ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
SECOND REGULAR SESSION
20th Legislative Day
Thursday, March 6, 2014

The House met according to adjournment and was called to order by the Speaker.

Prayer by Leslie Manning, Religious Society of Friends (Quakers), Bath.

National Anthem by Meghan Clark, Calais.

Pledge of Allegiance.

Doctor of the day, Brenda Gowesky, M.D., Camden.

The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 371)

STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002

March 6, 2014
Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333
Dear Speaker Eves:
Pursuant to Joint Rule 310, the following Joint Standing Committees have voted unanimously to report the following bills out "Ought Not to Pass:"
Health and Human Services
L.D. 1759 Resolve, Implementing the Recommendations of the Commission To Study the Incidence of and Mortality Related to Cancer (EMERGENCY)
Labor, Commerce, Research and Economic Development
L.D. 1743 Resolve, Directing the Department of Defense, Veterans and Emergency Management To Develop a Portable Voucher System To Subsidize Rental Housing for Veterans in the State
Taxation
L.D. 369 An Act To Redesign Maine's School Funding Model
The sponsors and cosponsors have been notified of the Committee's action.
Sincerely,
S/Millicent M. MacFarland
Clerk of House

READ and with accompanying papers **ORDERED PLACED ON FILE**.

ORDERS

On motion of Representative RANKIN of Hiram, the following House Order: (H.O. 40)

ORDERED, that Representative Sheryl J. Briggs of Mexico be excused February 27 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Peter Doak of Columbia Falls be excused February 27 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Brian M. Duprey of Hampden be excused February 13, 18 and 20 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Walter A. Kumiega III of Deer Isle be excused February 20, 26 and 27 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Sharon Anglin Treat of Hallowell be excused February 27 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Raymond A. Wallace of Dexter be excused March 4 for health reasons.

READ and **PASSED**.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following item:

Recognizing:

the following members of the Central High School Cheerleading Team, of Corinth: Rhianna Bailey, Katrina Bowden, Kailey Buswell, Taylor Buswell, Kassidy Chase, Ciearria Cookson, Taylor Emerson, Alicia Halloran, Josie Hare, Bille-Jo Hurd, Cassidy McNerney, Chelsea Noddin, Kelsey Osnoe, Autumn Preble, Melyssa Prescott, Janell Reece, Kiera Rush, Jamie Smith, Paige Subjoc, Kaitlyn Taylor, Hillary Williams and Izzy Wittine; coach Cristy Strout; assistant coach Whitney Susee; and manager Madison Clark, winners of the 2014 Class C State Cheerleading Championship. The team also won the Eastern Maine Class C Cheerleading Championship, the first regional cheerleading championship for the school since 2000, and the Penobscot Valley Conference Small-School Division Title. We congratulate the Central High School Cheerleading Team on these achievements;

(HLS 751)

Presented by Representative GUERIN of Glenburn.
Cosponsored by Senator CUSHING of Penobscot, Representative FREDETTE of Newport.

On **OBJECTION** of Representative GUERIN of Glenburn, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Glenburn, Representative Guerin.

Representative **GUERIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am proud to congratulate the Central High School Varsity Cheerleaders today on becoming the Class C State Champions. I am especially pleased with their success, being that I am a former captain of the Central High Varsity Cheerleading Squad. They have practiced many hours under the leadership of Coach Cristy Strout and have been rewarded with success. Congratulations, girls.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

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

ENACTORS

Acts

An Act To Preserve Head Start and Child Care Services

(H.P. 1205) (L.D. 1682)

(C. "A" H-624)

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

On motion of Representative BERRY of Bowdoinham, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Frey.

Representative **FREY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today in support of Head Start and child care services, LD 1682. Everybody has or should have some familiarity with the Head Start program. It provides comprehensive early care and education to children who are living in poverty, as well as a variety of assistance to their families. For children, the services include health, nutrition, vision, hearing and mental health services. For parents, services include family literacy and vocational supports. These intensive supports for families work. Research shows that Head Start: improves school readiness, increases educational achievement, improves child health, reduces the chance that a child will turn to crime, and improves parenting skills and practices. Mr. Speaker, the research also shows how important the first 5 years are to a child's life and to their development. It also sets the foundation for whether or not they will have success or, hopefully not, failure moving forward. Early Head Start, which serves children from birth to 3, and Head Start, which serves children ages 4 to 5, provide children with the support, encouragement, and foundation that they need in these key developmental years.

Now, unfortunately, Mr. Speaker, federal funding falls short of the need that Maine has for Head Start services today, and with the federal funds, only about 30 percent of eligible children are able to receive access to those services. This shortfall is why Maine has a tradition and a history of supporting Head Start with General Fund dollars that dates back to the 1980s. In fact, this Legislature, the 126th, has already recognized the value of this program when, in the biennial budget, it provided adequate funding for Head Start in Fiscal Year '14. Presently, however, Fiscal Year '15 is not covered and without this bill, 1682, there will be a significant decrease in Head Start funding for the next year in over 100 children. That's 100 children stand to lose access to child care services.

Another important part of LD 1682 is that it continues a creative initiative that we had put in the budget from last year that directs the Department of Health and Human Services to use Head Start dollars as a match to draw down federal Child Care Development Fund resources. This means that each Head Start dollar draws down more in federal funds that can be used to provide child care vouchers that working parents can use to take to the child care provider of their choice. Thanks in part to this match, the child care voucher waiting list that had existed previous to last year has been eliminated. Failure to pass this bill will place those vouchers at risk and it puts at risk for hundreds of families their ability to remain in the workforce, because these vouchers provide us with an opportunity to ensure that working families obtain child care, and allow them to work to attain their education that will then put them in the workforce. Ultimately, Mr. Speaker, what this means is that if we give them the support that they need now, they will be able to work and become self-sustaining, taking them off the program in the future. Mr. Speaker, Ladies and Gentlemen of the House, I ask that you consider the important policy behind this bill. We really do want every child to have the best start early on in life, and I'd ask that this House please support the Majority Ought to Pass Report. Thank you very much.

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

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. What is more important than our youngest children, to all of us here in this House. What is more promising than our very youngest children? What is more loveable? What is more in need of love, more deserving of our love? Mr. Speaker, what represents a greater opportunity to advance our economy and to advance our quality of life here in Maine? I think we all know the answer to these questions. The answer is nothing. Nothing is more important than our very youngest children, their potential to move all of us forward and every young life that's starting out right now, 34 children a day born in Maine, holds incredible potential for this state and can be realized or not realized, so we all have an enormous stake.

A study done last summer, released last summer, by Philip Trostel at the University of Maine, showed a 7.5 percent conservatively estimated rate of return on the investment that quality early childhood programs represents. That's a return on investment only to the public. It doesn't measure the return on investment to children's lives, to the workforce, to increase productivity, to increase the happiness and quality of life. It's simply the return on our public dollar and it is conservatively estimated. Other studies show an even higher rate of return for quality early childhood programs, as much as one Nobel prizewinning economist found, $16 or $17 for every dollar that we spent. The same study, the University of Maine, said that we will recoup our investment five times over by the time children reach adulthood, if we make these quality early childhood investments. The bill before us would allow us to keep doing that. It would allow us to prevent the loss of at least 100, perhaps more, slots for children who have great potential but are in significant need. And, importantly, as Representative Frey from Bangor mentioned, the loss of federal dollars, if we do not continue our efforts that we jointly decided to take in our last biennial budget for FY '14. We have before us a great opportunity to continue those efforts, to realize the potential of these young people, and to make sure that the brain architecture, as its wired early, is wired properly. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Deer Isle, Representative Kumiega.

Representative **KUMIEGA**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The bill before us provides stability for parents. Parents need a safe, stable, nurturing environment for their kids. If we don't pass this, funding will be cut back, centers will be forced to close, and parents will be left in a situation where they need to find other avenues to help educate and care for their children while they're working. We talk a lot about the business community requiring stability and predictability. Well, parents need the same thing. It's a lot to ask of a parent to have them enroll a child in a program that may disappear at the end of the year. We need to pass this legislation and continue these programs. They do a wonderful job educating and preparing our young children for school. They also do a great job of working with parents. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Sirocki.

Representative **SIROCKI**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today as a member of the Health and Human Services Committee and as a member of the Maine Children's Growth Council and as a mother of three. Having grown up poor myself, I understand fully how important early childhood education is and how important education for all of our children is. That being said, one of the hardest things we do in our committee is prioritize our limited resources. We currently receive about $33 million in federal funding for the Head Start program. Many states do not supplement extra state funding for their Head Start programs. During these tough financial times, I cannot support this expansion. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **JONES**: Thank you. I represent this question on behalf of Ben Worman who happens to be a minor, not a voter. He asks this body: "Where did the money for Head Start go? What is more important than kids? Please tell me." I respectfully request a response for Mr. Worman from this body.

The SPEAKER: The Representative from Freedom, Representative Jones, has posed a question through the Chair to anyone who may care to respond.

Representative DUPREY of Hampden asked leave of the House to be excused from voting on L.D. 1682 pursuant to House Rule 401.12.

The Chair granted the request.

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

ROLL CALL NO. 519

YEA - Beaudoin, Beaulieu, Beavers, Beck, Berry, Boland, Bolduc, Brooks, Campbell J, Carey, Casavant, Cassidy, Chenette, Chipman, Cooper, Crockett, DeChant, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Fredette, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Peterson, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Winchenbach, Mr. Speaker.

NAY - Ayotte, Bennett, Black, Campbell R, Chase, Clark, Crafts, Cray, Davis, Dunphy, Espling, Fitzpatrick, Gifford, Gillway, Guerin, Harvell, Johnson P, Keschl, Kinney, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Wallace, Weaver, Willette, Winsor, Wood.

ABSENT - Briggs, Chapman, Cotta, Daughtry, Devin, Doak, Jackson, Johnson D, Volk, Wilson.

Yes, 96; No, 44; Absent, 10; Excused, 1.

96 having voted in the affirmative and 44 voted in the negative, with 10 being absent and 1 excused, and accordingly 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**.

UNFINISHED BUSINESS

The following matter, 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 Election Laws (EMERGENCY)

(H.P. 1187) (L.D. 1615)

(C. "A" H-620)

TABLED - March 4, 2014 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - **PASSAGE TO BE ENACTED**.

Subsequently, on motion of Representative LUCHINI of Ellsworth, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

The same Representative **PRESENTED House Amendment "A" (H-662)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Beaulieu.

Representative **BEAULIEU**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This amendment, it really is a very simple technical change in the original bill, specifically detailing the election dates upon which county commissioners are to be elected. The original bill was incorrect and when we caught the mistake and brought it to their attention, they were gracious enough to accept and change it. We greatly appreciate that and we hope that the entire body will support the Androscoggin Representatives in the hope that this alleviates some problems that are caused to the Androscoggin County people. Thank you.

Subsequently, **House Amendment "A" (H-662)** was **ADOPTED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-620)** and **House Amendment "A" (H-662)** in **NON-CONCURRENCE** and sent for concurrence.

REPORTS OF COMMITTEE
Divided Reports

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Make Maine Mills More Competitive by Encouraging the Processing of Forest Products at Mills in the United States"

(S.P. 640) (L.D. 1649)

Signed:
Senators:
MILLETT of Cumberland
THOMAS of Somerset

Representatives:
GOODE of Bangor
BENNETT of Kennebunk
JACKSON of Oxford
KNIGHT of Livermore Falls
LIBBY of Lewiston
MAREAN of Hollis

MOONEN of Portland
STANLEY of Medway

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-397)** on same Bill.

Signed:
Senator:
HASKELL of Cumberland

Representatives:
BROOKS of Winterport
TIPPING-SPITZ of Orono

Came from the Senate 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" (S-397)**.

READ.

Representative GOODE of Bangor moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On motion of Representative McCABE of Skowhegan, **TABLED** pending the motion of Representative GOODE of Bangor to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

Nine Members of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-650)** on Bill "An Act To Improve Maine's Economy and Energy Security with Solar and Wind Energy"

(H.P. 886) (L.D. 1252)

Signed:
Senators:
CLEVELAND of Androscoggin
JACKSON of Aroostook

Representatives:
HOBBINS of Saco
BEAVERS of South Berwick
GIDEON of Freeport
NEWENDYKE of Litchfield
RUSSELL of Portland
RYKERSON of Kittery
TIPPING-SPITZ of Orono

Three Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-651)** on same Bill.

