

MAINE STATE LEGISLATURE

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

Daily Edition

Second Regular Session

beginning January 3, 2018

beginning at page H-1216

Representative HERBIG of Belfast moved that the Bill be **TABLED** until later in today's session pending **ACCEPTANCE** of the Committee Report.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending **ACCEPTANCE** of the Committee 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 to Table until later in today's session pending Acceptance of the Committee Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 618

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Grohman, Hamann, Handy, Harlow, Herbig, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Nadeau, O'Neil, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Casas, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Marean, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Moonen, Sherman, Ward.

Yes, 79; No, 69; Absent, 3; Excused, 0.

79 having voted in the affirmative and 69 voted in the negative, with 3 being absent, and accordingly the Bill was **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

ENACTORS

Emergency Measure

An Act To Implement the Recommendations of the Working Group To Improve the Provision of Indigent Legal Services Concerning the Membership of the Maine Commission on Indigent Legal Services

(H.P. 1259) (L.D. 1817)

(C. "A" H-756)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

Representative HERBIG of Belfast moved that the Bill be **TABLED** until later in today's session pending **PASSAGE TO BE ENACTED**.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending **PASSAGE TO BE ENACTED**.

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 to Table until later in today's session pending Passage to be Enacted.. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 619

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Grohman, Hamann, Handy, Harlow, Herbig, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Battle, Bickford, Black, Bradstreet, Campbell, Casas, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Marean, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Sherman, Ward.

Yes, 78; No, 71; Absent, 2; Excused, 0.

78 having voted in the affirmative and 71 voted in the negative, with 2 being absent, and accordingly the Bill was **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

The following items were taken up out of order by unanimous consent:

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act To Authorize Tribal Gaming"

(H.P. 838) (L.D. 1201)

- In House, Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **VETERANS AND LEGAL AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-697)** on April 2, 2018.

- In Senate, Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **VETERANS AND LEGAL AFFAIRS READ** and **ACCEPTED** in **NON-CONCURRENCE**.

TABLED - April 9, 2018 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - FURTHER CONSIDERATION.

Speaker GIDEON of Freeport moved that the House **INSIST**.

The SPEAKER: The Chair recognizes the Representative from the Passamaquoddy Tribe, Representative Dana.

Representative **DANA**: *Woliwon*, Madam Speaker, Ladies and Gentlemen of the House. Matthew Dana II, *ntoliwis*. *Nuhkomoss Joan liwisu*. *Nikuwoss Wanda liwisu*. *Nmitaqs Matt liwisu*. *Peskotomuhkati Nil*. *Motahkmikuk nwik*. My name is

Matthew Dana II. My grandmother's name is Joanne. My mother is named Wanda. My dad is named Matt. I am Passamaquoddy. I live at Indian Township.

The Passamaquoddy Tribe supports gaming in Maine. I am here to express my support for LD 1201, "An Act To Authorize Tribal Gaming."

The Passamaquoddy Tribe has a long-standing history of introducing legislation to the Maine Legislature to approve tribal gaming. Sadly, we also have a long-standing history of failure with each of these efforts as well. We failed twice in the hands of the Maine voters, while two other gaming facilities were approved on the same ballots. We have failed in the State House on countless occasions. Most recently, our efforts failed by only one half a vote to acquire the necessary 2/3s to override a veto in the other body.

Each of these efforts over the last 20 years have stemmed from significant need. Sadly, this need continues today. The need for jobs and economic development for the Passamaquoddy Tribe is immense. We have over a 60% unemployment rate on both reservations. The mean annual income for the Passamaquoddy is merely \$16,250, as compared to Washington County at \$43,818, and Maine as a whole at \$59,300. Our average life expectancy is 50 years old, as compared to 79 for the nation and the State of Maine. We have higher rates of cancer, diabetes, cardiovascular disease, high school dropouts, suicide and substance abuse. We have higher rates than any other demographic in the state. I believe that historical trauma plays a large role in these factors, but I also believe that hopelessness is the greatest factor, hopelessness derived from not having steady and gainful employment.

