

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

**One Hundred And Sixteenth Legislature**

OF THE

**State Of Maine**

**VOLUME V**

**SECOND REGULAR SESSION**

**House of Representatives**  
January 5, 1994 to April 14, 1994

ONE HUNDRED AND SIXTEENTH MAINE LEGISLATURE  
SECOND REGULAR SESSION  
36th Legislative Day  
Thursday, April 7, 1994

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

Prayer by Honorable Edward L. Pineau, Jay.

The Journal of yesterday was read and approved.

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**SENATE PAPERS**

The following Communication:

Maine State Senate  
Augusta, Maine 04333

April 6, 1994

The Honorable Dan A. Gwadosky  
Speaker of the House  
116th Legislature  
Augusta, Maine 04333

Dear Speaker Gwadosky:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed the following:

Upon the recommendation of the Joint Standing Committee on State & Local Government:

Derek P. Langhauser of Portland for appointment to the Maine Court Facilities Authority.

Derek P. Langhauser is replacing Colin Hampton.

John B. Wootten of Blue Hill for reappointment to the Maine Court Facilities Authority.

Sincerely,

S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

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**Non-Concurrent Matter**

Bill "An Act to Separate Cushings Island in Casco Bay from the City of Portland and to Create the Cushings Island Village Corporation as Part of the Town of Long Island" (S.P. 454) (L.D. 1421) on which the Bill and accompanying papers were indefinitely postponed in the House on April 6, 1994.

Came from the Senate with that Body having insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-569) in non-concurrence.

Representative KILKELLY of Wiscasset moved that the House Recede and Concur.

The same Representative withdrew her motion to Recede and Concur.

Subsequently, the House voted to Adhere.

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**Non-Concurrent Matter**

Bill "An Act to Amend the Laws Governing the Training and Certification of Law Enforcement Officers" (H.P. 828) (L.D. 1114) which was passed to be engrossed as amended by Committee Amendment "A" (H-969) as amended by House Amendment "B" (H-1062) thereto in the House on April 6, 1994.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-969) as amended by House Amendment "B" (H-1062) and Senate Amendment "B" (S-581) thereto in non-concurrence.

The House voted to Insist.

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**Non-Concurrent Matter**

Bill "An Act to Correct Certain Inconsistencies in the Laws Relating to the Commission on Governmental Ethics and Election Practices" (H.P. 1380) (L.D. 1867) which was passed to be engrossed as amended by Committee Amendment "A" (H-1026) in the House on April 1, 1994.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-1026) as amended by Senate Amendment "B" (S-585) thereto in non-concurrence.

On motion of Representative JACQUES of Waterville, tabled pending further consideration and later today assigned.

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**COMMUNICATIONS**

The following Communication:

COMMITTEE ON JUDICIARY  
ONE HUNDRED AND SIXTEENTH LEGISLATURE

April 6, 1994

Honorable Dennis L. Dutremble, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
116th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 116 An Act to Amend the Maine Health Security Act

L.D. 1819 An Act to Clarify the Sentencing Laws in Maine

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Gerard P. Conley, Jr. S/Rep. Constance D. Cote  
Senate Chair House Chair

Was read and ordered placed on file.

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#### REPORTS OF COMMITTEES

##### Ought to Pass Pursuant to Joint Order (H.P. 1475)

Representative JOSEPH from the Committee on **State & Local Government** on Bill "An Act to Establish Procedures for Secession and Annexation" (H.P. 1480) (L.D. 2006) reporting "**Ought to Pass**" Pursuant to Joint Order (H.P. 1475)

The Report was read and accepted.

On motion of Representative TOWNSEND of Portland, the House reconsidered its action whereby the Committee Report was accepted.

On further motion of the same Representative, tabled pending acceptance of the Committee Report and later today assigned.

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##### Pursuant to Joint Rule 13

From the Committee on **State and Local Government** on Bill "An Act Regarding Access to Property via Discontinued Roads" (H.P. 1238) (L.D. 1665) (Received by the Clerk of the House on April 6, 1994, pursuant to Joint Rule 13.)

On motion of Representative PARADIS of Augusta, tabled pending further action and later today assigned.

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#### ENACTOR

An Act to Clarify Agency Relationships in Real Estate Transactions (S.P. 616) (L.D. 1714) (H. "A" H-1036 to C. "A" S-551)

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

On motion of Representative JACQUES of Waterville, tabled pending passage to be enacted and later today assigned.