Signed:
Senator:
YOUNGBLOOD of Penobscot

Representatives:
HARVELL of Farmington
LIBBY of Waterboro

One Member of the same Committee reports in Report "C" **Ought Not to Pass** on same Bill.

Signed:
Representative:
DUNPHY of Embden

READ.

Representative McCABE of Skowhegan moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended**.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** Report "A" **Ought to Pass as Amended** and later today assigned.

CONSENT CALENDAR
First Day

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

(H.P. 1203) (L.D. 1680) Bill "An Act To Protect the Integrity of Funding for Harness Racing Purses" (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-654)**

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

There being no objection, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

ENACTORS
Emergency Measure

An Act To Expedite Training Waiver Decisions for Unemployment Claimants by Transferring Original Jurisdiction from the Unemployment Insurance Commission to the Bureau of Unemployment Compensation

(S.P. 663) (L.D. 1668)
(C. "A" S-407)

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

Acts

An Act To Expand the Number of Qualified Educators

(H.P. 34) (L.D. 39)
(C. "A" H-621)

An Act To Enable the Bureau of Labor Standards To Access Federal Reimbursement by Amending State Law To Conform to Federal Law

(S.P. 634) (L.D. 1643)
(C. "A" S-404)

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, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

(S.P. 672) (L.D. 1706)
(C. "A" S-406)

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

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 Improve Access to Oral Health Care

(H.P. 870) (L.D. 1230)
(C. "C" H-589)

TABLED - February 11, 2014 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - **PASSAGE TO BE ENACTED**.

Subsequently, on motion of Representative SANDERSON of Chelsea, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "C" (H-589)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "B" (H-658)** to **Committee Amendment "C" (H-589)** which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. There are probably not many bills in the 126th that has been round and round, such as this one. There has been a lot of debate, there has been a lot of work on this, and this amendment here actually brings it to a place where we have found a comfort level with many individuals. What this does is this directs that a dental hygienist, the new position we are creating in this bill must work directly under the supervision of a dentist. That's all this does. I hope you will support it. Thank you.

Subsequently, **House Amendment "B" (H-658)** to **Committee Amendment "C" (H-589)** was **ADOPTED**.

Committee Amendment "C" (H-589) as Amended by House Amendment "B" (H-658) thereto was **ADOPTED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "C" (H-589) as Amended by House Amendment "B" (H-658)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-628)** - Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Allow Maine's Harness Racing Industry To Compete with Casino Gaming"

(H.P. 780) (L.D. 1111)

TABLED - March 4, 2014 (Till Later Today) by Representative LUCHINI of Ellsworth.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Luchini.

Representative **LUCHINI**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to support the Majority Ought Not to Pass Report. My general opposition to this bill can be applied to all the expanded gaming bills that we're going to be faced with today and in this session, and it's based on the belief that these bills are a continuation of our state's fragmented and disorganized approach to gaming policy. This approach has proved to be a very bad deal for the state and this can be illustrated by our two existing casinos, one in Bangor and one Oxford, that came about via citizen's referendum. In each case, a license fee was applied, $200 and $225,000, and as a result of this very low licensing fee, the original entities sold their rights or their license to out-of-state companies and made huge, immediate profits in excess of $60 million. So in response to this, the last Legislature, the 125th, acknowledged this problem and recognized that whether we like it or not, we are a gaming state and we should work towards building a comprehensive gaming policy so we can move forward in a smarter fashion. So in the 125th, we passed a moratorium stating that the Gambling Control Board cannot issue a license that didn't include a competitive bid.

When you look at the other states in the country, it's been pretty well established that putting a casino license out to competitive bid will prove most lucrative for the state and build a great facility. The one exemption, however, I will point out, that was made from the competitive bid process was for the Passamaquoddy Tribe, and, as part of the same bill, the 125th Legislature established a commission to develop a competitive bid process. It consisted of casino stakeholders, advocates, opponents, and four legislators, myself included. The goal, as I said, was to create a comprehensive state policy based on data driven analysis of the potential market for expanded gaming in Maine, in the neighboring states around us, as well as the Canadian provinces, and to really look into the feasibility of expanded gaming. Unfortunately, this commission was a failure. Rather than working together, casino advocates with interests in expanded gaming joined together to form a vote, a 10-9-1 vote, so they had the majority, with the recommendation essentially being the six bills that are before the legislative session this year. So in light of this background, I think we're faced with several expanded gaming bills which essentially ask us to pick winners and losers, simply granting licenses without a truly competitive bid process which is something that I personally don't feel comfortable doing. I am still hopeful, however, that pending the outcome of these bills, the Veterans and Legal Affairs Committee would be able to start the process, start a more thoughtful process where we can do a full market analysis, formulate a competitive bid structure and incorporate all the important things that other states do like minimal capital investments, minimum reinvestments on a yearly basis, money set aside for problem gaming, and these are the things like our neighboring state of New Hampshire and Massachusetts, next to them, have taken those same steps. They've also found the market value or an estimated market value for their license and they have $80 million and $85 million set. So we can see that we've lost out a lot of money in those two existing casinos that we have now.

As far as the specifics of this bill, in my opposition directly with this bill, I think this is a big expansion of gaming. This bill ignores the 100-mile precedent that had been in law before this where you wouldn't build a casino within 100 miles next to another because it would cannibalize the profits of the other one. This would be approximately 50 miles from the voter-approved casino in Oxford. In fact, this demographic of about 30 minutes to 60 minutes' drive from Oxford is their biggest demographic for their casino. As one of the handouts that were going around today said, building a casino in Scarborough or Biddeford area would almost immediately result in a 47 percent decline in the casino gaming revenues at Oxford. I've spoken to a lot of people who feel that a free market should decide the fate of all these

casinos and I totally understand that argument. But this proposal before us, I don't see as a free market proposal and I don't see it as a truly competitive bid. The reason is because this competitive bid, as spelled out, gives preference to commercial track operators, of which there are only two in the State of Maine. So this gives a special preference to Scarborough Downs, essentially. If we wanted to truly capitalize, if we decided that we wanted to expand gaming in the southern Maine market and wanted to truly capitalize on that potential, we should open it up to everybody and have a truly, truly competitive bid process, and again, not pick winners and losers on who's allowed to bid for this. While this does have a $50 million minimum license fee bid and that can be tempting, I'll also point out that this bill has a reduction clause. If another facility with just five slot machines gets built within 10 years, they get partial refunding of their $50 million license fee.

The last point I'll make and then I'll sit down was that two years ago, we had a very similar proposal for a southern Maine casino built next to a harness racing track, the Biddeford casino, and that was rejected by the people and we passed out a handout, I believe yesterday, that goes county by county. Four counties approved it, the rest were against it. In my mind, if we pass this bill today, we'll be overriding the will of the people just two years ago, and this time we're going to say we're going to pass it and we're not going to send it back out to state referendum. In fact, as the bill is written, there is no local referendum either. So those are my main objections to this particular proposal. Thank you, Mr. Speaker.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to the pending motion. As many of you know, I have served on the Veterans and Legal Affairs Committee. This is my sixth year pretty much in the same spot, the same seat, and I've seen a multitude of gaming bills come before us. Most of those gaming bills came before us in a referendum form. In fact, the referendum that was just discussed by the good chair came to us in a referendum form and we sent it back to the people in a referendum form. But the reality is that that also had two bills attached to it and then there was a second referendum with a third proposal on it. I have been very consistent that if you bring a proposal to the committee in the form of a citizen's initiative, it should go back to the people in the form of a citizen's initiative. For many years, our committee has wrestled with essentially whether or not we can get ahead of this issue. We chose not to address the issue early on. We chose to decide that we did not want gaming and the people voted differently and now we're playing catch-up. If we were to overturn the proposal before us, we would have $50 million on the table, and just the other day, a $25 million check got written to the people of Massachusetts. This is not speculative money. This is not money that could potentially be there. Checks are being written right now, but they are not being made payable to the people of Maine. I don't disagree that we could have had a more comprehensive proposal come to the floor. In fact, I advocated very strongly that we put together a comprehensive proposal and I don't think it was undoable in this session. In fact, if you look at the Minority Reports for several of the bills that are about to come before you, you will see that many of us were all on the same reports. So putting together a comprehensive proposal could have been done and it should have been done, and I apologize that you're going to have to sit through five bills – six, sorry. They just keep coming.

I'm from Maine but I went to Philadelphia for a while and I spent a lot of time in Atlantic City and I came back very opposed to casinos because I saw what casino cities could do, the crime was terrible, and so I was really opposed to casinos when I came back. But I have since discovered, I have since learned that we can do it differently, and, for me, the decision was made by the people of Maine already to allow gaming and there will be two new properties that are coming online south of this state and I've heard a lot of folks say we shouldn't get in on that market because New Hampshire has, because Massachusetts is about to. You know, I'm sorry but New Hampshire is really great at doing things like putting liquor stores on the opposite side of the Maine entrance, the entrance to the state. They are really good at getting in on things and then trying to get our market out of there. But we don't really necessarily fight back and we have an opportunity now to put forward some proposals that could bring very real revenue to our state. This is a highly competitive area and when we talk about – let me talk specifically about the cannibalization issue. So these were proposals that were brought to referendum by companies. We didn't pass these proposals. We didn't have any say in them. So just to put into context, the Oxford Hills casino, which I drive by regularly on my way home to my folks' place, paid us $250,000 in licensing fees and when they sold the building and the casino, they sold it for $105 million – $105 million and we got a licensing fee of $250,000. Before us, the proposal, if we were to overturn this motion, would give us a minimum license fee of $50 million. That's real money. Now, I don't want to come across as though I'm disparaging the work that Oxford Hills and Bangor has done because they have great casinos. They brought in a significant amount of revenue for projects that we really care about, but those proposals they wrote, we did, you will hear, we did, as a Legislature, with LD 1820 many years ago, rewrite the Bangor proposal but that was an industry deal and don't let anybody tell you otherwise. The reason I am supporting this isn't about casinos though. It isn't just about the revenue which is an important issue. We were just talking this morning about what revenue options should be on the table. The reality is that if Scarborough Downs goes under, it's not just the harness racing that we see take a huge hit. It's the veterinarians. It's the people who make hay. That sounded better in my head. It's the fairs. So if you care about those industries, if you care about those industries then I do ask that you consider this proposal that is before you and consider voting Ought Not to Pass.

The last thing that I would say and we have a lot of horses on Munjoy Hill, I'm sure you can imagine, the last thing that I would say that is important, I keep hearing and I'm not immune to the argument, but I keep hearing why should we raise up the harness racing industry. Why is that our job? Why should we protect an industry that's centuries old? I ask you if you would ask that question if it was a mill in your town, because I spent the day in the Energy, Utilities and Technology Committee yesterday listening to people who drove down from Millinocket asking us to save their jobs, asking us to save their industry. So when you ask yourself why are we propping up the harness racing industry, why do we care about an industry that's centuries old, that's generations old, ask if you would care if that was a mill; ask if you would care if those people were in your town, and every time you get your little agricultural fair pass that lets you do to the fairs, think about what this will do if we lose harness racing in this industry in the southern part of the state, what that will do to our fairs. You know, it's great to go and play on the rides. The kids love it, right? I love it. You watch the harness racing; you play the games with the car shows. There's so much to it, but a big

part of that is the harness racing industry. It helps to propping up. So for all those reasons and plenty more, I'm sure you'll hear from others, I would ask that you overturn the pending motion. And for those of us who have been on this committee for a very long time, have been dealing with these issues, I will tell that it is the only time we have had the opportunity as a Legislature to do this, do it right, make the decisions ourselves and not have our hands cuffed. Thank you, Mr. Speaker.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I want to read an email. I'll read it as fast as I can and sit down.

Dear Senator Collins and Representative Campbell, It has just come to my attention that the Legislature is debating a bill this Thursday that would make it easier to locate slots at Scarborough Downs. As you know, the harness horseracing industry in Maine is in trouble. Allowing slots would give the track and the industry a much needed boost. That, in turn, would not only help us but help our community as well. If Scarborough Downs closes, which is very much a reality without the slots, it will adversely affect our business and the people who depend on us. As you may know, my husband, Bill, and I make a significant part of our living in the harness horseracing business and when you vote on LD 1111, I'm asking you to consider how much we contribute to our local community in Newfield, as well as the State of Maine. The rental of 35 stalls to a half dozen different people, all of whom frequent the local and area stores, buy hay and grain, and use the services of farriers and veterinarians. We own five horses as well as we buy our hay locally and our grain in Cornish. We use the services of local contractors for snow removal, spreading manure and excavation work on our half-mile training track, veterinarian services, and we pay more than $9,000 a year in property taxes and that's just our farm. Consider how many other farms, horse owners, grain and feed stores' contracts and others are depending on Scarborough Downs. Bill and I both believe gambling is a personal choice and it's not our place to make a moral judgment and prohibit people from doing it. There will always be a percentage of people who will be problem gamblers, just as there are a certain number of people who are problem drinkers. There is help out there for both. Please consider our vote on LD 1111 as a vote of the state's harness horseracing industry.

