

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

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

**Volume II**

**First Regular Session**

June 6, 2007 – June 21, 2007

**Second Regular Session**

January 2, 2008 - March 31, 2008

Pages 682-1357

An Act To Prohibit Unauthorized Contact of Persons Convicted of Sex Offenses against Persons under 14 Years of Age with Persons under 14 Years of Age

(S.P. 518) (L.D. 1491)  
(C. "A" S-256)

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

On motion of Representative SYKES of Harrison, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **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 Enactment. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 147**

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hotham, Jacobsen, Jones, Joy, Kaenrath, Knight, Koffman, Lewin, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McKane, McLeod, Miller, Mills, Miramant, Moore, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pineau, Pingree, Pinkham, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walcott, Walker, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Cressey, Duprey, Emery, Fitts, Jackson, Lansley, McFadden, Millett, Muse, Piotti, Plummer, Richardson E, Sutherland.

Yes, 138; No, 0; Absent, 13; Excused, 0.

138 having voted in the affirmative and 0 voted in the negative, with 13 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Protect Families and Enhance Public Safety by Making Domestic Violence a Crime

(S.P. 571) (L.D. 1627)  
(C. "A" S-276)

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

On motion of Representative FAIRCLOTH of Bangor, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **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 Enactment. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 148**

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaulieu, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hotham, Jacobsen, Jones, Joy, Kaenrath, Knight, Koffman, Lewin, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McKane, McLeod, Miller, Mills, Moore, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pineau, Pingree, Pinkham, Piotti, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walcott, Walker, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Beaudoin, Cressey, Duprey, Emery, Fitts, Jackson, Lansley, McFadden, Millett, Miramant, Muse, Plummer, Richardson E, Sutherland.

Yes, 137; No, 0; Absent, 14; Excused, 0.

137 having voted in the affirmative and 0 voted in the negative, with 14 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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.

HOUSE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (H-572)** - Minority (2) **Ought Not to Pass** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Authorize the Operation of Slot Machines on Indian Island in Old Town"

(H.P. 532) (L.D. 701)

TABLED - June 14, 2007 (Till Later Today) by Representative PATRICK of Rumford.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Blanchette.

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My tirade is about to begin again and I am sorry if I bore you, but this needs to be said, and it needs to be said publicly as many times as this bill appears before this body.

I need to read to you some testimony, just experts of it, from the Gambling Control Board Executive Director Bobby Welch, when he appeared before our committee, when this bill was heard publicly, and he testified against LD 701. He said, "The administration has consistently been opposed to any expansion of gambling in Maine, beyond what the voters approved by referendum. This bill goes beyond what the people approved in several respects: First, this bill has no nexus requirements between the slots and the operators, or location of a commercial

track and it eliminates the 100-mile proximity set in the original law." This was just part of his testimony opposing this.

I have been respectfully and lovingly at odds with members of my Committee on this, and I do believe, for any number of reasons. I need to clarify some facts that were laid out that were in error. I have called Penn National to find out what they paid for an operators slot license, and believe it or not—surprise, surprise—it is not based on the number of slot machines that you operate. There is a set fee in the State of Maine to be an operator of slot machines. That set fee is \$200,000, so how do you justify lowering the \$200,000 fee for one entity, when you charged another entity a different price?

There are any number of exceptions in this bill for the Tribe to operate slot machines on Indian Island. I believe that you are setting a dangerous precedence if you allow exceptions to the rules. What you need to do is Indefinitely Postpone this bill; send it back to the archives, if you so choose and it is your privilege, you are the rule makers in the State of Maine. Go back and amend the laws, the laws as they are stated on the books, right now, are very, very clear: To do anything other than what the law requires, without enacting new legislation to change that law, is, in my humble opinion, against the law. We were not given the authority to randomly pick out laws that we wanted to adjust without legislation. There is a process that we go through that holds everybody equally responsible under every law, without exception. This is no different, so I am going to ask you to reject the Majority Ought to Pass as Amended Report out of this Committee, and we will move on to pass the Minority Ought Not to Pass for any several reasons that I have mentioned. I am sorry if my tirade has brought you to the point of tears and boredom and a nap needed, but it really needed to be said. With that, I thank you for your indulgence, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Moore.

