

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Sixteenth Legislature
OF THE
State Of Maine

VOLUME VII

SECOND REGULAR SESSION

Senate
April 7, 1994 to April 14, 1994

SECOND CONFIRMATION SESSION
May 11, 1994

THIRD CONFIRMATION SESSION
July 29, 1994

FOURTH CONFIRMATION SESSION
November 14, 1994

Index to 116th Legislative Record

HOUSE AND SENATE LEGISLATIVE SENTIMENTS

Which was **READ** and **ORDERED PLACED ON FILE**.

THE PRESIDENT: The Joint Standing Committee on Education has recommended the nomination of Erin O'Brien of Scarborough be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Education be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 116th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

NAYS: Senators AMERO, BALDACCI, BEGLEY, BERUBE, BRANNIGAN, BUSTIN, BUTLAND, CAHILL, CAREY, CARPENTER, CIANCHETTE, CLEVELAND, CONLEY, ESTY, FOSTER, GOULD, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, MARDEN, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, SUMMERS, TITCOMB, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators None

No Senators having voted in the affirmative and 35 Senators having voted in the negative, with No Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Erin O'Brien, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

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

COMMITTEE REPORTS

House

Divided Report

Six Members of the Committee on **JUDICIARY** on Bill "An Act Authorizing a Tribally Owned Casino in the City of Calais"

H.P. 1470 L.D. 1998

Reported in Report "A" that the same **Ought to Pass** pursuant to Joint Order (H.P. 1416).

Signed:
Senator:
CONLEY of Cumberland

Representatives:
FARNSWORTH of Hallowell
CATHCART of Orono
KETTERER of Madison
CARON of Biddeford
COTE of Auburn

Four Members of the Committee on **JUDICIARY** reported in Report "B" that the same **Ought Not to Pass** pursuant to Joint Order (H.P. 1416).

Signed:
Senator:
HANLEY of Oxford

Representatives:
OTT of York
PLOWMAN of Hampden
SAXL of Bangor

Two Members of the Committee on **JUDICIARY** on Bill "An Act Authorizing a Tribally Owned Casino in the City of Calais"
H.P. 1471 L.D. 1999

Reported in Report "C" that the same **Ought to Pass** pursuant to Joint Order (H.P. 1416).

Signed:
Senator:
BERUBE of Androscoggin

Representative:
FAIRCLOTH of Bangor

One Member of the Committee on **JUDICIARY** on Bill "An Act Authorizing a Tribally Owned Casino in the City of Calais" (Emergency)
H.P. 1472 L.D. 2000

Reported in Report "D" that the same **Ought to Pass** pursuant to Joint Order (H.P. 1416).

Signed:
Representative:
LIPMAN of Augusta

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

Which Reports were **READ**.

Senator **CONLEY** of Cumberland moved that the Senate **ACCEPT** Report "A" **OUGHT TO PASS** in **NON-CONCURRENCE**.

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Cognizant of the Senate rules in reference to disbaring of repeating debate conducted in the other body I want to say thank God for that. I think that a repeat of five hours of such debate would be the equivalent of making the good Senator from Washington County, Senator Vose, sit through a Greatful Dead concert and

I don't think that would be very appropriate. Also realizing that the length of such debate confirms the theory that there is nothing quite so intoxicating as the sound of one's own voice. I will indicate to the chamber that my preference would be to take my voice to a cozier location and imbibe in other types of things. So I will be brief here tonight. We have debated this in our respective caucuses. Things get stranger and stranger around here as I approach my exit. Today I find myself on the same side of an issue as the Governor of this State, that is very rare indeed and very rarer that I would be on the same side of an issue of that great northern paper the Bangor Daily News. Thank God for one constant in this constellation, the good Senator from Oxford, Senator Hanley, my north star, the one who lets me know that things are still alright and I am on the planet and do have some bearings. I want to just say to the body first that I believe that this body has conducted itself with the appropriateness that one would expect of this body in debating this issue. The good Senator from Washington County, Senator Vose, I don't think has worked harder on an issue in his many years of service to the people of his county and the people of this state and I think he deserves to be commended as the true gentleman that he is, as people have told him what their positions are he has been a gentleman. I think that that speaks well of this body and continues to reinforce my impression that this body is back on its way to gaining the respect that it has always had until recent times.

