

# MAINE STATE LEGISLATURE

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**Legislative Record**  
**House of Representatives**  
**One Hundred and Thirtieth Legislature**  
**State of Maine**

**Daily Edition**

**First Special Session**

beginning April 28, 2021

beginning at page H-200

slot machines work similarly to a bingo game, in which the draw of numbers is determined by internal software and later translated into slot reel combinations.

<sup>3</sup> Class III gaming "means all forms of gaming that are not class I gaming or class II gaming. 25 U.S.C. § 2703(8).

Importantly, and unlike L.D. 1144, the tribal gaming bill in the 129<sup>th</sup> Legislature, most of the statutory changes L.D. 554 would make would be in MIA. In order to be effective, each Part of the bill would require ratification by the appropriate Tribe, Tribal Nation, or Band. Once ratified, the Maine Legislature could not amend these statutory provisions to address mistakes or unintended consequences without the approval of the affected Tribe. This unique feature of legislating in this area makes it imperative that the bill's language be explicitly clear and its impacts well understood. A "pass it now, fix it later" mentality is not appropriate and invites many unintended consequences.

**Problems with the Bill**

This bill provides no predictability or meaningful limitations on where tribal gaming may occur, or on the size of the size of each facility. The tribal gaming facilities that the legislation would authorize could be large or small, anything from a grand casino to a few slot machines in a convenience store, and the State and adjacent non-tribal communities would have little or no influence over their placement. Maine's existing casinos were approved only when it was clearly understood where they would be located, what they would look like, and where strong local support existed. Although the tribal facilities could only be located on tribal territory or trust lands, in separate legislation now pending before the Legislature, the Tribes are seeking amendments to MIA that would allow for the acquisition and establishment of additional trust lands throughout the State. See L.D. 1626. The combined effect of these bills would potentially authorize untaxed tribal gaming facilities, unlimited in size and unrestricted in the number of slot machines, anywhere in Maine, which, I believe would be of significant concern in communities around the State.

L.D. 554 contains no provisions to mitigate the bill's substantial fiscal impact on the State budget. This legislation would allow the proliferation of class II gaming facilities on tribal territory or trust land, which includes popular and highly profitable electronic slot machines that are indistinguishable to most users from Class III machines found in Las Vegas-style casinos. Under state law, Hollywood Slots pays 40 percent in revenue sharing to the State on its slot machines, while Oxford Casino pays 46 percent. The Tribes' class II slot revenue would be free from any state or local taxation. The Gambling Control Board estimates the diversion in business away from the two existing casinos would reduce State revenue by \$17 million annually. Legislation that authorizes the expansion of tribal gaming should include measures that minimize and account for the fiscal impact of these facilities.

One other issue that I have raised with the tribes is the workability of the language that exempts tribal gaming facilities, wherever located, from all state laws relating to health and safety, including "food safety, sanitation, building construction standards and inspections, fire safety and environmental protection," unless the individual Tribe has laws or ordinances similar to state laws that apply to gaming operations generally. This language raises concerns about implementation and interpretation that could leave gaps in the protection of tribal and nontribal employees and patrons.

Some have suggested that these and other issues can be resolved in the negotiation of a gaming compact. I am not convinced that will ever come to pass. The profitability of class II gaming would leave the Tribes little incentive to negotiate a

compact with the State for class III gaming, which means the State may never see any revenue as a result of the tribal gaming that L.D. 554 would authorize, and would have no ability to address the other health, safety, and welfare concerns that are typically the subject of such compacts. We cannot defer any of the questions this bill raises to be answered later in a negotiated compact, because a state-tribal compact may never come to pass.

I also note that under current law, the Penobscot Nation and Passamaquoddy Tribe each receive two percent of the State's 46 percent share of slot revenue from the Oxford County Casino. In 2019, this resulted in payments of more than \$1.5 million to each of those Tribes. Although L.D. 554 authorizes the Penobscot Nation and Passamaquoddy Tribe to operate their own gaming facilities free from state and local taxation, it does not appear that the Committee revisited whether these payments from the Oxford County Casino to the Tribes should continue. This issue should be considered as part of any proposed expansion of tribal gaming in Maine.

I believe that Maine's Federally-recognized Tribes have been unfairly excluded from the opportunity to operate their own gaming facility - a problem that I believe can and should be rectified. In a recent meeting with Tribal leaders, I informed them of my interest in developing legislation that would provide for the expansion of tribal gaming in Maine - legislation that is distinct from MIA, that provides clarity and certainty as to what can be expected from it, and that is the product of a thorough review of its social, economic, and fiscal consequences. I asked that this bill be recalled from my desk so as to avoid a veto, and that it be carried over until next session so that we would have the opportunity to continue working in good faith to resolve the issues I see in L.D. 554. In doing so, I committed to Tribal leaders that I would support tribal gaming legislation that addresses the concerns I have identified.

