

MAINE STATE LEGISLATURE

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beginning page H-1301

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

ago, the same problem. Some people have difficulty with the gaming and it's interesting because there is a story, you might have heard of John Gyles. John was 14 years old when he left us, but we captured him, the Maliseets, down near Pemaquid, and brought him up the Maliseet Trail, which exists historically from Old Town all the way up through to Houlton. He was brought there at 7 years old with his mother. Although it didn't start out too well, he eventually fit it. He realized in his journal that he kept nearly daily, or at least enough to where he had quite a journal built up over a seven-year period, he made observations – marriage practices, diet, hunting, fishing activities, travel routes, portages, all of these things. He made a very good record. It's on the Internet. But what he noted was that, at times, probably too often, people gambled. They loved, we did as Maliseets, enjoyed gaming. It was part of culture, day in and day out. He noted that Maliseets would game away almost all of their possessions, only to turn around and make them again, whether it was a drum or a pack, perhaps a canoe. But he noted that they would then go right back into it and, often as not, win or lose again the next time they sat down. But this was part of the culture. It still is.

In the modern context, we propose to continue that part of our culture. In a sense, it is the third pillar of our economic wigwam. Fisheries now, we're entering the commercial fishery. We're very pleased that LD 953 passed, that you approved that the first part of this session. We're going to be in the commercial fishing business – lobsters, 10 licenses; scallops, 10; urchin, crab, a few elvers' licenses – and that is one of the legs of our economic wigwam. The other, of course, is our gaming proposal. So I was going to mention forestry, but I didn't want to spring it on you right now. But the thing is that gaming is part of our culture and what we're showing, what we're asking for support with is to be able to continue that in the modern context in Houlton, Maine, in a way that will create jobs for the 600 plus unemployed in Houlton, for the dozens, if not hundreds, of unemployed in Millinocket or up through to Mapleton in Aroostook County, in the adjacent areas that are within the driving area of a Houlton-based Maliseet tribal casino. There is going to be plenty of jobs, in the sense that if you approve this, there are the multipliers that I'm now more aware of, having talked with our economic development people, who are also present in the gallery I might add, and the experts of the other gaming facilities who have told us or showed us that they are viable. So we anticipate the same sort of success at a lower level.

We are less population. We are therefore not going to be operating at 1,500 machines. We foresaw that such a request would be without a basis. It would be unrealistic. So in order to be more realistic, we propose, in our amendment, that the games that are allowed are basically one half of what's already existing in Hollywood or Oxford, but that the reality is, especially in starting out and where we're going to be operating out of a roller-skating facility that we have available on the North Road property in Houlton, we will be able to start with far few and probably not grow beyond that much farther. So the fiscal impact note that I received, which is an estimate, is being adjusted to reflect the reduced demographic, the reduced profits as a result, but it's predicted to produce for the Tribe approximately \$17 million in profit. Now that's not much when you compare to Oxford or Hollywood Slots, which is four times that level, but it is an indicator of how much it can produce at 500 machines and still be a basis to accept Dr. Barrow and Professor Gabe's expert opinions that a tribal casino on the border in Aroostook County will not directly compete with the existing two facilities, and that's an important point. So the concern about "proliferation," words that have been used in debate and committee, or "unrealistic

expansion" or "saturation of the market" needs to be examined in that light. Those are facts. I'm not suggesting you look at it our way. You read it for yourself. It's in front of you. It's available on the maine.gov Gaming Commission website. All of that information is available. It was available for the Commission when we met over the summer and fall. It was read by everybody. All that could have been generated for reports was and the conclusions by the experts from Oxford Casino and Hollywood Slots Casino were unsettling to some people, especially to the chief executive officers of Oxford and Hollywood casinos in that they said, what we had argued, that there is no significant threat from tribal casinos who would operate close to the border. The reason they said that is because we will be relying on a market to the east of the United States, in Canada, specifically counties that are adjacent and provinces that are adjacent to northern Maine and eastern Maine.

You've already heard in the previous bill and presentations that Charlotte County, which is opposite of Calais, is considered part of the market that will be supporting that casino in Washington County. For us, it's a different demographic. It's going to be Victoria and Carleton County and southern Quebec and northern Maine. All of this makes up for approximately one quarter of a million people, out to possibly 800,000 people if we take in the traffic that I-95 will funnel through to us. We're kind of like at the mouth of a river. If we could, we could throw a net across but that wouldn't be fair and block all the fish or all the traffic. What we'll do is we'll have a sign because we're so close to the border crossing and to I-95, i.e. the old Maliseet Trail, that we should be able to attract a market, not just with the truckers but with what we now know, according to the measure taken by Border Protection and United States Customs there at the port, that there are 700,000 registrations recorded, separate vehicle registrations, and many of these are daily visits so we're maybe talking 1.5 million to 2 million people that come to Houlton, Maine. They come there every day for minor reasons, the usual reasons which is milk, chicken, butter, especially Houlton butter. If you've never had it, you ought to have a dab of that. It's very good. It's quite sought after, even by the Canadians. Turkeys and American goods of that sort. So Canadians are a big part of the calculation for our business plan and this has been reported by our economic developers, by the experts and noted by Dr. Barrow and Professor Gabe. So I'd ask that you rely on that.