In reference to the issue I would say a number of things. First, this whole idea of gambling, I think the crux of this matter has come down in the question which people have posed to me, people who have seriously considered this matter, should the State of Maine rely on gambling in order to bring about economic development in this State? I don't think anybody here seriously questions whether or not this bill would create jobs in Washington County, whether or not there would be positive economic development there, or whether or not the State, through the Attorney General's Office and the State Police, would regulate this activity in an appropriate fashion. I think most people agree that would all happen. I think what people are concerned with is whether or not we ought to be using gambling to bring about that type of a positive sort of an impact in an area that is fairly desolate and in fairly tough times. I would ask the body to remember that we are, as a State, as a matter of fact the last thing we talked about in our caucus was harness racing, which we will have an opportunity to visit tonight. Harness racing obviously is gambling and we are lucky to have an activity that helps agriculture in this State so much and also something that brings money into the general fund to help the people of this state. We have Megabucks, those commercials even entice me once in a while. I, too, like to buy the tickets on Wednesday, Saturday, and just about any other day of the week. We get about \$35 million a year that we put into the general fund from that activity. Beano, Bingo, Lucky Sevens, they are everywhere. The state is up to its wallet in gaming and gambling of some sort. In talking to the good Senator from Androscoggin, Senator Berube, who I went through to see if I recall the film correctly and I think I do now, it reminds me for those who protest that they do want to see the state involved in gambling of that famous scene in Cassablanca where Monsieur Rick, Humphrey Bogart, is in his cafe and Louis, the French Commandant, comes up and tells him, after getting orders from the German Colonel, this place is closed until further notice. Humphrey Bogart says why, how could that possibly be. The Commandant says "I'm shocked,

shocked to see that gambling is going on in this place" and the maitre'd comes up right at the appropriate second and says "Your winnings sir", which he pockets and says thank you very much as he closes the door. That argument I do not think works in reference to being opposed to the bill but I can accept the moral argument that people do not want to see this state become further embroiled. That is something that each and every one of us has to contend with.

The one last thing I want to say for the record, because I am going to pull this out some day for my child to see and say see, your father really is a lawyer who was right once in his life anyways, is in reference to the IGRA issue. The Indian Gaming Regulation Act which people have heard some reference to. It is no joke that the Indians came to us and wanted to sit down and negotiate this issue rather than take the state to court, which if this bill does not pass they really have no other choice. It has not been their choice, they have been as forthright on this issue as any partner could hope to be. They have given in on every single concession, reasonable concession, that we have asked for. The Attorney General put out a letter a couple of days ago or maybe a week ago saying that this decision that just came down in reference to the Narragansett Tribe, which sued the State of Rhode Island on this Indian Gaming Act seeking to set up its own casinos. There was a 55 page decision which came down that found the Narragansett tribe to be right in a 2 - 1 decision from the First Circuit Court of Appeals here on the coast. Now I guess the party is going to appeal to the Supreme Court of this land. The Attorney General of this state put out a one page letter, after the 55 page decision came down, citing one sentence on page 37. Though he had filed an amicus brief in which the court did not adopt his position, he declared victory and that we will be successful in any challenge which the Indians bring in court. I just want the 34 other members who are sitting in this chamber to remember you heard it here first, we are going to lose that case. As sure as I am standing here we are going to lose that case and the Indians will be able to set up a casino on any trust land which they seek to do so and we will not be able to regulate them in any fashion whatsoever. That is the risk the state runs. We got some advice a few years ago in reference to an Indian issue, some little thing about a land claims issue, I recall it vaguely, the Indians said will you negotiate with us, we don't want to go to court. This is much ado about nothing was the Attorney General's opinion at that time. \$81 million later we sit here looking at a lot of land which the Indians have invested their money in wisely and done very well. I am glad for that but that should have been a lesson which we should learn here today. I wish we would but I don't know if we will.

The bill is a good bill, it has been worked on hard by this Committee and I am hopeful that you will give it your consideration. Thank you.