Unfortunately, that offer was not accepted, and this bill remains flawed. While many of these issues are complicated, I remain committed to working in good faith with Maine's Tribes to make progress on important issues like this one, and firmly believe that compromise can be achieved. In the meantime, for the reasons identified above, I return L.D. 554 unsigned and vetoed, and I urge the Legislature to sustain this veto.

Sincerely,  
S/Janet T. Mills  
Governor

**READ and ORDERED PLACED ON FILE.**

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Representative DUNPHY of Old Town assumed the Chair.  
The House was called to order by the Speaker Pro Tem.

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The accompanying item An Act To Create Gaming Equity and Fairness for the Native American Tribes in Maine

(H.P. 399) (L.D. 554)  
(C. "A" H-713)

The SPEAKER PRO TEM: The Chair recognizes the Representative from Calais, Representative Perry.

Representative **PERRY**: Thank you, Madam Speaker. I rise to speak in favor of overriding the veto on LD 554. And with a little bit of history, I have worked with the tribes and the fruition of this bill since the commission to work with Maine Indian settlement that was done over 40 years ago. This work has been ongoing for four years and as a result of a great deal of negotiation and work with the Executive Branch, as well as the

Legislatures and the tribes, this is the result of a very well thought out bill and I just want to make two points at this point in terms of response to the veto letter that came forward, which I feel shows some misunderstanding that the chamber should know. First of all, the Chief Executive says that it isn't clear whether the revenues for the tribes currently received from casinos, if the tribes will still receive these funds if they have gaming operations. It's clear in current Statute that if the tribes receive the authority to game, they forfeit the current revenues they receive. And where do these revenues go? Well, they won't go to the tribes, they'll go to the State of Maine. The next point I'd like to make is that in the letter, the Chief Executive says that tribes would not pay taxes and revenue to the State. That is not the case as well. This bill allows the Chief Executive to negotiate a compact with the tribes on gaming. This occurs all across the country. These compacts are about taxes, revenues, paying for roads, sewers, public safety and whatnot for the State and surrounding communities. This happens across the country where there is tribal gaming. Even Vice President Pence when he was Chief Executive of Indiana negotiated a casinos contract with the tribes of Indiana with those things in place. This is merely providing the tribes of Maine the benefits that other federally-qualified tribes have in the United States. This is about equity and this is about Maine keeping its promise. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Gorham, Representative Bailey.

Representative **BAILEY**: Thank you, Madam Speaker. Promises made, promises broken again and again and again and again by my descendants and by many of yours who have said one thing and done another. And who, by virtue of us preparing to cast this vote still find ourselves in the position of potentially saying to the Wabanaki, to the first Mainers, the real real Mainers that we, the descendants of Maine's white European colonists and settlers know best. Centuries have passed and yet we still find ourselves saying to the Good Representative from the Passamaquoddy today what our ancestors said to her ancestors. And what we have said to the Maliseets, Micmacs, Penobscots for generations. That the people who look like me, who have my ancestry, that's not right for you, trust us to know what's best for your people, for your lands, those lands that you have remaining and for the lives and livelihoods of your people. Even as we have allowed corporations owned by people who look like me to enrich themselves by setting up casinos in parts of our State, even as we have enacted legislation this session to expand gambling in our State to enrich the pockets of people who look like me. We find ourselves now grappling with whether to keep a promise, whether to allow the tribes to chart their own destinies and to secure economic opportunity and prosperity for themselves. How many more generations must come and go from this place and from this hallowed house, Madam Speaker, before we finally keep our promises to the people of the dawn lands. I urge my colleagues to vote to override this veto. Promises made should be promises kept. Thank you, Madam Speaker.

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

Representative **KINNEY**: Thank you, Madam Speaker, Men and Women of the House. I rise in support of the veto today, as I had supported an Ought Not to Pass on the bill out of committee. There are portions of this bill that are outlined very well by the Chief Executive's veto letter. It's hard to do that, I'm usually pretty good at that, but yeah, I caught myself. We were warned in committee, during the negotiations on this bill and our work sessions from Assistant Attorney General Pat

Worden, that there could very well be very large implications with IGRA, the Indian Gaming Regulatory Act, because the U.S. Congress has allowed us to make changes in State law with, and these go back to the Indian Settlement Claim Act of 1980, I'm not saying that right, either, but, where we can make changes to Passamaquoddy and Penobscot without any trouble but we've added also the Micmacs and the Houlton Band of Maliseets which still need some federal approval, congressional approval, in order to put them into the IGRA act. And so, at this time, we did try to recall this bill back to VLA so that we could make these changes and that failed in this Body, so, now we're facing the veto at this point and I hope people will follow my light so we can get this right the first time and not cost the State some costly litigation. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Rumford, Representative Dolloff.

