

# MAINE STATE LEGISLATURE

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

**Daily Edition**

**First Regular Session**

beginning December 3, 2014

beginning at page H-1

this was voted on several times in this body, he is correct. The votes were 99/47 in favor; 93/54 in favor; and 92/50 in favor of the bill moving forward.

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

Representative **TURNER**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, this did, indeed—let me be clear—this did, indeed, go back to committee after it was voted to carry over from this body. So, I guess my question would be to the Chair, did the Chair not sign off for this to be carried over? Thank you, Mr. Speaker.

The SPEAKER: The Chair would answer in the affirmative.

The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker, I would defer. The Representative from Burlington just asked the same question on that particular one. However, I would ask if it appropriate to ask a question of the Chair to, perhaps, explain why he didn't sign off?

The SPEAKER: The pending motion before the House is Adoption of House Amendment "A" which would include this bill to be carried over.

A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A". All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 458**

YEA - Austin, Battle, Beck, Bickford, Black, Buckland, Campbell R, Chace, Corey, Dillingham, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farrin, Foley, Fowle, Fredette, Gerrish, Gillway, Ginzler, Golden, Greenwood, Grohman, Guerin, Hanington, Hanley, Harlow, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Hubbell, Kinney J, Kinney M, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Marean, Martin R, McClellan, McElwee, Nadeau, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Saucier, Sawicki, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, White, Winsor, Wood.

NAY - Alley, Babbidge, Bates, Beavers, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Farnsworth, Fecteau, Frey, Gattine, Gideon, Gilbert, Goode, Grant, Hamann, Herbig, Hickman, Hobbins, Hogan, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Martin J, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Powers, Rotundo, Russell, Rykerson, Sanborn, Schneck, Stuckey, Tepler, Tipping-Spitz, Tucker, Welsh, Mr. Speaker.

ABSENT - Chapman, Crafts, Malaby, Pierce T, Stearns.

Yes, 87; No, 58; Absent, 5; Vacant, 1; Excused, 0.

87 having voted in the affirmative and 58 voted in the negative, 1 vacancy with 5 being absent, and accordingly **House Amendment "A" (H-504) was ADOPTED.**

Subsequently, the Joint Order was **PASSED as Amended by House Amendment "A" (H-504).**

Sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

The following item was taken up out of order by unanimous consent:

On motion of Representative BEAR of the Houlton Band of Maliseet Indians, the following Joint Order: (H.P. 997)

ORDERED, the Senate concurring, that Bill, "An Act To Provide for the Licensing of a Casino Owned by the Maliseet Tribal Government on Tribal Lands in Aroostook County," H.P. 735, L.D. 1066, and all its accompanying papers, be recalled from the legislative files to the House.

**READ.**

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

Representative **BEAR**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, good morning. I am trying to, I think this is really a matter of housekeeping. I know that we just passed an amendment to the bills that will be carried over, which includes the southern casino, which I support. And what this motion does, this Joint Order, is kind of make it so that our bill, the Tribal bill—one of them, the initial one, one that nearly 100 of you have already supported in its initial form—can also be considered by the VLA Committee and also be allowed to be carried over. And what we have in this bill is the genesis of what eventually was a big part of the committee bill, which did fail in the other body by a vote. So, what I'm hoping you'll agree to let me do, let us do, is have LD 1066 on the table for us to work into perhaps a single bill during the second half of this 127th Legislature and I would very much appreciate you letting that happen by supporting this Joint Order. Thank you.

Representative POULIOT of Augusta **REQUESTED** a roll call on **PASSAGE.**

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 Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker, Men and Women of the House, I rise in favor of the order before us and would encourage my colleagues to support the good Representative from the Houlton Band of Maliseet Indians, Representative Bear, in today's vote and I hope that folks will consider following my light. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Beals, Representative Alley.

Representative **ALLEY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise to share my feelings on the way that in which we continue to treat our Tribes. There were two bills in the session regarding gaming on Tribal lands, LD 1066 and LD 762. Both bills are now dead, yet LD 1260 which intends to expand gaming opportunities in southern Maine still has life and as it awaits further action in the Veterans and Legal Affairs. What's wrong with this picture? At what point will we show the same courtesy and privilege to our Tribal brothers and sisters that we show to ourselves? I think we can do better, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Friendship, Representative Evangelos.

Representative **EVANGELOS**: Thank you, Mr. Speaker, Men and Women of the House, I agree with all of the previous speakers and support Representative Bear's motion. We have a chance to get our history right in this state, today, and let's level the playing field, please, and correct a wrong. I think it's very, very important that we set the example in this state that we're all created equally, we all deserve the same opportunities. I'm not going to stand before you today and argue that gambling is the panacea or the great economic development engine for our state. You know that part is debatable. But this is a deeper issue for all

of us and it's the issue of whether we're going to treat all people of all races equally. And I'm urging you to please support Representative Bear's motion. Thank you, Mr. Speaker.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I was here years back when we voted on the two casinos that we have now. One of them is owned by a Pennsylvania group and the other one's owned by Churchill Downs. And when we voted on them, we turned our back on the Native Americans then and we turned our back on the Native Americans now. They were all here. This is their land and they should be given the first right before anybody else, especially from out of state. We have our water being taken out of the state by a foreign company. We have our electricity owned by a foreign company. And we turn our back on the Native Americans who were here long before our ancestors. And I think it's time, before we vote on any more casinos in the state, that we bend to the Native Americans and give them their chance. We have two empty seats over there now. What are we going to wind up with, three? Thank you very much, Mr. Speaker.