Our efforts have paved the way for both the facilities operating in our state, Hollywood Slots in Bangor and Oxford Casino in Oxford County. We warmed up the people of Maine to the idea of casinos in 1998, when then-Representative John Baldacci introduced the first-ever legislation to approve a gaming facility in Maine, on behalf of the Passamaquoddy Tribe.

Many people forget, or don't realize, that Native people of Maine were not allowed to vote in state elections until 1967, within my parents' lifetime, and probably during many of yours as well. It was against federal law to conduct and practice Native American ceremony and customs until 1978, within my lifetime. We have been forced to conform to the dominant society's way of life and the capitalistic American dream, yet we are not able to secure adequate economic development for our people.

I know that gaming is not the magic fix to all our issues, but it provides my people with a chance and an opportunity to address many of these issues, such as employment and culturally appropriate prevention programs; to provide the people with a chance to work for a living, to teach their children the importance of hard work, and to break the cycles of addiction. Most of all, it will provide much-needed hope.

Sadly, I doubt that this effort will have success either. So why do I stand before you today? Because we will always fight for equity. We will always fight for the rights and needs of our people.

It is my hope that one day the State of Maine will no longer impose its paternalistic view on Native People, but respect us as the equal, separate governments that we are.

The Wabanaki People, the original people of what is now Maine, have suffered great losses and tragedies. Many of the Nations have been exterminated. Many of you will say that these losses are in the past. Yes, that is true, with many

dating back hundreds of years ago, yet our suffering continues today. We will continue to fight, into the century if need be.

Peskotomuhkati have been here since time immemorial. We were put here by Kisiyulinoq (the Creator) to live. We have hunted, fished, gathered, lived upon this land, as taught to us by Koluskap. We are here to stay. We haven't asked you to fix our problems, we ask you to let us fix them ourselves. I ask that the House Insist on LD 1201.

Cikihtuwine, Peskotomuhkatiyik nilun! Kiseltomumine nuskicinwultinen! (Leave us alone. We are Passamaquoddy! Let us be Passamaquoddy, as the Creator intended) *Na, Tepocokuk wot ahsusuwon. Woliwon.*

Subsequently, the House voted to **INSIST**.

An Act To Provide a Sales Tax Exemption for Nonprofit Heating Assistance Organizations

(H.P. 1207) (L.D. 1755)

(C. "A" H-679)

TABLED - April 17, 2018 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - **RECONSIDERATION** (Returned by the Governor without his approval).

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Pouliot.

Representative **POULIOT**: Thank you, Madam Speaker. I just want to point out to the body that this was unanimously supported in the House and in the Senate, or in the other body, I should say, and it also had a unanimous Committee report. So, I can understand the Chief Executive, you know, doing what he likes with different bills but, I mean, this is one that we've all unanimously supported, and I hope that we will continue to support it now. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Knox, Representative Kinney.

Representative **KINNEY**: Thank you, Madam Speaker, Men and Women of the House. The Waldo County Woodshed provided 130 cords of firewood this past winter, in intervals of a quarter of a cord at a time, to people in need. They ran out of firewood in the first week of March. Unfortunately, spring is not yet available in our area. I've been getting the Error 404 message. This bill came about because, in 2015, when the Woodshed was purchasing a wood splitter, they inquired through Maine Revenue Services about a sales tax exemption, based on a benefit extended to sales to incorporated nonprofit organizations that provide free temporary emergency shelter or food for underprivileged individuals in this state, but their request was denied. This same equipment is exempt for many for-profit businesses, but we're making the nonprofit organizations pay sales tax on the same equipment used to help those in need; money they could spend better serving underprivileged people throughout the State of Maine. Thank you.

The SPEAKER: The Chair recognizes the Representative from Searsport, Representative Gillway.

Representative **GILLWAY**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. I just wanted to rise quickly to mention they do operate in my community and they have taken a burden off from municipalities. We provide assistance to people when they're short on fuel and firewood, and on many occasions I've called them to help some residents in town; and, in fact, some of the residents in town who have wood lots have actually donated wood to this organization. So, it's doing a great job. There are only about three of them in the state, but the more we can support