

MAINE STATE LEGISLATURE

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Subsequently, Report "B" Ought to Pass as Amended was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "B" (H-402) was **READ** by the Clerk.

Representative SOCTOMAH of the Passamaquoddy Tribe **PRESENTED House Amendment "A" (H-498) to Committee Amendment "B" (H-402)**, which was **READ** by the Clerk.

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

Representative **SOCTOMAH**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The Passamaquoddy Tribe already has high-stakes bingo play. This amendment simply removes the emergency clause and the days are changed from 54 days to 100 days play in a year. It would permit the Passamaquoddy Tribe to operate high-stakes bingo in the City of Calais as approved by that municipality. It also removes from the Committee Amendment authority to conduct electronic bingo. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Bethel, Representative Crockett.

Representative **CROCKETT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just for the body's information, the committee spent a great deal of time on this. This was a compromise the good Representative from the Passamaquoddy brought forward. It was reasonable. Given the actions of this body in the last few days, it seems more than reasonable. It helps a tribe that is in some economically hard times. It's a minor adjustment to the current law and I would support the amendment as it goes forward.

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Chipman.

Representative **CHIPMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm also in support of this amendment. We worked through the committee on this and this helps give the tribes a few more days that they can have their bingo. They've lost a fair amount of business to Hollywood Slots, so I think it makes it a little more fair and competitive. I'm strongly supporting this and hope you will too.

The **SPEAKER**: The Chair recognizes the Representative from Lewiston, Representative Carey.

Representative **CAREY**: Thank you very much, Mr. Speaker. I echo the comments of my two colleagues on the committee and would just add that the four federally recognized tribes in the State of Maine are also supportive of this amendment. Thank you very much.

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

Representative **MITCHELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this amendment as well. My fellow tribespeople in the Passamaquoddy Tribe experience very high unemployment rates and it's a hope and a desire of both our tribes that this be a success for them and allow them to centrally locate their bingo in a greater population area. Thank you very much.

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Russell.

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I thought this was going to go under the hammer, but since it didn't I just wanted to make folks aware I voted no, Ought Not to Pass, on this bill in committee because of some of the challenges that we were facing. But I am supporting the motion and am grateful that the tribes have come together and put this forward. Thank you.

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

Representative **MAKER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I also reside in the City of Calais and was on the city council and I want to give you our desire to wish them the best of luck in this adventure.

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Damon.

Representative **DAMON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As a member of the Veterans Committee we vetted this very thoroughly. I just support it because it does represent the will of the people of Washington County and the Penobscot and Passamaquoddy Nations. I wish them the best.

Subsequently, **House Amendment "A" (H-498) to Committee Amendment "B" (H-402) was ADOPTED**.

Committee Amendment "B" (H-402) as Amended by House Amendment "A" (H-498) thereto was ADOPTED.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on Bills in the **Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (H-402) as Amended by House Amendment "A" (H-498) thereto and sent for concurrence**.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

HOUSE DIVIDED REPORT - Majority (11) Ought to Pass as Amended by Committee Amendment "A" (H-522) - Minority (2) Ought Not to Pass - Committee on VETERANS AND LEGAL AFFAIRS on Bill "An Act To Allow Table Games at a Facility Licensed To Operate Slot Machines on January 1, 2011"

(H.P. 1044) (L.D. 1418)

TABLED - June 6, 2011 (Till Later Today) by Representative MITCHELL of the Penobscot Nation.

PENDING - Motion of Representative BEAULIEU of Auburn to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report. (Roll Call Ordered)

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Damon.

Representative **DAMON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would just like to speak a moment on this bill. It is a Hollywood Slots bill and it actually is a bill that completed the package that was started there several years ago. We started with a lot of unknowns and a lot of trepidations by members of this body right here and around the state, but it has proven that it has been a boon for the community and a boon for the state. With more than 500 employees making good wages, crime is down, none of the concerns and fears that we worried about with drugs and things of that nature manifesting themselves. The end of that part of the City of Bangor has been revitalized, brought back up to standard, pays more taxes, raises the tax valuation of the City of Bangor. That money comes to the state as well.

This table game piece will mean approximately \$3 million to the State of Maine annually, just the table games portion of this, and it does not expand beyond the confines that are already existing. There are some tables there so some can play this, others can play slot machines. They have built new buildings, as I said, raised the tax base, employed a great number of people. They are great community partners. They lead the way on the Fourth of July parade, they lead the way with funding senior little league world series, they lead the way with the arts in the City of

Bangor and around. They bring people to Bangor so people can enjoy the fruits of their labors. This is the model we want for industry. This is truly a good thing for our city. It is written in the bill that it goes to the people for a community vote affirmation. There are no negatives that I can see, and I hope the body will support us and vote in support of this Ought to Pass. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Carey.

