

MAINE STATE LEGISLATURE

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SMG
ROPS

L.D. 1856

Date: 4/10/14

(Filing No. S-515)

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STATE OF MAINE
SENATE
126TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "A" to H.P. 1343, L.D. 1856, "Resolve, To Conduct a Market Analysis Regarding the Feasibility of Expanded Gaming in Maine"

Amend the resolve by striking out the title and substituting the following:

'Resolve, To Conduct a Market Analysis Regarding the Feasibility of Expanded Gaming in Maine and Require the Governor To Enter into a Tribal-state Compact Allowing Gaming'

Amend the resolve in the emergency preamble by inserting after the 4th indented paragraph the following:

'Whereas, a similar study was conducted in the past that showed that casinos operated by federally recognized Indian tribes in Aroostook and Washington counties were economically feasible; and

'Whereas, tribal gaming is an important and integral part of the culture of federally recognized Indian tribes in Maine; and

'Whereas, the authorization of gaming by federally recognized Indian tribes in Washington and Aroostook counties would benefit the Indian tribes and the residents of the counties in which the gaming facilities are located by providing employment opportunities and would benefit the State by providing increased revenue; and'

Amend the resolve in section 2 in subsection 2 in paragraph F in the first and 2nd lines (page 2, lines 8 and 9 in L.D.) by striking out the following: "; and be it further" and inserting the following: '.'

Amend the resolve in section 2 by inserting after subsection 2 the following:

'A study conducted pursuant to this section must specifically include in the analysis potential casino-style gaming facilities operated by federally recognized Indian tribes in this State; and be it further'

Amend the resolve by inserting after section 2 the following:

'Sec. 3. Authorization to enter into tribal-state compact for gaming; legal action. Resolved: That, notwithstanding any law to the contrary, the Governor shall conduct good faith negotiations with the federally recognized Indian tribes in the State on

1 behalf of the State to enter into a tribal-state compact governing the conduct of electronic
2 and table games of chance within the federally recognized Indian tribes' territories. These
3 negotiations must be started no later than September 1, 2014 and concluded no later than
4 December 1, 2014. The tribal-state compact must include the following requirements:

5 1. Any gaming conducted by a federally recognized Indian tribe pursuant to this
6 tribal-state compact must be submitted to voters of the county in which the gaming would
7 be conducted for approval at referendum; and

8 2. The tribal-state compact negotiated pursuant to this section must be submitted to
9 the 127th Legislature and to the tribal government for ratification.

10 A federally recognized Indian tribe may bring an action in Superior Court to enforce
11 the provisions of this section. Alternatively, a federally recognized Indian tribe may ask
12 the United States Secretary of the Interior to establish procedures consistent with federal
13 law and the law of this State allowing gaming, including casinos operated by federally
14 recognized Indian tribes on tribal lands; and be it further'

15 Amend the resolve by relettering or renumbering any nonconsecutive Part letter or
16 section number to read consecutively.

17 **SUMMARY**

18 This amendment does the following:

19 1. It amends the emergency preamble;

20 2. It requires that the study being conducted pursuant to the resolve specifically
21 include an analysis of potential casino-style gaming facilities operated by federally
22 recognized Indian tribes in Maine;

23 3. It requires the Governor to conduct good faith negotiations with the federally
24 recognized Indian tribes in the State to enter into a tribal-state compact allowing Indian
25 tribes to conduct electronic and table games of chance within those Indian tribes'
26 territories. The compact must be finished by December 1, 2014 and submitted to the
27 Legislature and the tribal governments for ratification and the voters of the counties in
28 which the gaming facilities are located for approval at referendum; and

29 4. It authorizes the Indian tribes to bring suit in Superior Court to enforce the
30 requirements related to the compact or to ask the United States Secretary of the Interior to
31 establish procedures consistent with federal and Maine law allowing gaming, including
32 casinos operated by federally recognized Indian tribes on tribal lands.

33 **SPONSORED BY:** 

34 (Senator JACKSON, T.)

35 **COUNTY: Aroostook**