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

Senator HANLEY: Thank you Mr. President, Ladies and Gentlemen of the Senate. I too will try and be uncharacteristically brief this evening as we debate an issue that has consumed much of this legislature's time, as well as much of the Judiciary Committee's time. I was prepared this evening to pull out editorial after editorial that would make you think about exactly what is at stake here. I was prepared to pull out letters from Passamaquoddy

women, citizens of Calais, citizens of Washington County, that would probably have made some of you cry they were so emotional and so concerned about what the impact of a casino would have, not only on their life, but in the lives of their families and the lives of their grandkids and the lives of their grandkid's grandkids. I don't think anyone in this chamber was not moved by the argument for positive economic growth for Washington County. Coming from Oxford County, which rival Washington County for unemployment, having lost manufacturing plant after manufacturing plant, many within just the last few months, I wanted to grab onto that brass ring and say yes this is an answer for the people of Washington County, this is a positive economic development. Then I thought to myself what other industry in this state in attracting them in did it create 23 new crimes? What industry that we have attracted into this state have we had to expend \$1.5 million on additional law enforcement just to keep out those unlawful elements? Many of us in this chamber in wrestling with these questions had to decide if this was going to be a fix for Washington County or if it was going to be a fix for the Passamaquoddy tribe or the Penobscot tribe, or if it was just going to be a placebo to make them feel good now and make them feel good while the casino is being built and the other resorts start going up, but ten years from now will the positive value added to the economy be in their grasp or will we have frittered away more of our time and efforts that would be better placed in attracting manufacturing businesses that can compete with Canada and our other neighbors in value added products. I think we will say it was a wise move by the 116th Legislature when they defeated casino gambling. For that reason, and without going into it any further as far as the reports that have been done, and there are plenty of reports on both sides, I urge you to vote against the pending motion so that we can accept Report B out of the Judiciary Committee, the ought not to pass report. Thank you.

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

Senator VOSE: Thank you Mr. President, Ladies and Gentlemen of the Senate. You talk about economic development, you talk about tourism which is a part of it. I left my hometown in 1947 because there were no jobs. Since that time I have come back home on vacations and I wouldn't see much development, I would see what has been torn down or what has been boarded up. I retired in 1975, came home and worked very hard for the people of my district. They need jobs badly. I have watched the young people from high school graduate and leave, not get married in their home town, not raise their children there for us grandparents to spoil, which we all do. We are talking about 700 jobs in the casino, and a 700 jobs spinoff. We just once had a chance to help ourselves rather than ask you to help us but the decision apparently has been pretty well made in the other body. It is difficult to swallow and I feel pretty bad about it. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Foster.

Senator FOSTER: Thank you Mr. President, Ladies and Gentlemen of the Senate. I was born in Washington County, a county that I love deeply. I think the message that is coming from this Legislature is that we do not want Casino gambling in Maine, that is the message. I would hope that our friends, the Indian tribes, would respect us for that decision and would let this issue die because on

December 2, 1980, the United States Senate tied a final knot in Maine's Indian Lands Claims Settlement Act voting passage of \$81.5 million dollars which will fund the agreement. Passage of this bill will establish a \$27 million dollar trust fund to the State's 4,500 Indians and allocate an additional \$54.5 million to the Penobscot and Passamaquoddy tribes to purchase 300,000 acres of timberland. Wayne Nordwall, Chief of the Department of Interior's Indian Acquisition, said that the Maine claim is the largest in U.S. history in terms of land acquired for the Indian tribes, and Tom Tureen, the attorney who pressed the suit, said the Maine tribes will benefit more in the long run than in the immediate future from the Settlement bill. The benefits will not come overnight. In time the timber resources will be very valuable. I think if they are wise and conservative in the use of the cash, they can develop an industry which could alleviate unemployment and improve the lives of members of the tribes. It will not happen overnight but in the long run this agreement will make them economically independent. That situation gives the tribes a more positive attitude toward the outside world while still making them feel special about their own communities. Ladies and gentlemen of the Senate, what went wrong. Where did that Trust Fund money go? I am concerned. The tribes, it said, had planned to operate lumber mills and businesses and invest their money wisely. Under the Indian Lands Claims Settlement Act, the laws of this state do apply to Indian lands. This is what they agreed to, men and women of the Senate, except if otherwise provided in this pact, all Indians, Indian nations and tribes and lands of Indians in the State, in any lands or other natural resources owned by them, held in trust for them by the United States or any other person, shall be subject to the laws of the State and to the civil and criminal jurisdictions of the courts of the State, to same extent as any other person, or lands, or other natural resources therein. They agreed to that language. I would hope that fourteen years later they would respect the wishes of those of us that say "no" to Casino gambling. I would hope that they would not pursue Casino gambling in the State of Maine and I have great empathy. If this \$81.5 million dollar settlement of only fourteen years ago is not giving them economic benefits, something must be amiss. I have great respect for the Indian nations. I wish them well and the only message is not to the tribes, the message is that we in this Legislature do not want Casino gambling in our State. Thank you.

