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

Daily Edition

Second Regular Session

beginning January 8, 2014

beginning page H-1301

**ENACTORS
Emergency Measure**

An Act To Amend the Election Laws

(H.P. 1187) (L.D. 1615)
(C. "A" H-620; H. "A" H-662)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (9) **Ought Not to Pass** - Minority (3) **Ought to Pass as Amended by Committee Amendment "A" (H-630)** - Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Allow the Passamaquoddy Tribe To Operate Slot Machines in Washington County in Conjunction with High-stakes Beano"

(H.P. 1091) (L.D. 1520)

TABLED - March 4, 2014 (Till Later Today) by Representative LUCHINI of Ellsworth.

PENDING - Motion of same Representative to **ACCEPT the Majority OUGHT NOT TO PASS Report**.

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

Representative **SOCTOMAH**: I rise in opposition to the motion, Mr. Speaker.

The SPEAKER: The Representative may proceed.

Representative **SOCTOMAH**: Thank you, Mr. Speaker. Mr. Speaker, may I deliver my opposition speech, in part, in my language with interpretation?

The SPEAKER: The Representative may proceed.

Representative **SOCTOMAH**: Thank you, Mr. Speaker. *Nutwestaq naka Leposentiwok: Nil not peskotomuhkati-leposenti 'ciw skicinuwihkuk, ihik Washington County, nit nilun ewikultiyek tuciw askomiw. Kwihkutomulpa pemkiskahk ktoli-wicuhkemenen weci-kisi-mawehtuwoq LD 1520. Yut tpaskuwakon-oc nkiseltomakunen nwicuhkemsultinen weci-wolawsultiyek naka welankeyasultiyek. Nit-tehc-ona nkisi-tehp wicuhkemanen psi-te wen wikit Washington County.*

Mr. Speaker, Men and Women of the House: I come before you today as the Representative of the Passamaquoddy people, a people who have lived in Washington County, our ancestral land since time immemorial. I come to ask for your support for LD 1520, which would allow us, after many, many years, to pursue an economic development strategy which would bring increased prosperity to our people as well as Washington County.

Komac pihcetuk Peskotomuhkatiyek 'toqeci-luhkatomoniya weci psi-te wen kisi-pskok luhkewakon ewikultiyek, kenoq ma-te ehtahs kisessiw. Naka toke nmamunhelomoqahtipon, 'sami ma-te luhkewakon, ma-te-na nomihuwonewin tan-oc wen 'kisoluhkan. Apeq peskuwok naskatahatomoniya eqeci-luhkatomuhtit, kotokik mec-ote 'toqetoluhkatomoniya weci psi-te wen kisi-nihkaniyat.

The Passamaquoddy Tribe has been trying for many years to promote strong sustainable economic development within its community. These efforts have not always been successful however, and currently our tribe is experiencing high unemployment and limited opportunities for business development. While some have been discouraged by previous attempts which have not been successful, many of us continue to push for new opportunities which would provide us with a true economic base.

Nkocicihtunen ntihtinen keq nituwiyek weci nilun-ote kisi-ewepehlosultiyek. Tokec kisehtasik yut tpaskuwakon, ma-te ntolitahatomuwonewin keti-wiluwikultiyek; awonehe, nuli-kocicihtunen cu-oc wen cuwi-oluhke. Ntahcuwi-ona wicuhkemsultinen ewikultiyek weci psi-wen kisi-pskok luhkewakon, toke naka-te weckuwikotok.

We have enough experience with government assistance programs to know that if we are to succeed we must lift each other as Tribal members and lift ourselves as a Tribe. To my people this bill is not about gambling, it is about jobs in our local area. It is about investment in the surrounding regions where we live. It is about establishing a commercial development that will stimulate long-term economic growth in that area.

