

# MAINE STATE LEGISLATURE

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

**Daily Edition**

**First Regular Session**

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pages 1 - 1067

Some opponents of election security laws declare that this is some part of a sinister plot to depress voter registration and turnout, but actually the facts don't support that. A good example is the State of Georgia. In 2007, they passed a bill very similar to this into law, and in 2008 and 2010, they had record turnouts. You know no candidate, no matter the party, wants to emerge from an election with voters suspecting that he didn't really win. Election security measures like the one that we are debating today give confidence to the voters, the legitimate voters, and the candidates that run for office that the system truly is fair.

One of the neat aspects of this bill is the fact that if you don't have a state or an ID with a photo that has been given to you from a federal or a state agency, like a driver's license, like a passport or a student ID or a non-driver's state ID card, this bill would provide any person who doesn't have a photo ID a free voter ID. Now the opponents of this bill would say there is 100,000 people in the State of Maine that don't have a photo ID. Well if you think that there are 960 some odd thousand potential voters in the State of Maine and there are 1 million 60 something thousand driver's licenses in the State of Maine, not to mention the non-driver's state IDs, all of the college IDs, any federal ID, any federal employee ID, any state employee ID, then you have to come to terms with whether or not the claims that 100,000 people in this state don't have ID and I think it's absurd.

So Mr. Speaker, like I said, I don't think there is a candidate for office who wants to face the possibility of thinking that an election may not be a secure election. I think it's incumbent on us. National polls as well as local polls that have been done here all show this to be an issue that the American people and the people of Maine want, even locally. When I sent out my district wide surveys I'd get back in the high 80 percents every time, should a person be required to show a photo ID at the polling place. I know the Rasmussen poll, there was a CNN/Time poll, there was a USA Today poll. All of them show that the people in this country and the people in the State of Maine support securing this most important duty of our citizenship. So I ask that you support the Majority Ought to Pass as Amended. Thank you, Mr. Speaker.

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. 124**

YEA - Ayotte, Beaulieu, Bennett, Bickford, Burns DC, Burns DR, Cebra, Chase, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Edgcomb, Espling, Fitts, Fitzpatrick, Flood, Fossil, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Hanley, Harmon, Harvell, Johnson D, Johnson P, Keschl, Knapp, Knight, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Nass, Newendycke, O'Connor, Olsen, Parker, Parry, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Strang Burgess, Tilton, Timberlake, Turner, Volk, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Beaudoin, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Chapman, Chipman, Clark H, Clarke, Cornell du Houx, Dill J, Dion, Duchesne, Eberle, Eves, Flemings, Gilbert, Goode, Graham, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, Morrison, Nelson, O'Brien, Peoples, Peterson, Pilon, Rankin, Rochelo, Rotundo, Russell, Sanborn, Shaw, Stevens,

Stuckey, Theriault, Treat, Tuttle, Valentino, Wagner R, Webster, Welsh.

ABSENT - Black, Celli, Driscoll, Moulton, Priest, Wintle.

Yes, 75; No, 69; Absent, 6; Vacant, 1; Excused, 0.

75 having voted in the affirmative and 69 voted in the negative, 1 vacancy with 6 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "A" (H-385) 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-385)** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (11) **Ought Not to Pass** - Minority (2) **Ought to Pass as Amended by Committee Amendment "A" (H-400)** - Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Amend the Laws Governing the Deadline and Conditions for Municipal Approval of a Second Racino and To Allow a Tribal Racino in Washington County"

(I.B. 2) (L.D. 1203)

TABLED - June 1, 2011 (Till Later Today) by Representative BEAULIEU of Auburn.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Edgcomb.

Representative **EDGEComb**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will be voting in opposition to the motion that is on the floor. I stand before you today in support of LD 1203 for one very good reason, agriculture. Agriculture is part of Maine's great heritage and also a significant economic driver. LD 1203 will not only create jobs but support part of our agricultural economy that will be lost without it, and I have quick facts that I want to give to you.

Number one, the horse industry maintains open space for everyone's benefit across the State of Maine. Horses in Maine have a \$364 million impact on the state and employs more than 5,700 people. Horses require 57,000 acres of hay production and 256,000 acres of pasture for grazing and training. There are several thousand jobs directly related to LD 1203 that pertain to agriculture such as hay and green production, vets and farriers, equipment dealers and many more.

Number two, the direct in-Maine spending associated with expenditures by racing horse owners in 2006 amounted to approximately \$25 million. Based on the average Maine employment and income levels for the sectors receiving these funds, these expenditures are estimated to support 600 jobs earning an aggregate income of approximately \$9 million.

Number three, the direct business sales in 2006 at live racing and off-track betting facilities amounted to approximately \$20 million. These sales created 500 jobs and \$7 million in income.

Number four, commercial agriculture racing tracks support Maine's 25 agricultural fairs. The agricultural fairs demonstrate to the younger generation's understanding about an agricultural based economy.

The final fact, in his opening remarks at the 2007 Agricultural Fair and Trade Show in Portland, Frederick B. Lunt, Agricultural Fair Coordinator for the Maine Department of Agriculture, Food and Rural Resources, called the revenues generated by Hollywood Slots for the agricultural fairs "a godsend." As he

presented his report on the distribution of these funds, all 25 fairs received a share of the \$549,072 in the first distribution of the Slots' dedicated revenues. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Willette.

Representative **WILLETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill, LD 1203, brought to the Maine Legislature by the power granted to Maine citizens under our constitution, deals with a potential for job creation – and has the potential for job loss if the Committee Report is allowed to stand.

What is LD 1203 about? The bill is about harness racing; it's about gaming in Maine; it's about our State's relationship with a proud nation called the Passamaquoddy; and it's about jobs. All of these are critical and all of these are issues the Maine Legislature can and should tackle ourselves.

As legislators, we talk a lot about creating jobs. I would guess many of you, like myself, passed out information during your election campaign that had something on it about creating jobs. That's what this is about; it is a promise about jobs that we must keep.

Most of the time, we're fighting to help create the right conditions for entrepreneurs, and for businesspeople to employ more people, and lower taxes, and set the right kind of regulation to create a business-friendly environment. In other words, we're usually working on things that make a difference over the long haul.

But every now and then, we get to vote on a bill that can make an immediate difference in creating new jobs, saving current jobs and generating substantial revenues for the State without increasing taxes, the most important part. LD 1203 is one of those bills, and this is one of those times.

If we vote yes on this bill, the developers of the racino in Southern Maine have pledged that as quickly as they can secure their licenses and permits, they will start construction on their facility. That construction project will put 800 skilled workers on the job. Eight hundred people at a time when people across our State are desperately looking for work.

And when that facility is completed, it will employ another 500 people who will be working for a top flight company, Ocean Properties, a company with 1,000 people already working in Maine.

In Washington County, the county with Maine's highest unemployment rate, we do not have a firm number of jobs to be created but we know the Passamaquoddy's are well positioned to fast track their proposed project as well in the host city of Calais. This will put people to work in a part of Maine that for too long has suffered as one of the poorest counties in the country.

Now I said earlier, this bill is also about our relationship with the Passamaquoddy's. And this is a critical piece of information. Because unlike the Southern Maine racino that has already been approved by the voters in 2003, a majority of Mainers has never endorsed a Washington County racino. However, the Maine Legislature did back in 2007, only to have that measure vetoed. But it is vital for us to keep in mind that allowing the Passamaquoddy Tribe to own a racino is simply fair. Because of an unusual legal history, the Passamaquoddy Nation is one of the few federally-recognized tribes with no gaming rights. That's why in 2007 the Maine Legislature passed the citizen-initiated bill to allow the tribal racino in Calais and that's why Washington County residents voted for that measure by a 70-30 percent margin.

The jobs we need to save are those of Maine harness racing, an important part of Maine agriculture for over a century and a great preserver of productive open land – land that stays on local

property tax rolls. The industry includes approximately 1,700 licensees, race meets at two commercial tracks and nine of our wonderful agricultural fairs and, perhaps most importantly, features family-owned horse farms across the entire state. Maine cannot afford to lose those existing jobs to states like Delaware, New York, and Pennsylvania, where fully-integrated racinos are expanding employment in harness racing.