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#### UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for Academic Improvements at the University of Maine System, Including the Enhancement of Instructional Technology and Distance Learning (BOND ISSUE) (S.P. 718) (L.D. 1940) (Governor's Bill) (H. "A" H-1012 to C. "A" S-539) TABLED - April 6, 1994 (Till Later Today) by Representative JACQUES of Waterville.  
PENDING - Passage to be Enacted.

On motion of Representative JACQUES of Waterville, tabled pending passage to be enacted and later today assigned.

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RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Contractual Obligation for Members of the Maine State Retirement System (S.P. 653) (L.D. 1822) (C. "A" S-515) TABLED - April 6, 1994 (Till Later Today) by Representative JACQUES of Waterville.  
PENDING - Final Passage.

On motion of Representative JACQUES of Waterville, tabled pending final passage and later today assigned.

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By unanimous consent, all matters having been acted upon were ordered sent forthwith.

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An Act to Clarify Maine Election Laws (H.P. 1201) (L.D. 1609) (S. "A" S-557 to C. "A" H-947) TABLED - April 6, 1994 (Till Later Today) by Representative JACQUES of Waterville.  
PENDING - Passage to be Enacted.

On motion of Representative JACQUES of Waterville, tabled pending passage to be enacted and later today assigned.

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Resolve, Establishing the People with Disabilities Access Commission (H.P. 1321) (L.D. 1783) (C. "A" H-894) TABLED - April 6, 1994 (Till Later Today) by Representative PARADIS of Augusta.  
PENDING - Final Passage.

On motion of Representative JACQUES of Waterville, tabled pending final passage and later today assigned.

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SENATE DIVIDED REPORT - Majority (9) "**Ought Not to Pass**" - Minority (4) "**Ought to Pass**" as amended by Committee Amendment "A" (S-565) - Committee on **Appropriations and Financial Affairs** reporting on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Expand and Improve the State's Distance Learning Infrastructure" (S.P. 717) (L.D. 1939) (Governor's Bill) TABLED - April 6, 1994 (Till Later Today) by Representative PARADIS of Augusta.  
PENDING - Motion of Representative CHONKO of Topsham

to accept Majority **"Ought Not to Pass"** Report.

On motion of Representative JACQUES of Waterville, tabled pending the motion of Representative CHONKO of Topsham to accept the Majority **"Ought Not to Pass"** Report and later today assigned.

HOUSE DIVIDED REPORT - Report "A" (6) **"Ought to Pass"** pursuant to Joint Order H.P. 1416 on Bill "An Act Authorizing a Tribally Owned Casino in the City of Calais" (H.P. 1470) (L.D. 1998)  
 - Report "B" (4) **"Ought Not to Pass"** pursuant to Joint Order H.P. 1416  
 - Report "C" (2) **"Ought to Pass"** pursuant to Joint Order H.P. 1416 on Bill "An Act Authorizing a Tribally Owned Casino in the City of Calais" (H.P. 1471) (L.D. 1999)  
 - Report "D" (1) **"Ought to Pass"** pursuant to Joint Order H.P. 1416 on Bill "An Act Authorizing a Tribally Owned Casino in the City of Calais" (EMERGENCY) (H.P. 1472) (L.D. 2000) - Committee on Judiciary  
 TABLED - April 6, 1994 (Till Later Today) by Representative PARADIS of Augusta.  
 PENDING - Acceptance of Any Report.

Representative COTE of Auburn moved that the House accept Report "A" **"Ought to Pass"**.

Representative JACQUES of Waterville assumed the Chair.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brunswick, Representative Pfeiffer.

Representative PFEIFFER: Mr. Speaker, Men and Women of the House: L.D. 1998 represents a very complex issue with serious policy implications.

I am distressed that we have had less than a week to read and digest three separate 45 page reports.

However, having spent part of each of the last 30 years in Washington County, except for one year when we were in Bulgaria, I am sensitive to the needs of a county where seasonal employment is a way of life. But, I am not convinced that a gambling casino is the answer to the problems of the county.

L.D. 1998 raises a number of questions. We have been told that it is necessary to pass this legislation in order to preclude the Passamaquoddy Tribe from invoking IGRA, the Federal Indian Gaming Regulatory Act of 1988. The argument is that under IGRA the state will have less control over the project than it would have, were this legislation to be enacted.

