in Maine testified at the public hearing against the bill in favor of the

Majority Ought Not to Pass Report. Both sides asked us as a committee to send this out to the voters and let the voters decide. I would like to ask you all to heed that advice, let this go to the voters and let the people decide up or down whether or not they want to have casino gambling here in Maine and let this be the tribal one. That is really the question here today. Thank you Mr. Speaker.

Under suspension of the rules, members were allowed to remove their jackets.

The SPEAKER: The Chair recognizes the Representative from York, Representative Andrews.

Representative **ANDREWS**: Mr. Speaker, Ladies and Gentlemen of the House. I am not going to go into all the pros and cons of casino gambling. I know you all know how I feel about that issue.

Having said that, I want to bring to your attention that the Majority Report, which is Ought Not to Pass does not allow us as Representatives of the State of Maine to fully fulfill our responsibility. Let me just briefly touch on something that concerns me greatly. In the next biennium, we are looking at a half a billion to a billion dollar deficit. Half a billion for sure, but up to a billion. The Majority Report takes away the state's ability to negotiate the best price that will provide the most benefits for the State of Maine to deal with all the issues that come along with gambling, the infrastructure, etc. That right, that we should be doing by the Majority Report, has been taken away from us. I am here to tell you that there are other casinos that are going to be built in the nearby areas. I heard on the radio last night that Massachusetts is again debating a bill. That will cut down on the revenues. We need to be aware of our fiscal responsibility when we look at this issue. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Mr. Speaker, Men and Women of the House. A couple of weeks ago we debated smoking. We made the decision here in the House, because that is what we get sent up here for, to vote and make decisions for the people. Why don't we have the backbone and the guts to stand up to this one and make the decision here in the House like we were sent here to do, not send it out to referendum? Thank you.

The SPEAKER: The Chair recognizes the Representative from Fort Kent, Representative Jackson.

Representative **JACKSON**: Mr. Speaker, Ladies and Gentlemen of the House. I didn't plan on getting up. I, too, like a lot of other people here am not sure how I will vote on the referendum, but what I am sure of is that the citizen's right to referendum is probably the most dear thing I can think of. A lot of things that go on down here, I don't agree with. I see a lot of people lobbying the halls and it puts a lot of pressure on people in here to vote one way or the other. I think the citizen's initiative is the greatest check and balance that this state has for things that can be changed when we don't do the right thing here. I believe the tribes have put a lot of work into getting the signatures and anyone else that opposed what they are trying to do put as much work into getting signatures to go against what they want. I believe that letting this go out to referendum and having the people decide is the right thing to do. Again, I am not sure if I support a casino or not, but I do support people's right to make up their own mind. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Bowles.

Representative **BOWLES**: Mr. Speaker, Ladies and Gentlemen of the House. This has been interesting listening to much of the debate. A number of issues have been raised and a number of good points have been made. When this bill was in front of the Judiciary Committee, much discussion was had. Again, concerns were raised, proponents advocated for their position. Opponents raised their concerns and the point of all that is that is exactly the process that should be undertaken. The committee should have been allowed the opportunity to have a vote, not on whether or not to send this out to referendum, Mr. Speaker, but whether or not this issue should even go forward. We, the Legislature, should have had that same opportunity. I am disappointed and being the Representative from the town, in fact, my district, in which a casino is likely to be located if the plan that is now being considered comes to fruition. I have probably more of an interest in this than the majority of the members. I am disappointed that this issue has been taken out of our hands. I understand the point that the good Representative from Fort Kent just made, that the people should have an opportunity.

I would make a different point and that is when this goes to the referendum in November, that the people are not going to have had the opportunity to have a full range of debate and exposure to both pros and cons that the Judiciary Committee had or that we, as members of the Legislature, had. They are going to be voting on something that is going to be one sentence that essentially in their minds it is going to boil down to, do you want a casino or not? That isn't really the question. I actually am not in the position right now to say whether or not I want a casino or not. What I do know is that I would liked to have had an option. I would like to have had more than one proposal to be looking at. I would have wanted, the Representative from Farmington, Representative Mills, was very eloquent on this issue. I would like to have this Legislature and this state in a position where we had an opportunity to look at alternatives. We do not have that opportunity because of the way in which this was done.

I am not passing judgment on why it was done in this manner. Obviously the people who want this issue to go forward decided that this was probably their best chance of having it pass in November. That is not an unreasonable position for them to take. It does take it out of our hands and it takes away the ability of this Legislature to perform the duties and carry out the responsibilities with which this Legislature is charged. That is the point that concerns me greatly.

I understand why the people of my community, many of them are supportive of this issue. In a vote by a narrow margin, they were supportive of this issue. I understand that. Contrary to something that was said here earlier, my community has an unemployment rate of 8.9 percent, the 11th highest in Maine as of the end of April. We are different from the rest of York County. We are different from Biddeford. I heard the good Representative from Biddeford said her community voted down this proposal and I understand that as well. They have an unemployment rate of about 3.3 percent. You look at this based on the perspective of your community.

