

# MAINE STATE LEGISLATURE

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**Legislative Record**  
**House of Representatives**  
**One Hundred and Twenty-Third Legislature**  
**State of Maine**

**Volume III**

**First Special Session**

April 1, 2008 - April 18, 2008

**Appendix**  
**House Legislative Sentiments**  
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Pages 1358-2163

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

Representative CARTER: Thank you, Mr. Speaker. If I had been present for Roll Call No. 324, I would have voted yea. Thank you.

**ENACTORS**  
**Acts**

An Act To Amend the Laws Regarding School Funding  
(S.P. 741) (L.D. 1932)  
(CC. "A" S-467; S. "D" S-554)

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

On motion of Representative NORTON of Bangor, 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: A roll call has been ordered. The pending question before the House is Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 329**

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Beaudoin, Berry, Berube, Bliss, Boland, Brautigam, Briggs, Browne W, Bryant, Burns, Canavan, Carter, Chase, Clark, Cleary, Connor, Conover, Crockett, Dill, Duchesne, Duprey, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fletcher, Gerzofsky, Giles, Greeley, Hanley S, Hayes, Hill, Hinck, Hogan, Jones, Joy, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marean, Mazurek, McKane, Miller, Miramant, Moore, Patrick, Pendleton, Peoples, Perry, Pieh, Pingree, Piotti, Pratt, Richardson D, Rines, Rosen, Saviello, Schatz, Silsby, Sirois, Tardy, Theriault, Thibodeau, Treat, Trinward, Tuttle, Valentino, Walker, Weaver, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Beaulieu, Blanchard, Cain, Campbell, Carey, Casavant, Cebra, Cotta, Craven, Cray, Crosthwaite, Curtis, Driscoll, Dunn, Fischer, Fisher, Fitts, Flood, Gifford, Gould, Hamper, Harlow, Haskell, Jacobsen, Knight, Lewin, McDonough, McLeod, Millett, Mills, Nass, Norton, Percy, Prescott, Priest, Richardson W, Robinson, Samson, Sarty, Savage, Simpson, Strang Burgess, Sykes, Vaughan, Wagner, Watson, Webster.

ABSENT - Barstow, Beaudette, Blanchette, Emery, Grose, Jackson, Johnson, Lansley, Marley, McFadden, Muse, Pilon, Pineau, Pinkham, Plummer, Rand, Rector, Smith N, Sutherland, Thomas, Tibbetts.

Yes, 83; No, 47; Absent, 21; Excused, 0.

83 having voted in the affirmative and 47 voted in the negative, with 21 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, 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 Wednesday, April 2, 2008, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

. Bill "An Act To Authorize the Operation of Slot Machines on Indian Island in Old Town"

(H.P. 532) (L.D. 701)  
(H. "A" H-845 to C. "B" H-788)

TABLED - April 2, 2008 (Till Later Today) by Representative PATRICK of Rumford.

PENDING - **PASSAGE TO BE ENGROSSED**.

On motion of Representative PATRICK of Rumford, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "B" (H-788)** was **ADOPTED**.

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 **House Amendment "A" (H-845)** to **Committee Amendment "B" (H-788)** was **ADOPTED**.

On further motion of the same Representative, **House Amendment "A" (H-845)** to **Committee Amendment "B" (H-788)** was **INDEFINITELY POSTPONED**.

The same Representative **PRESENTED House Amendment "B" (H-923)** to **Committee Amendment "B" (H-788)** which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Patrick.

Representative PATRICK: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. What this amendment is, is it is the identical same amendment to the good Representative from Old Town, Rep. Blanchard's, with a technical change. What we have done in Legal and Veterans Affairs Committee in the past anytime we have any differentiation between raising or lowering the amount of slot machines, we have always prorated the licensing fees and the licensing fees had been \$55,000 for the 400 slot machines and it will now be \$13,750. There was a \$20,000 fee and it will now be \$5,000, and that is the only change to the bill, it is identical to the last one, 100 slot machines, and everything remains the same. Thank you.

