

MAINE STATE LEGISLATURE

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House of Representatives
One Hundred and Twentieth Legislature
State of Maine

Volume II

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ONE HUNDRED AND TWENTIETH LEGISLATURE
SECOND REGULAR SESSION
24th Legislative Day
Tuesday, March 5, 2002

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

Prayer by Reverend Jacob Fles, Christ Episcopal Church, Gardiner.

National Anthem by South Bristol Elementary School Hand Bell Choir.

Pledge of Allegiance.

Doctor of the day, Paul Liebow, M.D., Bucksport.

The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 400)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

March 4, 2002

To the Honorable Members of the 120th Legislature:

I am enclosing H.P. 1479, L.D. 1980, "An Act to Extend the Period During Which the Passamaquoddy Tribe May Acquire Land in the City of Calais," which is being returned without my signature or approval.

This bill seeks to amend a provision in the Maine Indian Land Claims Settlement Act, 30 M.R.S.A. 6205(1)(C). As initially enacted in 1993, section 6205(1)(C) provided that the Tribe could qualify up to 100 acres of land in the City of Calais as "Indian Territory" if (1) said land was transferred to the U. S. Secretary of the Interior by January 31, 2001; (2) the City of Calais approved the Tribe's acquisition; and (3) the State agreed to, or was compelled to negotiate, a compact under the federal Indian Gaming Regulatory Act ("IGRA") that would permit the establishment of a casino gambling operation on said land.

Following enactment of section 6205(1)(C) in 1993, the Passamaquoddy Tribe sued the State of Maine under IGRA to compel such negotiations. In 1996, the First Circuit Court of Appeals upheld U.S. District Judge Brody's ruling that under the terms of the Land Claims Settlement of 1980, IGRA did not apply to Maine, and therefore the State could not be compelled to negotiate such a compact.

The time limit of January 31, 2001 in section 6205(1)(C) has expired. Now, over one year after the expiration, this bill seeks to reopen the period for acquiring lands and qualifying them as "Indian Territory" for an additional 18 years, until January 31, 2020, ostensibly for the sole purpose of establishing a gambling casino on the land.

Regrettably, I cannot support L.D. 1980.

First, and foremost, I am opposed to the establishment of casino gambling anywhere in Maine by anyone, not merely the Passamaquoddy Tribe. The clear purpose of this legislation is to permit the Tribe to acquire land, qualify it as "Indian Territory," and thus prepare the way for the establishment of a gambling casino on the land in Calais.

Second, the federal courts have held that IGRA does not apply to Maine. One of the necessary preconditions in this bill (as well as in the currently expired section 6205(1)(C)) is that the State either enter into, or be compelled to negotiate, a compact under IGRA to permit the establishment and operation of a gambling casino on the lands acquired. Since IGRA does not currently apply to Maine, this precondition cannot be met, and hence Maine cannot

be compelled to negotiate such a compact. Thus, the bill would not have any practical effect unless Congress were to amend IGRA to make that law apply in Maine. In this regard, the passage of this bill might send a signal to Congress that Maine is willing to now accept action that would make IGRA applicable here. I would not favor such a change because it could effectively usurp the State's current ability to decide whether or not to allow gambling casinos on Indian lands. I believe that decision is one that ought to be left to the state, and not dictated by federal fiat.

Again, I wish to reiterate that my opposition to the establishment and operation of gambling casinos in Maine is not limited to the Passamaquoddy Tribe, or any other particular person or organization. I continue to feel strongly that casinos are not in the best interests of Maine people and their communities, and have opposed, and will continue to oppose, attempts by any group to establish them in Maine.

Sincerely,
S/Angus S. King, Jr.
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill "An Act to Extend the Period During Which the Passamaquoddy Tribe May Acquire Land in the City of Calais"

(H.P. 1479) (L.D. 1980)

On motion of Representative COLWELL of Gardiner, **TABLED** pending **RECONSIDERATION** and later today assigned.

The Following Communication: (S.P. 796)

**STATE OF MAINE
120TH MAINE LEGISLATURE**

March 1, 2002

Hon. Betty Lou Mitchell

Senate Chair, Joint Standing Committee on Education and Cultural Affairs

Hon. Shirley K. Richard

House Chair, Joint Standing Committee on Education and Cultural Affairs

120th Legislature

Augusta, ME 04333

Dear Senator Mitchell and Representative Richard:

Please be advised that Governor Angus S. King, Jr. has nominated Judith W. Andrucki of Lewiston and Gregory G. Cyr of Portage for reappointments and Lyndel J. Wishcamper of Freeport for appointment as members of the University of Maine, Board of Trustees.

Pursuant to P & SL 1967, Chapter 229, these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

Sincerely,

S/Richard A. Bennett

President of the Senate

S/Michael V. Saxl

Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

READ and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.
