

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME V

SECOND REGULAR SESSION

House of Representatives
January 5, 1994 to April 14, 1994

The Honorable Dennis L. Dutremble
 President of the Senate
 The Honorable Dan A. Gwadosky
 Speaker of the House
 116th Maine Legislature
 Augusta, Maine 04333

BILLS IN THE SECOND READING

Bill "An Act Relating to the Definition of Passamaquoddy Indian Territory" (S.P. 780) (L.D. 2010)

Dear President Dutremble and Speaker Gwadosky:

Was reported by the Committee on Bills in the Second Reading, read the second time.

We are pleased to report that all business which was placed before the Committee on Transportation during the Second Regular Session of the 116th Legislature has been completed. The breakdown of bills before our committee follows:

Representative TOWNSEND of Eastport presented House Amendment "A" (H-1098) which was read by the Clerk.

Total number of bills	25
Unanimous reports	25
Ought to Pass	0
Ought to Pass as Amended	17
Ought Not to Pass	8
Divided reports	0

The SPEAKER: The Chair recognizes the Representative from Eastport, Representative Townsend.

Representative TOWNSEND: Mr. Speaker, Ladies and Gentlemen of the House: This amendment would allow the Passamaquoddy Tribe, if they were successful under IGRA, to use the land in Calais as a possible site for a casino. This doesn't put your stamp of approval on casinos in the State of Maine, the tribe would have to be successful in court. You have on your desk a letter from the Attorney General's Office (the office that will be defending the state in court) and it says, "People in my office and I have reviewed L.D. 210, along with our proposed amendment, which would extend the acquisition date to the year 2001 for this parcel only. We believe that passage of this language in state law would not influence any potential IGRA lawsuit. We have no objection to the passage of this legislation."

Respectfully submitted,

S/Joseph C. Brannigan S/William B. O'Gara
 Senate Chair House Chair

Was read and ordered placed on file.

Basically what this does is allow the Indians to use that land as an option if they win in court. They would have to go to the Calais City Council and negotiate the land deal and it just keeps Washington County in the ball game if casino gambling comes to Maine. That is all. You are not putting your stamp of approval on casinos coming to Maine.

The following Communication:

**COMMITTEE ON UTILITIES
 ONE HUNDRED AND SIXTEENTH LEGISLATURE**

April 6, 1994

The Honorable Dennis L. Dutremble
 President of the Senate
 The Honorable Dan A. Gwadosky
 Speaker of the House
 116th Maine Legislature
 Augusta, Maine 04333

I would appreciate your vote for this so that Washington County can be left in the ball game if this casino gambling does indeed come to Maine.

Representative BENNETT of Norway presented House Amendment "A" (H-1106) to House Amendment "A" (H-1098) which was read by the Clerk.

Dear President Dutremble and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Utilities during the Second Regular Session of the 116th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	45
Unanimous reports	38
Ought to Pass	0
Ought to Pass as Amended	23
Ought Not to Pass	15
Divided reports	7

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

Representative RUHLIN: Mr. Speaker, Men and Women of the House: Could the good Representative from Norway tell us what House Amendment "A" to House Amendment "A" proposes?

The SPEAKER: Representative Ruhlin of Brewer has posed a question through the Chair to Representative Bennett of Norway who may respond if he so desires.

The Chair recognizes that Representative.

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: This amendment, I know, has caused some confusion about both its impact and its intent. Let me address what this amendment does and doesn't do.

What this amendment doesn't do is remove preemptory, land from the trust. The amendment, as part of the whole bill, would require the approval by the Tribal Council. It requires agreement by the Passamaquoddy.

Respectfully submitted,

S/Harry L. Vose S/Herbert E. Clark
 Senate Chair House Chair

Was read and ordered placed on file.

The amendment also does not dispossess the Passamaquoddy's of land. If this amendment and bill passes and the Passamaquoddy's agree to it it would remove some land in Albany Township, next to Bethel, from the trust, but the Passamaquoddy's would continue to own the land.