Anyway, in conclusion, I would just say that we need this economic development proposal. We ask that you support it for the very same reasons that the Passamaquoddy have stood and asked you to support theirs, and that you agree. If I had been here 22 years ago and I'm old enough to have been here 22 years ago, but you didn't extend an invitation to me until last year, but I would have been telling you this over the last 22 years as well. But I can tell you this: The wisdom of my Chief and Council, present and past, foresaw that I would be standing up before you today. So this is a historic moment in the sense that years ago they set aside tribal lands, trust lands, for the purpose of this gaming facility that I'm now asking you support by opposing this motion. Thank you very much, Mr. Speaker.

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 don't think I've gotten up and talked as much as I have today, but I feel passionate about what this is all about. I am in opposition of this motion. I believe that the colleagues on both sides of the aisle would hope that you would give them the same consideration we gave others. I just want to say one thing about the atmosphere around gaming in New Brunswick. I'm not going to say

everything that we've already talked about because we've already hashed it out. But if you look at the crown of Maine, Edmundston, New Brunswick, across from Madawaska, a full fledge casino. You look across from Fort Fairfield, Perth-Andover, a slot facility. You look down in Woodstock and they have a facility down there. Moncton just opened up another new full-fledged casino. It's happening all around Maine and these casinos that we're trying to allow our Native Americans to open on this side of the border, we need to give them the same opportunity that the Canadian government is giving their tribes in Canada. We can keep our heads in the sand all we want, and I know we've had great results here this morning and I don't mean to disparage anybody, but the fact remains is that gaming is here. Aroostook County, Houlton, Maine, has no effect on Hollywood Slots. They say 3 percent. I even dispute that. Most of the people in Aroostook County are going across the border and gambling, so why not keep that business here in Aroostook County, just like we should keep the business in Washington County? I hope that everybody would follow my red light and defeat this motion, and give our friends of the Maliseet Nation the same opportunity as we gave our good friends of the Passamaquoddy. Thank you.

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 and I say let's do it for all the reasons we've said for the last three hours. Thank you.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The good Representative from South Berwick just stole the words right out of my mouth. Again, this is a sovereign nation. We should allow them the opportunity to make their own economic decisions on their own land. I certainly don't like it when people come to where I live and tell me what should be in my refrigerator. So I think that if we're going to do it, today is the day to do it and let's just move forward and then maybe afterwards we can enjoy some of that Houlton butter, because I know for a fact that I am very hungry. I'm sure everybody else is.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Villa.

Representative **VILLA**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand in opposition to the motion. The Indian Gaming Regulatory Act is a 1988 United States federal law that establishes the jurisdictional framework that governs Indian gaming. There was no such federal gaming structure before this. This stated purposes of the Act included providing a legislative basis for the operation and regulation of Indian gaming, protecting gaming as a means of generating revenue for the tribes and encouraging economic development of these tribes. As the good Representative Bear stated, gaming is one of many historic traditional Indian cultures. Tribal games include dice and shell game activities, archery competitions, races and so on. When Native Americans moved to Indian reservations in the mid to late 1800s, most were left with limited economic opportunity. Today, most of these reservations are located in remote areas with little indigenous, economic activity. They have some of the highest rates of poverty, unemployment, welfare dependency, school dropout, alcoholism, and other indicators of poverty and social distress of any communities in the United States. Under the Indian Gaming Regulatory Act, Indian gaming is a right of Indian Nations derived from sovereignty, recognized by the Supreme Court and

Congress. It's time that the State of Maine do the right thing and help Maine tribes long battle for economic and cultural survival by allowing this economic development tool that has worked so well on other reservations throughout the United States. I ask you to follow my red light. Thank you.

Representative BERRY of Bowdoinham **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: 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. 522

YEA - Beaulieu, Bennett, Berry, Black, Carey, Chipman, Clark, Crafts, Crockett, Davis, Espling, Frey, Gideon, Goode, Guerin, Harlow, Harvell, Hayes, Herbig, Hobbins, Kaenrath, Kent, Kornfield, Lajoie, Luchini, McCabe, Morrison, Nelson, Plante, Reec, Rochelo, Rotundo, Sanborn, Schneck, Shaw, Timberlake, Treat, Wallace, Weaver, Welsh, Winsor, Mr. Speaker.

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

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

Yes, 42; No, 92; Absent, 17; Excused, 0.

42 having voted in the affirmative and 92 voted in the negative, with 17 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-629)** 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-629)** and sent for concurrence.