Given the clear merits of the bill, rejecting it and forcing the measure to referendum would be an unfortunate mistake inviting squabbles between licensees in which 30-second sound bites, disinformation and regional differences might well control. Frankly, that's what happened in 2007, when residents of Northern and Eastern Maine voted overwhelming for a Washington County racino and felt their votes and their interests were overridden by residents living hours away.

Maine's struggling economy, the need for jobs, our budget difficulties and fundamental fairness are statewide issues; unlike voters responding to ballot questions, we have the ability to consider such matters carefully, to review the details of the bill, to hear the testimony of interested parties, to evaluate whether a particular bill will truly serve the statewide public interest.

Because LD 1203 is plainly in the best interest of the entire State and because the projects also have overwhelming local support, I urge you to vote no on the pending motion before us. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Carey.

Representative **CAREY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will try to be brief and you can test me. There are two initiated bills before us and the conventional wisdom coming into this year, particularly with the geographic makeup of our committee, is that these bills would be split on geography. The Committee Reports on both bills, both this bill and the one for my community that follows, are the same. The Majority Report, I believe it was 11 voted to send it out to the people and Representative Willette, who just spoke eloquently from Presque Isle, and Representative Damon, who does speak eloquently from Bangor, and Representative Mitchell from the Penobscot Nation voted to pass it outright. I voted to send this bill out to the people and that of Lewiston as well on the simple logic that Maine voters have always voted on expansions of gambling. I'm not comfortable changing those rules and I ask you to follow my light. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Prescott.

Representative **PRESCOTT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, too, rise against the pending motion in strong support of LD 1203. I'm here to talk about jobs, job creation and the economy as it relates to LD 1203 which would allow two racinos to be built, one in Southern Maine and the other in the economically depressed area of Washington County and operated by the Passamaquoddy Nation.

LD 1203 is about jobs, 800 jobs to be built on the project of Biddeford alone. Five hundred more jobs full-time once the harness racing track, resort hotel, entertainment complex and slots are open. These jobs will have an average salary of \$35,000 a year with benefits. These are good paying jobs. I've heard some people turn up their noses at \$35,000 a year with benefits and I have to ask myself, why? Thirty-five thousands dollars a year is a good salary. How can we in this economy afford to pass on these jobs? The 800 construction jobs to build the facility would be a boom to the construction industry. Over the last two years we've watched that this industry be among the hardest hit sectors in this down economy and while there are no hard numbers yet, for the Calais site there would be both

construction and long-term jobs in that area as well.

A little word about Ocean Properties. They have an extensive history of successful development and have the capital to move the Biddeford project forward. Ocean Properties is currently investing in a \$2 million renovation at the Samoset Resort and was prepared to put \$100 million in escrow to fund a pier development in Portland. Biddeford Downs is a project that will be funded in its entirety, not piecemeal, not scaled back.

There is a piece of common sense that has not been discussed during this process and that is if you bring more people into an area, you will see the benefits beyond Biddeford Downs. Ocean Properties has already talked about combining two or three nights in Biddeford with their resort hotel at the Samoset in Rockport and their properties in Bar Harbor. More tourists equal more money, not just for Southern Maine but for all of Maine. It will give us the opportunity to share our state with people who might not have visited before and grow tourism. The City of Biddeford will be seeing \$5 million directly into the city coffers. That money can be used for a host of projects, from downtown development to lowering taxes. The point is it gives people options because they will have the money to work with.

The same can be said of the revenue which will be regenerated back into the General Fund. When you look at the fiscal note attached to LD 1203, you will see that we are expecting General Fund revenue to top \$32 million a year from projections. This fiscal note was prepared by the nonpartisan office of Fiscal and Program Review. Jobs equal revenue. We must lead on this issue because of this opportunity around jobs and revenue. It's good for Maine, it's good for Maine's economy, and it's about making an intelligent common sense choice for jobs for our constituents, the good people of Maine. Thank you, Mr. Speaker.

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. I rise against the pending motion and will support the approval of the proposed changes to the Maine Racino law which would make it possible to move forward with a Biddeford racino and a tribal racino to be located in Washington County.

I don't know a lot about the Biddeford area, but I am sure that any new construction will create much needed jobs and will boost the economy in Biddeford as well as in the surrounding highly populated area. I do know that a super team is in place in Biddeford, Scarborough Downs and Ocean Properties, to help this proposal move forward. I keep hearing that there is not room for more casinos in Maine, but the thing is these companies would not be willing to put their money up for these endeavors if they thought they weren't going to make a profit.

I know much more about both the Tribe and the Calais area. The Tribe is one of the major employers in Washington County, and they continue to work on new economic development and to boost employment in the area. The Legislature hasn't always been friendly to the proposals and when the Legislature has, our former Chief Executive used his veto power to veto LD 1856 which was passed by both the House and the other body in 2007.

Of course, Calais is the gateway to the Maritime Provinces and one of the busiest border crossings in the U.S. It's so busy that a third bridge was recently completed to handle the traffic. Thousands of tourist buses come in from and travel to Canada yearly. Lots of these buses stop over in Calais as it is located at the middle point between Prince Edward Island and Nova Scotia, the Province of New Brunswick, and southern New England and the New York area.

A tribal racino located in Calais would certainly be a major

shot in the arm to the economy of the area which has an unemployment rate of over 12 percent. The entire racino complex would surely drop that rate considerably. A harness horseracing track would certainly draw fans from all over and be a tremendous boost to the horsemen and their associations. I recall back when I was younger, that was many, many, many years ago, there was a racetrack in both Machias and Pembroke and it seems like there was always crowds and always more support. As a matter of fact, the racetrack in Pembroke is open today, not for racing but they use it for exercising and taking care of horses and they have a stable there. I would much rather – I really enjoy the horse races. To me, there is nothing much better than the racetrack. I would much rather drive from Dennysville to Calais, which is a very short distance, than I would drive all the way to Bangor which is like 120 miles or to Saint John, New Brunswick, where they have a track which is also 120 miles. So it would be much closer and more convenient for me.

This bill would be a much needed shot in the arm to the harness racing industry. You know if you have a vehicle, the vehicle sits for a week, you don't use it, it doesn't burn gasoline, it might depreciate a little bit. But if you have a racehorse, you've got to feed it every day, it's got to be groomed, it needs to be exercised and also you need farrier services and also vet services. So it costs you money regardless. Most of these people who have racehorses, they do that year round, so therefore, they aren't people that are drawing unemployment in the wintertime when the season's down. These are all jobs that bring in tax money to the General Fund also. We need to change the present law to allow not more than 45 miles from a reservation and not less than 90 road miles from an existing casino and make it available for 1,500 slot machines per facility as of December 2013. This also will correct the racing monopoly that's happening right today in the State of Maine.

Think about the boost to the economy of the Biddeford area, Calais, poverty stricken Washington County and the State of Maine. Now this year we all received tickets for agricultural fairs. Everyone in the chamber received a ticket and I think people on the Ag Committee received two. So I don't think you took those tickets and you threw them out. I didn't throw mine out anyway. I'm sure that most of you people are going to be using your tickets. So it is to draw you to the fair, to bring more money into the fair. So we need to vote this motion down because it will help the fairs and it will also help the Harnessmen Association. So I urge you to vote no on the pending motion. Thank you, Mr. Speaker.

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

Representative **MITCHELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise enthusiastically against the Ought Not to Pass amendment by my committee, Veterans and Legal Affairs, and I encourage you to go with the Ought to Pass Minority Report for several reasons. I don't know much about Biddeford, but I know Biddeford is probably no better off than any other economic region of the state right now and their unemployment rate is probably just as high there as it is in northern Maine, regardless of their proximity to Boston.

Also, something very near and dear to me is in this and that is a bill from my fellow tribe's people, the Passamaquoddy, of which my mother, my grandmother, my great-grandmothers on both sides of my family were from the Pleasant Point Passamaquoddy Tribe, so I have very, very deep roots there. The good Representative to my right, Representative Soctomah, is my second cousin and we share – and that's something she probably wouldn't admit in public but nevertheless – we share those deep

family roots. We also share a deep pride in our people. We've watched our people struggle. We've watched them go from having absolutely nothing but hovels to live in or hobbles as they were called, and through federal programs and federal recognition we've been able to elevate ourselves, but we continuously have problems with our employment rates in our community, all of our communities. In my community, for example, it hovers between 40 and 60 percent and I'm sure that the Passamaquoddy have a similar problem, especially at the Pleasant Point Perry reservation.

