

# MAINE STATE LEGISLATURE

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

Daily Edition

Second Regular Session  
beginning January 8, 2014

beginning at Page 1544

15 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **TUTTLE** of York to **TABLE** until Later in Today's Session pending the motion by Senator **CUSHING** of Penobscot to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE, FAILED**.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Penobscot, Senator Cushing to Indefinitely Postpone the Bill and accompanying papers, in Non-Concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#468)**

**YEAS:** Senators: BURNS, CAIN, CLEVELAND, COLLINS, CUSHING, GRATWICK, HAMPER, LANGLEY, MASON, MAZUREK, MILLETT, PATRICK, SHERMAN, THIBODEAU, THOMAS, VITELLI, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

**NAYS:** Senators: BOYLE, CRAVEN, DUTREMBLE, FLOOD, GERZOFOSKY, HASKELL, HILL, JOHNSON, KATZ, LACHOWICZ, PLUMMER, SAVIELLO, TUTTLE, VALENTINO

**EXCUSED:** Senator: JACKSON

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CUSHING** of Penobscot to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE, PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/11/14) matter:

HOUSE REPORTS - from the 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

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-629)** (5 members)

Tabled - March 11, 2014, by Senator **HASKELL** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, March 6, 2014, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-629)**.)

(In Senate, March 11, 2014, Reports **READ**.)

Senator **TUTTLE** of York moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

Senator **CUSHING** of Penobscot moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

On motion by Senator **TUTTLE** of York, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Craven.

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, I stand in opposition to the pending motion. I must admit I don't know anything about gambling, but I do know about poverty and I know about living in a rural area where it is very very difficult to be employed. I'm speaking tonight at the request of my very dear friend, Representative John Henry Bear, on behalf of his tribe. It has to be frustrating for the Maliseets and other tribes to have to depend on the Legislature or to have to depend on the largest population when they want to move forward with some kind of a development. They continue to struggle with unemployment and poverty. This development would create at least 800 jobs. This casino would also be within the 100 parameter of any other casino. It would bring a 45% tax to the coffers of the state of Maine. I think that I, personally, would never vote against the tribes because they are independent nations, because they should have the opportunity and the freedom to develop as they want to, and we certainly have overshadowed them long enough. It doesn't seem to matter what it is that they want to create, the larger community wants to step on their developments. Mr. President and members of the Senate, please do not cast a vote against the Maliseet Indians. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Oxford, Senator Patrick.

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I stand before you here semi-hypocritical in the fact that I am not going to necessarily speak in favor of this. As I told Representative Bear, I will say a couple of comments in regards to this and the next casino. I won't talk about the next casino, but my comments are somewhat the same, and is within the scope of what we're looking at doing here. I'm not in full support of how the bill is written and everything about it. I will say that, at least from the standpoint of what limited policy that we do have, we do have a 100 mile limit and this tribal casino would be beyond the 100 mile limit. We've had several studies done by a gaming expert and that gaming expert actually said that within the entities that are already existing businesses this one and another one that maybe

from another county to the east would have no financial effect on the existing businesses that we have in the state. My good colleague from Androscoggin County, I know she speaks passionately on behalf of Representative Bear. This is a tough one. Both tribal entities did vote for the amendment to push their bills forward in the Gaming Commission, but they've always had a real strong place in my heart for the reasons my colleague brought up. One of the things I will say in all honesty, and I've said this in committee and I've said this on the floor, the gaming entities in the state of Maine know one thing; we have 1,500 slot machines available to Penn National. We have 1,500 slot machines available to Oxford Casino. That's 3,000 slot machines. There are only 1,500 slot machines being used for one reason; because that's the amount of play that will make their businesses profitable. They right-size their business. The hopes that the tribe puts in this bill, I believe, is well beyond the scope of realism and that if this does move forward they will find, as the entities that have blazed the trail for them, that they will right-size their business. I will say publicly that that business would be one-third the size that they hoped. Like my colleague from Androscoggin said, this could be their economic opportunity and what she is asking is that we don't take that opportunity away. I just wanted to bring those facts forward. I want to honor what I said to Representative Bear. I hope I did at least that. Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Aroostook, Senator Sherman.

Senator **SHERMAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, my two cents worth is this, we are 200 miles north of here. We're basically a different country, frankly. Some of you may remember that Henry Joy tried to have us split off into two states, which we really are. The rim counties are getting emptied out in a hurry. Things are heading south. The safety valve for this casino, if you will, they may have to downsize, is the Aroostook County would get to vote on it one way or the other. Local control. Those of you driven north, we're talking 300 miles to Fort Kent. Aroostook County itself is large. You could put New Hampshire in it and I believe Rhode Island also. It's a massive area that no one seems to visit very often. There used to be over 100,000 people. We're down to seventy something thousand people now. This is probably not the best economic development, but it gives some people hope. If the tribe can develop this, even at one-third of the size with the numbers, numbers are numbers, projections are projections, at least they'd have a shot and a shot for the area. The possibility is, obviously, that it would provide jobs. I believe the pending motion is, if I'm correct here, I would oppose it, the pending motion. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Mason.

Senator **MASON:** Thank you Mr. President. Now there is no risk of it, I am being repetitive. My same reasons for opposition to this bill and in favor of the motion are the same. I wanted to address the county-wide vote issue. I represent Senate District 17, which covers most of Androscoggin County. One of the towns I represent is Mechanic Falls. If you stand on the town line of Mechanic Falls in Oxford you can throw a rock at Oxford Casino if you had a really good arm. In the cascade for Oxford it talks

about how Oxford County gets a certain amount of money. The Town of Oxford gets a bunch of money. In order to get to Oxford Casino you basically have to go through Mechanic Falls and a lot of the transportation burden and everything else that came along with the casino, whether that is good or bad is up to you. I do believe that there will be ramifications outside of Aroostook County, just like there was when Oxford passed on Androscoggin County. Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from York, Senator Tuttle.

Senator **TUTTLE:** Thank you Mr. President. I request to know if there is a roll call that has been requested.

**THE PRESIDENT:** The Chair would advise yes, there has been a roll call requested.

Senator **TUTTLE:** Thank you Mr. President. As has been mentioned by most of us here this evening, this could provide significant economic development for Aroostook County, particularly for that area of the state where economic development now is very crucial, as you have heard from previous speakers. I think it is designed to be smaller than the state's two other facilities and fit with its location and not impact existing facilities. As has been mentioned before, it requires a county-wide vote before it can be operated and under direct State control. I think it is a moderate request and something that I think makes a lot of sense. I would ask that you would defeat the pending motion. Thank you, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Penobscot, Senator Cushing to Indefinitely Postpone the Bill and accompanying papers, in Non-Concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#469)**

**YEAS:** Senators: BURNS, CLEVELAND, COLLINS, CUSHING, GRATWICK, HAMPER, KATZ, MASON, MAZUREK, MILLETT, PLUMMER, THIBODEAU, THOMAS, VALENTINO, VITELLI, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

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**EXCUSED:** Senator: JACKSON

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CUSHING** of Penobscot to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE, PREVAILED.**