Representative **DOLLOFF**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise to support the Chief Executive's veto. In committee, well, first, let me go back and say the promises that were made in that original deal back in 1980 have been met. I say that they weren't sure what they were signing, but the research I did; they knew exactly what they were signing. And why support the veto? It's because I asked in committee if they were willing to go to the referendum like the other two casinos have and no, they said they can go back on the federal tribal law. And I just feel because if we vote this casino in, with the land they own, the trust land that they own, Maine could become Las Vegas because they wouldn't have to ask anybody if they get approval to put them, they can put them anywhere. So, that, I have an issue with. I really believe if the Maine people want another casino, that they should've gone to the referendum at least. They're not paying the fees that the other two did or anything else that they had to do, but this is why if they really, really wanted it, they would have said we'll take it to the people of the State of Maine. Thank you.

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

Representative **EVANGELOS**: Thank you, Madam Speaker and Women and Men of the House. I'm urging my colleagues today to override this veto. It's an odd situation where we stand here today voting on something that we wouldn't even be allowed to vote on in the other 49 states where federal inherent nation State sovereignty is recognized. What is this about other than to allow our tribal brothers and sisters to fulfill their aspirations for economic development on their own land? I understand there's legal modalities around this. We also have a dispute resolution process to work out problems between the nations and our State which should be honored. But I want to turn everyone's attention, at the risk of sounding like the Speaker, to page four of the calendar, the bottom paragraph. Because I understand some of the legal and technical issues the Chief Executive has raised, but the bottom paragraph is highly objectionable. When we question our native brothers' and sisters' ability around the issues of cleanliness and sanitation. Madam Speaker go into the boys' room on the third floor. We have trash bags over the toilets, we have leaky faucets and leaky toilets last week. We don't even pass standards in this building. And for this kind of a statement and I don't believe the Chief Executive wrote this paragraph, one of her lawyers must've come up and cooked this one up, but I went on Travelocity today and checked out Foxwoods, owned by the Pequot Nation. It is safe, clean and better than most casinos on the East Coast. Let's not forget that Native American children

were taken from their mothers and fathers using this kind of a justification, Madam Speaker –

The SPEAKER PRO TEM: The Member will defer. The Chair recognizes the Representative from Oxford, Representative Dillingham.

Representative **DILLINGHAM**: Point of Order. I would encourage the Speaker to ask the Member to speak to the bill before him.

On **POINT OF ORDER**, Representative DILLINGHAM of Oxford asked the Chair if the remarks of Representative EVANGELOS of Friendship were germane to the pending question.

The SPEAKER PRO TEM: The Chair requests of all Members to keep their comments to the bill before the Body.

The Chair reminded Representative EVANGELOS of Friendship to stay as close as possible to the pending question.

The SPEAKER PRO TEM: The Member may proceed.

Representative **EVANGELOS**: May I direct a question to the Speaker?

The SPEAKER PRO TEM: The Member may proceed.

Representative **EVANGELOS**: Are we able to discuss the content of the veto letter?

The SPEAKER PRO TEM: The Chair would answer in the affirmative.

Representative **EVANGELOS**: Well, that's what I'm doing. I'm on the bottom of page four and health and sanitation issues were raised by the Chief Executive in her veto. The questions are being raised as to whether laws relating to health safety including food safety, sanitation, building construction standards and inspection, fire safety and environmental protections would be up to State standards and as I pointed out to you, our own bathrooms in the State House aren't up to any standard of acceptability. So, I'm just drawing that contrast with the veto letter. I'm also providing the Members here with information about tribal nation casinos that are operated in other states who have exemplary records of health and sanitation. And, by implication, this paragraph indicates that our native brothers and sisters aren't capable of running a clean and sanitary operation and that's not okay. That's language from the past. That's language from the past that allowed children to be taken from homes. It's the stereotypes and this language is stereotypical and so, I'm raising an objection on that paragraph, I'm urging my colleagues to override the veto and allow our tribal nations the sovereign rights that are enjoyed in 49 other states. Thank you, Madam Speaker.

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

Representative **JOHANSEN**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I'm rising in support of LD 554 and ask you to override the Chief Executive's veto. Normally I'm very eloquent and long speaker and I'm going to surprise you today and keep this short. The tribes in my district are very, very good neighbors and I've never heard of any problems with them. And, again, in my district, there's not an uprising of support for this but there's nobody that's against it. And I've talked to people, I've been to town meetings, there is no opposition to this and this is mostly because they are good neighbors. If they were bad neighbors, there would be a lot of turmoil over this. There isn't. They've been good neighbors and I'm asking you to support them today. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winterport, Representative Cuddy.