Nit weci Peskotomuhkatiyek munsayutomonuhtit etoli-qeci-peciptuhtit yut amkakoney wikuwam ihik Washington County. Kis kakehsikoton ntoli-tpinuwanen kotokik skicinuwok etolapqotehtuhtit amkakoneyal wikuwamol 'kihtahkomikuwak weci-kisi-pqahutuhtit metessik naka kisihtuhtit welikok ewikultihtit. Tuciw esqonatek kehsanku esqonatek kehsinsk cel nis, Peskotomuhkatiyek mawolukhotuwok naka leposentiwok weci-kisihtuhtit yut wikuwam. Sapiyewik yut tpaskuwakon, psi-tehc yut mawoluhkewakon cu-oc kisesson. Cu-oc-ona yut tpaskuwakon 'kiseltomakun Department of Public Safety, Gambling Control Board nihtunomoniya 'ciw Peskotomuhkatiyek eli-koti-ihitit nihtol amkakoneyal mosinol ihik Washington County naka-tehna pinu keti-qasqiktuhtit. Cu-oc-ona acehtasuwol Maine 'topaskuwakonumol wecihc nilun kisi-iyek yut wikuwam. Coqahk-al aqameluk pomawsuwinuwok ihik Washington County 'tahcuwi-wolitahatomoniya katok niktok mecitahatomuhtitit.

To that end, the Passamaquoddy Tribe is committed to bringing a tribal gaming facility to Washington County. We have watched for years as federal tribes across the country have opened gaming facilities and used the revenue they generate to build strong, sustainable communities. Since 1992, the Passamaquoddy bill would represent the cultivation of this work. The bill before you would allow the Department of Public Safety, Gambling Control Board to accept an application from the Passamaquoddy Tribe to operate slot machines at a gaming facility in Washington County at which high stakes beano is conducted by the Passamaquoddy Tribe.

The money that is made in that Passamaquoddy facility would stay in the State of Maine. It would not go outside of the state. The bill would also make necessary changes in Maine law to accommodate such a facility while also ensuring that the provisions of the bill be approved by a plurality of Washington County voters.

Kis kakehsikoton Peskotomuhkatiyek 'pocitahkaniyal leposentiwol ihik Akastik, tetpi-te ihik kotokil etoli-mawiyamkil, etoli-qeci-ahsimahtit naka mawoluhkamahtit nihit nihkanatpahticiji. Tehpu pesqon tpaskuwakon etoli-skuhutom pemkiskahk. Kenoq wewinaqot toke kis kisolutasu keti-ihik amkakoneyal wikuwamol yut-te Maine-ok. Kis kisihtasuwol nisonul. Toke ktahcuwi-tpitahatomonen kehsanul naka tan-oc likon.

For many years the Passamaquoddy people has sent representatives to the Maine State Government, as well as other

groups and boards, to convey our words, represent our interests and build closer relationships with the government of the State of Maine. I realize that I come before you today as the sponsor of one proposal. But it is now clear that the question of whether Maine should have a gaming market has been decided: with two current facilities already in place it is only a question of what type of gaming and how much of it Maine will have.

Mam-ote toke, kis aqamok nisinsk kehsikotok, ktahcuwi-wolitahatomonen yut amkakoney wikuwam ihik Washington County. Kilun leposentiwok kis kwewitahatomonen yut wihkutomuwakon, pesqon-ote. Apeq ma-te kiseltasuwol kotokil toke, tuciw nismaqahk cel nisanku, kisi-itomonen Peskotomuhkatiyik mec-ote kisi-wihkutomoniya ulitahatomuwewut. Saku toke kwihkutomulpa kceconihkuwinen.

I would humbly submit that after more than twenty years it is finally time to approve a gaming facility in Washington County. The Legislature has already recognized the unique nature of this proposal, leaving a specific exemption in place for a tribal facility in Washington County when the current moratorium was adopted in 2012. This was done specifically because of the unique situation of the Passamaquoddy proposal. Given that the Legislature has already recognized the unique nature of our proposal, and I ask you now to support it as it was previously envisioned.

Nil-ote tomk peciptu yut wihkutomuwakon 'ciw Washington County, tuciw aqamok nisinsk kehsikotok, 'qotatq cel kamahcin kehsankuwewey mawiyamok yuta. Ntahtoli-yuhukenen eli ma pol kisessiw, ntahcuwi-luhkatomonen apc, ntahcuwi-mawoluhkatomonen naka utenyil qihiw wikultiyek. Nit qoniw, wolitahatasuwol nisonul kotokil amkakoneyal, ihik Bangor naka Oxford County. Tehpu nwihkutomonen pesqon-ote elehlokiyek tahalu nekomaw.

I was the original sponsor of the first Washington County gaming proposal in the 116th Legislature. That was more than twenty years ago. Time and time again we have been told that now is not the time, that we must develop a better plan or work more closely with local community. At the same time, the State has granted licenses to two gaming facilities, one in Bangor and the one in Oxford County. We only ask that we be given the same opportunity.