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

Senator VOSE: Thank you Mr. President, Ladies and Gentlemen of the Senate. I have got myself a little bit more composed now and I do want to say a couple of things in defense of the Passamaquoddy Indians and the people of my area. Let's talk about the numbers game. When I was in Maryland I went to work as a rodman on a survey party and went down and picked a truck up in the morning. There was a guy there named Skip. Skip had a carpenter's shirt on and inside that was money and papers and you could go up and say "Hey Skip, give me 1-6-5 today" and give him a buck. If you win it was \$700. That's the numbers game, that was operated by the mafia. I'm sure glad that we don't have the mafia anymore we have the State lottery. If that isn't a numbers game I'd like to know what is. You can go and play Bingo at night at the churches, you can go into the store and put your buck up for the lottery, you can go out to the racetracks that are operating, that's gambling. You can make a bet anywhere on the Super

Bowl, you can make a bet anywhere on the basketball games, you can play poker and you can play Bingo anytime you want to. There is nothing wrong with gaming, people like to do that. What are the odds. If you play the slots there is a 90% to 93% kickback, in other words 93% is going to come back to the person playing the slots. That's what it is geared to. On the other games there is an 85% kickback on those. When you ask the question how much income are you going to spend, which was asked and rightfully so, you couldn't really answer that question because when you ante up you may win a game and then you may lose the next, but at the end of the whole night there is approximately \$135,000 that is net profit. There is going to be part of it that is going to go, \$17 million of it would go into Calais and the economy of Washington County and then there is going to be a \$20 million trust fund set up for economic development in Washington County for a period of five years. After that five years the state was going to get their share. I think that is admirable, I think it is right. If you think that we, the people who have been through tough times in our lifetime, trying to find jobs and promote economic development, we are able to shift for ourselves. I have a PhD in the College of Hard Knocks and I think probably a lot of you have the same degree. I'm not afraid to make a decision and I am not afraid to work and neither are the people in Washington County but there is no place for them to work, no jobs. That is the reason why this bill is before us. If only it had been something else. If it had been a movie set up or something there would have been no argument, everyone would have said how sweet it is, we have somebody who is going to invest \$30 to \$40 million in the most depressed county in the State of Maine. That is where I am coming from. I have a great deal of compassion for those people there.

I don't have to work, I retired when I was 47 years old because I worked hard and I planned that. When I came home I saw people walking downtown with expressions on their faces of despair, just making it and not knowing where the next buck was going to come from. They have a good work ethic and everyone of them could have been hired out of town, out of the state where the jobs are, and then of course come home. There is some kind of a pull to bring you back here, I don't know what it is, corny as it may sound but it's the people. You knew the people you grew up with and when you come back you want them to have the same thing. I don't want those kids leaving, I want them to stay. We will be back, I don't know when but we will be back somehow and I agree, it may be a casino, I don't know if it will be in Calais, it may very well be somewhere else in the state. I would like to hope that it will be in Calais one of these days and maybe it will and we will prove to you that it is fun. You can come up there and see a good show, you can have a nice dinner inexpensively, you can go down and maybe spend \$10 on the gaming tables and watch the people. I love to watch people. Then you could go home or to the cottage on the lake that you rented and you can do some fishing or swimming, the kids can play and we will make you very happy when you come to Washington County. We don't want people going through, and that is what they are doing, 800,000 cars are going through Washington County. I have said enough and I understand and however you feel that is fine, I understand that because in no way will I lose friends because someone voted the other way, no way. This is something we all try for, you win a few you lose a few. Thank you.

