

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Eighth Legislature

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beginning at Page 1

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-483)**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/15/17) matter:

SENATE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Base the Minimum Wage on a New England State Average and To Restore the Tip Credit"
S.P. 277 L.D. 831

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-210)** (6 members)

Tabled - June 15, 2017, by Senator **VOLK** of Cumberland

Pending - motion by same Senator to **INSIST**

(In Senate, June 12, 2017, the Minority **OUGHT TO PASS AS AMENDED** Report was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-210)**.)

(In House, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.)

On motion by Senator **LIBBY** of Androscoggin, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#325)

YEAS: Senators: BRAKEY, COLLINS, CUSHING, CYRWAY, DAVIS, DOW, HAMPER, KATZ, KEIM, LANGLEY, MAKER, ROSEN, SAVIELLO, THIBODEAU, VOLK, WHITTEMORE, WOODSOME, PRESIDENT PRO TEMPORE MASON

NAYS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, DESCHAMBAULT, DIAMOND, DILL, DION, GRATWICK, HILL, JACKSON, LIBBY, MILLETT, MIRAMANT, VITELLI

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **VOLK** of Cumberland to **INSIST PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/15/17) matter:

SENATE REPORT - from the Committee on **TRANSPORTATION** on Bill "An Act To Prohibit the Use of Handheld Phones and Devices While Driving"

S.P. 360 L.D. 1089

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-272)**

Tabled - June 15, 2017, by Senator **LIBBY** of Androscoggin

Pending - **ACCEPTANCE OF REPORT** (Roll Call Ordered)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#326)

YEAS: Senators: BREEN, CARPENTER, CARSON, COLLINS, DESCHAMBAULT, DIAMOND, DION, GRATWICK, HILL, KATZ, LANGLEY, LIBBY, MAKER, MILLETT, MIRAMANT, ROSEN, SAVIELLO, VOLK, WHITTEMORE, WOODSOME, PRESIDENT PRO TEMPORE MASON

NAYS: Senators: BELLOWS, BRAKEY, CHENETTE, CHIPMAN, CUSHING, CYRWAY, DAVIS, DILL, DOW, HAMPER, JACKSON, KEIM, THIBODEAU, VITELLI

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-272)** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-272) **READ** and **ADOPTED**.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/15/17) matter:

HOUSE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Recognize and Provide for the Right of the Houlton Band of Maliseet Indians To Operate a Casino on Houlton Band Trust Land Exempt from Certain Gaming Laws" (EMERGENCY)

H.P. 999 L.D. 1447

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-437)** (5 members)

Tabled - June 15, 2017, by Senator **CUSHING** of Penobscot

Pending - motion by Senator **COLLINS** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE** (Roll Call Ordered)

(In House, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-437)**.)

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator **CARPENTER:** Thank you, Mr. President. Men and women of the Senate, I rise in opposition to the pending motion. Those of you who remember the way that this lined up and originally came out, I was one of the ones in the committee that voted for the Ought to Pass Report. The Houlton Band of Maliseet Indians is a small band of federally recognized Native Americans that live in and around my hometown of Houlton. They have struggled for years to get their economic legs under them. Are doing quite well. They've come a very long way. This bill is a modest proposal. The tribal lands and the tribal headquarters sit very near the mouth, if you will, of Interstate 95 in the Town of Houlton, about 2 miles from the Canadian border. This proposal would allow them to license and operate a small tribal casino on land they already own just off U.S. Route 1 just north of Houlton. It would provide a number of jobs, not only in construction but in operation. They have partners they have already lined up to help them build and operate this facility. They would also generate a significant amount of revenue, if the projects are accurate, not only for the tribe but for the State of Maine and for the other Native American tribes in Maine, and according to the same type of cascade as the other casinos already established have operated.

A couple of things I want to point out. If you're just looking at the title on the calendar today, this bill has changed radically from when it was first introduced. So if you grab your L.D. books and pull them out, number one, it's no longer an emergency. It also is not any longer entitled "An Act To Recognize and Provide for the Right of the Houlton Band of Maliseet". It now has been changed to simply authorize the tribe. That way we don't get into the politics of the Indian Lands Claim Settlement and all of that. Again, it's a very modest proposal. I would ask you to follow my light. If, in fact, the fiscal note on this is accurate it will generate a significant amount of revenue not only for the tribe but for the State of Maine. I'd ask for your support in defeating the pending motion. Thank you.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Kennebec, Senator Cyrway.

Senator **CYRWAY:** Thank you, Mr. President Pro Tem. Ladies and gentlemen of the Senate, I was on Veterans and Legal Affairs for two years, last year and the year before, and we dealt with this

and we had come up with a semi-solution for all the tribes to be able to bid and be all able to get onboard with this casino operation. I cannot go along with this because I feel that the other tribes should have equal say in having a casino and so I certainly, you know, understand them wanting one, and I'm not a gambler but I think that they should be allowed for all tribes to be able to bid and be part of it. So that's why I would vote against this.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Knox, Senator Miramant.