Npehki-nomihtunen toke eli yut tpaskuwakon kisolotomuwinomot nilun elawsultiyek naka nilun eleyik ntutenemonul. Tehpu qeni-ciksotomek, nkisokehkimsinen elewestuwek, eli-wolamsotomek, wetapeksiyek, naka eleyikpon mecimiw. Eleyultiyek, nit ntutenemon. Mec-ote toke ntahtoli-sikuwalkahtipon weci-sapawsuwik psi-te olonuwehtasikil. Nituwinen nulawsultinen weci-kisokehkimek nicannuk naka nqenossouk, weci-na nekomaw kisi-kcahqi-skicinuawsultitit, weci nekomaw-ona kisolotomuhtit eli-kotuwawsultitit naka-te-na nicanuwa weckuwapasilit.

In the end, this bill is about our Tribal communities and our culture. Our language, our religion, traditions and history that have been passed on to us orally. Our culture lives through community. Today we are fighting to keep our language and customs, the traditions and ceremonies that bind us together as a people and make us distinctly Passamaquoddy people. It can only be housed and practiced and passed on to new generations with the support of a vibrant tribal community, one which our people look to the future knowing that we control our destiny.

Kwihkutomuloniya ktenuwihkomoniya yut tpaskuwakon. Kiselotomuwine ntoluhkewsultinen, ntopelomosultinen, nuskicinuawsultinen. Kiselotomuwine nusuhkomonen nilun-ote ntawtimonul.

As the Representative of the Passamaquoddy people I ask you to vote in opposition of the pending motion and continue with

the Minority Report to allow us to build our economy, pursue our independence and protect our heritage. Allow us to pursue our future.

Woliwon eli-tpostuwiyeq. Ktoqecimuloniya kwicuhkemenen etoli-qecehtuwek yut tpaskuwakon. Naka komac-oc nulitahas ntasitewtomon tan-ote keq keti-qecimuliyeq.

Thank you for your time and I ask you for your support in defeating the Minority Report. Thank you very much.

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 am going to read to you a speech that the Honorable Kevin Raye gave in the Senate on June 9, 2011. Please take the time to listen because although he said it two and a half years ago, it is true today and it was true 20 years ago.

"I rise in strong opposition to the motion before us, the Ought Not to Pass.... I rise for several reasons. First among them is jobs. Jobs. Another big reason is revenue. Revenue for this state. Not the least of my reasons are the principles of fairness and equity. The debate as to whether or not Maine is a gaming state is over. Maine is a gaming state. The only issue before us is whether or not winners and losers will continue to be decided in referenda. We hear over and over and over the refrain, "The people have always voted on this." That's absolutely right. The people have voted because their elected leaders have punted. There is nothing about this particular issue that requires that we must advocate what we were elected to do, which is to make decisions on public policy for the people who sent us here...Since 1993, for 18 years, this issue has been debated in this Body. In 1993, when this issue was first debated in this Body, it was the Passamaquoddy Tribe and the people of Washington County who introduced this debate to this state. Now, nearly two decades later, we have seen gaming come to Maine. We have seen what it has done for the city of Bangor, where none of the doom and gloom...have played out, but rather we see revenue. We see economic activity. We [see] job creation.

"I'd like you for a moment to put yourself in the place of the Passamaquoddy people and the people of Washington County who for generations, have endured the highest rates of poverty, unemployment, and all that goes with it. I sat on the Senate floor the first time that I was here to debate this issue. It is an indignity to be told by the people in this building that we don't have a right to determine our own economic future. I have often heard people lament the fact that many people in my district are in a position in their life where they are dependent on programs. I'll tell you what, I know a lot of them, maybe even most of them. I can tell you that what they are most interested in is to be able to live in the place that they love and to make an honest living. They would like to be able to have a job. Here we are, 18 years later. Poverty continues. Our Native American neighbors are left wondering why. What is the answer to [this] question as to why their proposal, the one that began the debate remains unresolved and they remain on the outside looking in, nearly 20 years later. We have been bypassed. We have been bypassed in this process. I would also let you also know that if you talked to the storekeepers in Calais, that many of them are now, unfortunately, former storekeepers. I could give you names of people who have traveled from Calais to this building in the past to lobby for this, to try to save their businesses. It's too late for many of them. It is too late. Come to Calais and ride down Main Street. Look at the empty storefronts and ponder the decisions that have been made in the past with respect to this issue. We have been bypassed in this process and we are bypassed quite literally by tens of