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

Senator SUMMERS: Thank you Mr. President, Ladies and Gentlemen of the Senate. It is not often that I hear my good friend from Cumberland County, Senator Conley, mention that he is voting on the same side as the Governor of this State, and it is not often that I differ with my friend from Cumberland County on matters of personal enjoyment, whether they be adult beverages or tobacco products, but I have to differ with him tonight because I think the issue that we are dealing with as far as it being portrayed as economic development, is a cruel hoax. Senator Conley mentioned the Humphrey Bogart movie a few minutes ago called Cassablanca, and he talked about Monsieur Rick handing the winnings to Claude Rains. I would like to talk about another Humphrey Bogart movie, that movie is Sahara. Sahara is about World War II and they have just a few G.I.'s who are trying to hold off Rommell and his desert rats. They are in the desert and they are dehydrated, they don't have any water, and suddenly they see a mirage and they go to the mirage looking for water and when they get there of course they come up empty. I would like to submit to the members of this chamber tonight that this is that same mirage. Economic development of this nature is not that, if you look across the country at what is going on Las Vegas today, casinos are being torn down, demolished, detonated to make room for full entertainment centers with shows and so forth. You ask yourself why, and I think the reason is pretty apparent, it is because they are not as profitable as they once were. The proliferation of casino gambling across this country today in some 28 states has made it less and less of a good deal. So I think we have to ask ourselves if we are trying to hop on a train that has already left the station. In the northeast we have the megaplex in Boston, they are talking about one of the largest casino operations on the east coast. We have Pease Air Force Base that is talking about a casino. If those two areas do bring casino gambling into the northeast can you tell me why somebody would drive from Portland to Calais in January? I think the prudent move would be to drive about 60 miles down to Boston or 10 or 15 minutes to Portsmouth to frequent those establishments. The economic development that this state needs I think has been addressed time and time again in this legislature, we have tried in the Taxation Committee to offer industrial development zones, to offer income tax cuts, to offer things which spur true long term investment in this state. Some have worked and some haven't but I think we are trying to address the issue forthrightly and fairly. To play a cruel hoax on the people of the Indian Nations like this I think is unfair and I urge this body to reject the majority report. Thank you.

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

Senator WEBSTER: Thank you Mr. President, Ladies and Gentlemen of the Senate. First I would like to say that I appreciate the comments from the good Senator from Washington County, Senator Vose. I have spent more time in Washington County in the last six months than nearly anybody in this chamber except for the good Senator. There is a lot of legitimate concern in Washington County about the need for jobs, in fact there is a lot of concern throughout Maine for the need for jobs. The people of this State are indeed desperate, the people in Washington County, the people in Waldo County and people throughout the State want to have jobs and deserve those jobs. I think what concerns me about this bill is that I think the question that we need to ask each of us before we vote for this proposal is would this bill

even be under serious consideration at all if this legislature had not created one of the worst places in the country to do business. Would we even be considering this, would it even have made it out of Committee if this legislature had not had one of the most anti-business pro-spending legislatures in the country? I doubt it. If we want to create jobs there are all kinds of ways to do it. We all know the answers. This legislature has consistently refused to do those things that need to be done. Workers' Compensation, mandates on business, we can go on and on and on about all of the things that have happened here in fifteen years in the legislature that has caused the lack of job opportunities for the people of Maine. It seems to me that this is a gimmick, I wish that there was a way that we could help, I wish we could create 700 jobs with a snap of the fingers like this would do, the problem for me with this issue is how do you stop it once it has started? That's the problem. It's a problem that nobody can answer. I have been here a long time and I have seen every year the legislature pass some law and the next year we amend it again and the year after that we amend it again. Trust me, if we pass this law and we open the door, next year and the year after and the year after the same arguments will be made, we need to have jobs in Waldo County, we need to have jobs in Franklin County. Several years ago when I was first serving in this body nearly every factory in Franklin County closed. All of the shoe factories moved, many of them did, and it would have been the same kind of argument that was made back then, close the shoe factories, put people out of work, we had high unemployment and the answer is not a quick fix the answer is to look at why business is not growing in Maine, why they are not expanding.