Representative **CUDDY**: Thank you, Madam Speaker. I rise because I don't know that I've had the chance to say this yet, but I agree with the Representative from Monticello.

The SPEAKER PRO TEM: The Chair recognizes the Representative from the Passamaquoddy Tribe, Representative Newell.

Representative **NEWELL**: Woliwon, Madam Speaker. Madam Speaker, Honorable Members of the House, before I start, I want to say well in advance I rise to speak specifically to the veto letter issued by the Chief Executive's office. I rise not to offend, but perhaps I may. Madam Speaker, Honorable Ladies and Gentlemen of the House, I was extremely disheartened by the Chief Executive's veto of LD 554, An Act to Create Gaming Equity and Fairness for the Native American Tribes in Maine. While I had hoped I would not have to speak to the bill in context, it is important to rebut a number of points the Chief Executive made in her veto message. I want to emphasize that the issues the Chief Executive raised about the bill in her veto message are not coming to light for the first time this week. The Chief Executive's senior staff expressly requested that the tribal nations work with the Attorney General's office to work through these categories of issues. Tribal attorneys, representatives from the Attorney General's office, legislators and analysts spent many, many hours in negotiations and committee meetings over the past several months to address concerns of this nature. The result of this extensive work was a bipartisan vote overwhelmingly in support of this strong legislation. The tribes worked hand in hand with legislators to dig into the substance of this bill. The veto message raises the same concerns that members of the Veterans and Legal Affairs Committee voiced during multiple work sessions and thoughtfully addressed prior to a majority vote of Ought to Pass. The House, in particular, then sent a very strong bipartisan message that tribal gaming is good policy for the State as a whole.

Many of you support tribal sovereignty and others simply see this good business sense for our State to bolster local economies that are truly suffering during these difficult times. The Chief Executive's veto yesterday was a rejection of an opportunity to help people that have lived in Maine since time immemorial pursue economic self-sufficiency. It is an action that only serves to help casinos run by out-of-state companies that send their profits to Kentucky and Pennsylvania. Does this message issued by our Chief Executive of this State suggest a lack of care towards rural communities? I hope that my colleagues will see this as clearly as I do and vote to override the veto. Because we do not want our legislative Body to send the same message. There is no question in my mind that supporting tribal gaming will benefit the surrounding rural areas as a whole. This is the opportunity that the majority of the VLA committee and a bipartisan group of legislators in this room saw as well. One specific issue the Chief Executive raised in her veto message was that the law would not be effective absent congressional action. This claim is offensive to both me as a Mainer and a tribal representative. I suspect it may offend many of you as well if you see our State as being a trailblazer, a unique place with an independent streak, like I do. I have said it many times and I will say it again; I believe that the legacy of this administration can change for the positive and move towards a better understanding in the future when it comes to Tribal-State relations. The legacy of the Chief Executive could ultimately change to reflect that. Maine as a State can be number one in the nation when it comes to relationships with the tribes. This is part of our ingrained culture and practically every other context

of our Chief Executive has presented herself as a strong independent leader that will not be pushed around by federal government or unduly restrained in government as an elected official. So, why now to hide behind the federal government? The federal law referred to, the Maine Indian Claims Settlement Act in 1980 was negotiated by the State, tribes and federal government. The law specifically authorizes the State to reach agreements with the tribes without United States approval on civil, criminal and regulatory issues. The law that we seek to implement in Maine is the Indian Gaming Regulatory Act or IGRA. Do we really need to make it any more clear that tribal gaming is a regulatory issue?

Let's remember why the State of Maine had to enter into this settlement agreement to begin with. The Settlement Act was necessary because the State felt it could do whatever it wanted towards the tribes at the time. From 1820 until 1975, the State treated us like wards that needed to be treated like children in need of parenting. Federal courts declared this paternalistic approach to be illegal. In response, Congress passed a law setting certain parameters for tribal-State relations. The Settlement Act recognized our inherent tribal sovereignty while preserving certain aspects of the old colonial relationship. Nonetheless, the Settlement Act expressly states that the consent of the United States is hereby given to the State of Maine to amend the Maine Implementing Act. I will say it again; the Settlement Act expressly states that the consent of the United States is hereby given to the State of Maine to amend the Maine Implementing Act through agreements with the tribes with respect to certain regulatory and enforcement matters. LD 554 amends the Maine Implementing Act for exactly this purpose. It was important to the State at the time of these negotiations to maintain this ability to amend the implementing act but now perhaps our Chief Executive is hiding behind this federal law. Is this an excuse to avoid giving the Wabanaki tribes the opportunity to raise revenue through tribal gaming operations that other federally-recognized tribes across this country enjoy? The message that Big Brother must approve of this arrangement flies against the ethos of Maine as a sovereign. It is intellectually dishonest for our Chief Executive to divide the sovereignty of her own State.