**House Amendment "B" (H-923)** to **Committee Amendment "B" (H-788)** was **ADOPTED**.

**Committee Amendment "B" (H-788)** as Amended by **House Amendment "B" (H-923)** thereto was **ADOPTED**.

Representative VALENTINO of Saco **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED** as Amended **Committee Amendment "B" (H-788)** as Amended by **House Amendment "B" (H-923)** thereto.

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 Saco, Representative Valentino.

Representative VALENTINO: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Less than six months ago, the voters had turned down the citizens' initiative on the ballot to allow a racino to be run by the Passamaquoddy Tribe in Washington County. This was a vote against expanding gambling. In 2003, the voters turned down at the ballot box a proposal for an Indian run casino in southern Maine. In 2000, the voters turned down at the ballot box a proposal to allow racetrack video gambling. This November, another citizen initiative will be on the ballot to allow gambling expansion for a casino in Oxford County. Three times now, we have seen the citizens of Maine vote against the expansion of gambling. Again, in November, we will have another test of what the citizens feel.

Many people in Maine are suffering economic hardship. We have seen many people at the State House, including the truckers, the clambers, the lobsterers, and many ordinary citizens. Gambling is not the answer; it will only contribute to the

economic plight of many people.

The next point I want to bring up is on the Fiscal Note, where we have had three different amendments on this bill. Anyone who has looked at the Fiscal Note, it is very confusing on it, but I do want to call your attention to a few things on the Fiscal Note where it has changed three different times. What we are talking about for General Fund revenue to the State of Maine, with all of the changes and the expenses that come in, but rather before the expenses is a \$136,000 this year and \$120,000 in the years thereafter. But what you might not have noticed under the Fiscal Note, under the General Fund Expenditures, that we are also authorizing a new person. We are hiring a new person, a public safety inspector, at \$102,000 per year, so taking out the total as far as what the General Fund is going to be receiving from the expenditure of hiring a new person, what the General Fund will actually be receiving after the first year of initial licensing is about \$18,000 a year. So this is not a potential moneymaker for the State of Maine if you are looking at it in that way.

The other thing is they have the cascade, which is what we call going to other special revenue. Underneath the cascade, they will be getting, with all of these three fiscal notes combined, which I admit is so confusing that it took myself a long time with the Fiscal Office to go through this, of \$138,000, which means the people, the eight entities under the cascade, are really only receiving about \$17,000 each under the cascade. So for the General Fund to be receiving about \$18,000 and then all the eight entities about \$17,000, it makes me question actually why we are really doing it in this fashion.

My biggest question, I guess, would be the cascade itself, that it has changed but they still keep the same eight people. I realize that sometimes when you throw more people in you are thinking of good things, but I know from my experiences on the Appropriations Committee, all of these other special revenue funds are very difficult to go into. My feeling is, even if this did go through, it should all go to the General Fund, not to all of these entities, and I know everybody looks at it and says USM is going to get some scholarship money, Maine Community Colleges, Maine Veterans' Services, Maine Technology Institute. I have no idea where they got these cascades, why one person was included in this cascade and not somebody else. Why aren't we sending some to the fishermen, why aren't we sending some to the farmers, why aren't we sending some to the clambers? Who picks these particular people that we were going to be sending to them?

The other question I have is that there is a 2.5 percent to be divided among other nonprofits in the area, within a 75-mile radius, who operate high stakes bingo. This is really what is getting, I think, at the crux of this matter. We are looking to be fair; we are looking to be equitable. When we passed the referendum to allow the facility in Bangor, it had an impact into the high stakes beano that was being conducted by the Penobscots. Well, what happen is that obviously their revenue has gone down and they want to be fair and equitable to do this, to get a little bit of money in. My question would be how many people are really going to drive by a brand new 1,000-slot facility in Bangor to go to the 100 slot machine on Indian Island? Who will be playing those? Will they only be adding the economic hardship of the people on that area playing the slot machines? But this is cascading out to the others so, in other words, if we want to be fair and equitable because Hollywood Slots came in and now the Penobscot Nation is down on their revenue, we are putting this in, but we are also adding another thing to the cascade. Well, now that we are giving it to the Penobscot Nation, we are going to add all the nonprofits under the cascade, so what is to say that a year from now all the nonprofits don't come