The real issue here is not casino or no casino. The real issue is there going to be a full exploration of the pros and cons of this specific proposal, this one proposal that is going to be offered to the voters? There is going to be an awful lot of television advertising for sure. People to a large extent are probably going to make up their minds based on the television advertising. I think that is unfortunate, not because the ads are misleading. I am not suggesting that they are or that they will be. It is unfortunate because the ads don't have the ability to go into the comprehensive, in depth issues that this whole proposal has brought forward. For that reason, I am going to be voting for the

Ought to Pass as amended report against the Ought Not to Pass bill. Again, that vote is not to be construed as a vote either for or against the casino, but against the process by which this is moving forward.

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Hotham.

Representative **HOTHAM**: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **HOTHAM**: Mr. Speaker, Men and Women of the House. Perhaps it was answered by the good Representative from Sanford, but I seek clarity. I would like to know if it is possible for the bill as proposed as well as the Minority Report as amended to both appear on the ballot and what procedure we need to take here for that to happen?

The SPEAKER: The Representative from Dixfield, Representative Hotham has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Cornville, Representative Mills.

Representative **MILLS**: Mr. Speaker, Men and Women of the House. I believe the Constitution is fairly clear that we would have to pass the Minority Report in both chambers in order to send it out to the people and get it onto the ballot. It would have to be in conflict with the initiative question.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Courtney.

Representative **COURTNEY**: Mr. Speaker, Ladies and Gentlemen of the House. Forgive me for speaking a second time on this issue, but as you can well imagine being from Sanford it is very near and dear to my heart. I heard a couple things mentioned that I would just like to address. I didn't just get involved in the community when it was time to run for election. I have been raising my family there. That is our livelihood. I personally think that my aspirations for my children, the best that they can do, is not to be a black jack dealer. I think we can do better for the kids of this state and I plan on doing so. That is one of the reasons I came to Augusta.

It was said that Sanford voted for the casino. That very well is true, but as you go around the community what a lot of the people in the community did is they voted to keep the door open. As Representative Bowles said, we have an 8.9 percent unemployment rate. There are people desperate for work. They are desperate for opportunity and many feel that this is the best that we can do. I say that we can do better. They voted to think about it. A good bunch of the people in my community voted to think about it and stay in the game.

The big yellow signs came out. More yellow signs than I had ever seen. They were everywhere you turned around. You go down Main Street and there was a stream of Casinos yes on one side and a stream of Casinos yes on the other. It was nothing like I had ever seen before.

The SPEAKER: The Chair would admonish the Representative to please restrain your debate to the question at hand here. You are getting well off the track and it is a very wide track that the Chair has allowed here, but you are well, well off that track right now Representative. The Representative may proceed.

Representative **COURTNEY**: I am sorry Mr. Speaker. I will try to be a little more careful. The point I am trying to make is that there is no amount of money that will be put out there. There will be no expense spared to pass this referendum. I am trying to make that point to everyone so that they can see that we really need to offer another option. We need to level the playing field.

As far as the signatures that were collected to put this referendum on the ballot, what happened is at the election they

came in with an ironing board, they set it up, the college kid was in there and he was counting every signature he got and pockets 50 cents or a dollar a signature at \$10 or \$12 an hour. It really wasn't like your neighbor down there collecting signatures. It was someone doing a job. I think what these people who are trying to shove this thing down our throat, I think what they are doing is they are trying to buy us. I am telling you, in my opinion, that the people of Maine because we have for years and years, we have stood up to it and we have told people on many, many issues, over and over that Maine is not for sale. We cannot be bought. I really ask you to consider that and defeat this and move onto the Minority Report. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Hutton.

Representative **HUTTON**: Mr. Speaker, Ladies and Gentlemen of the House. I really hadn't planned on getting up to speak and I thought I would never say that. I will try to be brief. In my community it was different. I stood at the polls in my Town of Richmond and the people who were collecting signatures were not college kids. They were not somebody out to just make a buck. They were people who feel strongly about the issue. I just wanted to give another point of view and another perspective on who was collecting signatures for this referendum. Thank you.

The SPEAKER: The Chair recognizes the Representative from the Penobscot Nation, Representative Loring.

Representative **LORING**: Mr. Speaker, Men and Women of the House. I didn't really know whether I was going to stand up. I had a pretty good idea that I was. The bottom line is we wouldn't be standing here debating this issue if the Penobscot and Passamaquoddy Tribes did not come forward with this project. I do want to remind you that I have been here for almost eight years and the word casino has been a dirty word in this Legislature and connected to any bill it would have killed the bill. We had the courage to come forward and bring this idea to the state. This issue is a hugely important issue to both the tribes and to the State of Maine, particularly when Maine industry is faltering. Lost jobs number in the thousands. The resort casino project has the potential, and you have heard this many times, and I am going to repeat it, of creating thousands of jobs and contributing millions of dollars to the state and the tribes economy as well. It is the biggest economic project that this state has seen in 30 years. The people of the State of Maine have asked to have the decision on this matter, over 60,000 Maine citizens have signed the petition so that they can decide this issue. I ask you to vote Ought Not to Pass on this issue and allow the citizens of the state to make this determination. Thank you.