thousands of tourists who drive right through Calais. They probably look out their side windows at the empty storefronts on their way to New Brunswick or Prince Edward Island or Nova Scotia, or...on their way south. If we are lucky they need gas. Maybe they'll stop and get a tank of gas and while they are there they might even buy a Coke or a pack of gum. That's what we're left hoping for because our efforts to become a destination, which this would allow, have been thwarted in this building and by the fact that there aren't enough votes in a rural small place like Washington County to sway an election. If there were we wouldn't be having this debate because the people of Washington County have voted over and over again for this...county. The last vote it was 70% of the people in Washington County. I'll tell you, that cuts across every political divide from Conservatives, Christians, Republicans, to...Democrats. Strong support throughout my county. In the city of Calais, where the racino would be built if ever we're given the opportunity that has come to other parts of this state, [voted] 80%. [in support.] Can you imagine 80% support for hope, for the potential of job creation, for a restoration of dignity, for an opportunity to control our own economic fate, and to put an end or at least to help to put an end because it's not a cure-all to years of being bypassed and living with the consequences of the highest rates of poverty and unemployment in the state...."

I hope you will join with me in rejecting this report so we can move on. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Beavers.

Representative **BEAVERS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I oppose the pending motion. I totally agree that we need a comprehensive policy. I'm not particularly wild about gambling myself, but I think we have set aside our original people way too long and they need to have an opportunity to have an economic development and jobs. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lubec, Representative Cassidy.

Representative **CASSIDY**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I rise in strong opposition of the pending motion, and ask you to vote for gaming for the Passamaquoddy. I live in Washington County, and I stand up for Washington County and its residents. Let's go back 10 years, when I worked as a Washington County reporter for the *Bangor Daily News*. The front-page news one day in 2004 alarmed many: An Oklahoma developer had made a deal to bring LNG, liquefied natural gas, to Split Rock on the Passamaquoddy Reservation. He believed that LNG development could save the Tribe. When the LNG news spread among the Passamaquoddy people, I went to spend a day on the Pleasant Point Reservation, and I walked and talked with one of the elders. She described a lifetime of hardship and poverty, but also of resilience and change for the good. That respected elder, a true spokeswoman for the Passamaquoddy, both then and now, is Representative Madonna Soctomah. She represents the Passamaquoddy in the Legislature today. She also served as the Passamaquoddy representative from 1990 to 1994, when the Tribe first asked the Legislature for gaming in 1992. This week I looked back on my reporting during the Passamaquoddy and LNG years. Eventually, in 2008, the Oklahoma developer's "get rich quick" scheme was defeated, and he went home. One quote I reported in November 2005 stands out: "If you are from Augusta or Washington or Oklahoma and you haven't been here to Split Rock, you don't have a real understanding of what it is like." Please hear that again: "You don't have a real understanding of what it is like." It's more than time for good

change to come again for the Passamaquoddy Tribe. The proposal for a Passamaquoddy-owned casino in nearby Calais is before us today. I ask you to listen to Representative Soctomah. She is one of our elders, too. Thank you, Mr. Speaker. And in the words of the Passamaquoddy language, *woliwon*.

Representative RUSSELL of Portland **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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 Portland, Representative Russell.

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm a big fan of Fred Astaire. But the funny thing about Fred Astaire is he got all these accolades, but Ginger Rogers was the one that danced backwards and in high heels, and I would argue that that's very apropos, considering what we're considering, for the Passamaquoddy Tribe has done everything that we've ever asked them to. They've done it inside and out, time and again, and yet we have continued to turn them down, whether it be at the ballot box or right here in the Legislature. We've done that for two decades. Now I want to speak a little bit about something that other folks haven't talked about and that is the agreement, the arrangement, the treaty that we have with our tribes. So our Native Americans were very proactive and negotiated a treaty with Maine long before any of the other treaties were developed with the federal government. When the federal treaty was developed, there was a provision in there allowing sovereign nations to be able to have gaming on their properties and that was signed after the treaty with Maine. So a lot of folks have asked, why is it that a sovereign nation cannot do this on their land? Frankly, I agree with that question. But because of the treaty, it was not discussed and therefore it is not authorized, it is not allowed, which is precisely why folks have come to us, time and time and time again, to ask us to do this. We have since had two casinos open up, two casinos that were later sold to out-of-state interests. If there were ever a casino that had earned, a group of people who had earned the right to have a casino, it's the Passamaquoddy Tribe. We just overturned a motion to support our harness racing industry and I thank you for that, and I think that before folks get fatigued on this issue, we need to think long and hard about the implications, not just to Washington County but to the Passamaquoddy Tribe. I would argue that it's not just Ginger Rogers that has danced backwards in high heels, but it is my good friend who sits to my left. Before I sit down, I also would like to commend her not just for her dedication, not just for her passion, not just for the persistence, but it was a true honor, probably my greatest honor to sit here and to listen to her ask us in her own language to do the right thing. I wanted to clap but apparently that would be inappropriate, not that I've certainly seen my days where I haven't done things I shouldn't do. But today is a day that we can set right a very long wrong, and I hope that we will do that. Now the good Representative to my left doesn't get a light up here. She has a seat, but she doesn't have a light. So I would ask that if you want to overturn this motion, this Ought Not to Pass Report, and you want to do the right thing today, that you will follow my light today and that light will be red. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Burlington, Representative Turner.