backing and say, now I want high stakes bingo, I want slot machines. Why not just put them into everybody? So, I guess it comes into a question, the suggestion of how it is actually being done. I think a fairer, more equitable situation, if we are truly trying to make up for the lost revenue from the high stakes beano game, because of the slot machines, the way to do it is the exact same way we did it when the original proposal was passed, when we said that putting slot machines in at racetracks will have a negative impact on the OTBs and, therefore, we set up a fund to stabilize the OTBs. When we were in the Appropriations Committee this year, we actually looked at this line. The original line was to stabilize five OTBs. We no longer have five OTBs, so just mathematically speaking, if there was \$1 million to be divided among the five, everybody got \$200,000. Now, because there are four, there are \$250,000. I would think that a fairer and more equitable way would be to, instead of changing this entire language to add one line in to add federally licensed tribes into the line with the OTBs to take the place of that fifth OTB that dropped out and, if this happens in that fashion, then we are not expanding gambling, we are not setting up another cascade for anybody else to look at, we are staying in line with the wishes of the voters, we are being fair and equitable, and that would give the Penobscot Nation, this year, \$243,000 for absolutely doing nothing, for not putting in slot machines, for not having to do anything if this is what we are talking, with \$180,000 next year and 136. If we wanted to stabilize the OTBs, let's stabilize the high stakes bingo but let's not expand the gambling in the State of Maine. That would be the fair and equitable situation on this. As Jim Brunelle said in his column the other day and I passed it out to you in the *Kennebec Journal*, the Legislature should bring itself back to the point where it honors and respects the clear wishes of the people of this state. We have repeatedly voted against the expansion of gambling. We should vote against the expansion of gambling and, if we want to be fair and equitable, add them in to the existing cascade that we have to stabilize the OTBs because we have gone from five to four. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Sullivan, Representative Eaton.

Representative **EATON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I apologize for getting up a second time today, but I have to respond to some of the comments from the good Representative from Saco. We are looking to be fair and equitable? By the way, I want to point out that the good folks of Washington County did not say no to the Passamaquoddis, people from other parts of the state did. Fair and equitable? When have we been fair and equitable to our good friends of the Indian Nation or anywhere else in the United States of America? When? This is a sovereign nation. They looked for their opportunity to have slot machines on Indian Island, and we constantly dictate, we choralle them and tell them where they are going to live. They want some slot machines; I wish they could get their 400. I absolutely stand strongly in the support of the measly 100 that we are going give them. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Patrick.

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would like to stand in favor of this Passage to be Engrossed. The good Representative from Saco brings up many good points and some of them that I thought of myself, but the basic premise of why I decided to support this at this time basically was fairness. There are only two people left in this body, myself, and the Representative from Standish, Representative Moore, we are the last two people to

have dealt with the racino referendum and what transpired from that referendum. I do stand here and apologize to my friends from the Indian Nation that they were left out and maybe they should have been considered because I did make sure that Scarborough Downs, myself, was taken care of; the good Senator from Waterville at that time made sure the OTBs were taken care of; and others made sure that the other three entities that dealt with harness racing, sire stakes, the fair funds were taken care of, and we did not pay enough attention to who was going to be affected. I am proud of the Tribe to say to them, when they say, Representative Patrick, can you think of anyone who might be adversely affected if we get it that haven't been. I will tell you and what I said to them was that some of the nonprofits are going to take it on the chin, so they had the foresight to say is anyone going to be negatively impacted on this. We forget years ago that the tribes actually had slot machines on their reservation, they had them. We took them away. We took them away from everywhere at one point and now we have taken them away because of a citizen's initiative, we feathered the initiative to make it into a manner that it had adversely affected really only one entity that I can see, and maybe some minor, minor nonprofits in the areas, but the biggest one who was adversely affected was the tribes.