As I talk to people I always use the story that some people in this chamber, particularly Senator Cahill, have heard. What has happened in Maine, the problem with our State, the problem is Mary Smith and the fact that Mary Smith cannot grow and expand. It used to be that in this State Mary Smith could wake up, she could be in a dead end job and decide that she wanted to have a better job.. She wanted to start her own business, she could go out and go to the hardware store and buy the gallon of paint and a paintbrush. 30 years ago many Mary Smiths did this and what did she do, she bought the gallon of paint and the paintbrush and she hung a shingle out "Mary Smith's Painting". Five years later Mary Smith had three employees, ten years later she had 15 employees, twenty years later she had a business on the main street and a fleet of trucks and Smith's Painting Company, Mary Smith, can't even hire the first person in Maine, that's the problem. A quick fix is not the answer, this is a gimmick. It is not the way to create jobs, we need to look at the laws in Maine and make some tough decisions. This legislature hasn't done it and I am not going to participate in this kind of a sham. Thank you.

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

Senator **HARRIMAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Let me begin by saying that regardless of the outcome of this vote, much will be written in the aftermath about the intense lobbying effort on this bill. As I am sure you will agree it was intense. Let me just say for the record and to those of you in the chamber who were a part of that effort, how much I respect and appreciate your style, your professionalism and your approach in the way you have dealt with this issue. To my good colleague from Washington County, Senator

Vose, a man I have grown to admire and enjoy spending time with I commend you, you have worked hard, you haven't given up. You have been a true supporter of your district and Washington County has been well served. As many of you know from private conversations I have spent a lot of time in Calais. Nash's Lake is a place that I like to fish. My family has roots in Calais so the decision that I had to make on this vote was not an easy one simply because I don't live in Washington County or in Calais but rather have a deep fundamental belief that the citizens of Maine, all of us, Native Americans and others, don't want the way of life in Maine to be based on casino gambling. When I took my public position against this bill I received letters from literally all over the State thanking me for having the courage to stand up against this idea. I heard from people from the Indian nation, I heard from people who have been the recipient of their concerns about casino gambling. In one letter in particular I received from an Attorney in Portland who represents a retired gentleman who has lost \$100,000 illegally gambling in Portland, Maine with video gambling and has ruined his life. He wrote to me urging me to vote against this pending motion. The message I got was Senator Harriman you are right, we cannot gamble our way back into economic prosperity.

While I could go through elements of the bill that trouble me, two in particular if you will allow me to indulge, the recognition that some of the social ills that come from casino gambling, alcoholics, gamblers addictions, the trials and tribulations that it may impose on families, \$50,000 was put into this bill as a contribution to address those ills. As the good Senator from Aroostook, Senator Paradis, and I well know the money needed to hire one substance abuse counselor and the necessary facility to operate from cannot be covered by \$50,000. The Rising Tide Corporation that is mentioned in the bill as an economic development for downtown Calais is money that will be funneled back into a Board made up by the tribe. Not that there is anything wrong with that but if this was economic development for Washington County and Calais why not an economic development commission made up of the county or the Town of Calais. One could go on and on looking at the details of the bill but I am not going to do that because I think the message is clear as to how the citizens of Maine feel. I would be remiss if I didn't conclude my remarks by saying that Washington County and Calais and the Indian Nation, we have heard your message. We understand and I am committed if I am fortunate enough to serve in the next session of the legislature to getting back to work to you. Let's find a solution, a better solution, because there is one and I am determined that we can find it. Thank you.

