

MAINE STATE LEGISLATURE

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One Hundred and Twenty-First Legislature
State of Maine

Volume II

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First Special Session
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October 30, 2003

Second Regular Session
January 7, 2004 to January 30, 2004

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February 3, 2004 to March 18, 2004

Pages 715 - 1415

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE**

In Senate Chamber
Friday
May 30, 2003

Senate called to order by President Beverly C. Daggett of
Kennebec County.

Prayer by Senator Betheda G. Edmonds of Cumberland County.

SENATOR EDMONDS: Let us pray. Holy one of blessing, Your presence fills creation. What a magnificent world we live in. Thank You for the double rainbow outside the State House last night. Thank You for that determined white throated sparrow singing in the maple tree outside my house this morning. Thank You for this lovely bright sun today and the coming sweet rain. Thank You for all the people who work here together in this State House on behalf of us all. Thank You for these legislators who labor here to represent the interests of our people. Thank You that, despite our differences, we stand together for the people of Maine. Thank You for the opportunity to reach across all that divides us to do our best for all. Amen.

Doctor of the day, Katherine Pope, M.D. of Cumberland Foreside.

Reading of the Journal of Thursday, May 29, 2003.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Control County Jail Health Care Expenses"
H.P. 585 L.D. 808
(S "B" S-242 to C "A" H-365)

In House, May 22, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-365)**, in **NON-CONCURRENCE**.

In Senate, May 28, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-365) AS AMENDED BY SENATE AMENDMENT "B" (S-242)** thereto, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

On motion by Senator **STRIMLING** of Cumberland, the Senate **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

Sent down for concurrence.

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

ORDERS

Joint Order

An Expression of Legislative Sentiment recognizing:

Julia Clukey, of Augusta, a senior at Cony High School and the youngest member of the United States Senior National Luge Team. She has been lugeing for 5 years, since she was 12 years old. She is ranked 1st nationally and 4th internationally in the Junior Luge Division and 17th internationally in the Senior Luge Division. After graduating from Cony High School in June she will start training and competing for a place on the U.S. Olympic Team, which will race in Turin, Italy in the 2006 Winter Games. She will attend UC San Diego to study engineering. We extend our congratulations to Julia and wish her continued success in lugeing and in her studies;

SLS 236

Sponsored by President DAGGETT of Kennebec.
Cosponsored by Representatives: Speaker COLWELL of Gardiner, LERMAN of Augusta, O'BRIEN of Augusta, BROWNE of Vassalboro.

READ and PASSED.

Ordered sent down forthwith for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Julia Clukey; her mother, Cheryl; her Principal and Assistant Principal, Mrs. Massey and Carolyn Neighoff. Would they please stand and accept the greetings of the Maine Senate. Would the Sergeant-At-Arms please escort Julia and her mother to the front of the chamber where she can receive the sentiment.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **JUDICIARY** on An Act To Enact the Maine Tribal Gaming Act

I.B. 1 L.D. 1370

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

Signed:

Senators:

PENDLETON of Cumberland
CATHCART of Penobscot
WOODCOCK of Franklin

Representatives:

NORBERT of Portland
BULL of Freeport
SIMPSON of Auburn
RICHARDSON of Brunswick
BENNETT of Caribou
MILLS of Farmington
CARR of Lincoln

(Representative LORING of the Penobscot Nation - of the House - supports the Majority **Ought Not To Pass** Report.)

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-535)**.

Signed:

Representatives:

SHERMAN of Hodgdon
DUPREY of Hampden
BRYANT-DESCHENES of Turner

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

Reports **READ**.

Senator **PENDLETON** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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

Senator **PENDLETON:** Thank you, Madame President, men and women of the Senate. We are presenting to you a majority report of Ought Not to Pass on this particular issue because the committee felt that it would be the wisest thing to do. I'll just remind you, if you vote Ought Not to Pass along with the majority of the committee, you will be voting to send this issue out to referendum. It is that plain, simple, and clean. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Bennett.

Senator **BENNETT:** Thank you, Madame President and fellow members of the Senate. In 1980, after years of negotiation between the State of Maine, the federal government, and Maine's Indian tribes, an historic agreement was reached, the Maine Indian Land Claim Settlement Act. That agreement extinguished the tribes' claim to more than 2/3 of the State of Maine, in return for more than \$80 million and the rights to purchase thousands of acres of Maine land. Most people don't realize that what is being called the casino referendum before us today is really an amendment to the Maine Indian Land Claim Settlement Act.

Voters, in November, will be asked to rewrite the terms of that agreement. That agreement will give the tribes a special and exclusive right to operate a gambling casino here in Maine. The Maine Indian Land Claim Settlement Act was carefully and cautiously negotiated by all parties to ensure that the rights and responsibilities of each side were clarified and understood. In this case, there have been no negotiations. We are being asked to make significant changes to the Maine Indian Land Claim Settlement Act on a take it or leave it basis.