Senator **MIRAMANT:** Thank you, Mr. Chair. I just heard two conflicting versions of that. I wondered if someone could clear up whether all tribes are included in the bill we're voting for or just the Houlton Band of Maliseet, please through the Chair.

THE PRESIDENT PRO TEMPORE: The Senator from Knox, Senator Miramant, has asked a question through the Chair to anyone who may care to answer. The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator **CARPENTER:** Mr. President, in response to the question the gentleman from Knox County, this would only allow the Houlton Band of Maliseet in Houlton to have a casino. However, in the cascade of money that is distributed for all casinos, the other tribes would get, I believe, 2% per tribe to the other three tribes. But this would only, as far as the operation - creation and operation of the casino it would only be the Houlton Band.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from York, Senator Collins.

Senator **COLLINS:** Thank you, Mr. President Pro Tem. A couple of questions through the Chair, if I may. I'm a member of the Veterans and Legal Affairs Committee and my recollection - was there a town vote, Town of Houlton vote to accept this new concept of casino or perhaps even a county-wide vote, an Aroostook County vote? I know in the past other casino proposals were required to have a statewide vote, I believe. My question is - was there a vote, municipal vote or county vote, where this proposed casino be located? Thank you.

THE PRESIDENT PRO TEMPORE: The Senator from York, Senator Collins, has posed questions through the Chair to anyone who may care to answer. The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator **CARPENTER:** Mr. President, once again in response to the question the good Senator from York. The answer is yes and no. The Town of Houlton, the town council, voted to support this. The county commissioners, the County of Aroostook, voted to support it. It does not contain, in the bill, a requirement for any sort of referendum in either Aroostook County or statewide.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Cumberland, Senator Chipman.

Senator **CHIPMAN:** Mr. President, men and women of the Senate, I rise in opposition to the pending motion. You might wonder why a Senator from Portland would be concerned about

this where it's over 200 miles away from my district. The district I represent has plenty of economic opportunities. Jobs for anybody that wants one. Pay is pretty decent. Not really many problems in that regard, at least at this point in time. However, I know that's quite a different story in Houlton and in Aroostook County and I think that we have a responsibility not just to look for what's best for our own districts but for the whole State, and that's why I rise in opposition to this pending motion. In the past I've served on the Veteran and Legal Affairs Committee. I've been opposed to major expansion of gaming that didn't require a statewide vote. However, I've seen, through several actions here and on the ballot, where I feel like the tribes have been denied opportunities to be part of gaming in the State and that kind of bothers me. This proposal is really a well-rounded proposal. It actually provides money to the other tribes. It brings in about \$5 million a year to the State in revenue for the State coffers, and the economic analysis on it shows very miniscule impact on the casino in Bangor. It's about a 3% loss of revenue for Bangor. Not very much at all. Because it's 120 miles from Bangor it won't have a huge impact there. However, it will help the area in Houlton, will help for tourism for folks coming over the border from Canada who will come there and game and spend money in the area, and it creates 80 to 100 jobs for that area, which I think is really important. So that's why I'm opposed to this motion and I hope you will join me. Thank you.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Penobscot, Senator Gratwick.

Senator **GRATWICK:** Thank you very much, Mr. Chair. Ladies and gentlemen of the Senate, I rise in support of this motion. I come from Bangor. As people know, Bangor has depended on the Hollywood Casino that's been there. I think it's very important that we not view this as being one area versus another area. When we get into that I think we will all fail. In my way of thinking, this is very much an issue that Bangor made a pact with the State. It was voted on by everybody in the State. If they go back on this, on that pact, at this particular time is not a good practice. We will all suffer if we begin to chip away at this. It's been said that this is 'only 3%' for Bangor. That's a periocular issue. I think it's a road we do not want to go on. Much more I prefer that we think about the State maintaining the integrity of the contract that we've had in the past. Thank you, Mr. President.

THE PRESIDENT PRO TEMPORE: The question now before the Senate is Acceptance of the Ought Not to Pass Report. If you are in favor of it you will vote yes. If you are opposed to it you will vote no. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#327)

YEAS: Senators: BREEN, COLLINS, CUSHING, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DOW, GRATWICK, HAMPER, HILL, KATZ, KEIM, LANGLEY, MAKER, MILLETT, ROSEN, SAVIELLO, THIBODEAU, VOLK, WHITTEMORE, WOODSOME, PRESIDENT PRO TEMPORE MASON

NAYS: Senators: BELLOWS, BRAKEY, CARPENTER, CARSON, CHENETTE, CHIPMAN, DILL, DION, JACKSON, LIBBY, MIRAMANT, VITELLI

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **COLLINS** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, PREVAILED.**

Sent down for concurrence.

All matters thus acted upon were ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled matter:

HOUSE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Regarding the Disclosure of Hormone-disrupting Chemicals in Packaged Food"

H.P. 819 L.D. 1182

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-506)** (6 members)

Tabled - June 16, 2017, by Senator **DILL** of Penobscot

Pending - motion by Senator **COLLINS** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE** (Roll Call Ordered)

(In House, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-506).**)

Senate at Ease.

The Senate was called to order by President Pro Tempore Mason.