Mr. Speaker, I'm speaking for the harness industry and the people that are involved in it. It's part of our heritage in this state. It's part of our farmers that raise hay for these horses and grain and the veterinarians. I mean, it's just an industry, if we let it slip away, it's something we'll never have back and I'm asking my colleagues in the House here to support 1111. Thank you.

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

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

Representative **CHIPMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As a legislator from Portland, I am standing up and speaking in support of the pending motion. As much economic development as this could bring to the area, I think we're overlooking one fundamental fact. The gambling facility now known as Hollywood Casino in Bangor and the Oxford Casino, both, at one time or another, did receive statewide voter approval. This proposal, however, goes against the will of the voters. Let me explain. Consistently, locally and statewide, the voters have said no to a casino in Scarborough. In 2003, the local voters in Scarborough voted no. Then they had a proposal to move the track to Westbrook and the voters of Westbrook, on a referendum, said no. Then they said we'll move the track to Saco and they asked the voters of Saco and the local voters said no. Then, a couple of years ago, they said, well, maybe we can move it down to Biddeford and see if we can get approval down there, and they had a proposal to change it to Biddeford Downs and the statewide voters, on the ballot, said no. So it's clear to me that, consistently, voters, locally and statewide, have said no to having a casino in this area of the state and because the voters won't give approval, now it feels like, in my mind, sort of a backdoor approach to try to come to the Legislature and get approval from us without requiring a statewide vote, and I have a serious problem with that. So I'm rising to speak in support of the pending motion. I hope you'll join me. Thank you.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Saucier.

Representative **SAUCIER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this motion. This bill is "An Act To Allow Maine's Harness Racing To Compete with Casino Gambling." The only reason why we are here today having any discussions about gambling is because of harness racing and our local fairs. They are the ones who got people banded together as communities to gather support for the very first racino, Hollywood Slots in Bangor. Now we have heard all the talk about why we should save harness racing in Maine. I will tell you why. Harness racing at our local fairs and the two commercial tracks in Bangor and Scarborough reflect the important part of Maine's history and culture.

I want to tell you a little story about Presque Isle and you see how this relates to other industries who have harness racing. If you look up when standing in front of the ticket booth at the Braden Theatre on Main Street in Presque Isle, you will see a "cornerstone" of the Braden Theatre placed when the building was erected in 1950 paying tribute to the beloved local harness horse for which this theatre was named, John R Braden. John R Braden was foaled in 1912 in Tennessee. It was customary at the time to name horses with part of the sire's name and part of the dam's name. His sire was John R Gentry, a champion pacing stallion, and his dam was called Braden Girl. John R Braden competed in his first race in Presque Isle on July 4, 1921. After four seasons of racing, he started in 68 races and won 31 of those. During this period, he earned the nickname of "The Iron Horse from Tennessee." Other nicknames included "The Little Iron Horse" and the "Cock of the North." Harness racing was so popular during this time that even sporting teams did not elicit the same amount of interest that the contests between local horses did. The people of Presque Isle opened a bank account in the name of John R Braden. Over the course of his career, John R Braden earned over $48,000, which was used to fund things like the Anti-Tuberculosis Association. Forty-eight thousand dollars, in 1912, was a lot of money.

As in any competition, there are those that can't stand to lose. Such was the case of those that frequently competed against John R Braden. In fact, the owners of the horses that did regularly race against Braden were actively seeking pacers that might have a chance to defeat Presque Isle's pride and joy. It was rumored that the horse Jackson Grattan was purchased for that very reason at a grand price of $25,000, but it made no difference. John R Braden still handily defeated him. I am sure that there are people in this body that have stories similar to this

all over the state. All the agricultural fairs who have harness racing, it's a big part of our community and our heritage. I would just ask you one thing. This bill is about gambling, it's about a casino, but it's more also about protecting the heritage that we so love in this state. I ask you to oppose this motion and vote red and to give the agricultural fairs and the harness racing community a chance to survive. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hollis, Representative Marean.

Representative **MAREAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am speaking this morning against the pending motion. I'm asking this body to defeat the pending motion, as we see it, allowing the opportunity for the Minority Report to come forward so that we may talk positively about what the Minority Report does for the State of Maine and for harness racing and for agriculture. The Minority Report levels the playing field in southern Maine and has a positive impact on the state's General Fund with a minimum of a $50 million license fee, as well as giving the state the authority to actually set what the cost of the license fee would be. Who knows? That decision could be double of the $50 million. It could be $100 million. We're not sure what that is because we don't have that before us now, so I guess probably I'm not supposed to speak in great detail about that so I will stop. While this bill has tremendous benefit to the state through the distribution of revenue to the General Fund, it also brings with it a very large amount of money in licensing. The impact of the Oxford Casino has decreased the on-track handle and the handle at Scarborough Downs by 28 percent, taking away their bidders to the point where the harness racing industry is very worried about whether or not Scarborough Downs will be able to continue operation going forward. If Scarborough Downs closes, 800 horsemen and women, their families and all of the businesses that are connected to that are going to suffer greatly because if Scarborough Downs goes away, 100 plus days of racing is lost to the industry.

Harness racing and the agricultural fairs are a vital part of Maine's agriculture and the communities in which they serve. This bill will help preserve the farms' open space and jobs. In fact, this bill has a far larger economic impact on Maine's economy than does any other of the bills before the Legislature, this year, as far as gaming, and I'm not speaking against any of the other gaming bills. I am supporting them as well. Agricultural fairs are one of the only places left in the State of Maine where our young people can go and actually look at agriculture and have "hands on" experiences. Defeating this motion jeopardizes the going forward of our fairs and for them to be able to continue what it is that we do. I know, personally, having been involved in this business for 30 years, I can attest to the positive things that harness racing does for the State of Maine because, in 1988, I bought a farm in York County. I was born and brought up in Cumberland County. I lived there up until 1988. I wanted to breed and raise some horses for the horseracing industry, could not buy a farm in Standish in the town I was born in because they were all growing houses now. There weren't any farms left. So I went across the river to York County and I bought a small farm of 60 acres on the Saco River which has about a half mile of frontage on Route 35, and I bought it because I wanted to be involved in harness racing. That farm was an approved subdivision. It had been approved for 23 houses. Linda and I bought the farm. We immediately took it out of the subdivision, put it back in the farmland, and we are currently working on a conservation easement that will protect that farm forever. Now, ladies and gentlemen, a farm of 60 acres is not very big, but 60 acres in York County on the Saco River is a pretty substantial place for agriculture to survive, and there aren't many of them now. Farms are going by the wayside in York County as well, and what do they do? They grow one crop of houses. You drive by the farm; you look at chimneys and roofs. When you drove by my farm for 25 years, every spring you saw 15 or 20 babies in the field. What is more appealing to the eye, looking at asphalt shingles or horses?

Just last Friday, in Massachusetts, the Massachusetts Gaming Commission was about to award one slots license, one only slots license, for slots only in Massachusetts, and they are still working on the other three casinos. They had three applications for the slots license. They had a man who had lived in Massachusetts his whole life that ran a dog track. They put the dog track out of business years ago when they voted the dogs out. There was another company over in Leominster that had a proposal in, and there was a company, Penn National Gaming, who operates Hollywood Slots in Bangor, who had a proposal in to buy the Plainridge Racecourse, the only harness racing track in Massachusetts, and they would complete the purchase, providing that they got the slots license. Lo and behold, the gaming commission awarded the license to Penn National Gaming based on the biggest selling point of all, the economic impact that harness racing would have on the State of Massachusetts and the preservation of the farms and agriculture in Massachusetts. That's huge. That's not far from us. And just 12 miles down the road from where Penn is going to invest a couple of hundred million dollars in this place is Twin River Casino in Rhode Island. Penn's answer to that was "We're not afraid of competition. We do what we do, and we do what we do well." So competition 12 miles down the road in Rhode Island from a little racetrack in Plainridge, Massachusetts, that's not a good reason to kill this bill.

Finally, I think as part of the discussion that you need to know that there isn't a single horsemen in the State of Maine, not one, and I know because I've been one for 30 years. Not one of us shares in one dime of the slots revenue that comes from Penn National Gaming or comes from Oxford Raceway, until we have made a substantial investment in a horse, a vehicle to which to haul the horse in, something to tow that vehicle with, harnesses, racing equipment, trainers, veterinarians, blacksmiths and all that kind of thing. You get the horse; you get it trained down. It takes about three or four months. Then, in order to race the horse, you've got to take it to the racetrack and it has to qualify an official qualifying race. If the horse doesn't go fast enough, then you take it back and you try it again, and you keep trying until you get it qualified. Now that you got your horse qualified, you can take advantage of the carrot that's hanging out there in purse money, which comes down, thankfully, from the Penn National Gaming thing and others, you put your horse in the race and unless you finish in the top five, you get nothing, not one dime. So if you think that harness racing doesn't provide economic impact, you are sadly mistaken because of the 800 horsemen that are doing it, they have a very substantial investment before they ever can get one single cent from anything that we're sending them from those facilities. So I ask you, please, I know that there are some of you in this legislative chamber that oppose gambling and I am in total agreement with that. I'm just asking you to vote against the pending motion to give us the opportunity to bring the Minority Report forward, so that the committee can take a look at it and you all can take a look at it to see what good things it does for Maine and what good things it does for the industry, and then if you don't like it, then vote against us. But please get us to that position. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Sirocki.

Representative **SIROCKI**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today in opposition to the pending motion so that we can take a look at the Minority Report. Since 1950, for 64 years Scarborough Downs and harness racing has existed in my town, in my House District, and while I choose not to gamble, my town has had some degree of gambling for quite some time. I have watched Scarborough Downs struggle as it tries to stay in business, and our town has grappled with this issue, over and over, so I've listened to this debate for quite a long time in our town. The committee of jurisdiction seems to be struggling with a comprehensive statewide agreement and we have a proposal before us to consider. In my mind, this comes down to choice and opportunity. We all make decisions on where we spend our free time and there are opportunities here that are greater than just gambling. As I said, I am a mother of three sons and what I find in Maine, being the greatest state in the Nation, is not that we have too many old people, we just don't have enough young people and we need to have a place where young people want to stay, opportunities. We need to focus on growing those opportunities where we can and looking carefully at all these issues is important, and I urge you to allow the Minority Report to come forward so that we can discuss that. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I find myself today in disagreement with the good Representative from Ellsworth, Louis Luchini, who I have a great amount of respect for and consider a very dear friend. I find the failure of the commission to truly come forward with a proposal so that us in this body today have to decide on who is going to be winners and who is going to be losers is unfortunate, because that's the position that we're in today. I think that's unfortunate. I think it's unfortunate for the state. I think it's unfortunate for this body who will have a limited amount of time and debate and information to be able to make really very significant decisions that will affect different regions of the state. But what I do understand is that if we defeat this motion that's currently on the floor, that we will then have an opportunity to at least have a conversation about what I anticipate will be an amendment that would shed greater light in the ability to have a greater conversation about the importance of the potential for this facility in southern Maine. I find myself in agreement with the good Representative from Portland and many of the words that she had on the floor. I recognize the importance of our harness racing industry, which is probably, to a degree, in a crisis, and if we lose the Scarborough track, it certainly is going to be a blow to what many of us have identified as a staple of our culture and tradition here in the State of Maine. So I am urging the people today simply to vote in opposition to the current motion on the floor, so that we would then simply have an opportunity to have a larger conversation about what I anticipate might be an amendment that would come next. Mr. Speaker, I request a roll call.

The same Representative **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 Arundel, Representative Parry.