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

Representative **BEAR**: Thank you, Mr. Speaker and all of you for those sentiments. I hope that you don't consider this is so much a plea or any sort of inappropriate revisiting of a dead horse. This bill is a good bill. If you look at it over the next period, you'll see how it is a generous bill. It has got the elements for amending, which I'm hoping that we'll have the opportunity to do in the VLA Committee so that it can be still reworked to in the cascade, make sure that the two counties, the municipalities that are targeted for profit sharing can have a population-based formula, instead of it going to some towns and not to others. That amendment had been worked up until I voluntarily agreed to withdraw my bill in favor of a committee effort, which has since failed. So, this is a good bill. If you haven't read it, please do. Thank you, Mr. Speaker.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker, Men and Women of the House, as most of you know, I'm not in favor of gambling. But I just want to recall to you, my experience earlier, as I've mentioned, on the vote, my first casino in Maine located in Calais. Just want to repeat my reason for supporting it then. Whereas the State of Maine was already in the lottery business; whereas Harrah was investing \$40 million in the community and \$40 million in the facility; whereas money spent in the fine Washington County community, most of which would stay and come from Canada; and whereas the state has allowed several gambling facilities and benefits from the income of those facilities. Therefore, I'll be supporting LD 1066 to allow those who have interest in participating in this industry to do so.

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

Representative **MAKER**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative **MAKER**: This bill got changed many times during our session. I'm not sure if this is including Washington County or it's not including, or is it? I guess I'd like to have clarification before we continue.

The SPEAKER: The Representative from Calais, Representative Maker, has posed a question through the Chair to

anyone who may care to respond. The Chair recognizes the Representative from Ellsworth, Representative Luchini.

Representative **LUCHINI**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, to answer the question, the Veterans and Legal Affairs Committee reported out a committee bill—I think it was 1446—that included all the Tribes. The bill before us, trying to be recalled, only includes one.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Longstaff.

Representative **LONGSTAFF**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I can be very brief. I have been on the Veterans and Legal Affairs Committee for five years now. I have seen a number of ways in which we have expanded gambling opportunities in Maine. We have not yet been able, successfully, to do anything for the Tribes. Often, not always, but often, the only voices in opposition are voices who come from established gaming operations already going on in the state.

If we are, as we are, going to bring back the southern Maine casino proposal, it seems to me only fair, the right thing to do, to bring back the one for the Tribes as well. With respect to the question of whether Washington County is or is not included, that seems to me a somewhat moot point because once the bill comes back to the committee, it will certainly be debated, it will certainly be amended. And the version that finally makes its way to the floor, if any, will look somewhat different from the one that is referred back to us for consideration. So, with that, I urge you to vote in favor of the prevailing order. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from New Gloucester, Representative Espling.

Representative **ESPLING**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative **ESPLING**: So, the action before us seems to be to recall the bill. My question would be, would there need to be further action made by this body to refer it back to committee?

The SPEAKER: The Chair would answer in the affirmative. It would need to go to the committee, the committee would need to vote to carry it over, and this body would need to agree.

The Chair recognizes the Representative from Portland, Representative Russell.

Representative **RUSSELL**: Thank you, Mr. Speaker, Men and Women of the House, I don't mean to belabor the point, but a couple of weeks ago I asked this body to move the other bill back to committee. The body voted in the affirmative. My hope at that time was that we'd be able to have a committee come back with a comprehensive bill that included the Tribal Members. Unfortunately, if we vote down every Tribal bill this session, we will not be in a position to be able to bring it back next session and it will preclude the opportunity from including our Tribal Members from the debate. So my hope is that the folks in this body will vote to bring this back and to send it back to committee. And while I no longer serve on the committee, it is certainly my intent to make sure that the Passamaquoddy Tribe and others are also included in whatever final bill comes to the floor and I would certainly oppose any bill that did not include access to those Tribes, particularly the Passamaquoddy who has been looking for, I believe it's year 23 now, to see that move forward. So, that's all I wanted to add, but I asked you to support the motion a couple weeks ago for the harness racing industry and I hope that folks will support the motion before us today so that we can make sure that there's parity in the conversation next year.

The SPEAKER: The Chair recognizes the Representative from Weld, Representative Skolfield.

Representative **SKOLFIELD**: Thank you, Mr. Speaker, if I were King, or maybe even Governor, I would not have gambling

in this state. I would ban it. But that train has already left the station. We have gambling in Maine. And it seems to me that for the last two decades we have not permitted the Tribes to have the same opportunities, or lack thereof, of the rest of us. And I think it's a mistake to have gambling, but they should have the same opportunities to make that same mistake as the rest of us have engaged in. So I will be supporting this. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from East Machias, Representative Tuell.