Think about the fact that our Executive is telling the elected policymakers of our State that we cannot make decisions that Congress has already expressly authorized. That we cannot incorporate a well-established federal regulatory framework into our State to bring some measure of equity to Maine tribal nations and to bring economic development to Maine's rural economically-depressed communities. The argument that we need the okay from Congress to pass this law simply defies logic. It is also critical to address the factual inaccuracies in the veto message regarding revenue sharing. Anyone can clearly see in State Statute that a tribe engaging in tribal gaming operations will necessarily give up any form of revenue share derived from existing commercial gaming operations. The fact that this particular concern was raised at the 11th hour in the veto message shows perhaps the Chief Executive did not complete her research. This issue was expressly addressed before the VLA committee and we all know the participation from the Chief Executive's office. The truth of the matter is that tribal gaming would bring increased revenues not only to the State but also to municipalities. The topic of revenue sharing was discussed in great detail at the committee level and with the Attorney General's office, with the Attorney General's office clearly channeling the Chief Executive's concerns. Under IGRA, the Chief Executive would have the prerogative to negotiate a

compact to bring revenue into the State. It is simply false that this bill would cut off the current revenue stream to the State. The only way that would happen would be if the state and the tribes were unable to reach a deal and what the tribes have been pushing for is good faith negotiation with the Chief Executive. We seek greater revenue for the State as a whole and for the revenue to be generated and kept within Maine communities. To suggest otherwise is not rooted in reality.

A key component of the Indian Gaming Regulatory Act is that the tribes must be the sole owners and that all net revenues from tribal gaming facilities must stay within the State and benefit the communities in which they are based, supporting not only the tribes but also their nontribal neighbors. IGRA encourages payments from tribes to local governments and also cooperation on law enforcement and public health and safety issues which bolsters local infrastructure. Our legislature voted in support of these goals and countless rural communities across our country have achieved significant success from encouraging tribal gaming. I am not exaggerating when I say that tribal gaming has infused billions of dollars into state and local economies. While the Chief Executive's message contained within her veto letter focuses on purported technical issues with the bill, the fact of the matter is that she continues to use unsupported legal arguments as a smokescreen. These arguments are nothing more than a false narrative that is to the detriment of constituents living in rural Maine.

Representative **BICKFORD**: Point of Order.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Auburn. The Chair asks why the Representative rises; what is the Point of Order?

Representative **BICKFORD**: The Speaker is questioning the character, motives, and integrity of the Chief Executive Branch. I don't think that's appropriate, Madam Speaker.

On **POINT OF ORDER**, Representative BICKFORD of Auburn objected to the comments of Representative NEWELL of the Passamaquoddy Tribe because she was questioning the motives of the Chief Executive.

The SPEAKER PRO TEM: The Chair reminds the Body that for Members not to question the motives of the Chief Executive or impugn their character.

The Chair reminded all Members that it was inappropriate to question the motives of the Chief Executive.

The SPEAKER PRO TEM: The Member may proceed.

Representative **NEWELL**: Thank you, Madam Speaker. Please excuse, as I mentioned earlier, it was not my intent to offend. Madam Speaker, Honorable Members of the House, in conclusion, I want to say that the Attorney General's office has channeled the precise concerns and messages as the Chief Executive's office through this process and we have seen and we have been observing an erosion of the separation of powers in our State. The Attorney General's office does not appear to be impartial in matters relating to the tribes and this raises constitutional concerns. I also want to note that the Chief Executive has had a total of two distinct conversations with the Chiefs regarding the Settlement Act in nearly two years. The tribes have been working to engage the Chief Executive on the issue of gaming and all the other issues the Maine Indian Claims taskforce dealt with since January 2019. It was not until three days ago, when the Chief Executive had the Chiefs in her office and started outlining technical issues that she really engaged on any of these matters. In the interim, the taskforce issued specific recommendations on gaming and other matters of sovereignty. The gaming piece was split off for a vote this session and the Legislature demonstrated overwhelming bipartisan support. It

has been more than 750 days and the Chief Executive's office did not commit to discussions on the taskforce recommendations until there was a short period of time before a public hearing on the larger bill that would restore and recognize, from this State's perspective, tribal sovereignty. The Chief Executive's leadership directed tribal attorneys to work closely with the Attorney General's office to address concerns around gaming, which they did, and they have. These concerns are not new; they have been discussed.