I strongly urge you to vote for the Minority Ought to Pass Report by this committee. The state's in very austere times. If this bill went out to a citizen's initiative, we're talking about \$5 to \$8 million maybe more to run this referendum. If we've got that kind of money to run a referendum when this body and the body down the hall could pass this without having to spend taxpayer money and put that \$5 to \$8 million towards programs that have had to be cut because of our austere budgetary concerns, then I think that's money better spent. I encourage you all to support me and follow my light and vote the Minority Report. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Fitts.

Representative **FITTS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to spend a few minutes talking about the issue of a citizen's initiated bill. It's no different than a bill that any of us as members of the Legislature would submit. The fact of the matter is it's another process that's allowed within the Constitution, actually Article IV, Part 4, Section 18 of the Constitution, which I quote that the citizens can propose to the Legislature for its consideration any bill, resolve or resolution, and that's the process that we have in front of us now.

Now seven times in the past the Legislature has voted favorably on citizen initiated bills and a recent example is the Opportunity Maine program. When I think about why have the so-called gambling expansion bills regularly been sent out to the voters and I kind of have to stand back and think about that issue of sending them out to the voters because what that is, is that's the fallback position for the Legislature and when I think about the posture that our former Chief Executive had towards gambling and bills that would have been gambling expansion, they were automatic vetoes. So as a Legislature, even though we're not supposed to consider what the action of the Executive might be, we sometimes can take that into consideration on our votes, and I think in those cases when we start considering the history of gambling in Maine, it was an automatic to send it to the people and sending it to the people was rejecting the bill. So in this case, this present motion of Ought Not to Pass is not to send it to the people, it is to reject the bill. That's what Ought Not to Pass means. I would suggest that this proposal has merit, that we don't second guess what the Executive's decision might be on how to handle it, but we let that be the Executive's choice. We don't act in fear of what might happen.

Now the Biddeford Downs/Calais racino citizen's initiative was submitted under Section 18 and it asks the Legislature only to correct existing law in a manner needed to allow the Biddeford Downs project to go forward and allow a tribal casino in Washington County. It is probably the simplest gambling bill that this Legislature has seen in quite some time because it basically corrects what was the 2003 initiative that set up the Hollywood Slots facility. It changes the time and distance issue and it adds the Washington County provision because, in actuality Ladies and Gentlemen of the House, this body passed this idea 84-59 in 2003 in LD 1856, and then the other body passed it 22-12. Now

that bill was rejected by the Chief Executive and it therefore was sent to the people. It wasn't sent to the people for fear of being rejected however.

Now we've heard the Washington County residents have voted in favor of the Washington County racino 70-30 percent and that in itself is evidence that when we look at the previous efforts on various citizen's initiatives related to gambling, they've been divided on geographic terms. We pit one section of the state against another. Within this proposal we allow people to consider that both ends of the state at least will be treated equally, but it's the right and duty of this Legislature to pass things that are good proposals, and that's what this is. This bill wouldn't create any tax breaks, any monopoly provisions or protections or special rights, but it would subject racinos to all of the existing rules, the regulations and taxes that exist in Maine law already. It doesn't add any new cascades. It doesn't try to pick apart one winner over another to try to gather support. It basically mirrors our existing laws. Fifty-seven percent of Maine citizens in a recent Pan Atlantic poll support the Legislature taking action on this bill without sending it out to referendum and legislators are being asked to lead by the people of Maine who put them in office. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative O'Connor.

Representative **O'CONNOR**: Thank you, Mr. Speaker. Mr. Speaker, my Esteemed Colleagues of the House. I can't say much about what hasn't already been said, but I do rise in opposition to the present motion. I know that I have friends who work for Ocean Properties. It is a wonderful company to work for and this company will employ, besides the 800 new construction jobs that will come immediately because they do have the financial capital to start construction as soon as possible, it will also bring another 500 jobs at \$35,000 a year plus health benefits. That's something that at this time I personally don't think that we can afford to give up. Thank you.

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 rise today in opposition of this motion and in support of LD 1203, the Native American Tribes and Washington County. The Native Americans were the first that attempted to pursue this kind of activity in Maine and still have not achieved their goal. The market will drive this attempt and should not be held up by this body. There was a flyer that went by. I need to clarify that Calais has voted on this motion in 1992, 2003 and again in 2007.

I also stand for the City of Calais in their support of LD 1203. In the testimony of our City Manager during the hearing process she touched on three key points that specifically addressed the portion of the bill, that it would allow a tribal racino in Washington County.

The first was need. With an unemployment rate of 12.9 percent in Calais, there is no question that there is a need for economic development that will create jobs and provide a revenue base for Calais and Washington County. The State of Maine is also in need of additional revenues as we slowly try to recover from the recession. The 2010 Census gave the median age of 51.5, an increase of 20 percent since 2000, a 9.4 percent decline in our population, the median household income at \$29,227 and in Washington County of \$29,000. The unemployment rate, again, is 12.9 percent.

Second, want. Calais has supported the Tribe's effort to establish gaming in Washington County for nearly 20 years. Calais residents voted in favor of a harness racing track with slot machines and high-stakes bingo to be located in Calais by a vote

of 843 to 212 and Washington County supported the measure by a vote of 6,636 to 2,862. In the most recent election, the voters in the State approved the Oxford County Casino referendum and they did so during an election with heavy voter turnout. You no longer have to wonder if the people want legalized gambling; that has already been answered. Now the question is where? Which brings her third point.

Location. Calais' unique geographic location as a border community and key shopping center for parts of Charlotte County, New Brunswick, would suggest that a proposed racino would attract those same patrons from Canada in addition to tourists traveling through Calais to vacation in New Brunswick.

As previously stated, the market will dictate the best place for a gambling facility. In Washington County, the issue is fairness and equity for the tribes. While the Legislature passed a bill to allow a tribal racino in 2007, the governor vetoed it and it went to referendum. We received a 70/30 vote in Washington County but failed narrowly state wide.

There is no such thing as a vote to send it out to the people. It already has been voted on in Washington County. A vote Ought Not to Pass is a vote against this project. It's a vote against Washington County, agriculture, the tribes, and the horsemen. Thank you. Please follow my light.

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

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of LD 1203 today for three reasons. Let me say before I tell you those I wasn't lobbied. This is from my personal experience.

The first reason is my almost life long experience with Ocean Properties family. You could say I grew up with this company. My older brothers played football, basketball and everything else kids did in the '60s and '70s with the Walsh family, the people who own Ocean Properties, and their cousins. I know from my family members who have worked for the company for years how well run it is and how dedicated Ocean Properties is to the people of the State of Maine. The company's roots are in the Bangor area and it has grown from a small business to one with an outstanding reputation in Maine, multiple states around the country, Canada, the Caribbean and Europe. It has been hugely successful in the hospitality industry while holding to the Maine values we hold dear. In fact, Ocean Properties consistently hires Mainers and sends them far and wide to places such as Arizona and Florida because they know that Mainers work hard and can be depended on. The Walsh family operates a first class company and I have no doubt that what they are offering to bring to Biddeford will be first rate as well. It is an opportunity in Maine we don't get very often and we would be foolhardy to turn our backs on such a solid, well respected developer with a track record of great success.

My second reason is my belief that the Passamaquoddy people have been overlooked time and time again. LD 1203 calls for a racino in Biddeford and a tribal racino in Washington County. I, along with my Leadership Maine class, had the honor of getting to know the Passamaquoddy people during the last debate around casino development. It was painful to see this nation lose the opportunity to raise revenue because the rest of the State voted against them. Unemployment rates on the tribal reservation surpassed the rest of the State significantly. The tribes in Washington County deserve a chance to create jobs and have economic development.

Lastly, job number one is job creation for the people of Maine. This is my third and most important reason to support LD 1203. In Biddeford alone LD 1203 is anticipated to create 800 construction jobs and 500 permanent jobs for the management of

the facilities. Similar job creation is projected to occur in Calais where the unemployment rate is 12.9 percent, as my good friend from Calais mentioned. LD 1203 will put Mainers to work now and into the future. I ask you to not support this current motion and support LD 1203. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Casavant.