I doubt there is anyone in this chamber, or many people in the voting public, who really understand the full implications of what we will be voting on. For example, did you know that the tribes are exempt from paying state and federal income taxes? This means the businesses that are connected to this casino, the restaurants, the movies theatres, hotels, and retail shops, will also be exempt from paying taxes. This means a huge competitive disadvantage to established family-owned businesses in the area that will either have to lay off workers or close because of this casino. Did you know that it is illegal for bars and restaurants to provide free alcoholic beverages to customers? Yet there is a provision in this casino referendum that will allow the casino to give free drinks to their customers. This is another competitive advantage over other bars and restaurants. It also raises serious public safety concerns. Did you know that the casino referendum would allow the tribes to operate any game of chance without limitations? That is what the proposal says; the tribes would be authorized to conduct 'any and all forms of gaming and wagering'. What does this mean? Does this mean you can go to the casino and wager on high school football games? What kind of a message would that send to our young people? What about the use of animals? Cock fighting, or dog fighting. There is nothing in this bill that would specifically prohibit this despicable form of wagering from taking place. Did you know that any future changes to the operation and oversight of this casino would require the consent of Maine's Indian tribes? That means that if the casino is built and two years down the road things are not going well; the state or the community where it is located decides it doesn't like the fact that it's open 24 hours a day for 365 days a year; if we feel there isn't adequate oversight around where the money is going; if the casino isn't paying enough to mitigate the effects of the casino on traffic, crime, addiction, and so on, we could pass legislation in this body to change it and the Governor could sign it. However, unless the two Indian tribes agree to it, nothing will happen. This puts an awful lot of control over a major public policy issue affecting the entire State of Maine into the hands of a very small group of people. My question is, what else is in this referendum that we do not know about? What other exclusive rights and privileges will we be granting to Maine Indian tribes and their Los Vegas backers that aren't available to everyone else? What happens if voters approve the casino and then decide they don't like it? Is there any recourse at all to rid ourselves of it? Apparently not. Maybe there are good reasons why we should allow the tribes to operate a casino, but none of these questions have been fully analyzed and debated. I doubt very much that the millions and millions of dollars that will be spent on television ads by their Washington D.C. consultants to promote this referendum will answer these questions either. There are too many unanswered questions about this proposal. I urge the legislature to vote against it. Emphatically vote against it, and urge our constituents to vote against it in November. Thank you, Madame President.

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

Senator **STRIMLING:** Thank you, Madame President. I rise in opposition to the casino. However, I will support of this in order to send it out to the voters in hope that that the voters of this state will reject a casino. I want to talk about it in terms of crime, and what it will do to crime in this state. In the next weeks and months, voters will be bombarded with television ads telling them that a casino is the greatest economic development project to hit Maine in 30 years. They will be told that a big gambling casino will bring thousands of jobs to Maine. Sure it will bring more jobs. It will bring more jobs for local police departments and prosecutors who will have to deal with the increase in crimes that a casino will cause. There will be more jobs in the treatment services. Communities will have to deal with the huge increase in gambling addiction, alcoholism, drug abuse, and the spousal abuse that casinos always cause. There will be more jobs in family counseling services to deal with the divorces, broken homes, and child neglect that the casino will bring. There will be more jobs for accountants and CPAs because wherever a casino is located, embezzlement increases as more and more people rob their employers to cover their gambling debt. Maine is a state with a national reputation for having a low crime rate. It's one of the things that make our state attractive to tourists, residents, and businesses. All of this will be threatened by a casino. Consider the facts. Crime increased more than 20% in the communities around Foxwoods shortly after the casino opened. In community, after community, after community, when a casino comes to town, the number of assaults, muggings, drunk driving cases, thefts, loan sharking, prostitution, drug dealing, pick pocketing, and embezzlements all increase. Maine's Public Safety Commissioner has testified that Maine courts do not have the capacity to handle the increases in crime this casino will cause. Consider this, in the parking lot of the Foxwoods Casino there are signs warning people not to leave their children unattended in their cars. Why do they need these signs? Because several children have died in cars in the parking lot, baked alive or asphyxiated, while their parents gamble away the milk money in slot machines. Now I ask you, why would anyone want to welcome an industry into our state that puts the life of even one child at risk? Why would anyone vote to allow an industry into Maine knowing full well that crime and corruption will increase? They are going to tell you a casino equals jobs, but don't forget the rest of the story. Casinos equal crime.

I would leave with one final question, because I really hope the public stops and asks themselves this simple question. Why is a Los Vegas developer spending several million dollars on a campaign to create jobs in Maine? What is in it for him? Thank you, Madame President.

Senator **WOODCOCK** of Franklin requested a Roll Call.

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

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. I wasn't planning to speak on this item, but I was reflecting on some words that came from the executive who runs L.L. Bean. He talked about his company's special identity to Maine and the value of Maine's brand. Make no mistake about it, we do have a very valuable brand. When you

ask consumers to consider products and where they are made, the fact that a product comes from Maine has higher value in the marketplace. Brand identity and brand protection is of paramount importance to people. Ask Coca Cola, if not the most widely recognized brand in the world, certainly one of them. Ask IBM about their brand, which is another one that is highly recognized across the entire world. Protecting ones brand is incredibly important. I ask you to consider, at the gateway to Maine, the value of our brand as a place where it is 'the way life should be'. Is a towering gambling casino part of what we want to project as our brand as a great state. I think the answer to that is a resounding no. I hope you will vote for the pending motion. Thank you.

On motion by Senator **WOODCOCK** of Franklin, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Pendleton to Accept the Majority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#141)

YEAS: Senators: BENNETT, BLAIS, BRENNAN, BROMLEY, BRYANT, CARPENTER, CATHCART, DAMON, DAVIS, DOUGLASS, EDMONDS, GAGNON, GILMAN, HALL, HATCH, KNEELAND, LAFOUNTAIN, LEMONT, MAYO, MITCHELL, NASS, PENDLETON, ROTUNDO, SAVAGE, SAWYER, SHOREY, STANLEY, STRIMLING, TREAT, TURNER, WESTON, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: None

ABSENT: Senator: MARTIN

34 Senators having voted in the affirmative and No Senator having voted in the negative, with 1 Senator being absent, the motion by Senator **PENDLETON** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED.**

ENACTORS

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

Emergency Measure

An Act To Amend the Motor Vehicle Laws

S.P. 545 L.D. 1590
(C "A" S-237)