Representative **TURNER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today against the pending motion. I am honored and ashamed today. I am honored because part of my House District is part of three

counties, and Washington County, although I do not live there, I represent, and Washington County has become like home. They're like a family. They have welcomed me. I am ashamed because we're still having this discussion. All these years. All these years. Initially, I, myself, as a voter, the first time around I voted against gambling because I don't believe in gambling. I did not support it. However, since then, this state has made its decision to roll the dice. We are a gambling state and I say let the free market prevail. Why should an area be shielded? Competition is a principle that made this country great and this state great. LD 1520 would bring much needed jobs to an area that has one of the highest unemployment rates in the state. This facility will have eastern Canada to draw from, so I say why not? The majority of the people in Calais and Washington County have voted in favor of this facility. Let's let the folks in Washington County have the same options and opportunities that Bangor has. I would ask you please to also follow my light, and it will be an honor today to push red for Representative Soctomah. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Orrington, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today to admit that I gamble. I'm basically addicted to gambling. I'm in the construction business and when I turn in a bid, my stomach turns upside down. I actually helped build the casino in Bangor. Until they put those flashing lights and red carpets in, I felt comfortable going in. I don't as much now. Either when you get this old or if you make the decision to come back, things kind of recycle themselves. In the 116th Legislature, 1993, I sat in seat 97 on that side of the aisle. I met some great people. I had some good experiences. We all come to struggle with our votes, many of us with many votes. That was the vote in 1993 to allow the Passamaquoddy to have a facility. I grew up; my grandmother was a Calvary Baptist. We couldn't even play cards on Sunday. So I basically disagreed with gambling then. I still disagree with gambling, although I did buy a half a ticket once. It didn't fair very well. I came to that vote because not only am I a contractor, but I'm also sort of a part-time developer and I looked at Calais, Maine, and I looked at, not big numbers now, but \$40 million that was going into that community. Twenty million dollars was going into the community. They were going to increase the golf course from 9 to 18 holes. They were going to put public transportation. Harrah's was going to invest \$20 million of that \$40 into a building. That building, in five years, was going back to the tribes. That was \$40 million that was going into Calais, Maine, in 1993, before any gaming facility was going to be in the state at all. So I came to a point where an investment in that town, in that county, was the least we could do. Well, they went through the process. I don't remember if it passed or failed in the bodies. It went downstairs, it came back, it was vetoed and the veto was sustained. But Washington County was promised that we will be doing something for you and that was 21 years ago. I had a hard time with that vote, but I'm not going to have a hard time with this one. It's time for the Passamaquoddy to have what the rest of us have had throughout the state. Thank you.

The SPEAKER: The Chair recognizes the Representative from York, Representative McGowan.

Representative **McGOWAN**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I rise in opposition to the pending motion. I thank Representative Soctomah for sharing the eloquence and heritage of her native language with us. It is time to recognize the native tribe's right to self-determination, who share this beautiful land with us we call Maine. I offer you this simple quote: "Caring without action is

useless." Caring about our native tribal brothers and sisters without action is useless. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Belgrade, Representative Keschl.