Representative **CASAVANT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I was born in Biddeford, I grew up in Biddeford. I remember thinking in high school that I was not going to go back to Biddeford, but I did, and I've stayed there ever since and am very proud to live there because I really, really love the people and I love where it is. This puts me in a very difficult situation because I'm standing here in support of the Ought Not to Pass bill. I say that because in the hallways, for example, I'd be talking to someone against the bill whereas my city manger is talking for the bill. I found that to be very upsetting.

I should also let you all know that all three members in this body from Biddeford are against 1203. None of us support it for various reasons. Why is that? First off is the magnitude of change. Many people have alluded to Biddeford in saying what Biddeford needs and so forth. Well, I live there. I think I know pretty well what we need. The magnitude of that facility is going to have consequences to my town. I think we should be able to vet that more properly. Now granted some of the literature that has appeared on my desk talks about a referendum; it doesn't say the developers spent \$171,000 pushing that particular referendum. Now I don't know about you, but I know full well that ads do influence people so the true representation, just give or take, is probably 50/50. The people in my area – I represent also Kennebunkport and the coastal section of Biddeford – have told me over and over again we want more of a chance to talk about this, why the rush. My mother used to tell me haste makes waste and through my foolish youth I never believed her and every time I did something hastily I ended up getting in trouble. This is one of those circumstances again where we're being told that we have to do it now.

Well, there are things that I need answers to that I haven't been able to get, the negatives, starting with the basic environmental. That area of land, there is 86 or some odd acres that are going to be developed, that area of land contains the largest wildlife area in York County. Nobody is talking about that. A Baylor economics professor named Earl Grinols has said that for every \$1,000 of revenue that a casino or racino gets, businesses lose \$243 in a 30-mile radius. Now I'm not saying whether that's right or wrong, he's respected and so on, but I'm willing to quibble with that. But I'd like to know if it's right because Biddeford, and Calais too, they have to know the social and economic consequences. This is not Santa Claus, but that's the way everybody talks about it. It's going to come here and generate all of this revenue and, bingo, we're all going to live happily ever after. No, there are going to be consequences.

I was talking to a welfare director just the other day and she was saying, hey, there is going to be transients, we're going to have to deal with that. In Atlantic City, 40 percent of all restaurants closed within a certain radius. Well in Route 111 in Biddeford there are all of these new restaurants that opened up. What's the impact on those? Nobody knows. How about jobs? Everybody is throwing out jobs, jobs, jobs, \$35,000 with benefits average. Well when you get average you average in the high and the low and you come with the middle. What's the low going to be? I don't know. And how many of those are going to be a wash? In other words, if the restaurants close across the street we lose there but we gain with the racino. This isn't black and

white and my issue is I need to know those types of things. I want the answers. I want to take it slow.

Bottom line, in the world of gambling the house always wins. The house always wins. Well, from my perspective, if we're going to be talking about the racino in Biddeford, the racino in Calais, the Lewiston casino, Oxford, Hollywood Slots and so forth, that look in big picture, you've got to have a plan and that means this House always wins. That's what the bottom line is. This House, not the house. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Crockett.

Representative CROCKETT: Thank you, Mr. Speaker. Mr. Speaker, Distinguished Members of the House, my seatmates. Obviously I rise today in support of the pending motion as I was on the committee. But before I talk about any sort of the aspects of the bill, I would actually like to applaud the good Representative from Lewiston as well as the good Representative from Auburn who also sit on the committee, Representative Carey and Representative Beaulieu. Both this bill and the Lewiston Casino bills were tough bills and to vote in favor of process over the merits of the bills that would help their communities takes a great deal of courage. Kind of like that John F. Kennedy book *Profiles in Courage*, it naturally came to mind when I thought of their actions. It came under a lot of heat on both of these, so I have to applaud them for that.

But as far as their outcome, I actually voted with them for one simple reason. It's not so much the merit of these proposals. Obviously the agricultural community will benefit and there is economic benefit to the respective areas as well, but the process is more important. There is an expectation when we, over the last several years, that when citizens' initiatives come to this body, we send them to the people for them to be heard. That is fair and that is equitable. We have made others do the same. How can we sit here and enact one and then if you do enact this one and there is another proposal for, let's say, a casino in Lewiston coming up shortly hereafter, you're almost obligated to vote for both.

Now I know I can't speak on any future bills, Mr. Speaker, so I will restrain it to 1203, but you have to take them collectively as the committee did because you either treat them all the same or you're going to discriminate against them. So in order to avoid any hypocrisy and some sort of fairness in the process, we voted to send it out to the people. Don't be mistaken. An Ought Not to Pass does go out to the people, even on and you've seen some of the handouts that have come before you on the petition process, on some of the bills, it mentions when it will go out to referendum. So I'm not under the impression, I'm not so arrogant as to think I'm going to change anybody's position, but it was the process that drove the committee. The Committee Report is overwhelming and I would like to ask the Clerk to read the Committee Report. I'd also like to request a roll call if one hasn't been ordered yet, Mr. Speaker. Thank you.

Representative CROCKETT of Bethel **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

Representative CROCKETT of Bethel **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 Saco, Representative Valentino.

Representative VALENTINO: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to support the motion that's on the floor from our committee. Every

expansion of gambling in Maine has been sent to the voters, every one of them including, in 1973, an act providing for a state lottery. That went out to the voters of the State of Maine to see whether or not they wanted to allow gambling in the form of a lottery here in the State of Maine. In 2000, an act to allow video lottery terminals at Scarborough Downs was rejected by the voters. In 2003, an act to enact a Maine tribal gaming act was rejected by the voters in Sanford. Statewide, in 2003, the one that we're talking about now, the act to allow slot machines at commercial horseracing tracks was approved. Then again in 2007, an act for a tribal commercial track and slot machines in Washington County was rejected by the voters. In 2008, an act to allow a casino in Oxford County was rejected by the voters. And in 2010, an act to allow a casino in Oxford County was approved by the voters. All of these people went through the same process, especially the people in Oxford County who went repeatedly to the people to try and win their support, which they did. They won their support in a statewide election. This casino is not even up and running. There is nothing that's been done and already we're trying to ask the people not to add maybe one or two or three. So going from one where we have now in Bangor, Hollywood Slots, up to five, I do think it's a very large expansion of gambling.

The other thing on the citizens' initiatives that was mentioned earlier, of the 63 total citizen initiatives Maine has had only seven have been passed by the Legislature. Out of 63 only seven that the Legislature acted on without putting them out to the voters. Many people who signed petitions are told this just gives an opportunity for you to vote on it in a statewide election and I've stood beside many people at many polling places, outside of post offices, and people say this just gives us an opportunity to vote on it. It does not mean that the Legislature is going to pass it.

One of the things I really want to clarify is that it was mentioned that this bill was to correct an existing law. This is not to correct an existing law. Just to give you a little bit of background. The bill's name is to amend a deadline and to allow a tribal racino. This is not to correct existing law. This is really to change it. This is not the same bill that the voters voted on in 2003, okay? It's not. In 2003, it said nothing about another casino being in Washington County. Actually that ballot was a separate issue on the ballot. In 2003, the voters voted, one, on the commercial tracks racino, they voted yes, and then on the other one they voted for a casino for the Passamaquoddy and Penobscot Nation in Sanford and they voted no. So it's not the same issue. This has been tagged from one to two.

The other thing is that we're saying that we're correcting something. What was passed by not even the voters, really what the voters passed, it went to the Legal and Veterans Affairs Committee. They passed another bill and in LD 1820 they gave the two commercial tracks until December 31, 2003, almost eight years ago, to get the approval in local referendums to allow slot machines at the existing track. But the legislation also added a provision that the track could be within five miles of the existing track. So when Scarborough voted it down, they came to Saco. Saco didn't want it. I represent Saco. They went to Westbrook. Westbrook didn't want it. So they have not built because they missed the deadline in 2003. To me, this is not an extension of six months or a year or a two-year. We are totally looking back at something. We didn't even have Hollywood Slots up and running as of yet. So this is not the same bill that we voted, that the citizens voted on in 2003.

So it's now eight years later. They've added another track and they've added a 25 mile limit to go into Biddeford, which is fine if that's what the people of Maine want to do. But don't use the argument that you voted on it in 2003. Times have changed.

