

MAINE STATE LEGISLATURE

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

Daily Edition

Second Special Session

beginning June 19, 2018

beginning at page H-1739

The SPEAKER PRO TEM: We; the House will be voting on Enactment. We have already addressed and disposed of the amendments in previous votes; adopted previous amendments in; this is the final action.

Subsequently, this being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

The Speaker resumed the Chair.
The House was called to order by the Speaker.

ENACTORS
Acts

An Act To Authorize the Installation of a Gold Star Family Memorial in Capitol Park

(H.P. 1363) (L.D. 1918)

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

On motion of Representative HERBIG of Belfast, was **SET ASIDE**.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Herbig.

Representative **HERBIG**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, I rise in support of this measure. As the Chair of the Legislative Council's Facilities Committee, I submitted this proposal which will allow for a monument honoring Gold Star families in Capitol Park. Members of the Legislative Council gave it their unanimous approval.

When I am at the State House, the service and sacrifices that have made our democracy possible are never far from my mind, and I know that many of you join me in that. Maine's Gold Star families have made the greatest sacrifice imaginable in the name of our country and our freedoms. It is important to me that those families know how much, very, very much we appreciate that, from the bottom of our hearts. I know we can all agree that they deserve to be recognized in whatever way we can. We should show our gratitude to them here, in the shadow of the people's House, where all Mainers can honor them. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Hanington.

Representative **HANINGTON**: Thank you, Madam Speaker, Ladies and Gentlemen. Thank you, Representative Herbig, for putting this forth. I'd like to recognize a few Gold Star families that are near and dear to me. I moved to Lincoln 13 years ago and I got to know Betty and Robin Gordon. For those of us in the military, or those of us that love military movies, Black Hawk Down. We lost Gary Gordon 25 years ago this October. Another two families that I got to know, Bill and Quie Emery. Bill Emery was brought up in the town that I grew up in, Wytovitlock. In 2007, his son, Blair Emery, paid the ultimate sacrifice. A few short months after that, Joel House, the son of Paul and Dee House, paid the ultimate sacrifice in Iraq also. Then we lost Dustin Harris up in Aroostook County, in Patten. But, those of us that honor these

families, there's always good that comes out of it. Bill and Quie and Paul and Dee House, they had a vision to start House in the Woods nine or ten years ago. I volunteer a few hours a year over there, but I get to know a lot of veterans around this country. A lot of veterans have said that they had a gun to their mouth, but if it wasn't for House in the Woods or even what Travis Mills is doing in his foundation: it's saving veterans. So, with every tragedy, there's always something good come of it, and I just want to thank this legislative body to bring forth this memorial in Capitol Park, and I'd just like to thank all the Gold Star families out there, and God bless you.

Subsequently, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Monday, July 9, 2018, 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 Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

(H.P. 1327) (L.D. 1894)

(H. "C" H-796 and S. "A" S-494 to C. "A" H-782)

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-782) AS AMENDED BY SENATE AMENDMENT "A" (S-494)** thereto.

TABLED - June 21, 2018 (Till Later Today) by Representative TIMBERLAKE of Turner.

PENDING - **PASSAGE TO BE ENGROSSED**.

On motion of Representative LUCHINI of Ellsworth, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-782)** was **ADOPTED**.

On motion of the same Representative, the rules were **SUSPENDED** for the purpose of further **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **House Amendment "C" (H-796)** to **Committee Amendment "A" (H-782)** was **ADOPTED**.

On further motion of the same Representative, **House Amendment "C" (H-796)** was **INDEFINITELY POSTPONED**.

The same Representative **PRESENTED House Amendment "D" (H-809)** to **Committee Amendment "A" (H-782)** which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Madam Speaker. If I may pose a question through the Chair?

The SPEAKER: The Representative may proceed.

Representative **FREDETTE**: Thank you. If the good Representative from Ellsworth, Representative Luchini, if you could just clarify for the body a little bit of this conversation in caucus this morning, that the purpose of the amendment, as I understand the amendment is; is to remove any language in

regards to the errors bill as it applied to the clean election money, per se; and so that essentially this is a, sort of, I would call it a clean errors bill absent that, and I think that's the purpose of your amendment. If you can just provide the caucus some information on that, I'd appreciate it.

The SPEAKER: The Representative from Newport, Representative Fredette, has posed a question through the Chair to the Representative from Ellsworth, if the Representative; the Chair recognizes the Representative from Ellsworth, Representative Luchini.