While the invitation to continue to work with the tribes to expand gaming operations was offered, to a recall of LD 554, for it to be reintroduced in the Second Session of the 130th. The issues before us are not too complex. As I mentioned in my prior speech before this House, we have seen successes between the State of Massachusetts and the State of Connecticut when it comes to their government and their tribes and the tribes located within their states when it comes to gaming. The federal regulatory framework for tribal gaming has been working incredibly well across our country for decades. There has been so little movement on substantive issues over the past two years that this all just seems like another delay tactic that is not to strengthen tribal-state relations, but perhaps bring us to another point in time of weakening them. That is why it is so important to enact this law now and start to finally move forward. I want to thank all of you that have already demonstrated strong support for our tribal nations and Maine's rural communities as a whole. Though in this chamber, I do not have a privilege to cast a vote, I ask you to vote to override the Chief Executive's veto. Woliwon, chi-woliwon, Madam Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Collings.

Representative **COLLINGS**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I'll be very brief here. As the sponsor of the bill, I did want to stand in support of overriding the Chief Executive's veto. I want to stand in solidarity with Representative Newell from Passamaquoddy and before I go on further, I just want to recognize that there are some tribal leaders here in our presence from Passamaquoddy from Sipayik. There's Chief Maggie Dana and Vice Chief Ernie Neptune. If there's others that I missed, I apologize, but I thank them for being here in our presence today to work with the Legislature. Madam Speaker, when we first brought this bill up, it was very interesting because right before we had the first vote on this, there was a lengthy debate about farming in the State. And it made me remember a story when I was back up in Fort Kent with an Indian Chief and when I heard about farming and then Indian Gaming, it came to full circle, and I almost stood up and spoke but so many people had spoke that I said you know, sometimes it's better to shut up and, you know, let things move on, but, anyway, I thought it kind of made me laugh but it also reminded me how long the tribes have been asking the Legislature to support them in their efforts to have gaming like most tribes in the country can have. So, back when I was much younger, about, I don't know, 18 years ago or so, I took a Penobscot Chief up campaigning in Aroostook County and the Representative from Buxton, who's from Fort Kent like me and others that are familiar with the St. John Valley, there's a popular diner right across from the Canadian Crossing in Fort Kent on Route 1 where the mile marker starts from Route 1 from Fort Kent to Florida, it's called Rock's Diner. So, I had this Native American Chief in there and I walked in and I saw a group of, you know, farmers speaking in French, and they said Ben, like, what's going on, who's with you, and I said oh, this is a Chief from the Penobscot and he's here to talk about a casino thing.

And they said really, I said yeah, well, what do you think, and he started talking. And then while we were talking, a farmer, his name is Mr. Pelletier, I forgot his first name, he came and he said Chief, he said, you really want gambling, huh? He said oh, yes, sir, I do. He's like if you want to gamble, I'll sell you my farm today. And so, everyone laughed in the diner, they thought it was funny, it kind of eased the mood, and we got some support and then we kept campaigning. But talking about farming and talking about gambling a couple weeks ago reminded me that for about almost 20 years, I've been working with the tribes in different capacity on this issue of gaming which really is linked to sovereignty and self-determination to get funds to run their governments. The tribes themselves have been trying for this right of gaming for almost 33 years, since 1988, when Congress, bipartisan, one of the sponsors was Senator John McCain, President Ronald Reagan signed the bill, there was a great sense of support in Washington D.C. to help tribes and specifically in rural areas with economic development, nothing was working, they thought casinos would be a good opportunity and it also gave them a chance to clear up relationships with tribes and states and how gambling can work. And so, they created a 1988, the Indian Gaming Regulatory Act, which the tribes in this bill today are asking to benefit from. And it's very simple, and that's what the bill is about. And I do not agree with all of the technical language that was expressed by the Chief Executive, I have a much different perspective. So, what that bill basically did 33 years ago, is exactly what the tribes are asking for today.

Now, the objections of the Chief Executive, she raised lots of doubt; all this technical language, unintended consequences, slippery slope, what if this happens. Those are all phrases that are used when you try to defeat something when it's gaining momentum. We hear that every day in our committees, we hear it in debate, it's politics 101. There's something that has support, so we use technical arguments, we have groups come behind the scenes and spread rumors and say, you know, if you vote for this you might think it's good but this is going to happen, and so, that's just what happens. So, but really what this bill is about is having the tribes in Maine have the same right as practically every other tribe in the nation, and the objections that the Chief Executive has to the language, that language that is put in this bill is modeled after laws, Madam Speaker, that states and tribes have created in their compacts for class 2 and class 3 gambling. So, in essence, Madam Speaker, the language in this bill that the Chief Executive is objecting to is the same exact law that is used all over the country and all the concerns that are expressed have not come to fruition in other states. So, I just have to ask; if these laws exist in almost two-thirds of the states, if hundreds of tribes have compacts with states and the same exact language is used there, how come every day in the news you don't hear of all these horrific things happening that are suggested would happen if we passed this law in this State, Madam Speaker. So, my point is if this was a law that was passed by bipartisan overwhelming support in Congress, signed by a Republican President Ronald Reagan, over the years implemented in states all across our country, been a huge success story, why on earth do we think if we do the same exact thing that Congress intended for tribes in Maine and what has worked everywhere, that somehow if we do this here, it would be terrible? Do we not have faith in the tribes, in the communities, in the leaders of Maine to do the same thing? I think we do. I think this bill is a good bill, it was worked on for several months by the VLA committee, it was one of the better bills I've seen worked, there was buy-in from the Attorney