Representative **KESCHL**: Thank you, Mr. Speaker. I rise in opposition to the pending motion. I think the good Representative Soctomah put it in much more eloquent terms than I could; however, I will only add a couple of things. I travel frequently throughout Washington County and I've been witness to the poverty that exists there. In my mind, it's not a matter of whether we should allow the Passamaquoddy Tribe an opportunity to put their application in for a gaming facility, rather we must do so. Time after time, as a state, we have failed to provide these people and the people of Washington County an opportunity for economic growth and thus the ability to remove themselves from the dependency on state government that they are currently in. We cannot continue with this failure. I urge you all to vote against the pending motion and for the Passamaquoddy Tribe and the people of Washington County. Thank you.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Cooper.

Representative **COOPER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. If you had the opportunity to watch Representative Soctomah deliver her remarks, you would have been struck, as I was, by the beauty and passion with which she spoke as she delivered her remarks in her native language. That feeling has led me, has confirmed my feeling that we owe it to the Maine tribes to give them the opportunity of sovereignty and self-determination that they deserve, and that includes the right to determine the economic course that they wish to choose. Thank you.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Beaudoin.

Representative **BEAUDOIN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. It's been long, long overdue and we have treated them badly for years. It's time for us to make it up to them. I think we've hurt them enough, don't you? Isn't it ironic too that they are sitting here and can't even vote for this? I think it's terrible, personally. So I think it's time for us to vote and vote in their favor. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Caswell, Representative Ayotte.

Representative **AYOTTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to compliment Representative Soctomah. I felt like I was part of living history. It was really beautiful. It was very touching, eloquent. Mr. Speaker, I'd like to start my premise with saying I'm philosophically opposed to gambling; however, at this time, I feel that perhaps my philosophy should not stand in the way of common sense, of fairness. Today, I listened to Representative Soctomah give a presentation about the condition of the Indian in Maine, and I say this because I asked Representative Bear if I could use the word "Indian." I'm used to it, I was brought up with it, and he said, "Fine. It's fine with me." So I'm using it in that context. Representative Soctomah, in caucus, today, gave a very eloquent and passionate speech. It reminded me much of the literature I have read over the years about the people of her nation. I read the book that told about Wounded Knee, I read about the Trail of Tears and about the historical discrimination we have done to the American Indian. However, I am sure that they don't want our pity. They want an equal opportunity.

I would like to paraphrase a short soliloquy from Shakespeare, "The Merchant of Venice." I am going to take liberty to paraphrase and instead of "I am a Jew," I am going to

put "I am an Indian." *Hath not an Indian eyes? Hath not an Indian hands, organs, dimensions, senses, affections, passion? Fed with the same food, hurt with the same weapons, subject to the same disease, healed by the same means, warmed and cooled by the same winters and summers. If you prick us, do we not bleed? If you wrong us, are we not hurt?* That is why we have to make a choice today, a choice do we continue the discrimination that we have for so long carried out against our brethren? That is why today I want to give the people of Washington County, the natives, the Indians of Washington County and the Passamaquoddy Tribe the ability to help themselves and if they believe they want to try this option, although I am philosophically opposed, who am I that I should stand in their way? I will support them and I hope that this little support I give will lead them along the way to a better quality of life, a better way for their children and a better way for their people. For this, I thank you, Mr. Speaker, and I thank again Representative Soctomah for helping us be a part of living history. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative FREDETTE: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I spent the first half of my life in Washington County. I grew up in the small town of Danforth, population of about 500 people, and then went down to Machias and lived another four years and, at that point, in time, in my life, I had to make a decision. Do you stay in your local community, Washington County, or do you leave the area? Quite frankly, that really wasn't much of a decision because you had to understand that if you stayed in Washington County, in many ways you were choosing to see a life of economic distress. Having grown up there and enjoyed the beauty of Washington County, the beauty of the lakes and the beauties of the trees, the ruralness of the area, so many people from Washington County who are from Washington County have wanted to stay in Washington County, but they have not had that opportunity.

Now, in the interest of full disclosure, I worked on the referendum, I believe, back in 2006, which sought to make a casino in Washington County become a reality and my recollection is it was a very close vote statewide. I think it was a 51-49 vote. Quite frankly, had it not been for a bad weather day, I think we'd have won it. But the reality is, folks, is that Washington County, for a half century now, has been struggling economically and there hasn't been many rays of hope, many rays of opportunity. I, like many, believe that, in some ways, providing for gaming is maybe not the right way to go because certainly studies suggest that those that are poorer or those that can least afford to lose money in gaming are the ones that sometimes visit these places. But as a Republican and as a Libertarian-type Republican, I do believe in sort of free will and if people want to make that choice, let them make that choice. But it shouldn't harm the Passamaquoddy's, it shouldn't harm Washington County, and again, I appreciate the hard work of the committee and the hard work of the good Representative from Ellsworth, Representative Luchini, on this. But again, I do this as an opportunity for economic development for Washington County and for the Passamaquoddy's. Let them make the decision. Let us not stand in the way. Let's give somebody else, who is 22 years old, who grew up in Washington County, the opportunity to make the decision that I'm going to stay here because I see some hope, because I see some opportunity. It's too late for me. It's not too late for maybe some other young people in Washington County that want to make that decision. So I will be opposing the motion and I ask that you follow my light.