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

ROLL CALL NO. 196

YEA - Adams, Barstow, Bennett, Blanchette, Bliss, Brannigan, Breault, Bruno, Bull, Canavan, Carr, Clark, Clough, Cowger, Craven, Cressey, Cummings, Davis, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Glynn, Goodwin, Grose, Hatch, Hutton, Jackson, Jodrey, Kaelin, Kane, Ketterer, Koffman, Landry, Laverriere-Boucher, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, Marraché, McGlocklin, McKee, McLaughlin, Mills J, Mills S, Moody, Moore, Norbert, Norton, O'Brien L, Paradis, Patrick, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Richardson J, Rosen, Sampson, Simpson, Smith N, Smith W, Sullivan, Suslovic, Thompson, Usher, Walcott, Woodbury, Wotton, Young, Mr. Speaker.

NAY - Andrews, Annis, Austin, Bierman, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Campbell, Churchill E, Churchill J, Collins, Courtney, Crosthwaite, Curley, Daigle, Duprey B, Fletcher, Greeley, Heidrich, Honey, Hotham, Jacobsen, Joy, Ledwin, Lewin, Maietta, McCormick, McKenney, McNeil, Millett, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson E, Richardson M, Rogers, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Sykes, Thomas, Tobin D, Tobin J, Trahan, Treadwell, Twomey, Vaughan, Wheeler.

ABSENT - Ash, Berry, Berube, Bunker, Jennings, McGowan, O'Neil, Rines, Saviello, Tardy, Watson.

Yes, 85; No, 55; Absent, 11; Excused, 0.

85 having voted in the affirmative and 55 voted in the negative, with 11 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

An Act To Amend the Laws Governing the Maine Developmental Disabilities Council

(S.P. 371) (L.D. 1099)
(C. "A" S-183)

TABLED - May 27, 2003 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - PASSAGE TO BE ENACTED.

Subsequently, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

An Act To Clarify the Definition of Independent Expenditures Under the Election Laws

(S.P. 402) (L.D. 1196)
(C. "A" S-205)

TABLED - May 28, 2003 (Till Later Today) by Representative DUPLESSIE of Westbrook.

PENDING - PASSAGE TO BE ENACTED.

Subsequently, the Bill was **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:

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-80)** on Bill "An Act To Improve Collection of Information about Work-related Injuries and To Enhance Injury Prevention Efforts"

(S.P. 135) (L.D. 398)

Signed:

Senators:

EDMONDS of Cumberland
STANLEY of Penobscot

Representatives:

SMITH of Van Buren
HUTTON of Bowdoinham
HATCH of Skowhegan
PATRICK of Rumford
JACKSON of Fort Kent
WATSON of Bath

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

Signed:

Senator:

BLAIS of Kennebec

Representatives:

TREADWELL of Carmel
CRESSEY of Baldwin
HEIDRICH of Oxford
NUTTING of Oakland

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-80) AND SENATE AMENDMENT "A" (S-239).**

READ.

Representative SMITH of Van Buren moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

The **SPEAKER**: The Chair recognizes the Representative from Carmel, Representative Treadwell.

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. This bill will require the reporting of medical only injuries. At the present time under the workers' comp law, the only injuries that have to be reported are those that result in lost time. What is going to happen with this bill is there will be about a five-fold increase in the amount of reports that will be handles by the workers' comp board. The amendments to the bill delay the implementation until after the bill that we passed earlier this afternoon, LD 339, sets up the electronic reporting requirement for the workers' comp board. This bill will not be going into affect, in its amended form, until after that electronic data system is up and functioning. As the bill is amended, the only thing that I am concerned about with it is the quantity of reports that are going to be handled by the comp board. I am afraid that it is going to have an impact on the board's ability to keep up with all those reports that will be coming in. I guess I am not really strongly opposed, but I am going to vote against it just because of the extra work load that it will entail.

The **SPEAKER**: The Chair recognizes the Representative from Van Buren, Representative Smith.

Representative **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House. The Majority Report of the Labor Committee is based upon a bill requested by a unanimous workers' compensation board. That means that the four management board members and the four labor board members got together and agreed that this is the kind of information that they wanted. What the bill does is require that there be filed with the board information with regard to, not only with regard to lost time, but also with regard to injuries that required the services of a health care provider. This is something that is necessary because you need good comprehensive data to be able to reduce injuries and provide for their treatment. I ask you to support this. Certainly the data is there available to be filed and certainly that data will make for a better system.