Also, when the article that the good Representative wrote said that the Legal and Veterans Affairs Committee has never seen a gambling bill they didn't like; well, I disagree with that also because there are a couple of them, I even killed my own Oxford County bill last year so I guess it does mean there are some bills I don't like. But this is a fairness issue in how the Tribe decided to come to the cascade that they had, I am in full agreement: they are the ones that are going to be able to say where their money goes, they are not going to have anyone on the board like the referendum that is coming before us this year. I think that everything that they have done has been straightforward for the board and that this will do some good things without majorly expanding gaming. This is a gambling state, the State of Maine, whether we like it or not, whether it is nonprofit gaming; whether it is lottery, that is gaming; whether it is bingo, that is gaming; games of chance, that is gaming. We have slot machines in the State of Maine, people want to have casinos, a certain percentage do, a certain percentage do not, but this is a gambling state whether we like it or not. I had a nice lady that testified before the Legal and Veterans Affairs Committee and she brought about the immorality of gambling. I can't totally disagree with her 110 percent, but I do also know that there are many adult people who have discretionary spending that go to Las Vegas or go to Atlantic City, that go to Biloxi, Mississippi, that go to Foxwoods, Mohegan Sun. It must be amazing to me to think that people from Maine flock in droves, in buses and planes, and probably even on ships to go and gamble. I think this money will do some good for the social programs of the tribes; it will do good for the area. You say, why would anyone drive by Hollywood Slots? Well, I will tell you why they will drive by Hollywood Slots, it is because the tribes, right now, truck people in, bus them in to go to their high stakes bingo, they play the first night and because of the hours of the bingos are being held, they have extra time, well, they end up down at Hollywood Slots. The tribes are subsidizing a for-profit racino, and we are looking to do is give them a fair shake. One hundred slots won't even probably help them get to the revenue that the good Representative talked about, but this is a start, it is a start for them to get on their own feet. They want to do this, and I believe that we ought to respect their wishes, do the fair thing, pass this bill, and give them an opportunity to have what will inevitably do good for the tribes. Thank you, Mr. Speaker.

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

Representative **LORING**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I will have been in this body as the Penobscot Nation Representative for 10 years at the end of this session. People ask me lately, how is it going? I tell them, it is going the same as ever. I can pull out a speech I used a decade ago and it would be just the same on target now as it was then. Things have not changed much for us in 10 years. This year, there is something that has changed and changed drastically: it is the state of the economy. The economy is taking a hit on the national level and, more to the point, right here at home. This Legislature has spent the last week making painful choices about which programs are going to be cut, and what programs and services are going to be eliminated. We are talking about real families and real people. My people are Maine citizens. We have families that are being affected and will be affected by these decisions and this failing economy. We have hopes and dreams, just as you and your children do. Whatever happens to the State of Maine happens to us. This is our home. Today, it is more important than ever that we be given the economic tools to not only compete, but to survive.

The Penobscot Nation has agreed to this amendment to lower the number of slots to 100, and to use them only on bingo weekends. We have agreed, even though our profits will be a lot less than if we had 100 machines and our payout to other hurting organizations will be a lot less. Some legislators said to me that the amendment is just enough to keep you where you were before Hollywood Slots entered the picture. With this number of slots, you should be able to keep your customers at the bingo hall without getting a windfall in profits. We certainly do not want to get a windfall in profits. A scenario that comes to mind is that of a sinking ship and everyone is in a lifeboat except us Indians; we are floating around and struggling to keep afloat and no one will pull us into the boat. We are treading water and all that we can hope for now is a possible lifejacket to keep our heads above water. We are not asking for a windfall, we are just asking for a lifejacket and, then, maybe, just maybe, we can stop treading water and build our own boat. I can guarantee you on thing and that is, if the Indians were in the boat, we would pull every single one of you in. In fact, we did: our ancestors helped your ancestors to survive. We are not a selfish people, never have been. We are totally willing to share, we were willing to share in 2004 and perhaps we would not be in this predicament if our proposal, made in good faith and friendship, had been accepted. That did not happen, so here we are now reduced for asking for 100 slot machines.