Representative **PARRY**: Thank you, Mr. Speaker. I rise in opposition to the pending motion and go along with my good friend from Hollis on the reasoning for that. I'm going to take this a little bit different angle. We, in this body, most of us, other than the ones that are termed out or the ones that have decided not to run for reelection, are going to go out and talk to our constituents about jobs and how we want more jobs in Maine. The problem is in the same body we will have proposals that come forward and say "Yeah, but not those jobs." The problem is we keep saying not those jobs, no matter what the issue seems to be. We go out and talk and say we want more jobs, but we tend not to vote in this chamber to allow them. I understand totally people that are philosophically against gaming. Personally, I enjoy gaming. I've been to Atlantic City like my good friend from Portland. I've been to Las Vegas. I've been to Connecticut. I don't see the evilness of gaming, personally. But I think that we need to start, in this state, saying yes to jobs and if we continue to say yes to jobs but not those jobs, we continue to show businesses around the country that we might like jobs in Maine but might not like theirs. I think we really need, if we want our children and grandchildren to stay in this state, if we want businesses to move and spend hundreds of millions of dollars in investment, no matter what the business is, if we keep saying no to certain businesses because we don't like those jobs, the jobs we want won't come either. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from the Houlton Band of Maliseet Indians, Representative Bear.

Representative **BEAR**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition urging all of you to oppose this motion so that, as it has been suggested, that we could open up the Minority Report and have that conversation. But I think, looking at the handouts, there is this strong evidence that we should consider in this motion and to restrict gaming. I think that the most important handout is the one here, "Casinos in the United States." West Virginia has 10 casinos; South Dakota, 173 casinos; New Mexico, 28 casinos; Colorado, 44 casinos; 91 casinos in Louisiana. Las Vegas, in about a 3-mile area, has over 100 casinos and they all do their job. Again, let's have that in our context in deciding whether or not this motion should be supported. I think there is plenty of room, and the experts have said so, in New England, specifically in Maine as well, to accommodate a modest expansion of gaming and so I would urge you to oppose this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Crockett.

Representative **CROCKETT**: Thank you, Mr. Speaker. Mr. Speaker, Distinguished Members of the House and the rest of us. In full disclosure, I cannot rise and speak on morality, there are too many stories from college for that, and I cannot debate the underlying merits of the bill, the harness racing industry has heard it. Any time a gaming bill is tied to a good cause, whether it be if it were breast cancer awareness, disabled veterans, autistic children, the cause of the tribes, the human rights violations in Darfur, or Mothers Against Drunk Driving, fighting domestic violence, any of those proposals would be very tempting for all of us. They all pull our heartstrings and we all want to address those issues, so I can't debate that. I can only look at consistency in the rule of law.

Now, one of the questions that has been raised here today, and it's a good question, is the free market. People have said, the more the merrier, let the free market decide. I spent two years on this committee under the great tutelage of the good Representative from Portland and one of the things I learned was when people say the free market, they don't really mean the free market because when you get a license to have a casino in the State of Maine, you get somewhat of a monopoly. Now, there are certain gates you have to go to get that monopoly. Let's call a spade a spade. So those people who want casinos, yes, they want their own little monopoly because, guaranteed, two weeks

later, if a business two miles down the road came in and asked for a license for casinos, they would be the first ones here arguing, saying, "No, no, no, no. It's going to ruin our business. It's going to mess up the cascade of funds." The 47 percent gross tax we have on casinos and all that money that goes to all those great causes like the University of Maine and every underlying cause that pulls money out of that 47 percent, they would argue that would mess that up. They would argue that it would ruin jobs. They would lose jobs because these other casinos would take their business, so therefore they would lose jobs. See, there is only so much of a pot here, you're not adding a lot, and the fact that New Hampshire and Massachusetts are adding casinos means that our pot is shrinking. So the question is not how much gambling you want. It's how do you want to divide that pot up and what hurdles are you going to put in place for somebody to qualify for a license.

Now, what we have now are two casinos, both went to statewide referendum. Hollywood Slots, in full disclosure and I was on the committee when we did it, in order to add table games, after they had went to statewide referendum, we said, "You go to a countywide and you can have the table games" and that put them on parody with the Oxford Casino. So that was the only way we kept trying to balance it out. Now, I'm not saying that was the greatest move in the history of the world, but, at the time, it was the best thing to add parody and balance because, after all, the people in Bangor, Hollywood Slots, had invested money. They went to statewide referendum, invested the money to go through that hurdle, built a business making money and employing people, and they wanted to protect their investment, the same thing that people are asked to do today. So the whole free market argument, again, that's only good if these people end up – and I'm not talking about just the pending proposal but any proposal for additional gaming – if they have their own monopoly because they're not going to want more gaming facilities within their radius. So that's why the free market argument really can't hold a lot of water.

But what I hang my hat on when I look at all these issues and maybe it's useful to you, maybe it's not, is consistency. See, I voted against the Oxford Casino, much to the dismay of my district. I voted against veterans' organizations, which I'm a veteran, and I voted against them getting their cut of the pie because I said, "You have to go to statewide referendum." Any major expansion of gaming, that has been the policy in this state. That is a clear expectation. Those people who invested money in this state invested with the expectation everybody is going to have the same process. There is going to be fairness to the process. We're not going to use the Legislature to bypass the process because process is what makes the rule of law effective. It's what adds organization to our government and gives people confidence in what we do. So I'm not going to get up and speak on every one of these bills, even though they are near and dear to my heart. But the reality is I would ask and urge everybody else to look at consistency because everybody is going to try to carve out their niche, but where's the consistency in our state policy? The committee has had a great deal of difficulty and they have, it's not just this Legislature, it has been this way for 20 years. There are members of this body who were on the same committee years ago, who faced the same problems being faced today. It's not a partisan issue. It's not even a regional issue. It's a policy question. How do you achieve consistency in this process? So with that being said, I'm going to respect the good work of the entire committee and go with what the majority determined and respect the Ought Not to Pass Report, and I would ask that others do the same.

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

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

The SPEAKER: The Representative may pose his question.

Representative **McGOWAN**: So my question is for the Representative from Scarborough. Does she have any concern that there is not a local vote included in this bill? Thank you.

The SPEAKER: The Representative from York, Representative McGowan, has posed a question through the Chair to the Representative from Scarborough, Representative Sirocki. The Chair recognizes the Representative from Scarborough, Representative Sirocki.

Representative **SIROCKI**: I oppose the pending motion and I would like to have the discussion on the Minority Report. 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. 520

YEA - Ayotte, Beaudoin, Beck, Berry, Bolduc, Brooks, Carey, Casavant, Chipman, Clark, Cooper, Crockett, Davis, Dion, Dorney, Duprey, Espling, Farnsworth, Frey, Gattine, Gideon, Goode, Guerin, Harlow, Hayes, Herbig, Hobbins, Hubbell, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Mason, McGowan, McLean, Moriarty, Morrison, Peoples, Plante, Priest, Pringle, Reed, Rochelo, Rotundo, Rykerson, Schneck, Stuckey, Timberlake, Tipping-Spitz, Treat, Wallace, Welsh, Werts, Willette, Mr. Speaker.

NAY - Beaulieu, Beavers, Bennett, Black, Boland, Campbell J, Campbell R, Cassidy, Chase, Chenette, Cray, DeChant, Dickerson, Dill, Dunphy, Evangelos, Fitzpatrick, Fowle, Fredette, Gifford, Gilbert, Gillway, Graham, Grant, Hamann, Harvell, Hickman, Johnson P, Jones, Jorgensen, Keschl, Kinney, Knight, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, Marks, Mastraccio, McCabe, McClellan, McElwee, Monaghan-Derrig, Moonen, Nadeau A, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peterson, Pouliot, Powers, Rankin, Russell, Sanborn, Sanderson, Saucier, Saxton, Shaw, Short, Sirocki, Stanley, Theriault, Turner, Tyler, Verow, Villa, Weaver, Winchenbach, Winsor, Wood.

ABSENT - Briggs, Chapman, Cotta, Crafts, Daughtry, Devin, Doak, Jackson, Johnson D, Volk, Wilson.

Yes, 62; No, 78; Absent, 11; Excused, 0.

62 having voted in the affirmative and 78 voted in the negative, with 11 being absent, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative LUCHINI of Ellsworth, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-628)** was **READ** by the Clerk.

On motion of Representative LUCHINI of Ellsworth, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-628)** and later today assigned.

ENACTORS
Emergency Measure

An Act To Amend the Election Laws

(H.P. 1187) (L.D. 1615)
(C. "A" H-620; H. "A" H-662)

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. 119 voted in favor of the same and 2 against, and accordingly 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**.

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.

HOUSE DIVIDED REPORT - Majority (9) **Ought Not to Pass** - Minority (3) **Ought to Pass as Amended by Committee Amendment "A" (H-630)** - Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Allow the Passamaquoddy Tribe To Operate Slot Machines in Washington County in Conjunction with High-stakes Beano"

(H.P. 1091) (L.D. 1520)

TABLED - March 4, 2014 (Till Later Today) by Representative LUCHINI of Ellsworth.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Representative **SOCTOMAH**: I rise in opposition to the motion, Mr. Speaker.

The SPEAKER: The Representative may proceed.

Representative **SOCTOMAH**: Thank you, Mr. Speaker. Mr. Speaker, may I deliver my opposition speech, in part, in my language with interpretation?

The SPEAKER: The Representative may proceed.

Representative **SOCTOMAH**: Thank you, Mr. Speaker. *Nutewestaq naka Leposentiwok: Nil not peskotomuhkati-leposenti 'ciw skicinuwihkuk, ihik Washington County, nit nilun ewikultiyek tuciw askomiw. Kwihkutomulpa pemkiskahk ktoli-wicuhkeminen weci-kisi-mawehtuwoq LD 1520. Yut tpaskuwakon-oc nkiseltomakunen nwicuhkemsultinen weci-wolawsultiyek naka welankeyasultiyek. Nit-tehc-ona nkisi-tehp wicuhkemanen psi-te wen wikit Washington County.*

Mr. Speaker, Men and Women of the House: I come before you today as the Representative of the Passamaquoddy people, a people who have lived in Washington County, our ancestral land since time immemorial. I come to ask for your support for LD 1520, which would allow us, after many, many years, to pursue an economic development strategy which would bring increased prosperity to our people as well as Washington County.

Komac pihcetuk Peskotomuhkatiyik 'toqeci-luhkatomoniya weci psi-te wen kisi-pskok luhkewakon ewikultiyek, kenoq ma-te ehtahs kisessiw. Naka toke nmamunhelomoqahtipon, 'sami ma-te luhkewakon, ma-te-na nomihtuwonewin tan-oc wen 'kisoluhkan. Apeq peskuwok naskatahatomoniya eqeci-luhkatomuhtit, kotokik mec-ote 'toqetoluhkatomoniya weci psi-te wen kisi-nihkaniyat.

The Passamaquoddy Tribe has been trying for many years to promote strong sustainable economic development within its community. These efforts have not always been successful however, and currently our tribe is experiencing high unemployment and limited opportunities for business development. While some have been discouraged by previous attempts which have not been successful, many of us continue to push for new opportunities which would provide us with a true economic base.

Nkocicihtunen ntihinen keq nituwiyek weci nilun-ote kisi-ewepehlosultiyek. Tokec kisehtasik yut tpaskuwakon, ma-te ntolitahatomuwonewin keti-wiluwikultiyek; awonehe, nuli-kcicihtunen cu-oc wen cuwi-oluhke. Ntahcuwi-ona wicuhkemsultinen ewikultiyek weci psi-wen kisi-pskok luhkewakon, toke naka-te weckuwikotok.

We have enough experience with government assistance programs to know that if we are to succeed we must lift each other as Tribal members and lift ourselves as a Tribe. To my people this bill is not about gambling, it is about jobs in our local area. It is about investment in the surrounding regions where we live. It is about establishing a commercial development that will stimulate long-term economic growth in that area.

Nit weci Peskotomuhkatiyik munsayutomonuhtit etoli-qeci-peciptuhtit yut amkakoney wikuwam ihik Washington County. Kis kakehsikoton ntoli-tpinuwanen kotokik skicinuwok etolapqotehtuhtit amkakoneyal wikuwamol 'kihtahkomikuwak weci-kisi-pqahtuhtihtit metessik naka kisihtuhtit welikok ewikultihtit. Tuciw esqonatek kehsanku esqonatek kehsinsk cel nis, Peskotomuhkatiyik mawolukhotuwok naka leposentiwok weci-kisihtuhtit yut wikuwam. Sapiyewik yut tpaskuwakon, psi-tehc yut mawoluhkewakon cu-oc kisesson. Cu-oc-ona yut tpaskuwakon 'kiseltomakun Department of Public Safety, Gambling Control Board nihtunomoniya 'ciw Peskotomuhkatiyik eli-koti-ihihtit nihtol amkakoneyal mosinol ihik Washington County naka-tehna pinu keti-qasqiktuhtit. Cu-oc-ona acehtasuwol Maine 'topaskuwakonumol wecihc nilun kisi-iyyek yut wikuwam. Coqahk-al aqameluk pomawsuwinuwok ihik Washington County 'tahcuwi-wolitahatomoniya katok niktok mecitahatomuhtihtit.

