

# MAINE STATE LEGISLATURE

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

**Daily Edition**

**First Regular Session**  
beginning December 7, 2016

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73 having voted in the affirmative and 69 voted in the negative, with 8 being absent and 1 excused, and accordingly the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolution was **READ ONCE**. **Committee Amendment "A" (H-432)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Resolution was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Resolution was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-432)** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-437)** - Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Recognize and Provide for the Right of the Houlton Band of Maliseet Indians To Operate a Casino on Houlton Band Trust Land Exempt from Certain Gaming Laws" (EMERGENCY)

(H.P. 999) (L.D. 1447)

TABLED - June 7, 2017 (Till Later Today) by Representative LUCHINI of Ellsworth.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

Subsequently, Representative LUCHINI of Ellsworth moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought to Pass as Amended** 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 the Houlton Band of Maliseet Indians, Representative Bear.

Representative **BEAR**: Thank you, Madam Speaker. I really don't know what to say. I'm kind of surprised by the motion, Madam Speaker. I was expecting to stand up and oppose, I have to rewrite my speech. Let me just say, thank you, and I'm going to read the letter from my Chief to the Committee and let it stand for itself, if I may. The Chief speaks to the Committee and says, "As many of you may or may not know, this topic is one of great importance to the Maliseets. The reasons for this are many. I will begin by giving you a brief introduction into the history of our Band which has received recognition" -- I'm paraphrasing -- "in 1980, settling in our homeland on the Meduxnekeag River. Currently 1,665 enrolled members, 1,500 acres of federal trust lands in Littleton and Houlton and southern Aroostook County, including parts of Monticello. We do provide services for our members in health and social services, housing, education, environmental protection, youth and elder programs, domestic violence, sexual assault, just to name a few. We built our community literally from the ground up. We have worked over the past 36 years to rebuild relations with the town, and have disseminated millions in federal and private dollars within and around our community. We have proven to be good neighbors who care about and contribute to the economy. This legislation of a Maliseet casino, located on 52 acres of our property directly off of I-95 exit, would be both sustainable and reasonable in our northern market. We believe there will be no significant impact on existing or proposed gaming operations, which are at least more than 100 miles away. Since the advent of gaming in

Maine, there is continued effort by opposing groups and other casinos who serve to stagnate growth, to discourage future gaming initiatives by others. In 2014, we were encouraged by the Veterans and Legal Affairs Committee members, who authorized funding and undertook the implementation of a nonbiased, independent market feasibility study on expanded gaming in Maine. This study, by WhiteSand Gaming, clearly invalidates any question that additional gaming is not possible. I urge you to review this report, most of you probably have already. It is important now to remember that report. As an Indian Tribe, we are deeply connected to our community and lands. Our profits would be spent and invested locally, as we have and continue to support local businesses. Our small to moderate casino would not be in direct competition with Hollywood Slots, Oxford Casino, and would capture monies from the location, which is near a port of entry to Canada and will provide a potential customer base. Indian gaming is not new, it is an economic tool that has proven to bring substantial increased benefits to Tribal governments as well as nontribal members. Indian gaming is being conducted in many states outside of Maine, with the highest standards of operation, Madam Speaker. From a Tribal government perspective, I would like to emphasize that this proposal is critical to the health and welfare of the Maliseet Tribal people, who currently suffer the highest mortality and unemployment rates in the entire State of Maine. Funds generated will provide expanded services to our members, decreasing the need for public assistance while raising the standard of living for Maliseet people along with many other residents of southern Aroostook area. As we have witnessed from Bangor and Oxford County facilities, many jobs have been created. This will have a positive, direct impact on area citizens and businesses in Houlton and the surrounding towns. Perhaps of more interest to the state, county, and local municipalities, it will result in new tax revenue increases. So, the decision to expand gaming with potential revenue will have an impact on the lives of my people, townspeople, and the entire Aroostook County."

Since this message was delivered to the Committee on Veterans and Legal Affairs, we've also received several other letters. Let me rephrase that. We've received unprecedented support. I have here the original letter from the County of Aroostook which says, by Douglas Beaulieu, the County Administrator, that they are supporting the right to have a casino on Tribal land without the need of a referendum. It's now widespread, gaming, that is, and legal in Maine, and so they recognize that. They suggest, and I believe you have a package, that they will rely on a \$400,000 planned profit distribution that could help fund programs that are struggling for funding, including their jail budget, and that they hope that we are successful. Then the Town of Houlton, for the first time in history, has sent a letter supporting this business venture, and they voted unanimous, 5-0, in support of this proposal in the Town of Houlton, where they have helped build a new sewer system, water supply, and upgraded the electrical service to the 52 acres that the Tribe has set aside and that the United States has already designated for the purpose of gaming. So, without belaboring the point and to contain my happiness for the motion, I will now stop talking and ask that you do support this modest gaming facility, which will benefit all four Tribes because there is a significant, if you look at the fiscal note, a very good fiscal note. There is a significant benefit to all four Tribes, while not impacting the funds that they currently receive already and alternatively from gaming in the state. But more importantly, it will have no impact on the Oxford Casino, none. I would suggest it would even help bring