It is the Attorney General's opinion that IGRA does not apply because of the express language in the Maine Settlement Act. That language, "provides that any federal law enacted after October 10, 1980" .... "shall not apply within the State of Maine unless such provision of such subsequently enacted federal law is specifically made applicable within the State of Maine." It is clear that IGRA does not make specific reference to the State of Maine.

The proponents claim that IGRA supersedes the

Settlement Act because of an opinion rendered by the First Circuit Court of Appeals in a Rhode Island case where the court made that finding.

However, contrary to some of the material that has been circulated, the First Circuit distinguished the Maine Settlement Act from the Rhode Island Act on grounds that the Narragansett's had more jurisdiction over tribal land than Maine Indians and hence were covered by IGRA. Maine Indians lesser jurisdiction is found in the Maine Implementing Act and it was noted by the Supreme Judicial Court in a case called Penobscot Nation v. Stilphen. Whether or not the Passamaquoddy's are entitled to invoke IGRA is clear that IGRA cannot apply to the project outlined in the current bill. IGRA applies only to gambling on Indian lands. If the Legislature does not enact L.D. 1998 the 100 acres in Calais cannot be considered Indian land.

Furthermore, even if the project were moved to the Reservation on what is definitely Indian land and IGRA was invoked it is not true that the state would lose control. IGRA expressly provides for negotiation of a tribal/state compact to include provisions dealing with jurisdiction. The application of the criminal and civil laws and regulations of the Indian tribe or the state that are directly related to and necessary for the licensing and regulation of such activity. These are provisions that must be included in the compact. The allocation of criminal and civil jurisdiction between the state and the Indian tribe necessary for the enforcement of such laws and regulations. Assessment, that is to say taxation by the state, of such activities in such amounts as are necessary to defray the cost of regulating such activity. Standards for the operation of such activity and maintenance of the gambling facility, including licensing, and any other subjects that are directly related to the operation of gaming activities. So, it is clear that the state would not lose control even if IGRA were to be invoked.

The financial aspects of the bill are interesting. L.D. 1998 provides for a ten percent excise tax on gross gambling revenues. The money goes into the casino tax account. From this account there is set aside regulatory expenses of roughly \$1.5 million a year that would go to the state police; up to \$2 million a year divided between the City of Calais and the Rising Tide Regional Development Program; 35 percent to Calais and, 65 percent to the Rising Tide program. The balance goes to the General Fund.

However, what the bill gives with one hand it takes away with the other because it provides for a \$25 million exemption from the excise tax in the first year and a \$10 million per year exemption for the next four years.

Therefore, according to the fiscal note nothing goes to the General Fund for at least three to five years.

That means there is nothing for highway improvements.

Routes 9 and 1 are the only two roads leading to Calais. Anybody familiar with Washington County knows that Route 9, which is called the Air Line, is a very dangerous road, full of logging trucks, hills and curves. Route 1, as we know, clogs up frequently in the summer, there are bottlenecks in Bath and Wiscasset, Camden and Ellsworth and elsewhere and it is often not passable in the winter.

Those are the only two roads that presently lead to Calais. Highway improvement will have to be undertaken on a grand scale if they are to support the casino.

There is nothing, again, in the General Fund for the correctional system. The bill provides for new Class C and Class D crimes and these would have to be funded out of current revenues, not from the gambling cut.

Only roughly \$1.5 million per year is set aside for the state police, who have awesome responsibilities under the bill. The have to do the financial investigation of the promoters, they have to do checks of the employees. They have to review the management contracts, check the accounting procedures, have general oversight of gambling, investigate violations. Enforcement procedures, standards for exclusions of unwanted people. All of this with the addition of only nine officers, three examiners, one stenographer and two typists. They also have to check the operation of the electronic machines, that is to say the slot machines.

That to me, is a very awesome responsibility.

The Rising Tide Fund, which is created under the bill is a revolving loan fund which is designated only for projects in the City of Calais, except that the income from repayment of loan funds can be used for other Washington County projects. Since the loans will have terms of roughly 7 to 20 years it is probable that there will be very little available money for projects in Washington County for some time to come. The fund is to be managed by three members of the tribe, only two of whom are required to have expertise in "business commercial finance or economic development." Tribal members have told me that it has been difficult, if not impossible to get accounting of the income from the \$13.5 million trust fund created by the Settlement Act. They question the wisdom of turning more funds over to the same people without more in the way of accountability.