To that end, the Passamaquoddy Tribe is committed to bringing a tribal gaming facility to Washington County. We have watched for years as federal tribes across the country have opened gaming facilities and used the revenue they generate to build strong, sustainable communities. Since 1992, the Passamaquoddy bill would represent the cultivation of this work. The bill before you would allow the Department of Public Safety, Gambling Control Board to accept an application from the Passamaquoddy Tribe to operate slot machines at a gaming facility in Washington County at which high stakes beano is conducted by the Passamaquoddy Tribe.

The money that is made in that Passamaquoddy facility would stay in the State of Maine. It would not go outside of the state. The bill would also make necessary changes in Maine law to accommodate such a facility while also ensuring that the provisions of the bill be approved by a plurality of Washington County voters.

Kis kakehsikoton Peskotomuhkatiyik 'pocitahkaniyal leposentiwol ihik Akastik, tetpi-te ihik kotokil etoli-mawiyamkil, etoli-qeci-ahsimahtit naka mawoluhkamahtit nihiht nihkanatpahticihi. Tehpu pesqon tpaskuwakon etoli-skuhutom pemkiskahk. Kenoq wewinaqot toke kis kisolutasu keti-ihik amkakoneyal wikuwamol yut-te Maine-ok. Kis kisihtasuwol nisonul. Toke ktahcuwi-tpitahatomonen kehsonul naka tan-oc likon.

For many years the Passamaquoddy people has sent representatives to the Maine State Government, as well as other

groups and boards, to convey our words, represent our interests and build closer relationships with the government of the State of Maine. I realize that I come before you today as the sponsor of one proposal. But it is now clear that the question of whether Maine should have a gaming market has been decided: with two current facilities already in place it is only a question of what type of gaming and how much of it Maine will have.

Mam-ote toke, kis aqamok nisinsk kehsikotok, ktahcuwi-wolitahatomonen yut amkakoney wikuwam ihik Washington County. Kilun leposentiwok kis kwewitahatomonen yut wihkutomuwakon, pesqon-ote. Apeq ma-te kiseltasuwol kotokil toke, tuciw nisamqahk cel nisanku, kisi-itomonen Peskotomuhkatiyik mec-ote kisi-wihkutomoniya ulitahatomuwewut. Saku toke kwihkutomulpa kceconihkuwinen.

I would humbly submit that after more than twenty years it is finally time to approve a gaming facility in Washington County. The Legislature has already recognized the unique nature of this proposal, leaving a specific exemption in place for a tribal facility in Washington County when the current moratorium was adopted in 2012. This was done specifically because of the unique situation of the Passamaquoddy proposal. Given that the Legislature has already recognized the unique nature of our proposal, and I ask you now to support it as it was previously envisioned.

Nil-ote tomk peciptu yut wihkutomuwakon 'ciw Washington County, tuciw aqamok nisinsk kehsikotok, 'qotatq cel kamahcin kehsankuwewey mawiyamok yuta. Ntahtoli-yuhukenen eli ma pol kisessiw, ntahcuwi-luhkatomonen apc, ntahcuwi-mawoluhkatomonen naka uteniyil qihiw wikultiyek. Nit qoniw, wolitahatasuwol nisonul kotokil amkakoneyal, ihik Bangor naka Oxford County. Tehpu nwihkutomonen pesqon-ote elehlokiyek tahalu nekomaw.

I was the original sponsor of the first Washington County gaming proposal in the 116th Legislature. That was more than twenty years ago. Time and time again we have been told that now is not the time, that we must develop a better plan or work more closely with local community. At the same time, the State has granted licenses to two gaming facilities, one in Bangor and the one in Oxford County. We only ask that we be given the same opportunity.

Npehki-nomihtunen toke eli yut tpaskuwakon kisolutomuwinomot nilun elawsultiyek naka nilun eleyik ntutenemonul. Tehpu qeni-ciksotomek, nkisokehkimsinen elewestuwek, eli-wolamsotomek, wetapeksiyek, naka eleyikpon mecimiw. Eleyultiyek, nit ntutenemon. Mec-ote toke ntahtoli-sikuwalkahtipon weci-sapawsuwik psi-te olonuwehtasikil. Nituwinen nulawsultinen weci-kisokehkimek nicannuk naka nqenossonuk, weci-na nekomaw kisi-kcahqi-skicinuwawsultihtit, weci nekomaw-ona kisolutomuhtit eli-kotuwawsultihtit naka-te-na nicanuwa weckuwapasilit.

In the end, this bill is about our Tribal communities and our culture. Our language, our religion, traditions and history that have been passed on to us orally. Our culture lives through community. Today we are fighting to keep our language and customs, the traditions and ceremonies that bind us together as a people and make us distinctly Passamaquoddy people. It can only be housed and practiced and passed on to new generations with the support of a vibrant tribal community, one which our people look to the future knowing that we control our destiny.

Kwihkutomuloniya ktenuwihkomoniya yut tpaskuwakon. Kiseltomuwine ntoluhkewsultinen, ntopelomosultinen, nuskicinuwawsultinen. Kiseltomuwine nusuhkomonen nilun-ote ntawtimonul.

As the Representative of the Passamaquoddy people I ask you to vote in opposition of the pending motion and continue with the Minority Report to allow us to build our economy, pursue our independence and protect our heritage. Allow us to pursue our future.

Woliwon eli-tpostuwiyeq. Ktoqecimuloniya kwicuhkeminen etoli-qecehtuwek yut tpaskuwakon. Naka komac-oc nulitahas ntasitewtomon tan-ote keq keti-qecimuliyeq.

Thank you for your time and I ask you for your support in defeating the Minority Report. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Maker.

Representative **MAKER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am going to read to you a speech that the Honorable Kevin Raye gave in the Senate on June 9, 2011. Please take the time to listen because although he said it two and a half years ago, it is true today and it was true 20 years ago.

"I rise in strong opposition to the motion before us, the Ought Not to Pass.... I rise for several reasons. First among them is jobs. Jobs. Another big reason is revenue. Revenue for this state. Not the least of my reasons are the principles of fairness and equity. The debate as to whether or not Maine is a gaming state is over. Maine is a gaming state. The only issue before us is whether or not winners and losers will continue to be decided in referenda. We hear over and over and over the refrain, "The people have always voted on this." That's absolutely right. The people have voted because their elected leaders have punted. There is nothing about this particular issue that requires that we must advocate what we were elected to do, which is to make decisions on public policy for the people who sent us here…Since 1993, for 18 years, this issue has been debated in this Body. In 1993, when this issue was first debated in this Body, it was the Passamaquoddy Tribe and the people of Washington County who introduced this debate to this state. Now, nearly two decades later, we have seen gaming come to Maine. We have seen what it has done for the city of Bangor, where none of the doom and gloom…have played out, but rather we see revenue. We see economic activity. We [see] job creation.

"I'd like you for a moment to put yourself in the place of the Passamaquoddy people and the people of Washington County who, for generations, have endured the highest rates of poverty, unemployment, and all that goes with it. I sat on the Senate floor the first time that I was here to debate this issue. It is an indignity to be told by the people in this building that we don't have a right to determine our own economic future. I have often heard people lament the fact that many people in my district are in a position in their life where they are dependent on programs. I'll tell you what, I know a lot of them, maybe even most of them. I can tell you that what they are most interested in is to be able to live in the place that they love and to make an honest living. They would like to be able to have a job. Here we are, 18 years later. Poverty continues. Our Native American neighbors are left wondering why. What is the answer to [this] question as to why their proposal, the one that began the debate remains unresolved and they remain on the outside looking in, nearly 20 years later. We have been bypassed. We have been bypassed in this process. I would also let you also know that if you talked to the storekeepers in Calais, that many of them are now, unfortunately, former storekeepers. I could give you names of people who have traveled from Calais to this building in the past to lobby for this, to try to save their businesses. It's too late for many of them. It is too late. Come to Calais and ride down Main Street. Look at the empty storefronts and ponder the decisions that have been made in the past with respect to this issue. We have been bypassed in this process and we are bypassed quite literally by tens of

thousands of tourists who drive right through Calais. They probably look out their side windows at the empty storefronts on their way to New Brunswick or Prince Edward Island or Nova Scotia, or…on their way south. If we are lucky they need gas. Maybe they'll stop and get a tank of gas and while they are there they might even buy a Coke or a pack of gum. That's what we're left hoping for because our efforts to become a destination, which this would allow, have been thwarted in this building and by the fact that there aren't enough votes in a rural small place like Washington County to sway an election. If there were we wouldn't be having this debate because the people of Washington County have voted over and over again for this…county. The last vote it was 70% of the people in Washington County. I'll tell you, that cuts across every political divide from Conservatives, Christians, Republicans, to…Democrats. Strong support throughout my county. In the city of Calais, where the racino would be built if ever we're given the opportunity that has come to other parts of this state, [voted] 80%.[in support.] Can you imagine 80% support for hope, for the potential of job creation, for a restoration of dignity, for an opportunity to control our own economic fate, and to put an end or at least to help to put an end because it's not a cure-all to years of being bypassed and living with the consequences of the highest rates of poverty and unemployment in the state…."

I hope you will join with me in rejecting this report so we can move on. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Beavers.

Representative **BEAVERS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I oppose the pending motion. I totally agree that we need a comprehensive policy. I'm not particularly wild about gambling myself, but I think we have set aside our original people way too long and they need to have an opportunity to have an economic development and jobs. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lubec, Representative Cassidy.

Representative **CASSIDY**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I rise in strong opposition of the pending motion, and ask you to vote for gaming for the Passamaquoddy. I live in Washington County, and I stand up for Washington County and its residents. Let's go back 10 years, when I worked as a Washington County reporter for the *Bangor Daily News*. The front-page news one day in 2004 alarmed many: An Oklahoma developer had made a deal to bring LNG, liquefied natural gas, to Split Rock on the Passamaquoddy Reservation. He believed that LNG development could save the Tribe. When the LNG news spread among the Passamaquoddy people, I went to spend a day on the Pleasant Point Reservation, and I walked and talked with one of the elders. She described a lifetime of hardship and poverty, but also of resilience and change for the good. That respected elder, a true spokeswoman for the Passamaquoddy, both then and now, is Representative Madonna Soctomah. She represents the Passamaquoddy in the Legislature today. She also served as the Passamaquoddy representative from 1990 to 1994, when the Tribe first asked the Legislature for gaming in 1992. This week I looked back on my reporting during the Passamaquoddy and LNG years. Eventually, in 2008, the Oklahoma developer's "get rich quick" scheme was defeated, and he went home. One quote I reported in November 2005 stands out: "If you are from Augusta or Washington or Oklahoma and you haven't been here to Split Rock, you don't have a real understanding of what it is like." Please hear that again: "You don't have a real understanding of what it is like." It's more than time for good change to come again for the Passamaquoddy Tribe. The proposal for a Passamaquoddy-owned casino in nearby Calais is before us today. I ask you to listen to Representative Soctomah. She is one of our elders, too. Thank you, Mr. Speaker. And in the words of the Passamaquoddy language, *woliwon*.

Representative RUSSELL of Portland **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 Portland, Representative Russell.