The SPEAKER: The Chair recognizes the Representative from Hollis, Representative MAREAN.

Representative MAREAN: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to oppose the pending motion for the same sort of reasons that I rise to oppose the pending motion on LD 1111. The harness racing industry has teamed up with the Passamaquoddy Tribe on more than one occasion to try to do something to benefit both the harness racing industry and the Passamaquoddy folks in Washington County. We worked together as a team in 2011. We all had high hopes that we were going to be successful on both of our endeavors by having a racino racetrack in Washington County and one in York County. Although the statewide vote voted us down, it's interesting to note on the material that you were passed out yesterday that shows that we did win in Washington County and we did win in York County where these two facilities were going to be placed. So if there is interest there, let's oppose this motion and move on in a forward mesh. Thank you.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative SAUCIER.

Representative SAUCIER: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I also rise in opposition to this motion. It is time that we let our good Native American friends in Calais to try and create a business for them to be able to survive. You know, it's one thing for us to sit here and stand here and say, well, we can dictate who lives, who survives and who doesn't survive. But I would ask anybody in this body if you were to step in their shoes and live where they live, and live the life that they live, would you like it? I think not. Our good friends have tried for over 20 years to get a casino in their community. In the meantime, we've let big corporate giants come in, like Penn National and Churchill Downs, operate a casino and take the money out of state. These folks are trying to raise money for their community to help them survive and I think we have an obligation to let that happen.

Now, you can talk about a statewide vote all you want. Statewide votes are when we try to decide whether we wanted gambling in the state. It was a statewide vote. But now that we have gambling in the State of Maine, it is time that we take the statewide vote out of our minds because you all know that if you have a casino in your district, you're going to protect them, and our good friends who have casinos in their district, I don't blame them for voting the way they do because they are representing the communities they live in and I understand that. But, for me, in Presque Isle, I shouldn't have to worry or care about somebody in Calais, Maine, if they want to have a casino or not. It's not my place to decide that vote. This bill requires a statewide vote and I oppose that vehemently, and it's up to us to make that happen that we do not have a statewide vote and let these people decide for themselves whether they want a casino in their community. We talk about being a capitalistic society and that we should offer opportunities for businesses to grow and to create jobs. This is a business for the Passamaquoddy's to be able to put their people to work, to have an income, to be able to raise their standard of living, and I don't think anybody in this body should have the right to say we decide their fate that way. This bill should be defeated and allow the Minority Report to come forward, and I would ask you to vote red and follow my light and protect the interest of our friends, our Native Americans. Thank you.

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

Representative VEROW: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I can't help but reflect back to 1980 when both houses of Congress passed the Maine Indian Land Claims Act. As part of that Act, the Native

American tribes gave up the right to operate gambling in the State of Maine. Unlike other tribes throughout the country, they had that right and our Maine people, unfortunately, they gave up that when the Land Claims Settlement was approved. That was 34 years ago and here we are today, we have an opportunity to perhaps correct that by our vote here. I'll be voting in opposition to the pending motion. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 521

YEA - Black, Carey, Chipman, Clark, Crafts, Crockett, Davis, Duprey, Espling, Fowle, Frey, Gideon, Guerin, Harlow, Harvell, Hayes, Herbig, Hobbins, Kaenrath, Kent, Kornfield, Lajoie, Luchini, Morrison, Nelson, Plante, Reed, Rochelo, Rotundo, Sanborn, Schnack, Shaw, Timberlake, Wallace, Weaver, Welsh, Mr. Speaker.