The casino is going to be allowed to disregard not only the gambling laws of the state but also the Sunday Closing Laws. It will be in operation 24 hours a day. Of the state smoking laws -- smoking will be permitted and possibly also some of the restrictions on serving and possessing liquor between one a.m. and six a.m., it is not clear from the bill whether that will be enforced or not.

It is claimed that the casino will not serve free drinks but there is nothing to prevent them from serving double strength drinks, as is apparently customary in many of these casinos. Liquor is, to me, the most disturbing aspect of the whole casino plan. I agree that it is hypocritical to object to a casino on moral grounds. The state sponsors lotteries, churches sponsor bingo, and I don't feel that we are able to object to this on moral grounds.

I do fee however, that liquor adds a whole new dimension to the project. Anyone who is familiar with Washington County in blueberry season knows that many, many, young people come into the county to rake blueberries. On Friday night they have several hundred dollars in the pockets of their blue jeans. Many of them use this to drink excessively and most of us who live there know that we stay home on Friday nights in blueberry season.

What they will do with a 24 hour casino offering unlimited access to liquor and other things, I hesitate to envisage.

It should also be noted that L.D. 1998 provides

\$50,000 annually for treatment of compulsive gambling. That in itself says something to me.

It is finally my understanding that if the casino fails, Harrah's, the promoter, will cover the losses. But, that presumably represents losses from the casino itself. What about the \$13 million to \$20 million bond that the tribe will float, possibly with some help from FAME? Although, I have talked with people at FAME and they are by no means convinced that they are going to underwrite this bond. Who will pick up the tab on that money if the casino project fails?

In view of these considerations and the unanswered questions, I would respectfully urge a no vote on L.D. 1998.

The SPEAKER PRO TEM: The Chair recognizes the Representative from West Gardiner, Representative Marsh.

Representative MARSH: Mr. Speaker, Ladies and Gentlemen of the House: Based on the testimony of the nice lady from Brunswick, I would like to move the question, but I know there are a lot of people here who would like to debate this further. I think she has got this bill right where it should be.

I would like to speak as a realist on this. Before I do I would like to preface my remarks that I in no way want this to reflect on my feelings towards the Indian Nation. I think my record toward the Indian Nation stands. I have always felt very strongly about them and their presence in the State of Maine and have always assisted them any way I can but I cannot agree with the concept that we are talking about here today.

First of all, as the Representative alluded to, I would like to speak about location and competition.

Now, let's say this casino was built. Let's say I lived in Nashua, New Hampshire and, let's say that the first weekend in March I got back my income tax return and I decided I would go gamble and I am going to go to Calais. From the time I leave Nashua, drive down Route 9 over all the frost heaves and go through a Washington County snow storm that can happen that time of year, I am not just sure that the next year I would return. If the next year I decided to gamble I would probably go down to Connecticut or I would go out on Cape Cod where probably one of these are going to be built but I don't think I would be driving down Route 9 again.

What happens if I live over in the Maritimes, just come across and I am right there and I don't have to drive down Route 9? Being a realist I predict that if we sanction the building of this, probably before the last nail is driven or the last ceiling is painted, our Canadian friends are going to be building one across the border. This is shown many many times as we have tried to have business establishments along the border. I think if you would talk to some of the people who are in the shopping center in Presque Isle right now they can reiterate what I am saying. You can go back in Maine history to when we were going to site a ski area on Enchanted Mountain, just south of Jackman. That was going to be a ski area that was going to draw everybody from Quebec City to go skiing in Maine. Before Enchanted Mountain even really got started there were two ski areas sited just north and south of Quebec City. The Canadians have a way of keeping their own dollars there. If they don't they sure as heck have got a way of taxing what income might come out of gambling in Calais.

I read in today's paper where a businessman from Calais, who was here yesterday, said that he resented the paternal instincts of the Legislature, that we were (as a Legislature) taking a parental overview of the people in Calais. Certainly I don't feel that way but I do feel that Washington County deserves better.

At best the employment involved in this is minimum wage, closed-end jobs. There are very few people who will really come out with good employment out of it.

I have read everything that has come across my desk this winter and I have six inches of it here and I don't see how the common folks, so called, are going to gain much.