It is time to let Indian people have the economic tools to help themselves and, in so doing, help surrounding communities. Penobscot Nation's high stakes bingo contributed approximately \$1 million a year to the surrounding communities of Old Town, Orono, and Bangor. These contributions are the accumulation of what players spend on such things as food, lodging and shopping, as well as what the Penobscots pay, they have 70 part time employees who work and spend their money in the local area; it also pays for printing and advertising. We would like to be able to continue to make this contribution to our surrounding communities. It is time to be fair and to work with us for the good of the entire state. We are willing to share; we have always been willing to share, that is what good neighbors do. Let's recognize that these are hard times, and these hard times may even get worse. The basic colonial paradigm of keeping total control of the Indians and keeping them poor that set state policy practices in 1820 must change. Many of you, in fact most of you, do not reason that way any longer, but those policies and practices still

exist today. Those old-world views will not work any longer in this global economy; we must change that paradigm and those policies and partner and live together in order to compete in the ever-expanding global market. One hundred slot machines is a mustard seed, but it is a beginning. I ask you to vote for the amendment and start working towards fairness, and a change in this state's paradigm and treatment of Indian people. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Calais, Representative Perry.

Representative **PERRY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand up in support of this legislation for a number of reasons. First of all, we, as a state, said there could be so many slots and that it would go with racing. When we talk about the fact that we are expanding the slots; no, those slots are already in place somewhere sitting in terms of the legislation that has plausibility in some place. Are we expanding gambling? It is going into a high stakes bingo, is that not gambling? Are we going to look at this and support a monopoly, because that is what are doing: we are saying you can only have it in one place, and there is only one place that can have it and, heaven forbid, we should support competition. I think it is time we looked at what we are doing, and we do allow this to happen. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Old Town, Representative Blanchard.

Representative **BLANCHARD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Not to prolong this issue, you dealt with it two days ago, but I have to relate just a couple of points about the 100 slots versus the 400 slots.

When the first bill came out over a year ago, I was approached by the Tribe to see if I would cosponsor the bill and I said, yes I would cosponsor it, you are my constituents, and I am down there to help serve you. However, after a lot of thought, I met with the Tribe and some of their officials, I met with the Chief, and I ask him, I don't know if your bill is going to go through this year, however, I would like to submit to you amendment that probably my fellow Representatives would take a look at to see if you, the proud people of the Penobscot Tribe, can get back some of the moneys that you have lost and bring your people back to where they want to be and where they were. They are very proud people. They want to serve themselves; they want to develop their youth. They want to keep their heritage going. I ask you, again today, to follow my light and support this amendment.

The **SPEAKER**: The Chair recognizes the Representative from Saco, Representative Valentino.

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

The **SPEAKER**: The Representative may pose her question.

Representative **VALENTINO**: Thank you, Mr. Speaker. I can see that my anti-expansion of slots may be falling on deaf ears, so I have a few questions as far as the bill itself goes and a few comments on it, and maybe the good Chair from Rumford maybe to listen on and to do that.

Looking strictly on the bill itself and how it is read, we know that we have run into difficulties previously when we had thought that slots were going into two existing tracks, and then there was a five-mile limit, and I just need to clarify a few technical things in here for my own mind. It says in section 2 that the board may accept applications for a license to offer eight slot machines from a federally recognized Indian tribe in state license to conduct high stakes bingos. Maine has four federally recognized Indian tribes: the Passamaquoddy, the Penobscot, the Houlton Band of Maliseets, and the Aroostook Band of Micmacs. Therefore, one of the questions would be is that how many were licensed as of

January 1, and are we really allowing only one tribe to do it or are these four other tribes also going to be allowed to have that?

So the second question is that, certainly, why did we have a time limit of only 2007? If we are allowing it for one tribe, why wouldn't we allow it for the other three tribes? I need to know how many were licensed. Are we talking really about one tribe or the others?