Representative **TUELL**: Thank you, Mr. Speaker, I, too, will be supporting the pending motion, but I must say I've been troubled by some of the comments I've heard implying that to not vote a certain way is racist. I'm troubled by that. I think it does folks on both sides a huge disservice and I think there are legitimate reasons for people voting each way, regardless of which way you're going to vote. To imply that there is some racism going on here is incredibly, incredibly poor judgement, I would say. Thank you, Mr. Speaker.

Representative **ESPLING** of New Gloucester **REQUESTED** that the Clerk **READ** the Committee Report.

Subsequently, the Chair advised Representative **ESPLING** of New Gloucester that the Clerk could not **READ** the Committee Report because the House was not in possession of the Bill.

The SPEAKER: A roll call having been previously ordered, the pending question before the House is Passage. All those in favor will vote yes, those opposed will vote no.

Pursuant to Joint Rule 404, this Joint Order required the affirmative vote of two-thirds of those present for **PASSAGE**.

**ROLL CALL NO. 459**

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chace, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Dillingham, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Hamann, Hanington, Harlow, Hawke, Herbig, Hickman, Higgins, Hobart, Hobbins, Hogan, Hymanson, Jorgensen, Kinney J, Kumiega, Lajoie, Long, Longstaff, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Nadeau, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pierce J, Powers, Prescott, Rotundo, Russell, Rykerson, Sanderson, Saucier, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stetkis, Stuckey, Sukeforth, Tepler, Theriault, Timmons, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wallace, Warren, Welsh, White, Wood, Mr. Speaker.

NAY - Black, Espling, Frey, Guerin, Hanley, Head, Herrick, Hilliard, Hubbell, Kinney M, Kornfield, Kruger, Lockman, Luchini, Lyford, McClellan, Morrison, Pickett, Pouliot, Reed, Sanborn, Sawicki, Schneck, Seavey, Timberlake, Wadsworth, Ward, Winsor.

ABSENT - Chapman, Crafts, Malaby, Pierce T, Stearns.

Yes, 117; No, 28; Absent, 5; Vacant, 1; Excused, 0.

117 having voted in the affirmative and 28 voted in the negative, 1 vacancy with 5 being absent, and accordingly the Joint Order was **PASSED** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

On motion of Representative **LONGSTAFF** of Waterville, the following House Order: (H.O. 29)

ORDERED, that Representative James E. Davitt of Hampden be excused June 19 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Michelle Ann Dunphy of Old Town be excused June 19 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Sheldon Mark Hanington of Lincoln be excused June 12 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Richard S. Malaby of Hancock be excused June 19, 22 and 23 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative William F. Noon of Sanford be excused May 29, June 5, 12 and 19 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Linda F. Sanborn of Gorham be excused June 18, 19, 22 and 23 for personal reasons.

**READ and PASSED.**

**SPECIAL SENTIMENT CALENDAR**

In accordance with House Rule 519 and Joint Rule 213, the following items:

**In Memory of:**

the Honorable William F. Noon, of Sanford, a member of the Maine House of Representatives, representing District 19. Representative Noon was serving his 2nd term in the House and served on the Joint Standing Committee on Agriculture, Conservation and Forestry. He was a small business owner and a longtime member of the Maine Organic Farmers and Gardeners Association and the Small Woodland Owners Association of Maine. He served on the Sanford Planning Board for more than 20 years, including 8 years as chairman. He was known as an advocate for the environment and for Maine's farms and also for his love of his family and work and for his sense of humor, even during the hardest of times. Representative Noon will be long remembered and sadly missed by his family and friends and his colleagues in the 127th Legislature;

(HLS 706)

Presented by Representative **MASTRACCIO** of Sanford. Cosponsored by Representative **ALLEY** of Beals, Representative **AUSTIN** of Gray, Representative **BABBIDGE** of Kennebunk, Representative **BATES** of Westbrook, Representative **BATTLE** of South Portland, Representative **BEAR** of the Houlton Band of Maliseet Indians, Representative **BEAVERS** of South Berwick, Representative **BECK** of Waterville, Representative **BEEBE-CENTER** of Rockland, Representative **BICKFORD** of Auburn, Representative **BLACK** of Wilton, Representative **BLUME** of York, Representative **BROOKS** of Lewiston, Representative **BRYANT** of Windham, Representative **BUCKLAND** of Farmington, Representative **BURSTEIN** of Lincolnville, Representative **CAMPBELL** of Newfield, Representative **CAMPBELL** of Orrington, Representative **CHACE** of Durham, Representative **CHAPMAN** of Brooksville, Representative **CHENETTE** of Saco, Representative **CHIPMAN** of Portland, Representative **COOPER** of Yarmouth, Representative **COREY** of Windham, Representative **CRAFTS** of Lisbon, Representative **DANA** of the Passamaquoddy Tribe, Representative **DAUGHTRY** of Brunswick, Representative **DAVITT** of Hampden, Representative **DeCHANT** of Bath, Representative **DEVIN** of Newcastle, Representative **DILLINGHAM** of Oxford, Representative **DION** of Portland, Representative **DOORE** of Augusta, Representative **DUCHESNE** of Hudson, Representative