Representative LUCHINI: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, that's exactly what this amendment does, as the good Representative from Newport said. This removes reference from the original errors bill to the clean election system, and we're doing it in response to both the court action that we've seen recently, as well as the agency action from the agency of oversight, the Ethics Commission, that they are able to disburse funds without a legislative fix. And so, given the difficulties in passing the errors bill, we have moved that portion out.

Subsequently, **House Amendment "D" (H-809) to Committee Amendment "A" (H-782) was ADOPTED.**

Subsequently, **Committee Amendment "A" (H-782) as Amended by House Amendment "D" (H-809) thereto was ADOPTED.**

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-782) as Amended by House Amendment "D" (H-809) and Senate Amendment "A" (S-494) thereto in NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following item which was tabled and today assigned:

House Order, Propounding a Question to the Supreme Judicial Court

(H.O. 72)

TABLED - July 9, 2018 by Representative BEAR of the Houlton Band of Maliseet Indians.

(Pursuant to House Rule 513)

PENDING - **PASSAGE.**

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

Representative BEAR: Thank you, Madam Speaker and Ladies and Gentlemen of the House. I am pleased to rise and ask that you consider favorably the resolve that I Tabled on July 9, when we were in the process of considering LD 1201, and having this session and the past several sessions that I've been in this chamber over the past six years, the tribal gaming bills that have been considered then. Today, I have the opportunity to invite you to consider two things, a very serious and important legal question, but also a very somber and solemn circumstance of a remotely located population, members of my tribe and generally people of remote locations throughout the state and of other tribes, because this speaks to that as well.

What I'm going to begin by saying is that this issue, this effort to remedy a situation of joblessness, of depression, of health impacts and the highest levels of mortality, suicide, and morbidity in the state, that this effort to provide a remedy for those circumstances is worth taking time now to consider. There have been several hearings because of the various bills that the Legislature has considered that I mentioned, and the

facts of our circumstances are -- have been established. The other thing that came out of the hearings is that there is laws that I believe can help the Legislature as we consider this question, that can provide guidance, and that's what this resolve is asking us to consider doing, is sending the simple question to the Maine high court of whether or not we will have an answer that can provide guidance to the Legislature and to the tribe, to the state, that can support the effort of the tribes to remedy the circumstances I described by starting businesses, including gaming, on tribal land. The United States has a policy that is working across the country that does recognize these types of businesses as being successful; that since 1987 and the Supreme Court ruling in Cabazon, the tribes have improved their condition, and what this resolve does is ask the Court to confirm, with their guiding opinion, that the Supreme Court ruling that is currently applicable to all other 49 states is also applicable here in the State of Maine.

I believe, and the experts that I've consulted believe, that it does apply. And, so, I'm asking you, this body, Madam Speaker, to see this as an important legal question that can help this Legislature and future Legislatures in accommodating this proposed remedy for serious conditions that exist, and that you also take note of a handout that was distributed to everybody today, and this is to be added to what you've received in the past. But it's clear that there is a lot of support, of recognition of our situation, or a lot of support in the remote region where we as a tribe propose to conduct gaming, including the town of Houlton, where there was a unanimous resolution supporting this business proposal, and also the Aroostook County Commission unanimously supported this business proposal and also recognized the condition of our tribal members with the high unemployment rates and joblessness and depression and health impacts. The -- I'll just refer you to the Supreme Court ruling itself, which says that if a form of gaming is illegal in a state, Indian reservations may not engage in that form of gaming, and if a form of gaming is legal in a state, Indian reservations may engage in that form of gaming. Essentially, what the court is saying is that the Federal Government's policy of extending this type of support to tribes to conduct gaming is good, and that we're missing out on that in this state and we're suffering the consequences of missing out on what the rest of the states currently are accommodating on Indian reservations; and that is permitting and allowing and not interfering with, not opposing and not resisting, this type of business effort. It would seem that we would celebrate, that we would have the initiative to try to demonstrate that we can -- that we can handle this type of business, that we can make it on our own, and that we can fund ourselves, health care needs and housing needs, educational supports, childcare supports; we can fund it ourselves, plus create jobs that are desperately needed in this remote region and where the tribes are currently situated, which essentially are in the most remote parts of the state. So, it would seem that we would want to celebrate and encourage that on the one hand, but recognize that there's a serious situation that this question can help resolve, in that the state will then -- the Legislature will then see that there is a basis for quickly supporting and accommodating the various bills and proposals that the tribes have put forward for the Legislature to consider.

Now, nearly every tribal gaming proposal that has been brought to this chamber has been supported by a majority of votes in this chamber, and then ultimately it bogs down and doesn't -- they don't succeed. The Passamaquoddy, the Penobscot, the Maliseets, and the Mi'kmaq have all put