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

Senator **PARADIS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I feel as if there has been an activity that has brought a lot of company to town and neighbors have been bringing food over and I just feel that in a few moments the company will all be leaving and we will be alone again. If there is one thing that this debate has generated it is the fact that in Aroostook County and in Washington County there are big time troubles. You haven't heard about it too often because we try to deal with our own problems by ourselves but there is the reality that there are some areas, like in the Limestone area right now, that has 40% unemployed. I have heard the same numbers said about Washington

County. People who are no longer showing up, they have given up hope they are lost in terms of our even counting their presence. I hope that indeed the commitment that I have heard here today, that we will not take our eyes off this issue, it is not an anti anything but an anti-people situation that has existed. I have seen half of Aroostook county leave in my lifetime. I don't see that changing, I don't see it abating but I hope that we are sincere when we say that we are shining a spotlight on those counties and that we will try to be a little bit more proactive. Thank you.

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

Senator **CIANCHETTE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Out of respect for members of the Senate I am not rising to debate the bill, I think you all know how you want to vote, but I would like to comment on some remarks that were made by the Senator from Hancock, Senator Foster, when questioned. Something is amiss, where did the \$81 million go? I don't think there are any secrets about where the \$81 million went. The answers are right here in this chamber and I would welcome anybody here who is concerned about where that \$81 million went to ask some of the people who are here that know. I have a vague idea and I am very comfortable that that \$81 million is being handled in a most respectful and responsible manner, every nickel of it. There was a comment about Tom Tureen. I happen to be a friend of Tom Tureen and I know something about that man. If those comments were taken in any way, if not meant, but if they were taken to mean that maybe there is something amiss with Tom Tureen I want you to know that that man has dedicated his life to helping the Indians around this country and in the State of Maine. I know that for a fact and I know him well. He has dedicated his life to helping Indians and I don't want anyone in this chamber or anyone who may be listening to this debate have any feeling about there being something amiss with Tom Tureen or the way the tribes have handled the money and the way they are managing their affairs because it is being well done. I guarantee that if you want to know the real answers you can ask Tom Tureen who is sitting in the back of the chamber. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **CONLEY** of Cumberland to **ACCEPT** Report **"A" OUGHT TO PASS** in **NON-CONCURRENCE**.

The Chair ordered a Division.

Will all those in favor please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

11 Senators having voted in the affirmative and 23 Senators having voted in the negative, the motion of Senator **CONLEY** of Cumberland to **ACCEPT** Report **"A" OUGHT TO PASS** in **NON-CONCURRENCE**, **FAILED**.

Report **"B" OUGHT NOT TO PASS** **ACCEPTED**, in concurrence.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

ORDERS OF THE DAY

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

Bill "An Act to Amend the Harness Racing Laws"
H.P. 1243 L.D. 1670

Tabled - April 7, 1994, by Senator **ESTY** of Cumberland.

Pending - Motion by Senator **HANLEY** of Oxford to **INDEFINITELY POSTPONE** House Amendment "D" (H-1003) to Committee Amendment "A" (H-948) in **NON-CONCURRENCE**

(In Senate, April 7, 1994, House Amendment "C" (H-999) to Committee Amendment "A" (H-948) **READ** and **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**. House Amendment "D" (H-1003) to Committee Amendment "A" (H-948) **READ**.)

(In House, March 30, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-948) AS AMENDED BY HOUSE AMENDMENTS "C" (H-999), "D" (H-1003), AND "E" (H-1007)** thereto.)

Senator **HANLEY** of Oxford requested and received leave of the Senate to withdraw his motion to **INDEFINITELY POSTPONE** House Amendment "D" (H-1003) to Committee Amendment "A" (H-948) in **NON-CONCURRENCE**.

House Amendment "D" (H-1003) to Committee Amendment "A" (H-948) **ADOPTED**, in concurrence.

House Amendment "E" (H-1007) to Committee Amendment "A" (H-948) **READ**.

Senator **HANDY** of Androscoggin moved to **INDEFINITELY POSTPONE** House Amendment "E" (H-1007) to Committee Amendment "A" (H-948) in **NON-CONCURRENCE**.

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

Senator **TITCOMB:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I will not belabor the issue. I will tell you that House Amendment "E" is very strongly supported by the fans, by the commercial race tracks, and the harness horsemen have come forward in very strong support of this amendment. I think that it is a fairness issue that has to do with the radius around off track betting facilities and commercial racetracks and looks out for the interest of the harness racing industry as the number one priority versus the off track betting facilities as the number one priority. Thank you.

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