Representative CAREY: Thank you, Mr. Speaker. I won't repeat the comments that I made on the floor the other day detailing how this cannot solve, this year, the problem that was brought to committee, that there was an inequity. I want to affirm that I'll work with the Representative from Bangor, should this not pass, next year, and I will hope that you follow my light. Thank you.

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

Representative MITCHELL: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to speak to my good friend's comments from Bangor, Representative Damon. Certainly Hollywood Slots has been good citizens, but had the tribes been given the same opportunity 12 or 14 years ago when we brought the very concept of racinos and casinos before the state, the Penobscot Nation would have been just as good, if not better, a corporate benefactor. And not only that, but the \$59 million in profit would have stayed in the state. It wouldn't have gone out of state and it would have provided the same number of jobs, etcetera, and the quality of jobs, etcetera, and the tentacles would have reached out to the various vendors of the area in order to get the supplies necessary to run the facility. So had the tribes been given that opportunity those many years ago when we brought the very first casino offering or racino offering to this state, we would be standing here talking the same language. Thank you, Mr. Speaker.

The SPEAKER: A roll call having been previously ordered, the pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 144

YEA - Ayotte, Beck, Bennett, Bickford, Bolduc, Briggs, Bryant, Burns DR, Cain, Cebra, Celli, Chipman, Clark H, Clark T, Cornell du Houx, Cotta, Cray, Crockett, Cushing, Damon, Dion, Dow, Duchesne, Edgecomb, Fitts, Fitzpatrick, Flemings, Foster, Fredette, Gifford, Gilbert, Gillway, Goode, Graham, Hanley, Harmon, Harvell, Haskell, Herbig, Hunt, Johnson P, Keschl, Lajoie, Libby, Longstaff, Luchini, MacDonald, Maker, Malaby, Maloney, Mazurek, McClellan, McFadden, Moulton, Nass, O'Connor, Olsen, Parker, Parry, Peterson, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Russell, Sanderson, Sarty, Shaw, Sirocki, Stevens, Theriault, Tilton, Turner, Tuttle, Volk, Waterhouse, Willette A, Willette M, Wood, Mr. Speaker.

NAY - Beaudoin, Beaulieu, Beavers, Beliveau, Berry, Black, Blodgett, Boland, Burns DC, Carey, Casavant, Chapman, Chase, Clarke, Curtis, Davis, Dill J, Driscoll, Dunphy, Eberle, Espling, Eves, Fossel, Guerin, Hamper, Harlow, Hayes, Hinck, Hogan, Johnson D, Kaenrath, Kent, Knight, Kruger, Kumiega, Long, Lovejoy, Martin, McKane, Morissette, Morrison, Nelson, Newendyke, O'Brien, Peoples, Pilon, Priest, Rankin, Rochelo, Rotundo, Sanborn, Strang Burgess, Stuckey, Timberlake, Treat, Valentino, Wagner R, Weaver, Webster, Welsh, Winsor.

ABSENT - Crafts, Flood, Innes Walsh, Knapp, McCabe, Wintle.

Yes, 83; No, 61; Absent, 6; Vacant, 1; Excused, 0.

83 having voted in the affirmative and 61 voted in the negative, 1 vacancy with 6 being absent, and accordingly the Majority Ought to Pass as Amended Report was ACCEPTED.

The Bill was READ ONCE. Committee Amendment "A" (H-522) was READ by the Clerk.

Representative MITCHELL of the Penobscot Nation PRESENTED House Amendment "A" (H-564) to Committee Amendment "A" (H-522), which was READ by the Clerk.

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

Representative MITCHELL: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I brought this amendment forward. Presently as it stands the Penobscot Nation operates a high-stakes bingo and over the past several years we have watched our income dwindle from \$2.5 million significantly downward. On Sundays, prior to Hollywood Slots expansion from eight o'clock in the morning, being allowed to open from eight in the morning on as opposed to 1, we've lost \$10,000 a day those weekends that we have our high-stakes bingo. It cost \$10,000 just for the electric bill. It costs almost as much for the fuel bill. What we do with the money that we do realize from this game, which over the years has dwindled considerably in the millions of dollars, is we use it for our assisted living center for our elderly tribal members. Some of you have visited our community and have seen the assisted living center and how beautiful it is, and if you only knew how beautiful the people are that are in there, then you'd understand why we're so proud.