The other thing, which was a very controversial provision on the five-mile radius for the existing tracks, I know my own town of Saco, we didn't realize that it might have been in Saco, Scarborough or Westbrook when this went in, so I guess the title of the bill indicates that the slots will be on Indian Island in Old Town. But I have gone through every line of the bill, and there is no language in the bill that says that this will be on Indian Island. It just says that the permit will be going to any federally recognized tribe that had high stakes beano. I guess my question is, is once the Tribe receives the license from the state, are they bound by law to have the slots on Indian Island, or can they take the license and use it on any land that they own? The Penobscot Nation has several very large acreage parcels in Maine, including acres on Route 26 in Carrabasset near Sugarloaf Mountain, a large parcel in Brownville and Brownville Junction, a large parcel right of Route 95 in Alton, in Argyle. If they are not bound to have it on the Island, because our statute does not say that, it just says they have a permit, can they move it to any one of these other locations, could they put their slot machines at Sugarloaf or Brownville or any place else, because this language has nothing to do with the location. The title does not go into statute.

The second one I have for a technical thing is the current statute for slot machine operators when renewing a slot machine operator license states that the application for renewal of a slot license must be approved by the municipal officers of the municipality where the slots are located. Where they would be on sovereign land, then there is no review for this so, even though they are giving a percentage of their money to the largest municipality, my questions is why don't any surrounding municipalities have any say in the license renewal, as they do now, and why does it prohibit any public hearings from happening for renewal for an adjoining municipality? What if the towns feel that there is a problem with the slots, then there is nothing the towns can do for that. So a few technical questions on actually where it can be located, how many tribes qualify for this since we have four, and I also want to address at this time, because I do take exception with some of the comments because I am against gambling, I am not against the Tribe. So I really have to take exception for the good Representative from Rumford that we, the State of Maine, did not take away the slots, and also from the good Representative of Sullivan who said we did nothing at all, the State of Maine, for the Tribes. I just really want to point out that in 1980 we had landmark legislation that we passed, the first in the country, which gave \$81.5 million, the largest settlement of its kind and the first to include provisions for the reacquisition of land, and this was given to the Passamaquoddy, the Penobscots, and the Houlton Band, and it took four years of negotiations to do this and that is when they lost the slots and that is when a lot of other things happened, but I do not want anyone here to think that we are doing something unjustly or that we pulled some deal and pulled out their slots. This was negotiated and the State of Maine was the first in the nation that stood up and said, we recognize some of the atrocities that have been done to these tribes and we are going to pay them, to have money in the bank, to help themselves and, also, to apply 3,000 of additional acres and I just wanted to clarify that. Thank you.

The SPEAKER: The Representative from Saco, Representative Valentino has posed questions through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Passamaquoddy Tribe, Representative Sotomah.

Representative **SOCTOMAH**: Thank you Mr. Speaker. Mr. Speaker, Colleagues of the House. I do not think I can answer all of those questions because there were so many, but I would like to make a statement. Maine has created this monopoly in Bangor, and this monopoly has had a negative impact on the Tribe, a local business. If we remember, this monopoly in Bangor is owned by an out of state organization. The Tribe is a local business. I think it is time to be fair and rectify this problem that this monopoly has created. I think that was part of the agreement for Hollywood Slots to be in there was if there was any negative impact that that would be rectified either by Hollywood Slots or by this Legislature and I believe that is the only fair thing to do because the Tribe is losing money. Thank you.

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

Representative **HARLOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will be voting positive for this because I do think it is a fairness issue. If the Tribe in Bangor can have slots machines, why can't the Tribe in old Town?

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended Committee Amendment "B" (H-788) as Amended by House Amendment "B" (H-923) thereto. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 330**

YEA - Annis, Austin, Ayotte, Barstow, Beaulieu, Berry, Berube, Blanchard, Bliss, Brautigam, Briggs, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carey, Carter, Casavant, Cebra, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Dill, Duchesne, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finley, Fitts, Fletcher, Gerzofsky, Gifford, Giles, Gould, Greeley, Hamper, Harlow, Haskell, Hill, Hinck, Jacobsen, Johnson, Jones, Joy, Koffman, Lansley, Lewin, Makas, Marean, Marley, Mazurek, McDonough, McLeod, Miller, Millett, Moore, Nass, Patrick, Pendleton, Peoples, Perry, Pieh, Pingree, Piotti, Pratt, Prescott, Priest, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Sarty, Saviello, Schatz, Simpson, Sirois, Sykes, Tardy, Thomas, Treat, Trinward, Tuttle, Vaughan, Walker, Watson, Weddell, Mr. Speaker.

