

# MAINE STATE LEGISLATURE

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**Legislative Record**  
**House of Representatives**  
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ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE  
SECOND REGULAR SESSION  
48th Legislative Day  
Thursday, April 12, 2012

The House met according to adjournment and was called to order by the Speaker.

Prayer by Pastor Matthew T. McDonald, Midcoast Christian Fellowship, Belfast.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

The following item was taken up out of order by unanimous consent:

**UNFINISHED BUSINESS**

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

Expression of Legislative Sentiment Recognizing members of the Deer Isle-Stonington Elementary School Odyssey of the Mind team

(HLS 1165)

TABLED - April 11, 2012 (Till Later Today) by Representative KUMIEGA of Deer Isle.

PENDING - **PASSAGE**.

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

Representative **KUMIEGA**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Odyssey of the Mind is a competition that teaches critical problem-solving, a skill that these young people will undoubtedly need as they grow up. I would also like to point out that this is the second consecutive Odyssey of the Mind competition won by a team from Deer Isle-Stonington Elementary School. I'd also like to note that along with the Odyssey of the Mind team are, from Deer Isle-Stonington Elementary, the K-3, K-6 and K-8 state championship chess teams and that those three state victories are also the second consecutive for those teams and the 29th, 30th and 31st statewide chess championship teams for the Deer Isle-Stonington School System. Thank you, Mr. Speaker.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

**ORDERS**

On motion of Representative SOCTOMAH of the Passamaquoddy Tribe, the following Joint Order: (H.P. 1416)

ORDERED, the Senate concurring, that the Joint Standing Committee on Veterans and Legal Affairs shall report out, to the House, a bill that allows the operation of a slot machine facility by the Passamaquoddy Tribe. The bill must contain the following provisions:

1. The slot machines must be operated by the tribe at a high-stakes beano location located in Calais;

2. The number of slot machines at the facility may not exceed 100;

3. The tribe may not be restricted in its operation of the slot machines regarding hours or days of operation;

4. The slot machine income must be distributed in the same manner as required for a casino operator licensed to operate slot machines under the Maine Revised Statutes, Title 8, section 1011, subsection 2; and

5. The bill must take effect only upon the approval at a referendum of the voters of Washington County only.

**READ.**

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

Representative **SOCTOMAH**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I introduced this Order as a matter of fairness. The membership of the Passamaquoddy Tribe has fought for 30 years for the ability to operate a slot machine facility. What is the result? We are denied again and again.

Just yesterday the House voted to expand gaming to veterans' groups and charitable nonprofits with its acceptance of LD 1469. At the same time, the House voted to Accept the Majority Ought to Pass as Amended Report to LD 1897, a bill that establishes a moratorium on gaming facilities in the state. Just last week, the Veterans and Legal Affairs Committee decided to kill a tribal gaming bill, LD 1539, in committee.

So what is our track record as a state? We allow an out-of-state company to establish a racino in Bangor. We allow private business interests to build a casino in Oxford. The Legislature decides to allow veterans' groups and charitable and fraternal organizations to have slot machines. But the membership of the Passamaquoddy Tribe, a people who predate European settlement in Maine, is told no.

This is why I present my Order today. It is about fairness. It seeks to require the VLA Committee to report out a bill that would allow the Passamaquoddy Tribe to operate up to 100 slot machines at a location that presently operates a high-stakes bingo. I hope that my colleagues will support this Order, if for no other reason than it is the right thing to do. Thank you, Mr. Speaker.

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

Representative **MAKER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand in support of this Order. We in Calais have supported the Native Americans and we have continued to support in the latest referendum. They deserve this opportunity to at least have a vote just on this motion. So I would like to hope that you will support the Native Americans. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dennysville, Representative McFadden.

Representative **McFADDEN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In my eight years in the Legislature, I've seen several bills and amendments to bills to benefit the Tribe and most have never moved forward. It appears the Tribe is not allowed to control their own destiny. I am quite sure this Joint Order is at the fall of the same path. This is just another example of attempting to break into the monopoly shared by two municipalities in the state. As a Legislature representing all the people of the State of Maine, don't you think we should give the Tribe a much deserved break and support Representative Soctomah's Joint Order? Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Harrington, Representative Tilton.

Representative **TILTON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to add that I had worked on the original proposal that the Passamaquoddy Tribe put forward back in the '90s in my previous life and a lot of people don't realize that if not for a quirk in the Land Claims Settlement Act, they could have done this without the state's permission. I really feel that it's right for us to honor their place in the state and to allow them to do this

because, frankly, if they had gone a different route, they could have done it without our even weighing in. Thank you.

The SPEAKER: The Chair recognizes the Representative from North Yarmouth, Representative Graham.

