

MAINE STATE LEGISLATURE

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center, and pools under the condition that they don't get a license fee until it's built, unlike another casino that's got a license fee on the cheap and never built anything. People can come up with a lot of fancy plans, but they didn't have to build them. I guess what I'm saying is that if you want to vote for anything today, as far as the casino, this is the plan. This is the business plan. This is the plan that helps everybody in the state of Maine with a \$50 million fee, a condition that nothing will be given to them as far as the license until all of the real property is built on it. What I'm saying is that if anybody is thinking we need a casino in the state of Maine, if you're a business person this is the business plan. This is what's good for everybody. Don't give a license away for cheap like we did before. I'd like to have a comprehensive plan. It's not before us, so I'm voting for this. Where other people are coming before you and asking for a discount of 95% off, or 99.5% off, these people are offering you ten times what we have in statute. It's a good plan to create money for the state of Maine, to create jobs for the state of Maine, and if you're voting for anything this is the one to vote for, for everybody to share equally. Thank you.

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

Senator **MASON:** Thank you Mr. President. Men and women of the Senate, I rise in opposition to the pending motion and I'll be voting with the Senator from Oxford, Senator Patrick. First of all, I'd like to say thank you to the Senator from York, Senator Valentino, for her efforts on moving a comprehensive plan along for the state of Maine and our gaming industry. However, I firmly believe that we need to have a study to tell us what our comprehensive plan should be before we adopt one. In Maine we have, pardon the pun, the cart way before the horse. I think that we need to study the industry, study what gaming in Maine is going to look like over the next ten years. I believe there is a way for us to do that. The bill in front of us does not do that. I think the Veterans and Legal Affairs Committee can address all of the gaming issues in the authority that we have to report out a bill through the Gaming Commission that met over the fall. Mr. President, I would urge you and the other members of the Senate to vote against the pending motion. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Tuttle to Recede. 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 (#502)

YEAS: Senators: BOYLE, CRAVEN, DUTREMBLE, FLOOD, GERZOFISKY, HASKELL, JACKSON, PLUMMER, SAVIELLO, TUTTLE, VALENTINO

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

EXCUSED: Senator: KATZ

11 Senators having voted in the affirmative and 23 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **TUTTLE** of York to **RECEDE, FAILED.**

On motion by Senator **JACKSON** of Aroostook, the Senate **INSISTED.**

The Chair laid before the Senate the following Tabled and Later Assigned (3/21/14) matter:

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 21, 2014, by Senator **JACKSON** of Aroostook

Pending - **FURTHER CONSIDERATION**

(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 19, 2014, Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED, in NON-CONCURRENCE.**)

(In House, March 20, 2014, that Body **INSISTED.**)

Senator **TUTTLE** of York moved the Senate **INSIST** and **ASKED FOR A COMMITTEE OF CONFERENCE.**

On motion by Senator **PATRICK** of Oxford, 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 York, Senator Tuttle.

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, I would hope and request that fair and equal consideration be given to the Northern Maine tribal casino bill, as that is currently being extended to the other tribe, the Passamaquoddy. They are nearly identical casino bills. This will very much affect the folks of Washington County. I'm just asking that you give us a chance to get together and find some solution to this issue. We were hoping that we would have a vehicle to do that, but after the last vote it doesn't appear to be going to happen. I think this will provide an important last opportunity to discuss and to amend the Maliseet gaming bill so that it may be

acceptable to the Senate and to the other Body. I know that Chief Commander and Representative Bear have been working very hard on this issue. They are willing to accept any necessary amendments to make this proposal a reality. We should not arbitrarily pick winners and losers among the tribes. I think given the very close vote, bills receiving the same number of votes, it seems that a successful negotiation is a realistic possibility for both sides to amend their bills and that possibility is worth being given an equal chance to occur. That's why I'm requesting a Committee of Conference, Mr. President. Thank you.