The other thing is that we use this money to support our youth and in our youth lies our future and it's a future of a people with a very proud culture and a very long and contributed history, not only amongst itself but to this country as a whole. Our people, Native people of this State of Maine, of which you all should be very, very proud, are the highest per capita people that enroll in military service of any ethnic minority group in this country, and in Maine it is an exceptionally high number. So our youth are very important to us.

We teach them values, we teach them culture, we teach them our language. We are preserving who we are as a people. We are but a thread of the fabric of this nation, but nevertheless a thread that is very important. That thread may be what binds this nation. We don't know. If it ever loses that thread, I guess then we'd know. This is an attempt to try to preserve what we have and to enhance our future.

This bill is nothing but a drop in the bucket. The fiscal note on this bill is \$106,000 estimated a year from a multimillion dollar corporation that sends \$59 million a year out of state – out of state – and all we're asking is for a fair shake from Hollywood Slots, that happens to be about 13 miles south of our operation. Some of our bingo players do not even return on Sundays because they are given breakfast buffet tickets and they go down and spend the extra income that they would have spent in our facility, and as a result, go back to the hotel and do not come back to our high-stakes bingo game. We bring in 37 busloads of people when we have our weekend games. They fill up hotels. They fill up restaurants. They fill up the local shopping malls. Those people go and spend money that benefits the whole surrounding community every time they come to our high-stakes bingo. So we're just asking for a little help to offset what we've already lost, and granted, this isn't a great deal of money in the bigger scheme of things. Thank you very much and I hope you'll support the adoption of this amendment.

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. I certainly understand the good Representative trying to get additional money for him, but I want to also say that this agreement was worked out in our committee during many, many negotiations, going back and forth between all of the people, the stakeholders, not only with Hollywood Slots, with Oxford. We did change the cascade under the table games for Oxford so that it would match up. We added the nonprofits on to it. This was crafted over many, many meetings.

The good Representative, as you know, had a bill prior to this that we just passed. We had talked about different things on it. I feel as a member of the committee we probably would have looked at that at the time, but I feel negotiations did go on, they went on in good faith, and I am not supporting the floor amendment at this time. I felt that there was plenty of time to do that, that we could have had it compatible, we could have worked with everybody at the time at the committee. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Brewer, Representative Celli.

Representative **CELLI**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will be voting in support of this amendment. When there are subsidies made to the nonprofit bingos to make up for their losses by Hollywood Slots, why are there no subsidies for the Penobscot Nation and their high-stakes bingo? That seems rather unfair, although isn't it quite common the way we've treated the Native Americans in the past being unfair? It's time to support the Penobscot Nation's high-stakes bingo and support what truly were our very first allies in our Revolutionary War. Thank you.

The Chair ordered a division on the motion to **ADOPT House Amendment "A" (H-564) to Committee Amendment "A" (H-522)**.

A vote of the House was taken. 78 voted in favor of the same and 47 against, and accordingly **House Amendment "A" (H-564) to Committee Amendment "A" (H-522) was ADOPTED**.

Committee Amendment "A" (H-522) as Amended by House Amendment "A" (H-564) thereto was ADOPTED.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on Bills in the **Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-522) as Amended by House Amendment "A" (H-564) thereto and sent for concurrence**.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-252)** on Bill "An Act To Amend Seasonal Licenses for the Operation of Beano or Bingo Games" (S.P. 441) (L.D. 1427)

Signed:

Senators:

FARNHAM of Penobscot

PATRICK of Oxford

PLOWMAN of Penobscot

Representatives:

CAREY of Lewiston

CHIPMAN of Portland

CROCKETT of Bethel

DAMON of Bangor

LONGSTAFF of Waterville

RUSSELL of Portland

VALENTINO of Saco

WILLETTE of Presque Isle

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representatives:

BEAULIEU of Auburn

JOHNSON of Eddington

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-252)**.

READ.

On motion of Representative BEAULIEU of Auburn, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-252) was READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on Bills in the **Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-252) in concurrence**.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Resolve, To Improve the Predictability of Land Use Regulation in the Unorganized Territories (EMERGENCY) (H.P. 615) (L.D. 819)

Signed:

Senators:

SHERMAN of Aroostook

THIBODEAU of Waldo

Representatives:

EDGECOMB of Caribou

BLACK of Wilton

CRAY of Palmyra

FOSTER of Augusta

GIFFORD of Lincoln

TIMBERLAKE of Turner

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-560)** on same Resolve.

Signed:

Senator:

SCHNEIDER of Penobscot

Representatives:

DILL of Old Town

KENT of Woolwich

McCABE of Skowhegan

O'BRIEN of Lincolnville

READ.

Representative EDGECOMB of Caribou moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.