What this amendment does do is offers what amounts to a trade. Representative Townsend's amendment would allow up to 100 acres in Calais to be added to the trust, if the Passamaquoddy's agree. This amendment would say that the Legislature consents to adding new land in Calais to the trust if the Passamaquoddy's agree to remove from the trust the property in the Bethel area that we just allowed to be added into the trust just two years ago. This would insure that if a casino is built in Maine under IGRA that it would more likely be in Calais rather than in Bethel.

I believe the vote the other day on the casino bill was not a vote against the Calais location but rather a vote against casino gambling.

The people of Calais seem to want a casino. The people of Oxford County, by and large, do not want a casino. If IGRA forces allowing casino gambling in Maine, let us do all we can to see a casino is built where people want it and where it can be of the greatest benefit to the Passamaquoddy's by providing not only the cash that the casino would make but also the job opportunities for the people of the area.

I would like to make just one final point and that is that I prefer not to offer this amendment to the House floor. I would prefer that this proposal, as well as the entire bill, be considered within the thoughtful deliberations of the committee process including a public hearing. But, circumstances do not allow that if we are to act this year on this measure, the circumstances do not allow that.

I encourage you to adopt this amendment.

I ask for a division.

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

Representative SOCTOMAH: Mr. Speaker, Men and Women of the House: House Amendment "A" to House Amendment "A" is illegal. Land taken into trust by the Passamaquoddy Tribe has been ratified by the Tribe and cannot be taken without sanction of the Tribe. So, this amendment is illegal.

I would ask House members to look into it legally before they do anything with Representative Bennett's Amendment.

Representative POULIOT of Lewiston moved that House Amendment "A" (H-1106) to House Amendment "A" (H-1098) be indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: I think the good Representative from the Passamaquoddy Tribe has brought up a good point because working on the Indian Land Claims for about two years I know you can add but you can't take away. I would like to have that question asked.

The SPEAKER: Representative Clark of Millinocket has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Norway, Representative Bennett.

Representative BENNETT: Mr. Speaker, Men and Women of the House: My understanding of the original L.D. 2010 is that it requires a ratification by the Tribal Council in order to take effect, anyway. This, by amending the original bill, would provide for the ratification by the Passamaquoddy. In other words, this would not peremptorily remove the land from trust but, would in fact, require the agreement by the Passamaquoddy.

It is not my intent — and I agree with the Representative from the Passamaquoddy Tribe that this would be illegal if we tried to do that. This puts into the bill the condition if the 100 acres is adopted by the Tribal Council, that the other lands must be removed from the tribe.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Members of the House: Being one of the three people left over in this body from the Land Claims Settlement provision, my recollections is that not only is the tribe approval required but also the Secretary of Interior. It seems to me that if the Representative from Norway wishes to pursue that, the amendment that he wishes to offer should properly reflect the requirements of the Federal Act. This amendment does not.

I am not saying I am for or against it but I think that if it made it clear that this portion becomes effective after approval of the tribe and also approval of the Secretary of Interior then I am sure that the Passamaquoddy Tribe would have no opposition to that. If that is the case then I would suggest it be tabled until the amendment could be properly drafted that would reflect the intent and the correction of the Federal Act.

Subsequently, on motion of Representative WHITCOMB of Waldo, tabled pending the motion of Representative POULIOT of Lewiston that House Amendment "A" (H-1106) to House Amendment "A" (H-1098) be indefinitely postponed and later today assigned.

ENACTOR

Emergency Measure

An Act Regarding State Government Evaluation and Justification (H.P. 1485) (L.D. 2011)

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

On motion of Representative PARADIS of Augusta, tabled pending passage to be enacted and later today assigned.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

Bill "An Act to Make Statutory Changes to Implement the Recommendations of the Legislature's Total Quality Management Committee" (EMERGENCY) (H.P. 1083) (L.D. 1449) (C. "A" H-951; H. "A" H-1063) TABLED - April 11, 1994 (Till Later Today) by Representative JACQUES of Waterville.
PENDING - Passage to be Engrossed.

On motion of Representative RYDELL of Brunswick, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-951)