General's office, there was weeks of negotiation with tribal attorneys and the Attorney General's office at the request of staff of the Chief Executive. So, many different parties in this building worked together on the request of the Chief Executive to mitigate any potential legal conflicts. I believe in this bill, all the conflicts have been mitigated, I don't see any concern with this bill moving forward. I believe if we pass this bill, what will happen will be what's happened all over this country. Indian tribes can have gaming to help their communities, it will impact positively the surrounding communities next to them, it will have a positive economic impact on the State. I think overall it's a very positive outlook.

The last thing I'll say is that it was referenced in the veto letter that there would be no structure. That is absolutely not true. The two options are if you go for class 3 gaming, which is the same exact casinos as in Bangor and Oxford County, every single detail would have to be negotiated with the Chief Executive. How much tax would have to be paid, what the rules are. It already says that the liquor laws would apply, so, all of that would be determined by the Chief Executive. So, if the Chief Executive is worried things will go wrong, that's really up to her or him in the future because they can dictate those terms at the negotiating table. Now, the second part of the bill, before I close, says that if you don't have the class 3 Las Vegas style casino like you see in Bangor or Oxford, you could do class 2 gaming. And that exists all over the country. Again, we're using the exact language that works everywhere. That is basically Bingo and it's Bingo like traditional like you go to a Bingo hall and you do the cards or it could be done through electronic means, where it's the same odds, it's the same game, but different players are playing it on an electronic machine. So, if that was the case, if they went that route, if they didn't want to go to the more lucrative class 3 negotiations and they did the class 2, it stipulates in the law that they have to, in that facility, have the same laws as the State or they need to have more stringent laws. So, the insinuation that somehow there would be casinos everywhere with no regulations, that is absolutely not true. I've also seen some emails and texts going around saying that this would open up the doors to make this having like, you know, dozens of casinos everywhere, anywhere in the State. That also is not accurate, Madam Speaker. The tribes have limited land where they could put this on, a lot of this land we're talking about is in Aroostook, Washington County, other small parcels in rural parts of the State, but lots of the land that they do have are not in trust to reservation land where you could do this. So, they are very limited. So, what you're talking about are very small facilities that would fit the market in those communities, no one's going to invest in them if they don't make sense, so, knowing the gaming market like I do, I've worked with tribes around the country, you're not going to see dozens of casinos, there's not going to the wild west where you can do anything. There is structure in this law and no one is going to open up a casino and invest that money unless a market study is done and it makes sense and the people that would help the tribes with this are very knowledgeable, they have an extensive background, they're not going to open up one place where it's not going to be economically viable.

All around the country, Madam Speaker, there are various casinos in individual states. In Maine, for every 700,000 people, we have about two casinos. That's similar to some other states. There are some states for about every 30,000 people, you have a casino. There are many states where you have 20 or 30 tribal casinos and you'll have a horse track with betting like Penn National may own. So, the fact that if in Maine, if there's more

than two casinos in two places that those casinos are going to go out of business and business won't go well, that absolutely has not played out anywhere in the country. This is a very good bill, it has worked everywhere in the country, it can work here, and I think that after 33 years, after we've expanded state lottery operations all over the State, after we've allowed two commercial casinos, and after probably a dozen times or more we've told the tribes that they aren't allowed to have that same business that every tribal community in the country, pretty much, can have, I think is very hypocritical. I think that we should vote and I please ask you to override the veto. Thank you, Madam Speaker.

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER PRO TEM: The pending question before the House is 'Shall this Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 411V**