This is a new bill, this is a new time, and the citizens of Maine have a right to vote on it. Do they want to expand the gambling in the State of Maine? Even the Oxford casino only went by a very narrow thread on that. So I think we need to have an opportunity to let the voters weigh in on this. There is only so many gambling dollars in Maine. If all of these gambling bills go through, it will be almost 7,500 slot machines in the State of Maine. Is that what the voters want? Is that the intent? We don't know because we need to send it out to the voters and need to ask them.

I know I was in Vancouver, British Columbia recently, and every day the headlines in the paper, I thought I was getting away for my daughter's graduation and every day I'd pick up the paper and they were fighting over a casino slot expansion. That was to go from 500 slots to 1,500 slots. Well there are more people in Vancouver, British Columbia, the greater area, than there is in the entire State of Maine, and they voted it down. They didn't want 1,500 slots and here we're going 7,500 slots. So I'm just saying it gives the people an opportunity to do that. If this bill, even if it passed today, if it went into effect it wouldn't be until late September, and then there would always be the question do the voters want it or do the voters not want it. Let's just wait until November, put it on the ballot. That's why they got the petition and let's see what happens to it.

I mean I'm hearing people voting because they're saying Ocean Properties is a good company. That's great. I'm glad you're voting for your friends and your family who work there, but that's not the reason that we should be voting. We're talking about a gambling bill here. I have a letter from the Mayor of Saco who is urging me to send this out to the voters. Saco turned it down. We want a thorough discussion in Saco. We live right next door to it. I have a letter here from three city councilors from Biddeford that do not support the action. They want it sent to the voters. They're talking about putting for something in our area. All we're asking, whether it's the Biddeford delegation or the Saco delegation, is let us vote on it. That's it. Just let us vote on it. I'm not against the premise. As long as the people vote on it, so be it, put it up and wonderful, but send it out to referendum. Thank you.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative TUTTLE: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I know I rise from time to time and I say that if anybody has not made up their mind by now, I don't think we're ever going to make it. Mr. Speaker, I will try to be brief. Just as a footnote, it's my understanding that the residents of Biddeford voted overwhelmingly 59-41 in favor of Biddeford Downs in November. In my opinion, there is no such thing as a vote to send it out to the people. A vote of Ought Not to Pass is a vote against the project. It is a vote against Biddeford, Washington County, agriculture, the Tribes, horsemen, farmers. You will vote against all of those if you vote Ought Not to Pass.

LD 1203 contains amendments to the racino law and will allow two fully integrated racinos and two commercial harness racetracks. I think it's a straightforward amendment that allows Scarborough Downs to relocate and introduce slot machines. It will simply correct for a present with the unfair provisions in Maine's racino law. As the introduction of slot machines at the Downs has already been approved by a statewide referendum, I know there is some dispute about that. But it is my opinion that these amendments are a matter of common sense and I think fundamental fairness. I know with respect to the need for the fairness that the amendment we made to the 100 mile statute in LD 667 earlier this session was expressly intended to

accommodate the Oxford County casino, allowing the project to move forward. The proponents of the Oxford County facility are now the leading opponents to LD 1203. Put another way, once Black Bear believed the help is needed or received this help again from the 125th Legislature, its team of lobbyists have campaigned to force harness racing and the Downs to get another statewide referendum. I'll be voting in favor of 1203 and will ask you to vote this motion down.

As a side note, my grandfather was a horseman as was his father before him. In the '90s, I was chair of, now it's Veterans and Legal, but back then it was Legal and Veterans Affairs and I always listen to my grandfather. He always said that he raised horses more for their disposition than he did for their speed. I remember as a young man going around. It was a very special time for me. I think it's an industry, a Maine industry, that needs to be preserved. When I was chair the harness racing industry was in really bad shape. We didn't know if we were going to make it through year to year and we did pass things in the '90s and the industry did survive. I think with this, by voting against this pending motion and voting for the Minority Report, it will help the industry to survive for decades to come. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Briggs.

Representative BRIGGS: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise before you this evening in strong support of the Majority Ought Not to Pass on LD 1203 which received a strong committee vote of 11-2. Support of the Majority Report will send LD 1203 back to our citizens in a referendum vote this fall where all casino expansion referenda have gone before. Administrations and Legislatures for decades have insisted that the citizens of Maine should be the final arbiters of gaming expansion in all six of the previous gaming referenda. Decisions of statewide significance have been left up to our citizens to decide.

The Oxford initiative failed in its first attempt in 2008, so the investors regrouped, came back with another referendum, and were sent out to the voters again and they narrowly won one of the closest referendum votes in our state's history by just 4,500. Then they survived a recount and just six months later we are now debating on whether or not we should give a free pass to two casinos in LD 1203 and a third casino in LD 985.

Based upon the results of last year's casino vote, we should not be entertaining the idea of passing LD 1203 which includes two gambling facilities, let alone a third in Lewiston. We have no mandate from our citizens to make such a decision. Forty-nine point six percent of our citizens, based upon last November's vote, are still opposed to gambling expansion. What we are being asked to do is to support the largest gambling expansion in Maine's history with at least 50 percent of our citizens against gambling expansion.

If LD 1203 is passed Maine will have as many gambling facilities as all five of the other New England states combined, and if LD 985 is also endorsed, we will have more gambling than all five of the other New England states combined. Are we prepared with our vote to take ownership in making Maine the casino capital of New England? I believe the voters statewide should weigh in on the largest gaming proposal in our state's history where lesser gaming proposals have been decided by the people of our state. Again, if these casino proposals are passed, there will be 7,500 slot machines authorized in Maine. This is one slot machine for every 100 adult Maine citizens. The voters of Maine should have the ability to weigh in on whether they want Maine to have one of the highest per capita slot machine authorization laws with one of the lowest per capita incomes east

of the Mississippi.

I continue to hear that if we send LD 1203 out to referendum, we are shirking our responsibility as legislators. I believe to the contrary; to pass these initiatives without our statewide voters weighing in would be the height of irresponsibility, given at least half of our citizens opposes gambling expansion. The referendum process is not to be taken lightly. It should not be used as a backup plan in case the Legislature says no, as it is being done with LD 1203. If you want to pass the bill, then submit a bill and take your chances. Why go through the trouble and expense to collect thousands of signatures if your plan was not to bring your proposal to our citizens of Maine. Many folks that signed these petitions are sold on the fact that the issue will be debated in front of our citizens during a campaign and not to be used as a tool if everything else fails.

I have heard the arguments by the Biddeford Downs proponents, that they should be given retroactive rights going back to the 2003 referendum. Now that they have found Biddeford, that this is just a simple little tweak in the 2003 law, but is it? The 2003 referendum authorized two racinos, one in Bangor Raceway and one at Scarborough Downs as that is where the commercial tracks were located. That also required municipal approval which Bangor received but Scarborough was denied. Scarborough was then denied in Saco and Westbrook and then back in Scarborough again. Now that they have found Biddeford seven years later, they believe they should be given a free pass. Are we to believe that if Biddeford was the location in 2003 the votes would have been the same? Can we make that assumption? Are we to believe the bordering communities of Biddeford would have voted the same?

However, the most compelling reason to send LD 1203 back to our voters, I believe, is this: The 2003 racino referendum did not call for a third location in Calais, which LD 1203 would authorize. Are we to believe that if three gambling facilities were being promoted in 2003, that all would have passed? Based upon that reason alone, LD 1203 should be sent back to our voters for their approval. We are being lobbied and being made to believe that if we send these casino referenda back to our voters, we are contributing to the demise of harness racing. Sending LD 1203 back to our voters will not hasten the demise of harness racing. The harness racing industry continues to receive tens of millions of dollars from Hollywood Slots. Specifically, Scarborough Downs continues to receive millions from Hollywood Slots. By sending LD 1203 back to our voters, we are not denying an opportunity to Biddeford or the harness racing industry. We are only asking them to make their case in front of the Maine people as everyone else seeking gaming expansion has done, keeping the standards fair and universal. With all due respect to my great colleagues from the Indian nations, we do need to do something for the Native Americans and am extremely cognizant of the economic issues of the tribal nations. I am pleased, however, that the Oxford casino's tax structure allocates 2 percent of the revenues to both the Passamaquoddy and Penobscot Nation, estimated to be about \$4 million per year.