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

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, I rise to give voice to the Maliseet tribe at the request of Representative John Bear. Since Maine has authorized multiple forms of gaming, such as lottery, two non-tribal casinos in Bangor and Oxford, harness racing, charity bingos, and scratch tickets, Maine has no choice but to approve tribal gaming and casinos in both Aroostook County and Washington County and the electronic version of beano proposed by the Penobscot Nation or face legal consequences. Our casino will provide revenues for the operation of the tribal government and will provide consistent funding for tribal services, independent of federal grants. It will provide a major source of much needed employment on tribal lands for both tribal and non-tribal people in Aroostook County. Self-determination and economic development are not within reach of the Maliseet. It cannot raise revenues and provide employment for their members. The Department of the Interior, which has the primary responsibility for carrying out the federal government's trust obligations to Indian tribes, has sought to implement these trust obligations by promoting tribal gaming enterprises across the country. Under the Indian Financing Act of 1974, the Secretary of the Interior has made grants to federally recognized tribes. It has guaranteed loans for the purpose of constructing gaming facilities. Furthermore, HUD and the federal DHHS, yes, Health and Human Services, has also provided financial assistance to develop tribal gaming enterprises throughout the United States. Three federal agencies. There is also a Maliseet Tribal Resolution authorizing gaming on the trust lands in Houlton. The Secretary of the Interior has approved such tribal resolutions and ordinances establishing and regulating the gaming activities involved for more than 200 tribal casinos. Furthermore, the Secretary has the authority to review tribal gaming management contracts under 25 USC S81 and has issued detailed guidelines governing that review to protect tribes from crooked casino developers. Interestingly, in 1996 the First Circuit Federal Court of Appeals ruling in the case of Passamaquoddy vs State of Maine regarding the application of AGRA in Maine does not apply to the Maliseet gaming proposal. Instead the 1987 Supreme Court decision applies and binds the State of Maine. Maliseets are therefore insisting that members of the Maine Senate, all of whom swore an oath to uphold the laws of the United States, comply with the law and vote to Recede and Concur with the Majority vote of the Maine House of Representatives or that alternative, to agree with Senator Tuttle's proposed motion for a Committee of Conference, so that Senate members can confer and negotiate a gambling bill or compact with the Maliseets in good faith that is legal and agreeable to all parties and then vote

to pass and agree upon amendment L.D. 1298 in the Senate. Thank you very much, Mr. President.

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

Senator **VALENTINO:** Thank you Mr. President. Men and women of the Senate, I rise today in opposition of the motion. This is a bad proposal. We just voted down a \$50 million fee. This proposal has a \$250,000 fee, which is 95% less than the fee that we have in statute. This proposal has no privilege fee, no \$250,000 upfront. Their license is not tied into any hotel rooms, spas, conference center. They can do exactly what Oxford did, just build the casino and never build anything. Oxford showed us a lot of fancy plans, but I don't see any fancy hotels up there. This does not make business sense. When other states are selling their licenses for \$200,000, and we're going to sell ours for \$250,000. This does not make sense. This is not a business plan. This does not help the people of the state of Maine. This does not help the General Fund. I want to take up my good friend, the Senator from Androscoggin County. He says we're going to work on a comprehensive plan. We should vote down all of these, the rest of these, bills today and actually do a comprehensive plan on it. Comparing this bill and other bills to the bill that we just voted against, I don't see how I can vote on them at all. We had an opportunity. I'm not going to go home and tell the people in my district that I sold a license for \$250,000 when I could have gotten \$50 million for it. Please vote against the motion.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Tuttle to Insist and Ask for a Committee of Conference. 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 (#503)

YEAS: Senators: BOYLE, CAIN, CRAVEN, DUTREMBLE, FLOOD, HASKELL, JACKSON, JOHNSON, LANGLEY, PATRICK, PLUMMER, SAVIELLO, TUTTLE

NAYS: Senators: BURNS, CLEVELAND, COLLINS, CUSHING, GERZOFISKY, GRATWICK, HAMPER, HILL, KATZ, LACHOWICZ, MASON, MAZUREK, MILLETT, SHERMAN, THIBODEAU, THOMAS, VALENTINO, VITELLI, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

13 Senators having voted in the affirmative and 22 Senators having voted in the negative, the motion by Senator **TUTTLE** of York to **INSIST** and **ASK FOR A COMMITTEE OF CONFERENCE**, **FAILED**.

On motion by Senator **JACKSON** of Aroostook, the Senate **ADHERED**.