NAY - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Boland, Bolduc, Brooks, Campbell J, Campbell R, Casavant, Cassidy, Chase, Chenette, Cooper, Cray, DeChant, Dickerson, Dill, Dion, Dorney, Dunphy, Evangelos, Farnsworth, Fitzpatrick, Fredette, Gattine, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Hamann, Hickman, Hubbell, Johnson P, Jones, Keschl, Kinney, Knight, Kumiega, Kusiak, Libby A, Libby N, Lockman, Long, Longstaff, MacDonald S, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Nadeau A, Nadeau C, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Peterson, Pouliot, Powers, Priest, Pringle, Rankin, Russell, Rykerson, Sanderson, Saucier, Saxton, Short, Sirocki, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Turner, Verow, Villa, Werts, Willette, Winchenbach, Winsor.

ABSENT - Briggs, Chapman, Cotta, Daughtry, Devin, Doak, Jackson, Johnson D, Jorgensen, Kruger, MacDonald W, Tyler, Volk, Wilson, Wood.

Yes, 37; No, 99; Absent, 15; Excused, 0.

37 having voted in the affirmative and 99 voted in the negative, with 15 being absent, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative LUCHINI of Ellsworth, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-630)** 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" (H-630)** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-629)** - Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Authorize the Houlton Band of Maliseet Indians To Operate a Casino in Aroostook County"

(H.P. 925) (L.D. 1298)

TABLED - March 4, 2014 (Till Later Today) by Representative LUCHINI of Ellsworth.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

The SPEAKER: The Chair recognizes the Representative from the Houlton Band of Maliseet Indians, Representative Bear.

Representative **BEAR**: Thank you, Mr. Speaker. Chief Commander, my Tribal Council, Ladies and Gentlemen of the House. I rise today in opposition to the pending motion and I'm in a position that I didn't think I would be in, having to follow my friend from the Passamaquoddy Tribe, which is I'm now finding a little difficult to do. I'm almost compelled to sit down and say you've heard it all, but I'm going to add a couple of things before I do that. There is a bit of a difference between the Passamaquoddy bill, which you've just passed, and ours, at least the amended version that we're proposing in the Minority Report. We are located in northern Maine and juxtaposing with the Hollywood Casino, we are actually one mile further away than the Passamaquoddy proposed location. That's not a big difference, but it is a difference so I thought I'd point that out. It's an honor to stand here with Mainers, with my Tribal Chief and Council present, which is a bit intimidating for me. I'm never comfortable when I appear before them, but it's a great honor. I am also recovering from a bit of a cold so I'm dealing with my nasal, so I was going to stay home but something came up so I thought I'd go to work.

What I'm here to say is basically that we're looking with our idea, with this economic development idea to make Aroostook County a better place to live for all of us. I could repeat many of the points that were made by the speakers who considered the last bill. Keep those in mind. But we are attempting to do something we've done all through our history as Maliseet tribal people, currently numbering nearly 1,500 people. That information is in the handout that I sent around, I had the Pages send around, and I rely on that so if you can take time to peruse that, read that, if you haven't already done that, I would appreciate that very much. But basically we are attempting to, in this unique economic development proposal, to create jobs, to do something that has broad support in our community, in the form of a Tribal Council Resolution in our community. In the form of a Town of Houlton Council unanimous vote, you will see their letter of support on your desk. It also has broad support by the experts, the experts that know the gaming situation in the State of Maine, including Dr. Clyde Barrow. You would have heard his name if you attended any of the committee hearings. Professor Todd Gabe, University of Maine, a professor and expert in gaming economics. Their opinions support this bill as well.

L.D 1298 is justified because we have a nearly similar economic situation among the Houlton Band of Maliseet Indians as exists among the Passamaquoddy Tribe. I think that Washington County tops the list in terms of economic impacts and economic need, but Aroostook County is a point behind it. We are the next. I want to reiterate that the need is nearly equivalent. We have, in Houlton, Maine, we have more than 600 people unemployed and these are non-tribal people. We have a high unemployment rate among the Maliseet Tribe as well. According to statistics, in 2010, it was the highest of all of the Maine tribes. According to statistics and our health studies, we have the highest rate of mortality, the highest of morbidity. We get sick, we have depression, we have addiction, and we do not have the means to pull ourselves up. So this economic development idea can help us do that. This is not what we want to do necessarily, although historically we are not just a hunting culture or a gathering culture or a fishing culture. We enjoy gaming. That's part of who we are, spending times enjoying games of chance. It is a matter of record for hundreds and hundreds of years. This is something that is part of us.

We've heard in the chamber others enjoy it. They struggle with it, at times, as well. We have, on record, hundreds of years