Representative **MOORE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The comments of my good colleague from Legal and Veterans Affairs, while not much of a tirade, do need some explication, I believe.

The Legal and Veterans Affairs Committee heard a lot of testimony about this measure. The testimony of the Executive of the Gambling Control Board was only mildly critical of the proposal and only from the standpoint that he was reflecting the philosophical bench of the current Executive Department, anti-gambling or what have you, expansions of gambling.

An interesting point that came up during our hearing, was some testimony related to it, by the gentleman who represents that Lottery Commission. During that testimony, we asked him about how was it consistent with an Executive Department philosophy against the expansion of gambling, how was it consistent when during the past five years, at least that I have been on this Committee, the state has consistently added numbers of scratch tickets, numbers of opportunities for gambling; and most recently, added a scratch ticket, I believe that is in the \$20 category, and a certain number of those tickets, up to 35 or 40 of them, qualify an individual to go to Las Vegas to gamble: Out-of-state, Maine money to Las Vegas.

The testimony about the consistency on not expanding gambling really does not hold up. That bridge has been crossed and why revisit repeatedly? We have already expanded gambling and we are making money off it, and we all know that. Thank you very much.

Representative **TUTTLE** of Sanford **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

The SPEAKER: The Chair recognizes the Representative from Penobscot Nation, Representative Loring.

Representative **LORING**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I introduced LD 701, an Act that will allow the Penobscot Nation to operate up to 400 slot machines with their High Stakes Bingo games. I would like to tell you why and give you a little background.

High Stakes Bingo and slot machines are not new to the Penobscot Nation. Penobscot Nation first began playing High Stakes Bingo and supplementing the game with slots back in 1974. Penobscot Nation was the first in the country to start a High Stakes Bingo game that brought in players not only from other states, mostly New England, but Canada as well. We were very successful in bringing in much needed revenue for our tribal government. Penobscot High Stakes Bingo allowed the Penobscot Nation an economic resource that was not derived from the state or the federal government. For the first time since colonisation, we were able to provide for ourselves. We no longer had to beg government for grants or funds. We had a brief glimpse of what economic, self-sufficiency was like. But the games were a source of contention to the State of Maine. State law did not allow gaming at that time.

In 1980, the Tribes and state, signed into law the Maine Indian Land Claims Settlement Act. Penobscot Nation and Passamaquoddy Tribes had agreed in the Settlement Act, to abide by state law. Still, the Penobscot Nation felt that it had the right to continue its High Stakes Bingo, as the proceeds supported tribal government. Penobscot Nation felt that therefore, it should be considered an internal tribal matter; thus, under complete tribal jurisdiction. A court battle ensued. Penobscot Nation stopped playing High Stakes in 1983, after the United States Supreme Court let stand a Maine Supreme Court decision that found in favor of the State of Maine.

Four years after that decision, the United States Supreme Court did rule in a California case and they found the following: that state and local government may not regulate High Stakes Bingo games and other gambling operations on Indian reservations. The ruling was reported in a Maine newspaper article, written by the Associated Press. The article was titled, "Tierney Says Penobscots May Benefit." It explained that since after the refusal by the US Supreme Court to hear their case, the Penobscots have repeatedly pressed for legislation that would allow the games to resume. The Tierney article was dated February 26, 1987.

It was obvious to then Attorney General Tierney that this ruling did not legally bind Maine, due to the language in the Settlement Act that placed the Tribes under Maine law; however, Attorney General Tierney felt there was a fairness issue here: Tribes from all over the country were allowed to play High Stakes Bingo without state interference. He stated the ruling had a symbolic significance for the effort to restore the High Stakes Bingo games on the reservation on Indian Island. He went on to say that if he were still in the Legislature, he would vote in favor of the bill to allow High Stakes to be played.

Penobscot Nation has been pressing legislation to regain its full operational status, since the loss of its operation in 1983: 24 years, almost a quarter of a century. It may or may not be common knowledge that after Penobscot High Stakes was shut down in 1983, the Penobscot Nation helped the Pequot Tribe in Connecticut to establish its High Stakes Bingo with slot machines. The Penobscot Nation managed and operated that facility. The Bingo operation in Connecticut opened its doors in 1988. It has since become known as Foxwoods Resort Casino and is one of the most highly, successful casinos in the world. It all started with the planting of a High Stakes Bingo seed. It was

to start a wave of Indian gaming industries throughout the United States.