NAY - Adams, Babbidge, Beaudoin, Boland, Chase, Curtis, Driscoll, Dunn, Duprey, Finch, Fischer, Fisher, Flood, Hanley S, Hayes, Hogan, Kaenrath, Knight, McKane, Mills, Miramant, Norton, Percy, Savage, Smith N, Strang Burgess, Thibodeau, Valentino, Weaver, Webster, Wheeler, Woodbury.

ABSENT - Beaudette, Blanchette, Clark, Emery, Grose, Jackson, Lundeen, MacDonald, McFadden, Muse, Pilon, Pineau, Pinkham, Plummer, Rand, Rector, Silsby, Sutherland, Theriault, Tibbetts, Wagner.

Yes, 98; No, 32; Absent, 21; Excused, 0.

98 having voted in the affirmative and 32 voted in the negative, with 21 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (H-788) as Amended by House Amendment "B" (H-923) thereto and sent for concurrence.**

**Pass as Amended by Committee Amendment "B" (H-877) - Committee on JUDICIARY on Bill "An Act To Guarantee Free Speech in Privately Owned Public Gathering Places"**

(H.P. 1065) (L.D. 1540)

TABLED - April 2, 2008 (Till Later Today) by Representative SIMPSON of Auburn.

PENDING - **ACCEPTANCE OF ANY REPORT.**

Representative SIMPSON of Auburn moved that the House **ACCEPT** Report "A" **Ought Not to Pass.**

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

Representative **HINCK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would like to broaden the discussions a little from where we have been earlier and the last few days. I think that the matters that we have taken up with the budget are very pressing over the long term; however, how we treat our infrastructure, how we treat the environment is perhaps more important, and also how we treat the institutions of our government. This bill, LD 1540, goes to a subset of those institutions, an important subset and in a small way would have an important impact on that. I specifically refer to rights of speech and the right to gather signatures and petitions; I will concentrate specifically on the latter.

The right of petitioning is just about 100 years old in the State of Maine. It was passed here after a strenuous campaign more than 100 years ago. The work was originally done by the editor of the *Skowhegan Somerset Reporter*, Roland Patten, and soon had quite a lot of support in the state. The Legislature was moved to allow petitions to influence our government and it was adopted as an amendment to our Constitution. There is actually two parts to it, one part is legislating. The citizens have reserved the right to legislate in this state. The citizens have also reserved the right to veto our legislation. I think, over the years, it has been demonstrated that this right is not, neither of these are that easy, they do not come up successfully that often but they nonetheless remain very important, these rights. In order for it to become a constitutional amendment, it requires passage first in the Legislature, and it was unanimous here in this House, it was unanimous in the Senate and it was signed by the Chief Executive, it went to the people for a vote and they passed this right by two thirds. Why am I going through this history? It is because since these rights were adopted here in the State of Maine, the landscape has changed a bit. I think many of you would agree that expressive liberty and these direct democracy rights are not meaningful if you have them on paper, but you have difficulty actually exercising them. If we do not protect the opportunity, not only to speak but be heard, we have lost something. If we do not protect the opportunity, not only to petition but to petition where people assemble, we have lost something and we have lost something important, and that is pretty much where we stand today.

The reason is change in demographics, nothing that we have done or haven't done in some regard, but one of the major trends has been that increasingly the public gathering places are located in private malls and shopping centers. Obviously, private property brings private property rights; however, we balance those rights in many ways. We currently balance them and I never hear any dispute over this, on certain questions of safety. We tell malls and shopping centers what kind of fire lane they have to have in order to have emergency vehicles be able to get in there. I do not think it is impossible for some of them to decide that they would rather have parking spaces so they can get customers closer than they would like to have fire lanes. It is the government that says we need certain fire lanes, it is the government that says you need certain exits, you need sprinkler

HOUSE DIVIDED REPORT - Report "A" (7) **Ought Not to Pass** - Report "B" (4) **Ought to Pass as Amended by Committee Amendment "A" (H-876)** - Report "C" (2) **Ought to**