I have read that this is the last chance for Washington County. Well, I think in my adult life — I have read about harnessing the tides and how that was going to be the last chance for Washington County. Well, of course that didn't come to pass. I remember all of the discussion about the oil refineries and how if we didn't have the oil refineries that Washington County could never succeed. We didn't choose to have the oil refinery, instead we have a world-class shipping port in Eastport, which, it is my understanding the tonnage is expanding yearly. It is very prosperous. It is a wave of the future given what is happening in Europe.

We also found out that Washington County has the best site in the world for aquaculture to raise salmon. I sat (my first session) on a Commission to overlook aquaculture and when that was testified to I challenged the person that was testifying and I said, "Surely, you can't mean this is the best place in the world?" He reiterated that it was in fact there and given what has happened to our natural stocks in sea food of course aquaculture can't go anywhere but up.

What really offends me the most about this is how offensive this concept is to the Maine work ethic. From the days — and the people on the Energy Committee get sick of hearing me say this but at one point in time in my life I taught Maine history — if you go back to the days of the islands in the mouth of the Kennebec River, if it hadn't been for the Maine people settling on those islands, the Massachusetts colonies would have never got started. We, from that day to today, we are known for our work ethic in the State of Maine. This is known across the nation. Two people go in and apply for a job in Connecticut, New Jersey, Georgia, wherever it happens to be, if they have on their resume that they came from Maine they are going to have a leg up a little bit on the competition. I feel that this just flies in the face of the Maine work ethic that we have had as long as even before the days that Maine was a state. This work ethic is working to our advantage of even today.

We heard testimony this winter of the relocation of the banking industry to Camden Maine and in addition to the communications that were involved there, high on the list was the fact of the Maine work ethic. I read something here this winter that embellished that a lot.

Really, do we want a local economy in the State of Maine which is dependent upon a persons propensity to gamble.

What is gambling? As the good Representative said, I can't stand here and argue on this on a moral point of view. The State of Maine has a legal numbers game. When I was a kid growing up that was something you had in the city and was bad, now we do

it not only Saturday night but Wednesday night. We made a societal decision to do it and so be it.

You have to look at the definition of gambling. Gambling is just "get rich quick." Well, this to me comes down to a get rich quick scheme against honest work for honest wages. The people down in the GP plant in Woodland, how do they feel about this? There are people, career employees that this is what they have done all their life. They have worked there in that mill, honest work for honest wages. How does this fit with the other economic things in Washington County? How does this fit with the forest industry and the agricultural industry, the fishery industry, the paper industry, the recreational industry and the ports? All of these — we hear about the economy of Washington County but all of these businesses are flourishing one way or another in Washington County. They are expanding into a cranberry industry which we are told has all kinds of potential. They all exist in Washington County today and I feel that we should bolster them rather than head down this new avenue.

I think that we should rather explore — and these are all the things I have heard here on the floor this winter, I don't know whether a fiber optics communications would work in Washington County or not but I am sure that medical research, aquaculture, retired communities, furniture manufacturing and on and on could be explored for Washington County. These are all things that we have heard here on the floor that I have written down that I think have possibilities there.

To me it all boils down to one thing. Ladies and gentlemen, when this debate is all over tonight or tomorrow or the day after or whenever it does get over, I ask you to think one thing, would you rather have your grandson involved in one of these industries I just mentioned or would you rather have him be a blackjack dealer in a casino?

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Vigue.

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: My position on this kind of reminds me of a good old country classic by Barbara Mandrel, it is in reference to "I was country, when country wasn't cool." I was instrumental last year in bringing a bus load of legislators to Connecticut primarily to find out what would happen to the State of Maine if we were to get a casino. A number of legislators went with me, it was very informative. We went through security, went through all phases of the casino. I tell you this was done at our expense, it was not done on state expense — I don't recall exactly what it was but somewhere in the neighborhood of \$50 apiece by the time we got done paying for the hotel and the trip down. Rest assured, I am happy to report to you that I found nothing to sway me from my position of support for the casino.

A number of years ago the same opponents of the casino are now showing up were active in opposing the Lottery. Well, I tell you I fail to see the wrath of the devil come down upon us. We are still here and we now share \$35 million to support education and other activities of the state.

The Calais casino is certainly not a cure-all, but let me tell you it is the only game in town. I don't say this lightly. There is no one going to Washington County to start a business that is going to provide the number of jobs that are being done for us. We are not investing \$20 million or \$40 million

of state money, this is being done by private dollars.