The Indian gaming industry has grown tremendously since that time. Indian casinos brought in \$12.8 billion in 2001, \$22.5 billion in 2005, and \$25.1 billion in 2006. I find it more than ironic that the Penobscot Nation, the same entity that planted the seed for Indian gaming, an industry that is making billions of dollars across this country, and the same entity that partnered with the Passamaquoddy Tribe to offer this state millions of dollars in jobs and in tax revenue, are now reduced to asking for a mere 400 slot machines just to survive.

On May 27, 1987, the House voted 134-5 to allow High Stakes Bingo to be played on all federally recognized Indian reservations in Maine. Governor McKernan signed the bill into law June 4. High Stakes Bingo was allowed, but we were not allowed to resume full operations, slot machines were prohibited. We resumed our High Stakes Bingo games under very specific laws that limited the number of weekends played and prize money awarded. We also paid a fee; the fee was a license fee of \$50,000 a year. We reluctantly accepted the ruling and were actually able to sustain our tribal government services, such as fire and ambulance, public safety and health services, until this past year, when Hollywood Slots started its operation. The High Stakes Bingo operation brought in between \$200 and \$250,000 a year for Tribal Government operation.

This past year, we have seen our revenue drop from \$200,000 plus, to \$3,800. We cannot survive with that kind of loss. We need to have our full operation back, so that we can at least compete on some small level. I echo words of former Attorney General James Tierney: There is a symbolic significance existing in the State of Maine today. There is indeed a fairness issue.

Since 1983, Maine has legalized and expanded gaming to include the Maine State Lottery, Powerball, off track betting, many variations of scratch tickets, harness racing; and finally, a racino, Hollywood Slots in Bangor, located just ten miles from the Penobscot High Stakes Bingo site.

Since 1983, gambling has become a huge part of the state budget and the state has grown highly dependent on that income. I once asked former Governor King, why, if he was so against gambling, hadn't he submitted a bill to get rid of it? He simply said, "We can't. We are addicted to it, we can't afford to get rid of it." There is a symbolic significance here and it is a double standard, one where the state makes millions of dollars on gaming and its expansion, and we make nothing. It is plain to see the economic injustice that currently exists. We are simply asking to be granted the same economic opportunity that state government has and that Hollywood Slots has been given.

I ask you to help us sustain our tribal government and finally allow us to resume our total High Stakes operations. We are not asking for a handout. We are simply asking for the return of an economic tool that was taken from us 24 years ago. It is our goal, our dream, to become economically self-sufficient. We ask you to make our operation whole once again. It is my personal belief that in this new, expanding, global economy, that an economically healthy and self-sufficient Native community can be a tremendous asset to surrounding communities, as well as the State of Maine. Thank you.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Hogan.

Representative **HOGAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition of this motion as well, but not for the same reason that the good Representative from Bangor has posed. I rise in opposition to this and any other form of gambling that goes on in

Maine. As this proceeds down the road and the expansion of gambling happens in the State of Maine, the financial structuring, the way it exists, is very adverse to the State of Maine.

The Penn National operation in Bangor gives 61 percent to themselves and 39 percent to the state. The Indian Nation, their proposal is somewhat similar, 59 percent, I believe, to the Indians and 41 percent to the state. This new proposal, I am not sure what it is, but I am sure it is along the same lines. Do we realize or accept the needs that we have in this state and realize what that 39 percent and 41 percent go to? It goes to off track betting parlors, individuals that own businesses; it goes to racetracks, another business; it goes to sire stakes and the like. There certainly is something in there for University of Maine; I believe it is 2 percent for the most part. But this financial structuring will be the ruination, not the ruination of the state, but as this gambling proceeds and develops, we had another inquiry into a proposal to start a racino in the area of Gorham, the same financial structuring. Until we get that squared away, we should not, and I will not, ever support any of these ventures.

I have been told by a member of the Gambling Control Board that that percentage, which I just spoke of, is the highest in the United States of America. Why are we the saps? Why do we give away as much money as that? Don't we negotiate properly? What is wrong with us? I am opposed to this, and as I said, I will never support any of these ventures. Thank you.