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm a big fan of Fred Astaire. But the funny thing about Fred Astaire is he got all these accolades, but Ginger Rogers was the one that danced backwards and in high heels, and I would argue that that's very apropos, considering what we're considering, for the Passamaquoddy Tribe has done everything that we've ever asked them to. They've done it inside and out, time and again, and yet we have continued to turn them down, whether it be at the ballot box or right here in the Legislature. We've done that for two decades. Now I want to speak a little bit about something that other folks haven't talked about and that is the agreement, the arrangement, the treaty that we have with our tribes. So our Native Americans were very proactive and negotiated a treaty with Maine long before any of the other treaties were developed with the federal government. When the federal treaty was developed, there was a provision in there allowing sovereign nations to be able to have gaming on their properties and that was signed after the treaty with Maine. So a lot of folks have asked, why is it that a sovereign nation cannot do this on their land? Frankly, I agree with that question. But because of the treaty, it was not discussed and therefore it is not authorized, it is not allowed, which is precisely why folks have come to us, time and time and time again, to ask us to do this. We have since had two casinos open up, two casinos that were later sold to out-of-state interests. If there were ever a casino that had earned, a group of people who had earned the right to have a casino, it's the Passamaquoddy Tribe. We just overturned a motion to support our harness racing industry and I thank you for that, and I think that before folks get fatigued on this issue, we need to think long and hard about the implications, not just to Washington County but to the Passamaquoddy Tribe. I would argue that it's not just Ginger Rogers that has danced backwards in high heels, but it is my good friend who sits to my left. Before I sit down, I also would like to commend her not just for her dedication, not just for her passion, not just for the persistence, but it was a true honor, probably my greatest honor to sit here and to listen to her ask us in her own language to do the right thing. I wanted to clap but apparently that would be inappropriate, not that I've certainly seen my days where I haven't done things I shouldn't do. But today is a day that we can set right a very long wrong, and I hope that we will do that. Now the good Representative to my left doesn't get a light up here. She has a seat, but she doesn't have a light. So I would ask that if you want to overturn this motion, this Ought Not to Pass Report, and you want to do the right thing today, that you will follow my light today and that light will be red. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Burlington, Representative Turner.

Representative **TURNER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today against the pending motion. I am honored and ashamed today. I am honored because part of my House District is part of three

counties, and Washington County, although I do not live there, I represent, and Washington County has become like home. They're like a family. They have welcomed me. I am ashamed because we're still having this discussion. All these years. All these years. Initially, I, myself, as a voter, the first time around I voted against gambling because I don't believe in gambling. I did not support it. However, since then, this state has made its decision to roll the dice. We are a gambling state and I say let the free market prevail. Why should an area be shielded? Competition is a principle that made this country great and this state great. LD 1520 would bring much needed jobs to an area that has one of the highest unemployment rates in the state. This facility will have eastern Canada to draw from, so I say why not? The majority of the people in Calais and Washington County have voted in favor of this facility. Let's let the folks in Washington County have the same options and opportunities that Bangor has. I would ask you please to also follow my light, and it will be an honor today to push red for Representative Soctomah. Thank you, Mr. Speaker.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today to admit that I gamble. I'm basically addicted to gambling. I'm in the construction business and when I turn in a bid, my stomach turns upside down. I actually helped build the casino in Bangor. Until they put those flashing lights and red carpets in, I felt comfortable going in. I don't as much now. Either when you get this old or if you make the decision to come back, things kind of recycle themselves. In the 116th Legislature, 1993, I sat in seat 97 on that side of the aisle. I met some great people. I had some good experiences. We all come to struggle with our votes, many of us with many votes. That was the vote in 1993 to allow the Passamaquoddys to have a facility. I grew up; my grandmother was a Calvary Baptist. We couldn't even play cards on Sunday. So I basically disagreed with gambling then. I still disagree with gambling, although I did buy a half a ticket once. It didn't fair very well. I came to that vote because not only am I a contractor, but I'm also sort of a part-time developer and I looked at Calais, Maine, and I looked at, not big numbers now, but $40 million that was going into that community. Twenty million dollars was going into the community. They were going to increase the golf course from 9 to 18 holes. They were going to put public transportation. Harrah's was going to invest $20 million of that $40 into a building. That building, in five years, was going back to the tribes. That was $40 million that was going into Calais, Maine, in 1993, before any gaming facility was going to be in the state at all. So I came to a point where an investment in that town, in that county, was the least we could do. Well, they went through the process. I don't remember if it passed or failed in the bodies. It went downstairs, it came back, it was vetoed and the veto was sustained. But Washington County was promised that we will be doing something for you and that was 21 years ago. I had a hard time with that vote, but I'm not going to have a hard time with this one. It's time for the Passamaquoddys to have what the rest of us have had throughout the state. Thank you.

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

Representative **McGOWAN**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I rise in opposition to the pending motion. I thank Representative Soctomah for sharing the eloquence and heritage of her native language with us. It is time to recognize the native tribe's right to self-determination, who share this beautiful land with us we call Maine. I offer you this simple quote: "Caring without action is useless." Caring about our native tribal brothers and sisters without action is useless. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Belgrade, Representative Keschl.

Representative **KESCHL**: Thank you, Mr. Speaker. I rise in opposition to the pending motion. I think the good Representative Soctomah put it in much more eloquent terms than I could; however, I will only add a couple of things. I travel frequently throughout Washington County and I've been witness to the poverty that exists there. In my mind, it's not a matter of whether we should allow the Passamaquoddy Tribe an opportunity to put their application in for a gaming facility, rather we must do so. Time after time, as a state, we have failed to provide these people and the people of Washington County an opportunity for economic growth and thus the ability to remove themselves from the dependency on state government that they are currently in. We cannot continue with this failure. I urge you all to vote against the pending motion and for the Passamaquoddy Tribe and the people of Washington County. Thank you.

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

Representative **COOPER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. If you had the opportunity to watch Representative Soctomah deliver her remarks, you would have been struck, as I was, by the beauty and passion with which she spoke as she delivered her remarks in her native language. That feeling has led me, has confirmed my feeling that we owe it to the Maine tribes to give them the opportunity of sovereignty and self-determination that they deserve, and that includes the right to determine the economic course that they wish to choose. Thank you.

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

Representative **BEAUDOIN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. It's been long, long overdue and we have treated them badly for years. It's time for us to make it up to them. I think we've hurt them enough, don't you? Isn't it ironic too that they are sitting here and can't even vote for this? I think it's terrible, personally. So I think it's time for us to vote and vote in their favor. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Caswell, Representative Ayotte.

Representative **AYOTTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to compliment Representative Soctomah. I felt like I was part of living history. It was really beautiful. It was very touching, eloquent. Mr. Speaker, I'd like to start my premise with saying I'm philosophically opposed to gambling; however, at this time, I feel that perhaps my philosophy should not stand in the way of common sense, of fairness. Today, I listened to Representative Soctomah give a presentation about the condition of the Indian in Maine, and I say this because I asked Representative Bear if I could use the word "Indian." I'm used to it, I was brought up with it, and he said, "Fine. It's fine with me." So I'm using it in that context. Representative Soctomah, in caucus, today, gave a very eloquent and passionate speech. It reminded me much of the literature I have read over the years about the people of her nation. I read the book that told about Wounded Knee, I read about the Trail of Tears and about the historical discrimination we have done to the American Indian. However, I am sure that they don't want our pity. They want an equal opportunity.

I would like to paraphrase a short soliloquy from Shakespeare, "The Merchant of Venice." I am going to take liberty to paraphrase and instead of "I am a Jew," I am going to

put "I am an Indian." *Hath not an Indian eyes? Hath not an Indian hands, organs, dimensions, senses, affections, passion? Fed with the same food, hurt with the same weapons, subject to the same disease, healed by the same means, warmed and cooled by the same winters and summers. If you prick us, do we not bleed? If you wrong us, are we not hurt?* That is why we have to make a choice today, a choice do we continue the discrimination that we have for so long carried out against our brethren? That is why today I want to give the people of Washington County, the natives, the Indians of Washington County and the Passamaquoddy Tribe the ability to help themself and if they believe they want to try this option, although I am philosophically opposed, who am I that I should stand in their way? I will support them and I hope that this little support I give will lead them along the way to a better quality of life, a better way for their children and a better way for their people. For this, I thank you, Mr. Speaker, and I thank again Representative Soctomah for helping us be a part of living history. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I spent the first half of my life in Washington County. I grew up in the small town of Danforth, population of about 500 people, and then went down to Machias and lived another four years and, at that point, in time, in my life, I had to make a decision. Do you stay in your local community, Washington County, or do you leave the area? Quite frankly, that really wasn't much of a decision because you had to understand that if you stayed in Washington County, in many ways you were choosing to see a life of economic distress. Having grown up there and enjoyed the beauty of Washington County, the beauty of the lakes and the beauties of the trees, the ruralness of the area, so many people from Washington County who are from Washington County have wanted to stay in Washington County, but they have not had that opportunity.

Now, in the interest of full disclosure, I worked on the referendum, I believe, back in 2006, which sought to make a casino in Washington County become a reality and my recollection is it was a very close vote statewide. I think it was a 51-49 vote. Quite frankly, had it not been for a bad weather day, I think we'd have won it. But the reality is, folks, is that Washington County, for a half century now, has been struggling economically and there hasn't been many rays of hope, many rays of opportunity. I, like many, believe that, in some ways, providing for gaming is maybe not the right way to go because certainly studies suggest that those that are poorer or those that can least afford to lose money in gaming are the ones that sometimes visit these places. But as a Republican and as a Libertarian-type Republican, I do believe in sort of free will and if people want to make that choice, let them make that choice. But it shouldn't harm the Passamaquoddys, it shouldn't harm Washington County, and again, I appreciate the hard work of the committee and the hard work of the good Representative from Ellsworth, Representative Luchini, on this. But again, I do this as an opportunity for economic development for Washington County and for the Passamaquoddys. Let them make the decision. Let us not stand in the way. Let's give somebody else, who is 22 years old, who grew up in Washington County, the opportunity to make the decision that I'm going to stay here because I see some hope, because I see some opportunity. It's too late for me. It's not too late for maybe some other young people in Washington County that want to make that decision. So I will be opposing the motion and I ask that you follow my light.

The SPEAKER: The Chair recognizes the Representative from Hollis, Representative Marean.

Representative **MAREAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to oppose the pending motion for the same sort of reasons that I rise to oppose the pending motion on LD 1111. The harness racing industry has teamed up with the Passamaquoddy Tribe on more than one occasion to try to do something to benefit both the harness racing industry and the Passamaquoddy folks in Washington County. We worked together as a team in 2011. We all had high hopes that we were going to be successful on both of our endeavors by having a racino racetrack in Washington County and one in York County. Although the statewide vote voted us down, it's interesting to note on the material that you were passed out yesterday that shows that we did win in Washington County and we did win in York County where these two facilities were going to be placed. So if there is interest there, let's oppose this motion and move on in a forward mesh. Thank you.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Saucier.

Representative **SAUCIER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I also rise in opposition to this motion. It is time that we let our good Native American friends in Calais to try and create a business for them to be able to survive. You know, it's one thing for us to sit here and stand here and say, well, we can dictate who lives, who survives and who doesn't survive. But I would ask anybody in this body if you were to step in their shoes and live where they live, and live the life that they live, would you like it? I think not. Our good friends have tried for over 20 years to get a casino in their community. In the meantime, we've let big corporate giants come in, like Penn National and Churchill Downs, operate a casino and take the money out of state. These folks are trying to raise money for their community to help them survive and I think we have an obligation to let that happen.

Now, you can talk about a statewide vote all you want. Statewide votes are when we try to decide whether we wanted gambling in the state. It was a statewide vote. But now that we have gambling in the State of Maine, it is time that we take the statewide vote out of our minds because you all know that if you have a casino in your district, you're going to protect them, and our good friends who have casinos in their district, I don't blame them for voting the way they do because they are representing the communities they live in and I understand that. But, for me, in Presque Isle, I shouldn't have to worry or care about somebody in Calais, Maine, if they want to have a casino or not. It's not my place to decide that vote. This bill requires a statewide vote and I oppose that vehemently, and it's up to us to make that happen that we do not have a statewide vote and let these people decide for themselves whether they want a casino in their community. We talk about being a capitalistic society and that we should offer opportunities for businesses to grow and to create jobs. This is a business for the Passamaquoddys to be able to put their people to work, to have an income, to be able to raise their standard of living, and I don't think anybody in this body should have the right to say we decide their fate that way. This bill should be defeated and allow the Minority Report to come forward, and I would ask you to vote red and follow my light and protect the interest of our friends, our Native Americans. Thank you.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Verow.

Representative **VEROW**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I can't help but reflect back to 1980 when both houses of Congress passed the Maine Indian Land Claims Act. As part of that Act, the Native

American tribes gave up the right to operate gambling in the State of Maine. Unlike other tribes throughout the country, they had that right and our Maine people, unfortunately, they gave up that when the Land Claims Settlement was approved. That was 34 years ago and here we are today, we have an opportunity to perhaps correct that by our vote here. I'll be voting in opposition to the pending motion. Thank you, Mr. Speaker.