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Yes, I know, I don't live in Washington County. I live in southern Maine. But I had the opportunity to spend time with the people of the Passamaquoddy Nation when I was in a Leadership Maine class. It was when we had one of our many referendums as to whether the people of the Passamaquoddy Nation could have a casino. Donald Soctomah spoke with us and it was one of the most moving experiences I've had. He made it clear that the people of the Passamaquoddy Nation had a right to raise revenues they see fit, and I did not feel and the members of my class of Leadership Maine felt it was wrong that the entire rest of the state were voting against people who were just trying to make their way. So I strongly support this and I respect Representative Soctomah for standing up and speaking strongly for her people. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Johnson.

Representative **JOHNSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I don't like gambling. I don't gamble. But, to me, this is an issue of fairness. I have seen legislation come through this building, often put out for public vote. The vote in Washington County has historically been in favor of letting the Passamaquoddy do this so I will be voting for this Order.

The SPEAKER: The Chair recognizes the Representative from China, Representative Cotta.

Representative **COTTA**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to speak in support of 4-1. In this very chamber in the 123rd and moving into the 124th, I watched this chamber and the other body pass it and it was vetoed and came back and I watched people in these very chambers change their position. I say enough is enough. If it's in Washington County, please give them the right to move this forward. I think it's not only a matter of fairness and equity. It's a matter of common sense and good economics.

The SPEAKER: The Chair recognizes the Representative from Veazie, Representative Parker.

Representative **PARKER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm from Washington County. I served on the Washington County Development Authority; I served on the Economic Council for that area. I now represent part of Bangor which has a racino. I think it's a casino, no longer a racino. I've watched the tribes try desperately to do something to survive in their area for 18 years. In my opinion, they've been totally discriminated against. The money now is being put into the big cities, it's being taken away from them and their opportunity has never been allowed to surface to see if they can survive or not survive as a tribe. We have no choice, in my opinion, but to support the tribes in this venture.

The SPEAKER: The Chair recognizes the Representative from Burlington, Representative Turner.

Representative **TURNER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do not live in Washington County, but I do represent Washington County. Many, many years ago, the tribes were the one to start this whole question about whether we gamble or not in the State of Maine. The question has been answered; however, the tribes are still asking for that right to be theirs too. Thank you.

Under suspension of the rules, members were allowed to remove their jackets.

Subsequently, on motion of Representative CURTIS of Madison, **TABLED** pending **PASSAGE** and later today assigned.

#### SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following items:

##### Recognizing:

Dave Georgia, Jr., of Greenfield Township, who has been named the 2011 Warden of the Year. Mr. Georgia, who earned the nickname "The Coyote" because of his dogged pursuit of intentional violators of the State's fish and game laws, joined the Maine Warden Service in 1983 and attended the Maine Criminal Justice Academy in 1985. He patrols a district covering Milford, Bradley, Greenbush, Greenfield Township, Summit Township, Township 32 and Township 39. He is well-known for his work ethic and tenacity. Mr. Georgia is one of the founders of the Maine Youth Fish and Game Association and is also involved with the Wabanaki people and has a particular willingness to learn about native culture. We send our appreciation to Mr. Georgia on his dedicated service to the State, and we congratulate him on his receiving this award;

(HLS 1170)

Presented by Representative SLAGGER of the Houlton Band of Maliseet Indians.

Cosponsored by Senator ROSEN of Hancock, Representative TURNER of Burlington, Representative DUCHESNE of Hudson, Representative BRIGGS of Mexico, Representative CLARK of Millinocket, Representative CRAFTS of Lisbon, Representative DAVIS of Sangerville, Representative EBERLE of South Portland, Representative ESPLING of New Gloucester, Representative GUERIN of Glenburn, Senator MARTIN of Kennebec, Senator PATRICK of Oxford, Representative SARTY of Denmark, Senator SAVIELLO of Franklin, Representative SHAW of Standish, Representative WOOD of Sabattus.

On **OBJECTION** of Representative SLAGGER of Houlton Band of Maliseet Indians, was **REMOVED** from the Special Sentiment Calendar.

##### READ.

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

Representative **SLAGGER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to speak to this Legislative Sentiment for Game Warden Dave Georgia. Warden Georgia has been named the 2011 Maine Game Warden of the Year by his colleagues and peers at the Maine Warden Service. Warden Georgia has worked as a Maine game warden since 1983. Warden Georgia is one of the founders of the Maine Youth Fish and Game Association and has been involved in many other community events over the years.

I have had the pleasure of working and watching Warden Georgia interact with Maine's Wabanaki tribal members and observed how he always dealt with them with a respectful and culturally sensitive way. When there was an instance when Warden Georgia had to put down a deer or moose because of sickness, Warden Georgia would often think of a family in need and would offer them some of the deer meat to help the family. This is one example of Warden Georgia serving Maine families. He has also gone on countless search and rescue missions to help find people lost in the woods of Maine.