YEA - Alley, Arford, Bailey, Bell, Berry, Blier, Blume, Brennan, Brooks, Bryant, Caiazza, Cloutier, Collings, Copeland, Corey, Crafts, Craven, Crockett, Cuddy, Dodge, Doudera, Dunphy, Evangelos, Evans, Faulkingham, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Hymanson, Johansen, Kessler, Kryzak, Landry, Lookner, Madigan, Martin J, Martin R, Martin T, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Newman, O'Connell, O'Neil, Osher, Pebworth, Perry A, Perry J, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roeder, Sachs, Salisbury, Sheehan, Skolfield, Stover, Talbot Ross, Tepler, Tucker, Warren C, Warren S, White, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Arata, Austin, Babbidge, Bernard, Bickford, Bradstreet, Cardone, Carlow, Carmichael, Collamore, Connor, Costain, Dillingham, Dolloff, Downes, Drinkwater, Fecteau, Foster, Gifford, Greenwood, Haggan, Hall, Hanley, Harrington, Head, Hutchins, Kinney, Lemelin, Libby, Lyford, Lyman, Mason, Millett, Morris, Nadeau, Ordway, Parry, Perkins, Pickett, Poirier, Prescott, Quint, Roche, Rudnicki, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Andrews, Cebra, Doore, Ducharme, Griffin, Grignon, Javner, Moriarty, O'Connor, Paulhus, Roberts, Sampson, Sharpe, Supica, Sylvester, Terry, Tuttle, Williams.

Yes, 80; No, 53; Absent, 18; Excused, 0.

80 having voted in the affirmative and 53 voted in the negative, with 18 being absent, and accordingly the Veto was **SUSTAINED**.

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The Speaker resumed the Chair.

The House was called to order by the Speaker.

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THE SPEAKER: The Chair would like to thank the Representative from Old Town Representative Dunphy for acting as Speaker Pro Tem Today. If you will all join me in thanking her.

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

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The SPEAKER: The Chair recognizes the Representative from the Passamaquoddy Tribe, Representative Newell, who wishes to address the House on the record.

Representative NEWELL: Thank you, Mr. Speaker. I wanted to extend a thank you to the Honorable Members of the House for their consideration on that previous vote. I appreciate your time, your consideration, and the time you took to consider the direction you would go with that vote. For that, I express my thankfulness and I also extend a thank you to my Chief and my Vice Chief for their presence in the gallery during that vote. Thank you, Mr. Speaker.

**ENACTORS**

**Emergency Measure**

An Act To Preserve Deer Habitat

(H.P. 288) (L.D. 404)

(S. "B" S-354 to C. "A" H-254)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 104 voted in favor of the same and 15 against, and accordingly 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**.

**ORDERS**

On motion of Representative MARTIN of Eagle Lake, the following House Order: (H.O. 10)

ORDERED, that Representative Richard M. Cebra of Naples be excused 6/3/21 and 6/10/21 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Josanne C. Dolloff of Milton Township be excused 6/16/21 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Frances M. Head of Bethel be excused 6/15/21 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Kathy Irene Javner of Chester be excused 6/3/21, 6/10/21, 6/16/21 and 6/17/21 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Thomas H. Martin, Jr. of Greene be excused 5/19/21, 6/3/21 and 6/9/21 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Dwayne W. Prescott of Waterboro be excused 6/15/21, 6/16/21 and 6/17/21 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Paul A. Stearns of Guilford be excused 6/3/21 for health reasons.

**READ and PASSED.**

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:

**SENATE PAPERS**

**Non-Concurrent Matter**

An Act To Lower Health Care Costs through the Establishment of the Office of Affordable Health Care

(S.P. 49) (L.D. 120)

**PASSED TO BE ENACTED** in the House on June 17, 2021. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-275)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-275) AS AMENDED BY SENATE AMENDMENT "A" (S-368)** thereto in **NON-CONCURRENCE**.

Speaker FECTEAU of Biddeford moved that the House **RECEDE AND CONCUR**.

Representative DILLINGHAM of Oxford **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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 Recede and Concur. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 412**

YEA - Arford, Babbidge, Bailey, Bell, Berry, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Dunphy, Evans, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Hymanson, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, McCreight, Melaragno, Meyer, Millett, Morales, Moriarty, O'Connell, O'Neil, Osher, Pebworth, Perry, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roeder, Sachs, Salisbury, Sheehan, Stover, Supica, Talbot Ross, Tepler, Tucker, Warren C, Warren S, White, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Arata, Austin, Bernard, Bickford, Blier, Bradstreet, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Dillingham, Dolloff, Downes, Foster, Gifford, Greenwood, Haggan, Hall, Hanley, Head, Hutchins, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin, Millett, Morris, Nadeau, Newman, Parry, Perkins, Pickett, Poirier, Quint, Roche, Rudnicki, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth.

ABSENT - Alley, Andrews, Blume, Cebra, Doore, Doudera, Drinkwater, Ducharme, Evangelos, Faulkingham, Fay, Fecteau, Griffin, Grignon, Harrington, Javner, Mason, McDonald, O'Connor, Ordway, Paulhus, Perry, Prescott, Roberts, Sampson, Sharpe, Sylvester, Terry, Tuttle, White, Williams.

Yes, 69; No, 51; Absent, 31; Excused, 0.

69 having voted in the affirmative and 51 voted in the negative, with 31 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

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