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. 521

YEA - Black, Carey, Chipman, Clark, Crafts, Crockett, Davis, Duprey, Espling, Fowle, Frey, Gideon, Guerin, Harlow, Harvell, Hayes, Herbig, Hobbins, Kaenrath, Kent, Kornfield, Lajoie, Luchini, Morrison, Nelson, Plante, Reed, Rochelo, Rotundo, Sanborn, Schneck, Shaw, Timberlake, Wallace, Weaver, Welsh, Mr. Speaker.

NAY - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Boland, Bolduc, Brooks, Campbell J, Campbell R, Casavant, Cassidy, Chase, Chenette, Cooper, Cray, DeChant, Dickerson, Dill, Dion, Dorney, Dunphy, Evangelos, Farnsworth, Fitzpatrick, Fredette, Gattine, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Hamann, Hickman, Hubbell, Johnson P, Jones, Keschl, Kinney, Knight, Kumiega, Kusiak, Libby A, Libby N, Lockman, Long, Longstaff, MacDonald S, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Nadeau A, Nadeau C, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Peterson, Pouliot, Powers, Priest, Pringle, Rankin, Russell, Rykerson, Sanderson, Saucier, Saxton, Short, Sirocki, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Turner, Verow, Villa, Werts, Willette, Winchenbach, Winsor.

ABSENT - Briggs, Chapman, Cotta, Daughtry, Devin, Doak, Jackson, Johnson D, Jorgensen, Kruger, MacDonald W, Tyler, Volk, Wilson, Wood.

Yes, 37; No, 99; Absent, 15; Excused, 0.

37 having voted in the affirmative and 99 voted in the negative, with 15 being absent, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative LUCHINI of Ellsworth, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-630)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-630)** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-629)** - Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Authorize the Houlton Band of Maliseet Indians To Operate a Casino in Aroostook County"

(H.P. 925) (L.D. 1298)

TABLED - March 4, 2014 (Till Later Today) by Representative LUCHINI of Ellsworth.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

The SPEAKER: The Chair recognizes the Representative from the Houlton Band of Maliseet Indians, Representative Bear.

Representative **BEAR**: Thank you, Mr. Speaker. Chief Commander, my Tribal Council, Ladies and Gentlemen of the House. I rise today in opposition to the pending motion and I'm in a position that I didn't think I would be in, having to follow my friend from the Passamaquoddy Tribe, which is I'm now finding a little difficult to do. I'm almost compelled to sit down and say you've heard it all, but I'm going to add a couple of things before I do that. There is a bit of a difference between the Passamaquoddy bill, which you've just passed, and ours, at least the amended version that we're proposing in the Minority Report. We are located in northern Maine and juxtaposing with the Hollywood Casino, we are actually one mile further away than the Passamaquoddy proposed location. That's not a big difference, but it is a difference so I thought I'd point that out. It's an honor to stand here with Mainers, with my Tribal Chief and Council present, which is a bit intimidating for me. I'm never comfortable when I appear before them, but it's a great honor. I am also recovering from a bit of a cold so I'm dealing with my nasal, so I was going to stay home but something came up so I thought I'd go to work.

What I'm here to say is basically that we're looking with our idea, with this economic development idea to make Aroostook County a better place to live for all of us. I could repeat many of the points that were made by the speakers who considered the last bill. Keep those in mind. But we are attempting to do something we've done all through our history as Maliseet tribal people, currently numbering nearly1,500 people. That information is in the handout that I sent around, I had the Pages send around, and I rely on that so if you can take time to peruse that, read that, if you haven't already done that, I would appreciate that very much. But basically we are attempting to, in this unique economic development proposal, to create jobs, to do something that has broad support in our community, in the form of a Tribal Council Resolution in our community. In the form of a Town of Houlton Council unanimous vote, you will see their letter of support on your desk. It also has broad support by the experts, the experts that know the gaming situation in the State of Maine, including Dr. Clyde Barrow. You would have heard his name if you attended any of the committee hearings. Professor Todd Gabe, University of Maine, a professor and expert in gaming economics. Their opinions support this bill as well.

LD 1298 is justified because we have a nearly similar economic situation among the Houlton Band of Maliseet Indians as exists among the Passamaquoddy Tribe. I think that Washington County tops the list in terms of economic impacts and economic need, but Aroostook County is a point behind it. We are the next. I want to reiterate that the need is nearly equivalent. We have, in Houlton, Maine, we have more than 600 people unemployed and these are non-tribal people. We have a high unemployment rate among the Maliseet Tribe as well. According to statistics, in 2010, it was the highest of all of the Maine tribes. According to statistics and our health studies, we have the highest rate of mortality, the highest of morbidity. We get sick, we have depression, we have addiction, and we do not have the means to pull ourselves up. So this economic development idea can help us do that. This is not what we want to do necessarily, although historically we are not just a hunting culture or a gathering culture or a fishing culture. We enjoy gaming. That's part of who we are, spending times enjoying games of chance. It is a matter of record for hundreds and hundreds of years. This is something that is part of us.

We've heard in the chamber others enjoy it. They struggle with it, at times, as well. We have, on record, hundreds of years

ago, the same problem. Some people have difficulty with the gaming and it's interesting because there is a story, you might have heard of John Gyles. John was 14 years old when he left us, but we captured him, the Maliseets, down near Pemaquid, and brought him up the Maliseet Trail, which exists historically from Old Town all the way up through to Houlton. He was brought there at 7 years old with his mother. Although it didn't start out too well, he eventually fit it. He realized in his journal that he kept nearly daily, or at least enough to where he had quite a journal built up over a seven-year period, he made observations – marriage practices, diet, hunting, fishing activities, travel routes, portages, all of these things. He made a very good record. It's on the Internet. But what he noted was that, at times, probably too often, people gambled. They loved, we did as Maliseets, enjoyed gaming. It was part of culture, day in and day out. He noted that Maliseets would game away almost all of their possessions, only to turn around and make them again, whether it was a drum or a pack, perhaps a canoe. But he noted that they would then go right back into it and, often as not, win or lose again the next time they sat down. But this was part of the culture. It still is.

In the modern context, we propose to continue that part of our culture. In a sense, it is the third pillar of our economic wigwam. Fisheries now, we're entering the commercial fishery. We're very pleased that LD 953 passed, that you approved that the first part of this session. We're going to be in the commercial fishing business – lobsters, 10 licenses; scallops, 10; urchin, crab, a few elvers' licenses – and that is one of the legs of our economic wigwam. The other, of course, is our gaming proposal. So I was going to mention forestry, but I didn't want to spring it on you right now. But the thing is that gaming is part of our culture and what we're showing, what we're asking for support with is to be able to continue that in the modern context in Houlton, Maine, in a way that will create jobs for the 600 plus unemployed in Houlton, for the dozens, if not hundreds, of unemployed in Millinocket or up through to Mapleton in Aroostook County, in the adjacent areas that are within the driving area of a Houlton-based Maliseet tribal casino. There is going to be plenty of jobs, in the sense that if you approve this, there are the multipliers that I'm now more aware of, having talked with our economic development people, who are also present in the gallery I might add, and the experts of the other gaming facilities who have told us or showed us that they are viable. So we anticipate the same sort of success at a lower level.

We are less population. We are therefore not going to be operating at 1,500 machines. We foresaw that such a request would be without a basis. It would be unrealistic. So in order to be more realistic, we propose, in our amendment, that the games that are allowed are basically one half of what's already existing in Hollywood or Oxford, but that the reality is, especially in starting out and where we're going to be operating out of a roller-skating facility that we have available on the North Road property in Houlton, we will be able to start with far few and probably not grow beyond that much farther. So the fiscal impact note that I received, which is an estimate, is being adjusted to reflect the reduced demographic, the reduced profits as a result, but it's predicted to produce for the Tribe approximately $17 million in profit. Now that's not much when you compare to Oxford or Hollywood Slots, which is four times that level, but it is an indicator of how much it can produce at 500 machines and still be a basis to accept Dr. Barrow and Professor Gabe's expert opinions that a tribal casino on the border in Aroostook County will not directly compete with the existing two facilities, and that's an important point. So the concern about "proliferation," words that have been used in debate and committee, or "unrealistic expansion" or "saturation of the market" needs to be examined in that light. Those are facts. I'm not suggesting you look at it our way. You read it for yourself. It's in front of you. It's available on the maine.gov Gaming Commission website. All of that information is available. It was available for the Commission when we met over the summer and fall. It was read by everybody. All that could have been generated for reports was and the conclusions by the experts from Oxford Casino and Hollywood Slots Casino were unsettling to some people, especially to the chief executive officers of Oxford and Hollywood casinos in that they said, what we had argued, that there is no significant threat from tribal casinos who would operate close to the border. The reason they said that is because we will be relying on a market to the east of the United States, in Canada, specifically counties that are adjacent and provinces that are adjacent to northern Maine and eastern Maine.

You've already heard in the previous bill and presentations that Charlotte County, which is opposite of Calais, is considered part of the market that will be supporting that casino in Washington County. For us, it's a different demographic. It's going to be Victoria and Carleton County and southern Quebec and northern Maine. All of this makes up for approximately one quarter of a million people, out to possibly 800,000 people if we take in the traffic that I-95 will funnel through to us. We're kind of like at the mouth of a river. If we could, we could throw a net across but that wouldn't be fair and block all the fish or all the traffic. What we'll do is we'll have a sign because we're so close to the border crossing and to I-95, i.e. the old Maliseet Trail, that we should be able to attract a market, not just with the truckers but with what we now know, according to the measure taken by Border Protection and United States Customs there at the port, that there are 700,000 registrations recorded, separate vehicle registrations, and many of these are daily visits so we're maybe talking 1.5 million to 2 million people that come to Houlton, Maine. They come there every day for minor reasons, the usual reasons which is milk, chicken, butter, especially Houlton butter. If you've never had it, you ought to have a dab of that. It's very good. It's quite sought after, even by the Canadians. Turkeys and American goods of that sort. So Canadians are a big part of the calculation for our business plan and this has been reported by our economic developers, by the experts and noted by Dr. Barrow and Professor Gabe. So I'd ask that you rely on that.

Anyway, in conclusion, I would just say that we need this economic development proposal. We ask that you support it for the very same reasons that the Passamaquoddy have stood and asked you to support theirs, and that you agree. If I had been here 22 years ago and I'm old enough to have been here 22 years ago, but you didn't extend an invitation to me until last year, but I would have been telling you this over the last 22 years as well. But I can tell you this: The wisdom of my Chief and Council, present and past, foresaw that I would be standing up before you today. So this is a historic moment in the sense that years ago they set aside tribal lands, trust lands, for the purpose of this gaming facility that I'm now asking you support by opposing this motion. Thank you very much, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Saucier.

Representative **SAUCIER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I don't think I've gotten up and talked as much as I have today, but I feel passionate about what this is all about. I am in opposition of this motion. I believe that the colleagues on both sides of the aisle would hope that you would give them the same consideration we gave others. I just want to say one thing about the atmosphere around gaming in New Brunswick. I'm not going to say

everything that we've already talked about because we've already hashed it out. But if you look at the crown of Maine, Edmundston, New Brunswick, across from Madawaska, a full fledge casino. You look across from Fort Fairfield, Perth-Andover, a slot facility. You look down in Woodstock and they have a facility down there. Moncton just opened up another new full-fledged casino. It's happening all around Maine and these casinos that we're trying to allow our Native Americans to open on this side of the border, we need to give them the same opportunity that the Canadian government is giving their tribes in Canada. We can keep our heads in the sand all we want, and I know we've had great results here this morning and I don't mean to disparage anybody, but the fact remains is that gaming is here. Aroostook County, Houlton, Maine, has no effect on Hollywood Slots. They say 3 percent. I even dispute that. Most of the people in Aroostook County are going across the border and gambling, so why not keep that business here in Aroostook County, just like we should keep the business in Washington County? I hope that everybody would follow my red light and defeat this motion, and give our friends of the Maliseet Nation the same opportunity as we gave our good friends of the Passamaquoddys. Thank you.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Beavers.

Representative **BEAVERS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I oppose the pending motion and I say let's do it for all the reasons we've said for the last three hours. Thank you.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The good Representative from South Berwick just stole the words right out of my mouth. Again, this is a sovereign nation. We should allow them the opportunity to make their own economic decisions on their own land. I certainly don't like it when people come to where I live and tell me what should be in my refrigerator. So I think that if we're going to do it, today is the day to do it and let's just move forward and then maybe afterwards we can enjoy some of that Houlton butter, because I know for a fact that I am very hungry. I'm sure everybody else is.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Villa.