the idea around the world, across the country, that there is gaming in Maine. It will be unique and add to that. But, it will impact Bangor's Hollywood Casino by three percent, according to the fiscal office that prepared the note. But that is made up in the revenue, the tax that will be lost from Bangor, that would be made up, it seems in reading the report, from the revenue the state will get from the Tribal casino in Houlton, which initially will provide over \$1 million in fees to the state, and some \$100,000 per table game, which is comprised of \$100,000 per table game if we were to operate 10 table games. This casino is one-quarter the size of the operation in Bangor and yet, depending on market forces and how many people from the Canadian side, from the five Provinces that comes through the port at Houlton will patronize us, will determine exactly how many machines we'll actually operate. It's possible we may only operate 50 or 125 but, either way that will represent jobs, up to 80, maybe 100 jobs, and it will also bring in significant net profit to be split among all the parties, including the Tribes, the town, the county, and the state. Thank you for listening to me, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Monticello, Representative Johansen.

Representative **JOHANSEN**: Thank you, Madam Speaker. I'm not sure if Representative Bear left me anything to comment on, but I'm going to try anyway. I rise in support of LD 1447, "An Act To Recognize the Right of the Houlton Band of Maliseet Indians To Operate a Casino on Houlton Band Trust Land." This project supported by the Maliseet Band, is fully supported by the town of Houlton Town Council, and is enthusiastically supported by the Aroostook County Commissioners with no opposition known in the communities. Folks, the Houlton Band of Maliseets have been good neighbors. They live amongst us conducting their business in cooperation with the surrounding community, and I would ask you to support this bill. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Minority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 295**

YEA - Alley, Austin S, Bailey, Bates, Battle, Berry, Bryant, Campbell, Casas, Cebra, Chapman, Collings, Cooper, Corey, Daughtry, DeChant, Dunphy, Farnsworth, Fay, Fecteau, Fuller, Gattine, Grant, Grohman, Hamann, Harlow, Harrington, Herbig, Hickman, Hogan, Hymanson, Johansen, Jorgensen, Kinney J, Longstaff, Madigan C, Madigan J, Malaby, Martin J, Martin R, Mastraccio, McCrea, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Picchiotti, Prescott, Reckitt, Riley, Rykerson, Sampson, Sanborn, Sherman, Sirocki, Skolfield, Spear, Stanley, Strom, Sutton, Sylvester, Talbot Ross, Terry, Theriault, Tipping, Tucker, Vachon, Warren, Madam Speaker.

NAY - Ackley, Austin B, Babbidge, Beebe-Center, Bickford, Black, Blume, Bradstreet, Brooks, Cardone, Chace, Craig, Denno, Dillingham, Duchesne, Espling, Farrin, Foley, Fredette, Frey, Gerrish, Gillway, Ginzler, Golden, Guerin, Haggan, Handy, Hanley, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Hubbell, Kinney M, Kornfield, Kumiega, Lockman, Luchini, Lyford, Mason, O'Connor, Ordway, Parry, Perkins, Pickett, Pierce J, Pierce T, Pouliot, Reed, Sanderson, Schneck, Seavey, Sheats, Simmons, Stearns, Stetkis, Stewart, Tepler, Timberlake, Tuell, Turner, Wadsworth, Wallace, Ward, White, Winsor, Wood, Zeigler.

ABSENT - Doore, Grignon, Hanington, Lawrence, Marean, Perry.

Yes, 74; No, 70; Absent, 6; Excused, 1.

74 having voted in the affirmative and 70 voted in the negative, with 6 being absent and 1 excused, and accordingly the Minority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-437) 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-437)** and sent for concurrence.

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JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO NEGOTIATE TRADE AGREEMENTS WITH THE EUROPEAN UNION TO KEEP MAINE AND DOMESTIC LOBSTER AND SEAFOOD PRODUCTS COMPETITIVE WITH CANADIAN LOBSTER AND SEAFOOD PRODUCTS

(H.P. 1120)

TABLED - May 31, 2017 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - **ADOPTION.**

Representative KUMIEGA of Deer Isle **PRESENTED House Amendment "A" (H-490)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Deer Isle, Representative Kumiega.

Representative **KUMIEGA**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, this amendment makes some minor changes to the Resolution. Some concerns were brought up to me, that the way the Resolution was originally titled, it seemed like we were endorsing a trade deal that we actually didn't know very much about. So, the amendment changes that to focus on the problem at hand, which is that the European Union and the Canadian government have negotiated a trade deal that eliminates most tariffs on Canadian seafood products, specifically lobster. So it creates a situation where Maine lobster is suddenly at a competitive disadvantage to Canadian lobster in the European market, so the Resolution urges Congress and the Federal Government in general to try and do something about the tariff problem, and reduce tariffs on Maine seafood. Thank you, Madam Speaker.

Subsequently, **House Amendment "A" (H-490) was ADOPTED.**

Subsequently, the Joint Resolution was **ADOPTED as Amended by House Amendment "A" (H-490).** Sent for concurrence. **ORDERED SENT FORTHWITH.**