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

Representative **PERRY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in favor of this motion. We really talk about equity; we talk about economic development and fairness. I think one of the things that we need to realize, is we are talking about the ability of a community to take care of itself.

There is an enormous disparity that exists in both overall health status and access to health for the American Indian Nations. The impact of this disparity is felt throughout the Indian country, and this includes the Passamaquoddy and the Penobscot Nations. Native people experience higher disease rates and lower life expectancy than any other racial or ethnic group in the country. Indians experience, exponentially, higher rates of diabetes, mental disorders, cardiovascular disease, pneumonia, influenza, and injuries. The infant mortality rate is 150 percent greater for Indians than that of white infants. Indians have the highest prevalence of Type II Diabetes in the world and are 2.6 times more likely to be diagnosed with diabetes. Indians have a life expectancy, five years less than the rest of the US population.

There is an enormous disparity that exists in both overall health and access to healthcare facilities. The prosperity of a community is directly tied to the overall physical and behavioral health of the people within that community. I ask, in the sake of fairness and undoing some disparity that has been a lifelong issue, that you vote in favor of this motion.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Blanchette.

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I could not agree more with the good Representative from the Penobscot Nation: It is about fairness, it is about fairness to all of the people in the State of Maine. You do not have special rates for one section of the state and increased rates for the other. I do not think that the Legislature, as a body, would shine favorably if a bill was introduced that 50 percent of the winnings that would take place at the Nation or in any other thing, went back to Penn National to offset their loss.

The name of the game is competition. Penn National was not given anything. They negotiated everything they have; they paid \$55 million to Shawn Scott Properties to come into Bangor to start the negotiations, the fees that they have to pay yearly are staggering and they pay this whether they make money or not, if they want to keep going. The annual renewal fee for a slots operator, it does not matter if it is two slots, four slots, or a thousand slots, is \$75,000. One hundred dollars per machine, per year, registration for each slot machine. It is about fairness, Ladies and Gentlemen, and this is blatantly unfair to a business that came into this state, negotiated a contract, and expects everyone else to be treated equally the same way. The Legislature has chosen to disregard the laws that are on the books and instead of going in the right way and changing the law, and then introducing these bills, have chosen to go through the back door. This is not our most shining moment in Maine history.

If passed, I think we are going to feel a little bit of shame. It is about fairness, Ladies and Gentlemen. The good Representative from Standish, Representative Moore, took exception to what I had said; because he said gambling is being expanded all over the state through the lottery: He is correct; he is not wrong. But the people in the State of Maine, any number of years ago, voted to bring in Maine State Lottery. Maine State lottery does not, has not, will not operate under the Maine gaming laws. The Maine gaming laws were created; they are a creature of slots, so there is two different sets of gaming laws. We own, the State of Maine, you and I, everybody in this building, the people on the second floor that are so opposed to gambling, own the Lottery. You know, if you do not want it, all it is going to take is an executive order to move to abolish the Lottery, if it is such a horror and it is such a nightmare.

This is about fairness, Ladies and Gentlemen. You cannot compare the escalation of lottery ticket sales and production to what is going on in the slot business. The slots and the gaming laws are a negotiated contract—a negotiated contract—the laws were crafted around that contract. Good, bad, or ugly, this is what it is. Fairness says all people that reside within the borders of the State of Maine, will operate under the same set of rules. There is not a rule for you and a rule for me; it is about fairness, Ladies and Gentlemen.

I need you to look at the bill before you; I need you to look at the added cost that you are going to have to incur in this budget—this budget. We need two more enforcement officers through the State Police: You are talking about \$400,000. Who has that in their budget that they want to flop onto the table? Think about it: This is not a revenue neutral bill. It is going to cost John Q taxpayer a lot of money—that money is not there. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Sullivan, Representative Eaton.

Representative **EATON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will, I promise, speak very briefly on this 11-2 Majority Report. I agree very much with my good friend, the good Representative from Bangor, about fairness: You are absolutely right, this is about fairness.

But another comment, one that I did not agree with, was I might be ashamed if I cast this vote in favor of our friends from the Penobscot Nation. I will absolutely not be ashamed. I will be proud. I have watched this Legislature stand up to assist our friends from the Indian Nations throughout this legislative session, who are trying to help themselves. They have had this opportunity before, they deserve this opportunity again.