Representative **VILLA**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand in opposition to the motion. The Indian Gaming Regulatory Act is a 1988 United States federal law that establishes the jurisdictional framework that governs Indian gaming. There was no such federal gaming structure before this. This stated purposes of the Act included providing a legislative basis for the operation and regulation of Indian gaming, protecting gaming as a means of generating revenue for the tribes and encouraging economic development of these tribes. As the good Representative Bear stated, gaming is one of many historic traditional Indian cultures. Tribal games include dice and shell game activities, archery competitions, races and so on. When Native Americans moved to Indian reservations in the mid to late 1800s, most were left with limited economic opportunity. Today, most of these reservations are located in remote areas with little indigenous, economic activity. They have some of the highest rates of poverty, unemployment, welfare dependency, school dropout, alcoholism, and other indicators of poverty and social distress of any communities in the United States. Under the Indian Gaming Regulatory Act, Indian gaming is a right of Indian Nations derived from sovereignty, recognized by the Supreme Court and Congress. It's time that the State of Maine do the right thing and help Maine tribes long battle for economic and cultural survival by allowing this economic development tool that has worked so well on other reservations throughout the United States. I ask you to follow my red light. Thank you.

Representative BERRY of Bowdoinham **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: 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. 522

YEA - Beaulieu, Bennett, Berry, Black, Carey, Chipman, Clark, Crafts, Crockett, Davis, Espling, Frey, Gideon, Goode, Guerin, Harlow, Harvell, Hayes, Herbig, Hobbins, Kaenrath, Kent, Kornfield, Lajoie, Luchini, McCabe, Morrison, Nelson, Plante, Reed, Rochelo, Rotundo, Sanborn, Schneck, Shaw, Timberlake, Treat, Wallace, Weaver, Welsh, Winsor, Mr. Speaker.

NAY - Ayotte, Beaudoin, Beavers, Beck, Boland, Bolduc, Brooks, Campbell J, Campbell R, Casavant, Cassidy, Chase, Chenette, Cooper, Cray, DeChant, Dickerson, Dill, Dion, Dorney, Dunphy, Duprey, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Gattine, Gifford, Gilbert, Gillway, Graham, Grant, Hamann, Hickman, Hubbell, Johnson P, Jorgensen, Keschl, Kinney, Knight, Kumiega, Kusiak, Libby A, Libby N, Lockman, Long, Longstaff, MacDonald S, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McClellan, McElwee, McGowan, Monaghan-Derrig, Moonen, Moriarty, Nadeau A, Nadeau C, Newendyke, Noon, Nutting, Parry, Peavey Haskell, Peoples, Peterson, Pouliot, Powers, Priest, Pringle, Rankin, Russell, Rykerson, Sanderson, Saucier, Saxton, Short, Sirocki, Stanley, Stuckey, Theriault, Tipping-Spitz, Turner, Verow, Villa, Werts, Willette, Winchenbach.

ABSENT - Briggs, Chapman, Cotta, Daughtry, Devin, Doak, Jackson, Johnson D, Jones, Kruger, MacDonald W, McLean, Pease, Tyler, Volk, Wilson, Wood.

Yes, 42; No, 92; Absent, 17; Excused, 0.

42 having voted in the affirmative and 92 voted in the negative, with 17 being absent, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative LUCHINI of Ellsworth, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-629)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-629)** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-627)** - Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Concerning High-stakes Beano"

(H.P. 188) (L.D. 227)

TABLED - March 4, 2014 (Till Later Today) by Representative LUCHINI of Ellsworth.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Representative **MITCHELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise against this motion today. For the past six years, I have tried to modernize through legislation a game that has the dubious distinction of being played on paper in Maine, the only state in the country that still plays this on paper. Everyone else plays it electronically. In front of you or being passed out is a document by WMS, which is a company that is now owned by Penn National. They merged. They're the ones that make the equipment that is in both Oxford and Hollywood Slots in Bangor, and they also are the ones that verify that those machines are what they say they are. Now, under the Indian Gaming and Regulatory Act in the United States Code, they were asked, WMS was asked to reinterpret Class II gaming machines, one touch bingo, and they did that and they came to the conclusion that one touch bingo gaming machines were not slot machines. I know there was a great deal of confusion in the committee. Part of that is my fault. Part of it is because a lot of the committee members are new, didn't understand a lot of the language that's associated with gaming, and I didn't have enough time to educate them all. That's my fault. I tried to do the best that I could and tried to make it as simple as I could. I worked with the state police on language on this bill and I got their cooperation, and they relayed to my Chief that they did not have a problem with the bill.

We have watched, as Representative Soctomah so eloquently spoke a few moments ago, as the state has continuously expanded its gaming, not only in the casinos but in scratch tickets, in pull tabs and in lotteries. All we're asking here is to modernize our game. We're asking that you approve the modernization of a paper game that we've been playing for over 31 years. These machines will not come into the bingo hall all at once. They will come in a little at a time, until we reach a point where our players are happy with them. There are still the hardcore little, old ladies with their bags of charms, that they line up in front of all of their bingo cards and play with their daubers and will insist upon having paper, and we will have paper for them. They do spend money. The money that's brought in to the area, when we do have a game, is about $10 million when you put the multiplier effect on that for hotel rooms, restaurants, shopping and Hollywood Slots. Our revenue has continuously declined since Hollywood Slots was established. We're to the point now where we are hanging on by our teeth.

I've been asked by my Chief and by the manager of the high stakes bingo game to request from the Executive Council, if this does not pass, to get emergency legislation in to have our license fee reduced. That's how bad it is. This gaming revenue that came out of our high stakes game supported our assisted living center, it supported our youth programs, and it supported emergencies within the community for individuals who could not afford in the dead of winter 50 gallons or 100 gallons of oil, or their pipes froze up and burst and they had major problems and did not have the financial wherewithal to take care of it, or they needed a new furnace. We provided that for them with this revenue. Not only that, but we provide 72 jobs with this game. Those jobs, even though they are part time, to some of the people that do participate, that's the only job they have and we have a 28 percent unemployment rate within our community. So I'm not going to wear you down anymore. You've heard quite a bit about gaming and you know that the high stakes game has been going on for quite a few years now and all we're asking for is that this game be allowed to be modernized as LD 227 spells out. Thank you, Mr. Speaker, Ladies and Gentlemen of the House.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I apologize for rising I don't know how many times this morning, but I wanted to speak a little bit about this bill because we have been working on some variation of this for several years. You know, when Hollywood Slots went in, there was a significant amount of cannibalization, as my good Representative from the Indian Township mentioned. Not Indian Township, Indian Island. My apologies, it's late in the day. So we've been trying to find a way to move folks from the paper to the electronic bingo industry. There has been this real hang up about the word "slot" because we wanted to make sure that people, some people think that what the good Representative is asking for is a slot machine and then other people, like myself, believe that that's not necessarily the case. We're trying to get to the language that allows them to move forward. I do take umbrage with one thing that the good Representative said and that is that it is not all old ladies, by the way, that sit there. I, myself, enjoy it. But the last thing I would say and I do hope that you'll follow my light on this last one. I think it's the last one. This is a very razor thin margin in the committee. It is a 6-7 vote, it's very close, and I think that if we'd had a little bit more time, we probably could have gotten to a majority. But this has been an issue that has continually come back to our committee. The good Representative has tried very hard to move it, to get it to a place where we can actually all agree, and I'm hopeful that if we move this out and vote red on this last bill, that we'll be able to stop having to deal with this issue every single year. I'm sure that my good friend would like to stop. I would like to stop. So please, I beg you, can we please pass this bill or reverse this report so that we can pass this bill and we can stop talking about electronic beano? Thank you.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Saucier.

Representative **SAUCIER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this bill. All they're trying to do is upgrade their bingo to the electronic option. Electronic bingo is all over the country. So if we vote against this, we will allow them to be able to modernize their games and not have to say to them, "Sorry, you're just going to play paper for the rest of your duration." The other thing I would like to say is that they bus in 25 to 30 buses full of people from outside our area, some of them from out of state, most of them from out of state, and they bus them here to Bangor, Maine, and to Old Town. They do their bingo and they transport them to Hollywood Slots where they get fed a great buffet. They spend money in Bangor. They shop in malls. This is a great economic activity for Bangor as well as providing income for their tribe. I would hope that people would give these folks, our colleagues, the same consideration we gave the others and vote red against this pending motion and give them an opportunity to modernize their bingo game. Thank you.

Representative McCABE of Skowhegan **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 Cumberland, Representative Moriarty.

Representative **MORIARTY**: Thank you, Mr. Speaker. Mr. Speaker, Fellow Members of the House. It was stated at the outset of this debate that Maine is a gaming state. I am not a gambler. I've reluctantly recognized the truth of that statement, however. That is not to say, though, that the floodgates are open. I have looked at each of these bills individually to separate out the nuances and the distinctions, and what occurs to me is that there is no real distinction between electronic beano and a slot machine. What this effectively does is to create yet another casino without a local referendum vote, and that's key to me. I supported the previous two bills because a referendum is required. I opposed the Scarborough bill because no referendum was required and for that reason, I will be supporting the motion. Thank you.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I apologize for rising a second time in this particular debate, but I did want to address some of the concerns that were just brought up. For folks who don't know, this is a facility that has been here. This facility has been here for a very long time. They've already been doing this. All that they're asking is to be able to do beano on an electronic machine as opposed to a piece of paper. It is not opening a new casino. It is not opening a new facility. It is the same facility that has been here, and it's actually the one facility that can truly say that they have been cannibalized over and over again by gaming because they were the first facility to truly be open, and it is about beano. Thank you, Mr. Speaker.

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. 523

YEA - Ayotte, Beaulieu, Bennett, Berry, Black, Chenette, Chipman, Clark, Crafts, Cray, Crockett, Davis, DeChant, Dunphy, Espling, Fitzpatrick, Fowle, Frey, Gideon, Gifford, Goode, Guerin, Harlow, Harvell, Hayes, Herbig, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Knight, Kornfield, Lockman, Long, Luchini, McCabe, McClellan, Moriarty, Nelson, Newendyke, Parry, Plante, Pringle, Rankin, Reed, Rochelo, Rotundo, Sanborn, Sanderson, Schneck, Shaw, Sirocki, Timberlake, Treat, Wallace, Weaver, Welsh, Winsor, Mr. Speaker.

NAY - Beaudoin, Beavers, Beck, Boland, Bolduc, Brooks, Campbell R, Carey, Casavant, Cassidy, Chase, Cooper, Dickerson, Dill, Dion, Dorney, Duprey, Evangelos, Farnsworth, Fredette, Gattine, Gilbert, Gillway, Graham, Grant, Hamann, Hickman, Johnson P, Keschl, Kinney, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Longstaff, MacDonald S, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McElwee, McGowan, Monaghan-Derrig, Moonen, Morrison, Nadeau A, Nadeau C, Noon, Nutting, Pease, Peavey Haskell, Peoples, Peterson, Pouliot, Powers, Priest, Russell, Rykerson, Saucier, Saxton, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Turner, Verow, Villa, Werts, Willette, Winchenbach.

ABSENT - Briggs, Campbell J, Chapman, Cotta, Daughtry, Devin, Doak, Jackson, Johnson D, Kruger, MacDonald W, McLean, Tyler, Volk, Wilson, Wood.

Yes, 61; No, 74; Absent, 16; Excused, 0.

61 having voted in the affirmative and 74 voted in the negative, with 16 being absent, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative LUCHINI of Ellsworth, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-627)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-627)** and sent for concurrence.

SENATE PAPERS

The following Joint Order: (S.P. 723)

ORDERED, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, March 11, 2014 at 10:00 in the morning.

Came from the Senate, **READ** and **PASSED**.

READ and **PASSED** in concurrence.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Crafts, who wishes to address the House on the record.

Representative **CRAFTS**: If I would have been present on LD 1111, I would have voted yea on the Majority Ought Not to Pass.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Beaudoin, who wishes to address the House on the record.

Representative **BEAUDOIN**: Mr. Speaker, Supplement No. 7, I don't think it registered. I kept pushing yes, but I don't think it registered and I wanted to vote yes on LD 1615.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell, who wishes to address the House on the record.

Representative **CAMPBELL** : Mr. Speaker, if I had got back here in time, I tried, on LD 227, I would have been voting Ought Not to Pass. I would have voted yes.

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

On motion of Representative PETERSON of Rumford, the House adjourned at 2:02 p.m., until 10:00 a.m., Tuesday, March 11, 2014 pursuant to the Joint Order (S.P. 723).