I leave you with this: Are we prepared as legislators to endorse the largest expansion of gambling in Maine's history? Are we as legislators prepared to authorize 7,500 slot machines in Maine and are we prepared to do this without a clear mandate from our voters? Are we to deny our citizens from weighing in on such a gambling expansion? If the projects are sound they will pass, and, if not, they will fail. I ask you to follow my light and support the Majority Ought Not to Pass Report for LD 1203. Please do not shortcut the will of the Maine voters. 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 rise in opposition to the current motion. I know you've heard many reasons already to support LD 1203 and I'm not going to repeat those. I actually worked on the passage of the original proposal almost 20 years ago now for a tribal racino in Washington County and for 13 years I worked closely with members of the Passamaquoddy Tribe in Washington County on other regional economic development issues.

One thing I want to be sure that you all understand before we take this vote is that economic development and job creation is a much different proposition for a Native American community than for a typical Maine community. Maine municipalities raise money through property taxes. They use these taxes to pay for local services. Native American communities do not raise money for their community through property taxes. A lot of people don't realize that. Native Americans do not believe that people can own land, period. Land, all the earth, is part of a sacred cycle of life that is highly spiritual.

This fundamental aspect of Native American culture is at the root of their struggle to provide for the needs of their people. This is the reason tribal business initiatives have figured so prominently over the years. As federal dollars are reduced, the need for local funds to replace them increases and earning money from tribal ventures is really the only alternative available to them.

So the racino vote is about jobs and it is about fairness and it is about facing our responsibilities as legislators rather than relying on the voters to do what we don't have the will to do here. But it is also about honoring and respecting the beliefs of the Native American culture enough to simply enable them to make an important investment in their own future. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to the pending motion and also to be on the record so that the people in Skowhegan know why I am missing the town meeting. I rise today just to talk a little bit about the economic driver locally in Skowhegan known as the Skowhegan Fair, and I was just looking at some information and the fair grounds is actually operated pretty much from May until October. We've experimented to try to do some snowmobile racing in the winter, but it was pretty cold and we didn't always have the snow we needed. But you know if you try to get a hotel room/motel room in the Skowhegan area during a horse show or fair week, it's very impossible. I actually had to plan my wedding so that it wasn't during a time when there was a horse show, so I'd actually have a place for people to stay.

But I rise just to echo some of the things that were raised by other good Representatives today in regards to this and to talk a little bit about what I view as the ripple effect. When I talk about the ripple effect, I'm talking about not only for harness racing but for agriculture in the State of Maine in general. I think that we all realize that when money is spent locally in a community, there is a multiplying factor, and I think that can be seen when you look at states like New York or Delaware or Pennsylvania where racinos have really helped the industry in growing agriculture. So I view this as not only growing the harness racing industry, but also the fairs and other agriculture that piggybacks on those things.

I'm sort of very excited to see the opportunity that this brings

throughout the state. It's very interesting. You know we're talking about two ends of the spectrum here as far as the state goes. We're talking about two different locations, but I think the ripple effect is pretty clear. It's going to be felt throughout the State of Maine, so I rise today against the pending motion and look forward to being able to vote on the Minority Report. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Dow.

Representative **DOW**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I can't see you very good because the sun is right in my eyes, but you might not be able to see me very well either with the sun glowing off the top of my head. So maybe that makes us even?

I rise today in opposition to the Majority Ought Not to Pass and support the Minority Ought to Pass. I'm not much of a gambler, that I'll admit. But I do appreciate the agricultural fairs and my father wasn't much of a gambler either, but he loved to go to the tracks and watch the horses, and he'd bet on a few. I think it's time we had a couple of new modern up-to-date tracks in this state. I'd kind of like to bet on a sure thing. My father taught me how to bet on a sure thing because when I was about 10 or 12 years old, we went to the racetrack and he knew one of the owners and one of the owners said that we've been holding this horse back for a few races and we were going to let him go today and he was going to win, so you better put some money on him. So my father did, got his new son-in-law to put some money on the horse also and some of his son-in-law's friends, they all put money on the horse and the horse fell down in the first turn and finished dead last. So much for a sure thing.

But to be truthful I kind of like the odds on this bet. I kind of like the odds on two shovel-ready projects. I just wish one other thing. I wish this particular bill had an amendment for a four-lane road from Bangor right straight through to Calais. Then we'd really have economic development. But I intend to support the Minority Ought to Pass. Thank you.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Beaudoin.

Representative **BEAUDOIN**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. I'm in opposition of this bill, LD 1203. I wasn't going to speak, but I have the same questions as Representative Casavant has. I am very upset that they've been pushing so quickly. That's all I've heard is jobs, jobs, jobs, and \$35,000 per job and benefits, and 500 of those jobs, how wonderful. How can anyone promise so many jobs with this economy? You asked and all I received was jobs, jobs, jobs. Can't you understand? And money, \$35,000 per job. I understand I said. I almost felt like they were saying, stupid, but I need to know more about this. I've been told that Ocean Properties has lots of money and they are giving it to Biddeford and they will honor everything they've promised as they don't lie. A lots corporation, they don't lie? Yeah, right.

I want the people to vote on this to let me know how they feel. Right now when I go home weekends, I ask people. Almost all I've heard is "I don't care" or "I don't want it." Few have said they wanted it to me. I don't understand anymore. They keep saying, oh yeah, they want it. Well, I don't know. But like I said, I want to know more and I'm not getting answers and that's not good. Please follow my light. Thank you, Mr. Speaker.

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. You might wonder why someone from Bangor is standing up in support of this expansion which is ready to go to Washington County. If you

listen to my accent you might possibly have a clue where I grew up. Also, during the last several years I've had the opportunity to chair the Sunrise County Economic Council which is an economic development council for the county. I've been chairman of Washington County Development Authority. I've seen a lot of attempts to try to economically improve the area and most of them are being turned away from us.

Three points have been made during the discussion today that I really want to pick up on. One is process, one is discrimination and one is fairness. I think there has been some real serious discrimination in this state because this entire idea was started by the Passamaquoddy Tribe. The Passamaquoddy Tribe, in my opinion, was discriminated against because they were not allowed to succeed at a venue that they could actually prosper from. We talk about fairness. We now are taking pieces of this state and breaking it up into little pieces. My home area – Bangor, Veazie and Orono – now has a facility and it was signed by the Chief Executive who came from the community. Probably no impact on why he chose to let that one go through and not let the others go through and veto some others. But I think there is a fairness issue. I spent a lot of time on the Regulatory Fairness Committee and I learned there is a lot of things out there that really aren't fair, but this is one that we don't have to put up with.

Then I hear about process and process really sort of aggravates me because process says if we can get it out to the general populace of this state, we certainly can keep it away from the small rural areas and put it in the larger urban areas and that's just exactly what we're doing with these facilities. Washington County should have had a facility back in 2003, 2004, or 2005. They are still out there. Well now we have one large one in Bangor. And don't get me wrong, I appreciate it in Bangor and it is good for the economy of the area and I am strongly in support of it. Now we have a major investment in western Maine, still nothing for the County area. So I think it's about time we looked at the process and let that process involve the way the voters of Washington County have voted, 70 plus percent in favor, not the way other areas in the state want to vote so that they can keep it in their areas and move it away from the County. So I seriously urge you to vote in opposition to the motion on the floor. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Bickford.

Representative **BICKFORD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As legislators we were elected to make decisions on the behalf of our constituents. By sending these measures to the voters, we're ultimately avoiding our duties as Representatives of them. In past administrations, as you heard earlier from the good Representative Valentino, there were several proposals regarding gaming. Every one went to a statewide vote. That wasn't by chance of the supporters. That was by this legislative body. The supporters of those proposals at the time wanted the Legislature, every time, wanted the Legislature to vote on behalf of their constituents. They failed to do it.