We talk about employment in the State of Maine: 70 people are employed in an Indian Nation of 500, 70 of them employed

currently by High Stakes Bingo. Those jobs, right now, are in huge jeopardy as a result of our previous actions in supporting Hollywood Slots. I want to see those 70 jobs on Penobscot Nation maintained. I would like to see them add more jobs, which I am convinced that they will do, which will benefit the Penobscot Nation, and I would much rather see the slot money stay right here with our friends in the Penobscot Nation, than go somewhere else out-of-state.

We do have an opportunity, once again, to do something for our friends in the Indian Nation of Maine. I hope we step up and take that opportunity. Thank you very much, for your time.

The SPEAKER: The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative **PIEH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I, too, rise in support of the pending motion. I just want to shine a little light on this on where the funding goes and where it is required to go: Any profits that come in, go 20 percent for education, 19 percent for economic development, 17 percent for healthcare, 17 percent for police and fire that may help some of the concerns of the good Representative from Bangor about police and fire protection, 16 percent for infrastructure and 11 percent for housing. I hope you will join me and support the pending motion.

Representative PATRICK of Rumford **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **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 Rumford, Representative Patrick.

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House, Colleagues, and Friends. First of all, I want to start out by saying that I will always be endeared to my colleague from Bangor, Representative Blanchette. She and I bitterly fight this issue each and every time, I respect her 100 percent, and after this battle is over and the next battle is over, I will still love and respect that wonderful lady.

So let me start out, Ladies and Gentlemen, the first thing I would like to say is we talk about making changes, whether it is right or whether it is wrong. Citizen Initiative has been passed continually over the years, this year we all voted on Clean Elections reform. Oh my goodness gracious, can we change the Clean Elections? That was a citizens' initiative. This is a legislative body, we are lawmakers, of course we can change laws.

What is this bill doing? This bill is making a change to LD 1820, which is already on the books, Ladies and Gentlemen. The fee, in that committee, of \$200,000 was set for the potential two racinos that could come into the state, that were going to have 1,500 slot machines. Actually, the Citizens Initiative did not have any limit on the amount of slot machines; but the good work of the Committee, both Representative Blanchette, I, and the other committee members, saw it fit to put a cap on the only surviving racino at \$200,000.

Now how did we come up with the figure that I had for the difference in application fee? Well, if you take 1,500 slot machines, you divide it into the \$200,000, that will basically give you a per machine fee. You multiply that by \$400 and it will come close to the \$55,000 fee that is there. Is that fairness? It is not apples to apples by the penny, but it is apples to apples in fairness, as far as I am concerned.

You have heard from several Representatives about the Indian Nation had slot machines and High Stakes Bingo for years and they were taken away. I will tell you why, I believe, they

were taken away: It is the same thing I am fighting for this bill and for the next bill, which I am not going to mention because I do not want anyone to stand up and slap me, but they were taken away because there was no oversight. We now have a central site monitoring system where every dime and penny is monitored to the penny, or it had better be close and they had better have some reasons why. That same electronic validation, the same law that is on the books for LD 1820 and for Hollywood Slots, is going to be here because the Committee believes in sound policy. We have to have this and we have to have consistency in all of the slot machine changes if there are any to be made, and I would stand for 100 percent behind that.

Hollywood Slots, or Penn National, did not actually come out against this bill; they were neither for nor against. One of the biggest selling points for the Penobscot Indian Island, 400 slots, is probably the only business in the state that I know of, and I may be corrected and stand up if you know of another one, that has 85 percent of their customers trucked in from Canada and out of state. Now that is one heck of a wonderful business model, Ladies and Gentlemen. But guess what? The adverse effect of trucking those people in for High Stakes Bingo, is they play the High Stakes Bingo on the first night, then go down to Hollywood Slots and then they lose some of their revenue, they do not play the next night. We are looking for fairness? We did not take into consideration when we did LD 1820, the adverse effect that it was going to have on the Indian Nation, and I feel bad about that, this is one of the ways we can rectify it.