I want to address a couple of comments that were made earlier. My good friend Representative Casavant talked about all the restaurants in Atlantic City that have closed since they've had gaming. Well I'm going to tell you to go to Bangor, go to Bangor on a Friday night or a Saturday night and see how many restaurants are not only open for business but have lines out the door with an hour and a half waiting time. When I take my wife and children to Bangor and it's on a Saturday night to spend the night, ask the Fireside Inn, ask the Ramada Inn if they welcome our business because Hollywood Slots happens to be in Bangor. Ask the Texas Roadhouse, when I take my wife and kids over

there and wait an hour or an hour and a half for a table, if they appreciate our business because of Hollywood Slots being there. Ask the Bangor Mall if they are excited that Hollywood Slots is there because of all the money people spend at the mall while someone else in the family might happen to be over at Hollywood Slots. This is economic development. Business attracts business. It always has, it always will.

We heard from Representative Valentino again, if people want this, they should vote on it. Well if people want a cigarette tax, should we send that to the voters? If people want there to be an adult bookstore on Congress Street in Portland, should they all vote for that also? We are the legislators. We vote for our constituents. If we don't vote on their behalf they're going to replace us. Everyone in this body that is going to be impacted by these proposals that are in front of us, LD 1203 and 985, are going to be voting on behalf of their constituents and when you go back you need to be proud of the way you voted. I'm going to be proud of the way I vote and I'm going to vote against the pending motion and I'm going to vote in favor of both proposals. Thank you.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Dion.

Representative **DION**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I've sat here and smiled when my colleague from Auburn spoke because I think he's on point one. The gaming question has been asked and answered. It's over, alright? We shouldn't suffer under the illusion that somehow our goal now is to manage it. It's here in the state and the question is can we shape that policy and the answer is that we should shape it. I was a command officer committed to making sure that people followed the rules. I followed that rule. But leadership requires knowing when to break the rule and if the rule was to send it out to the people, then I vote tonight to break that rule and exercise the leadership that they've trusted us with. That's why we're here and if they're upset, we don't get to come back and that's the way that game is played.

Now I'm not a gambler. My wife is. She married me. See, only the wives in the chamber would understand that. So I'm not here as a gambling aficionado. I'm just here that we should exercise leadership and pass this bill and do right by Washington County and the Native people because no statewide vote would ever see that those interests are met. Thank you.

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

Representative **SOCTOMAH**: Thank you, Mr. Speaker. Mr. Speaker, and Honorable Men and Women of the 125th Legislature. I rise today to ask for your support of LD 1203. It is with mixed emotion that I speak to all of you today. My name is Madonna Soctomah and I come on behalf of the Passamaquoddy Tribal People in Washington County, which was once the seat of the great Abenaki Nation. Today we are the largest federally recognized Tribe in the State of Maine. The indigenous Passamaquoddy people existed before the struggle between Great Britain and America in 1776 and survived to the present day. Our culture and native language remain in tact. If you do not believe that we are still here, ask us and ask us how we survived to present day on to your social structures and your laws, speaking my native tongue, believing in my culture, believing that we are all connected, believing that we come from the same mother earth that never shuts off.

In 1820, Maine became a state. Welfare and Indians were synonymously equated throughout history. No one spoke of treaty rights. Little did anyone know at this time there was no valid treaty among the governments regarding land. In the 1920s

to 1940s times were economically very hard for Indian people, in particular. During World War II there was work in the shipyards in Portland and two fish factories on the coast. The isolated Indian Township people were taken by bus 50 miles away to work in the factories in Eastport. My grandmother, when you talk about the work ethic, my grandmother Nancy worked packing sardines for the Riviera Packing Company as did many others from Sipayik, known as Pleasant Point, and she would get home on a bus being bused in and it was dark when I was ready for bed.

After World War II the economy in general picked up. All things being relative, however, it still only meant things were better, not good, since Washington County had been an economically depressed area for many decades. As I entered Shead High School in Eastport, the period from 1955 to present day, there has been profound change for the Passamaquoddy in our most every sphere, from education and religion to economic and political. Changes in national policy regarding poor people and the realization of both state and national levels that the American Indians have been treated unjustly has influenced these changes. The Federal Government took an active role in addressing Indian issues throughout the United States while Maine Tribes continued to live in poverty and subjugation.

In 1980, the Maine Indian Land Claims Settlement Act was signed. Along came federal recognition for the Maine Tribes who now had a land base, primarily living on reservations for the Passamaquoddy and the Penobscot, land held in trust by the Federal Government – in trust by the Federal Government. No, we don't own property. I don't own property. I come from the reservation. I was raised and brought up on a reservation. No, I don't pay taxes because I don't own any land, per se, in my name because we hold it in common, the grave misunderstanding with the residents in the State of Maine in regard to Native people. I'm just going to stick to my script.

In 1994, when it was my first term in the Legislature, the Passamaquoddy Tribe submitted legislation for casino gaming for the first time – 1994. LD 1998, An Act Authorizing a Tribally Owned Casino, caused quite a stir in this state. There was a task force to study the impact of a Maine based casino on the economy, transportation, infrastructure, state revenue and job market 2002, via information of the good Representative Mr. Casavant. There were reports from the state of Connecticut that we had to show on social impact, jobs, study after study after study. Construction impact, hospitality impact, you name it, social impact. We had to answer for everything. Spirituality, drunkenness, you name it. All the Indian casino was going to bring in was the hoochee coochees and you name it, they were going to bring them in. Well, I wonder. The Indians don't have a tribally operated casino but you have one in Bangor and I ask you, do you have all those things? In spite of all the fear of an Indian operated casino, there is a racino presently operating in Bangor. LD 1998 was vetoed not to pass in the House and other body.

At that time I came to the Legislature, a greenhorn with this speech. Full of confidence, oh they are going to help Indian people, and I said, thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The Passamaquoddy People live in two communities in Washington County on our ancestral lands. We have lived there since time immemorial. Our land base has been reduced and reservations have been created. We need to sustain those communities. The people of the Passamaquoddy Tribe elected me to present their views to the Maine Legislature. My Tribe, like any community, does not always speak with one voice. You may have seen and heard opposition to this bill from individual members. I speak today, however, to assure you that

this bill is strongly supported by the elected leaders of the Tribe, many of who have been here in the past few weeks.

In addition, the bill is supported by the great majority of Tribal members who lived on the Indian Township and Pleasant Point Reservations – reservations. How many of you know what it's like to be raised and brought up on a reservation? Think about it. To this majority, this project is opportunity. It is not a goal in itself but a means of achieving our own tribal objectives, of doing things we want to do and we must do if we are to develop as a Tribe. We have enough experience with government subsidies and government programs and handouts and 10 percent from projected racino games. We had enough. We have enough experience with government subsidies and programs to know that we must lift each other as Tribal members and lift ourselves as a Tribe if we are going to succeed. To me and the majority of my Tribe, this bill is not about gambling. It is about jobs in our local area. It is about investment in Calais and the surrounding region where we live and it is about establishing a commercial attraction that will stimulate long-term economic growth in the area.

In the end this bill is about our Tribal communities and our culture, our language, religion, traditions and history that have been passed on to us early. Our cultures live through our community. It is how they practiced and passed on to new generations only in the setting of Tribal community to keep our communities, to keep our language, the traditions and ceremonies that bind us together and make us Passamaquoddy. We need strong Tribal communities. We need communities that are vibrant and well where people look to the future, knowing that we control our own destiny. When that spirit is present and I know that we hold our people in our culture, it is for this that we need a local economy that is big enough to include us so that we can sustain our people in the traditions and ways that have come down to us which, today in 2011, I would have thought that we would have been more understood than we were back then in 1993. Just as we have cooperated with the City of Calais in developing their proposal for the benefit of the whole area, Indian and non-Indian alike, we extended our hand to the Chief Executive and the Attorney General of this state and to this Legislature with this bill. We have taken this course because we want good relations with the people of Calais, of the state, and we want to contribute to the growth of Washington County. The majority of the people in Washington County believe this bill will succeed in doing that and that was back in 1994 when I first spoke in the House asking the body to pass an Indian casino. What a ruckus.