I will say publicly that I really do not like how the monies are broken down here, but it was sold in a Citizen Initiative that monies were going to be earmarked for certain things, but I do agree with the things and where the monies are going in this bill. If it was me, there will be a bill probably coming forward later on, that will have monies earmarked in a different way; but the monies in this bill are earmarked in a manner I can accept that they are going to do good things, especially for education and adult education.

The community of Old Town, I believe, will probably be getting 5 percent, although it will be a lot less than the 3 percent that Bangor gets, because it is going to be a lot smaller outfit, it is still going to be a good kick in the pants, and I am sure it will help the taxpayers.

I have gone to Las Vegas, I have gone to Atlantic City, and I have gone to Foxwoods. What is the benefit of the industry? Not all racinos/casinos have the same payout and why is that? If you payout 89 percent, which is the low point in the law, or you pay 91 percent out or 93 or 95, even in Las Vegas, there is one place that pays out 99 percent of the time, what does that do? It lets you have more fun or hang on to your money a little bit longer. I am sure the Tribe will be a benefit to the consumer, who uses their dollars for recreational gambling, because it is competition. It is only going to serve as a positive.

Everywhere I have been, if one place is paying 89 and the slots are tight, well guess what? You move on to the next place. The benefit the people brought in by the Tribes, there will still be a wash back and forth because one thing I know, when I have gone to Foxwoods, if I am not doing well there, well we take a ride over to Mohegan Sun; if I am in Atlantic City, if I am at the Tropicana and am not doing well, I take a walk over to the Taj Mahal. Both businesses will benefit by this.

It is important, Ladies and Gentlemen, yes that we have fairness. I believe there is fairness built into this, and I believe that the Committee will continue to build fairness in slot machine bills that should come out. If there is going to be another slot machine in Washington County, Ladies and Gentlemen, it is going to come under the same LD 1820 rules and regulations,

the only difference is that it is going to take three people to run the Washington County one, and it is only going to take two people. There are two people in this bill, why is that? Because the central site monitoring system is already up and running. It was not built to handle 1,500 slot machines; it can probably handle 10,000 slot machines. I do not know the exact figure, but I know it can be expanded with minimal, minimal dollars.

Ladies and Gentlemen, I will sit down because I am probably sure I am going to stand back up in a little while, a little later on, but I would ask you to search your heart, do the right thing. We cut the licensing fee for the Tribe this year by \$25,000 because their income is shrinking. The state gave back High Stakes Bingo to the Tribe because their income was disappearing. Let us do the right thing. Their income has been adversely affected by the racino passed by the Citizens' Initiative, the bill worked by the committee, let us do the right thing and vote Ought to Pass as Amended. Thank you.

The SPEAKER: The Chair recognizes the Representative from Acton, Representative Nass.

Representative **NASS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do not want to become part of the "On and On Club," and I do thank my good Lithuanian friend, Representative Patrick. I do know that high blood pressure runs extremely high in Lithuanians and I want to spare him. I do hope that you will listen to everything that the good Representative Patrick has said. Our entire committee believed in all we heard. We felt this is a matter of fairness and as fairness goes, you know, if our government can be in gambling, then why can't a private entity? If we do not like gambling, we can change it on the second floor. I hope that you will follow my light. Thank you.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Blanchard.

Representative **BLANCHARD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Most of you probably have been sitting here wondering why the Representative from Old Town has not spoken on this issue. Well, the Penobscot Nation is part of my district. I have personal friends that live on the Island. I have known some of the older fathers a long, long time. I had some questions about this bill initially; I still have a few questions about it. I spoke to Donna Loring; I have spoken to the Chief. They have told me that some of the questions that I have put forward to them, basically, will be looked after and will be answered.

The need on the Penobscot Nation, everyone knows what it is: They have lost much income, and I mean much income, from basically Penn National's opening in Bangor; I think that was great for Bangor. Their Super Bingos have diminished so immensely, that nobody knows which way we are going to bring it back, as far as the Island is concerned. They have a right to run 27 Bingos a year. Whether or not they are going to be running 27 or not, nobody knows. At this time, they are only running 13. Now the slots, probably bring back some of their income that they have lost. I am in hopes that it will do that. I feel as though that this probably is the answer, so I am going to ask you to support the bill, to see if we can help the Penobscot Nation get back the economy that they need to survive.