In 2007, LD 805, An Act to Authorize Tribal Commercial Track and Slot Machines in Washington County, passed the House and other body, only to be vetoed by Governor Baldacci, a native of Bangor. In 2010, LD 1808, An Act to Allow a Casino in Oxford County, was the Tribe's third attempt for gaming legislation. My brother Donald Soctomah was the Tribal Representative and spoke eloquently for passage of LD 1808 to the Joint Standing Committee of Legal Affairs. In his statement at that time he said, Good afternoon Senator Sullivan and Representative Trinward and Members of the Joint Standing Committee of Legal Affairs. I am Donald Soctomah and I represent the Passamaquoddy in Maine. Today I am here to speak on LD 1808, An Act to Allow a Casino in Oxford County. As you know the Tribes have been working for the last 18 years towards building a business in the gaming industry. In 1992, it was the Tribe's first proposal. We were told gaming would not work in Maine and crime would increase. In early 2000, we proposed a gaming operation in southern Maine. We were told we should not have it in our area. So in 2007 we proposed a gaming operation in our own area but

people said they only wanted one, so we waited. Meanwhile stores closed in our area, the unemployment rates went up and young people moved away. We cannot sit idly by and let Washington County and the Tribe continue to have a depressed economy. People there are hard workers and want to stay in Maine and not leave their families behind. We have seen gaming industry across the nation provide an economic boost to local communities and the state general funds. The gaming operation in Bangor has proven to be a decent run business with no increase in crime and millions of dollars in the area, so Representative Soctomah stated at the time. It is time for the Tribe in Washington County to be treated fairly on this issue of economic development, fairly he says. What he is asking for from this body is equity for Native American people in the State of Maine. It is not fair for the rest of the state to move ahead and leave Washington County behind. The economic condition of the Passamaquoddy Tribe is not good. The per capita income already is only one half of the state average; unemployment is four to five times higher than the state average. With all that news Washington County still has the highest poverty rate in this state and it has not stabilized. There is great development potential, both in generating new revenue to the Passamaquoddy Tribe in the State of Maine as well creating jobs inside a depressed region. A Washington County gaming facility will create jobs in federal areas including gaming, security, hospitality, construction, law enforcement, and tourism. Gaming fosters economic development.

So LD 1808 was Indefinitely Postponed by the House and other body. After 17 years we are still here asking for equity – equity – in our continued effort to survive in today's struggling economy. I am asking for your support in helping the Passamaquoddy Tribe to bring about economic development through LD 1203. That would make a difference in creating jobs and creating substantial revenue for this state without increasing taxes, and yet to conclude I am going to speak of the time when business as usual in Maine came to a halt, when ownership of two-thirds of the land in Maine was questionable. There was no banking, no bonding, no sale or buying of homes or property and people were frightened. I ask you, did the Tribal Government debate the issue for a decade? Did my Tribal Government debate the issue of your dilemma for 17 years? No. My Tribal people did not. They did the right thing and signed off because we did not want to cause any hardship for Maine families because all know too well as Tribal people what hardship means. I thank you for your indulgence in this matter and I ask that you support LD 1203. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 125

YEA - Beaudoin, Beaulieu, Beck, Beliveau, Bennett, Berry, Boland, Briggs, Burns DC, Carey, Casavant, Chase, Chipman, Clark T, Cornell du Houx, Crafts, Crockett, Cushing, Davis, Eberle, Espling, Eves, Guerin, Hamper, Hayes, Hinck, Johnson D, Kaenrath, Knapp, Lajoie, Longstaff, McKane, Morissette, Morrison, Moulton, Richardson W, Rochelo, Rotundo, Russell, Sirocki, Strang Burgess, Stuckey, Timberlake, Treat, Valentino, Wagner R, Weaver, Webster, Winsor.

NAY - Ayotte, Beavers, Bickford, Blodgett, Bolduc, Bryant, Burns DR, Cain, Cebra, Chapman, Clark H, Clarke, Cotta, Cray, Curtis, Damon, Dill J, Dion, Dow, Duchesne, Dunphy, Edgecomb, Fitts, Fitzpatrick, Flemings, Flood, Fossel, Foster, Fredette, Gifford, Gilbert, Gillway, Goode, Graham, Hanley, Harlow, Harmon, Harvell, Haskell, Herbig, Hogan, Hunt, Johnson P, Kent,

Keschl, Knight, Kruger, Libby, Long, Lovejoy, Luchini, MacDonald, Maker, Malaby, Maloney, Martin, Mazurek, McCabe, McClellan, McFadden, Nass, Nelson, Newendyke, O'Brien, O'Connor, Olsen, Parker, Parry, Peoples, Peterson, Picchiotti, Pilon, Plummer, Prescott, Rankin, Richardson D, Rioux, Rosen, Sanborn, Sanderson, Sarty, Shaw, Stevens, Theriault, Tilton, Turner, Tuttle, Volk, Waterhouse, Welsh, Willette A, Willette M, Wood, Mr. Speaker.

ABSENT - Black, Celli, Driscoll, Innes Walsh, Kumiega, Priest, Wintle.

Yes, 49; No, 94; Absent, 7; Vacant, 1; Excused, 0.

49 having voted in the affirmative and 94 voted in the negative, 1 vacancy with 7 being absent, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-400)** 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-400)** and sent for concurrence.

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HOUSE DIVIDED REPORT - Majority (11) **Ought Not to Pass** - Minority (2) **Ought to Pass as Amended by Committee Amendment "A" (H-436)** - Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Regarding Establishing a Slot Machine Facility"

(I.B. 1) (L.D. 985)

TABLED - June 1, 2011 (Till Later Today) by Representative BEAULIEU of Auburn.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Subsequently, Representative BEAULIEU of Auburn **WITHDREW** his motion to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Subsequently, the same Representative moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

Representative CROCKETT of Bethel **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **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**: A roll call has been ordered. The pending question before the House is Acceptance of the Minority **Ought to Pass as Amended** Report. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 126

YEA - Ayotte, Beaulieu, Beavers, Bickford, Blodgett, Bolduc, Bryant, Cain, Carey, Clark H, Clarke, Cotta, Cray, Cushing, Dill J, Dion, Duchesne, Edgecomb, Fitts, Fitzpatrick, Flemings, Fossel, Foster, Gifford, Gilbert, Gillway, Goode, Harlow, Harmon, Harvell, Haskell, Herbig, Hunt, Johnson P, Keschl, Knight, Lajoie, Libby, Long, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Malaby, Maloney, Martin, Mazurek, McCabe, McClellan, McFadden, Nelson, O'Connor, Olsen, Parker, Parry, Peoples, Peterson, Plummer, Prescott, Rankin, Rioux, Rosen, Rotundo, Sanderson, Shaw, Stevens, Theriault, Tilton, Timberlake, Turner, Tuttle, Waterhouse, Welsh, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Beaudoin, Beck, Beliveau, Bennett, Berry, Boland, Briggs, Burns DC, Burns DR, Casavant, Chapman, Chase,

Chipman, Clark T, Cornell du Houx, Crafts, Crockett, Curtis, Damon, Davis, Dow, Dunphy, Eberle, Espling, Eves, Flood, Fredette, Graham, Guerin, Hamper, Hayes, Hinck, Hogan, Johnson D, Kaenrath, Kent, Knapp, Kruger, McKane, Morissette, Morrison, Moulton, Nass, Newendyke, O'Brien, Picchiotti, Pilon, Rochelo, Russell, Sanborn, Sarty, Sirocki, Strang Burgess, Stuckey, Treat, Valentino, Volk, Wagner R, Weaver, Webster, Willette A.

ABSENT - Black, Cebra, Celli, Driscoll, Hanley, Innes Walsh, Kumiega, Priest, Richardson D, Richardson W, Wintle.

Yes, 78; No, 61; Absent, 11; Vacant, 1; Excused, 0.

78 having voted in the affirmative and 61 voted in the negative, 1 vacancy with 11 being absent, and accordingly the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-436)** 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-436)** and sent for concurrence.

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The **SPEAKER**: The Chair recognizes the Representative from Sanford, Representative Tuttle, who wishes to address the House on the record.

Representative **TUTTLE**: Thank you, Mr. Speaker. Mr. Speaker, in reference to Roll Call No. 116, LD 775, if I would have been here I would have voted no. In reference to Roll Call No. 117, LD 903, if I were here I would be voting no. On Roll Call No. 118, LD 521, if I was here I would be voting no. On Roll Call No. 119, LD 814, if I was here and voting I'd be voting no. Finally, Mr. Speaker, on Roll Call No. 120, LD 1031, if I were here I'd be voting yes. Thank you, Mr. Speaker.

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

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On motion of Representative BEAULIEU of Auburn, the House adjourned at 8:09 p.m., until 9:00 a.m., Tuesday, June 7, 2011.