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

#### ROLL CALL NO. 149

YEA - Annis, Austin, Ayotte, Barstow, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Cebra, Chase, Clark,

Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finley, Fischer, Fletcher, Flood, Gifford, Giles, Gould, Grose, Hamper, Harlow, Haskell, Hayes, Hill, Hinck, Jacobsen, Jones, Joy, Knight, Koffman, Lewin, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McLeod, Miller, Moore, Nass, Patrick, Pendleton, Perry, Pieh, Pineau, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rector, Richardson W, Robinson, Rosen, Savage, Saviello, Schatz, Simpson, Sirois, Smith N, Sykes, Tardy, Theriault, Tibbetts, Treat, Trinward, Tuttle, Vaughan, Walcott, Watson, Weddell, Mr. Speaker.

**NAY** - Adams, Babbidge, Beaudette, Blanchette, Bliss, Boland, Brautigam, Dill, Dunn, Finch, Fisher, Gerzofsky, Greeley, Hanley S, Hogan, Hotham, Kaenrath, McKane, Mills, Miramant, Norton, Peoples, Percy, Pilon, Rand, Richardson D, Rines, Samson, Silsby, Strang Burgess, Thibodeau, Thomas, Valentino, Wagner, Weaver, Webster, Wheeler, Woodbury.

**ABSENT** - Cressey, Duprey, Emery, Fitts, Jackson, Lansley, McFadden, Millett, Muse, Richardson E, Sutherland, Walker.

Yes, 101; No, 38; Absent, 12; Excused, 0.

101 having voted in the affirmative and 38 voted in the negative, with 12 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-572) 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-572)** and sent for concurrence.

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

**HOUSE DIVIDED REPORT** - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-564)** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Allow the Awarding of Prize Money from Gambling Machines Run by Nonprofit Organizations"

(H.P. 675) (L.D. 890)

**TABLED** - June 13, 2007 (Till Later Today) by Representative **PATRICK** of Rumford.

**PENDING** - Motion of same Representative to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED Report.**

Subsequently, the Minority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-564) 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-564)** and sent for concurrence. **ORDERED SENT FORTHWITH.**

An Act Regarding the Valuation of Land within Buffer Areas Established under the Natural Resources Protection Laws

(H.P. 437) (L.D. 559)

(C. "A" H-505)

**TABLED** - June 14, 2007 (Till Later Today) by Representative **KOFFMAN** of Bar Harbor.

**PENDING - PASSAGE TO BE ENACTED.**

The **SPEAKER:** The Chair recognizes the Representative from Farmington, Representative **MILLS.**

Representative **MILLS:** Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Just some brief remarks on the record here.

This provision, as I read it, allows and authorizes assessors in determining just value of real estate, to include as a factor among other things, the effect on value of designation of land and significant wildlife habitat, under Title 38, section 480-BB; as well as current use, physical depreciation, etcetera. It is my understanding and interpretation that we are basically telling the assessors to take into consideration any restrictions under state law, and frankly, by implication, local ordinance. It may either decrease or increase, enhance the value of property, so the factor that we are describing here could cut either way in the determination of assessed value of a person's property. I just want to clarify that for the record.

There are a number of provisions in Title 38 that protect the value of land by permitting setback, for instance, and buffer zones, privacy areas, and preserving the fisheries, clean water, and those kinds of things that will certainly enhance the value of land, in some cases decrease it, but in other cases increase it. Thank you.

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

## REPORTS OF COMMITTEE

### Divided Reports

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-588)** on Bill "An Act To Support Regionalization of Public Schools and Achieve Efficiency and Improve Quality"

(H.P. 685) (L.D. 910)

Signed:

Senators:

**BOWMAN** of York  
**MITCHELL** of Kennebec  
**MILLS** of Somerset

Representatives:

**MAKAS** of Lewiston  
**FARRINGTON** of Gorham  
**HARLOW** of Portland  
**SUTHERLAND** of Chapman  
**EDGECOMB** of Caribou  
**STRANG BURGESS** of Cumberland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-589)** on same Bill.

Signed:

Representatives:

**NORTON** of Bangor  
**FINCH** of Fairfield  
**McFADDEN** of Dennysville  
**MUSE** of Fryeburg