This is a chance to stimulate and bring Washington County back to an active, workable — we talk about work ethics, there are no jobs to prove that they have good work ethics.

I want to put things in perspective. If I were living in the southern part of a lovely state I would be closer to the casino in Connecticut than I would be to the proposal of the casino in Calais. You travel north then east on Route 1 you end up in Perry, Maine. Most people have never been to Perry, Maine, they have never been much further than Bangor. They don't realize that Perry, Maine is where the Pleasant Point Reservation is or you might call it the "Unpleasant Point Reservation" due to the amount of unemployment on the Reservation. If you look at the sign in Perry, Maine you will see that it states you are now half-way between the equator and the north pole and you still have a great number of miles to travel before you get to Calais, you are still over one hour away. Or, you can travel the air line route. If you want to travel the air line, some people may think we are referring to a private air service. Let me tell you, the air line is not a private airline service. It is a road that most people who travel the eastern part of the State of Maine would travel rather than be on Route 1. On Route 1 you would be riding the hind end of mobile homes for six, maybe eight hours to get to Calais.

I traveled the State of Maine for 15 years. I have been to every little nook and cranny. I have stayed in the St. Croix Hotel and the biggest fear I had staying in the St. Croix Hotel was that it might burn down before I had a chance to leave. I used to call on Joe Unobskey in Calais Maine. Joe Unobskey used to own a department store there. I sold him jewelry for his jewelry department. The only punishment I had for selling him jewelry was that I had to rent a room in the St. Croix Hotel which he owned. So, I rented the largest facility which was called a Hathaway Suite. The Hathaway Suite was a four room suite, I would pay nine dollars per night and at the tail end of it I was paying \$13 because they had gone up. But, the people in Calais are great great people, they have great work ethics, they are honest, they are loyal, they are supportive and that is one of the reasons that I support these people.

Were it not for the Lord Ashburton Treaty, which extended the size of the State of Maine, it almost doubled the size of the State of Maine. Lord Ashburton was not as famous as his wife, she was more colorful than he was, but, that is a different story. But, the Ashburton Treaty doubled the size of the State of Maine and if it were not for the Ashburton Treaty, if we were to leave to go to Calais we would travel four hours to Canada to get to Calais. What we did, we now have a bigger part of the State of Maine and that is what we are talking about — perspective — this is size. We could go to Connecticut closer than we can go to Calais. There is no one, people are moving south. This would give us a chance to reactivate, to bring Washington County to life. I know these people, I have had a great deal of respect for them. I have traveled there. They are hard workers, they are caring and loyal.

The Indians want our help so they can help control their own destiny. They deserve our support.

Joseph Nicholas, a Passamaquoddy and a past member of this body, wants our support because the casino

bill would provide jobs for his people and for the people of Calais. The opportunity for these people who have no prospect for employment and no way to find work. So, it doesn't matter what those work ethics are, we have to find a way of giving them a chance to prove that they will work and they can make this succeed.

I urge you ladies and gentlemen to support, with your heart, the people of Washington County and the Indians of the Passamaquoddy that will be gaining from this, providing jobs for their people.

Cliff Dorr, the Passamaquoddy Tribal Governor says that his people supported the casino bill by a vote of three to one. Please allow us the opportunity to move our people forward. Please support L.D. 1998 for jobs for people for economic growth in Washington County. I ask for your support.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eastport, Representative Townsend.

Representative TOWNSEND: Mr. Speaker, Ladies and Gentlemen of the House: There are a lot of aspects of this that I can't speak to and I am not going to attempt to. I am not a lawyer, I am not a financial wizard from Wall Street. We have folks that are going to answer some of those questions.

The only thing I would say about that aspect, at no time have I seen the tribe or members — and there may be some exceptions of supporters of this, perhaps down east might get carried away a little bit but at no time have I ever seen or heard of IGRA being used as a club. As a matter of fact, what flies in the face of that is the fact that the tribe is here going through this process which they didn't have to do but they did and I commend them for it. They want us to be part of their process and that is why they are here. That is all I am going to say about that.

The only thing I am going to say about the law is I will repeat that I am not a lawyer and I will add that I don't want to be. Nothing against those in that fine profession but it is not something that entices me.

Anyone, anyone, (in all due respect) that tells you when you go into court this is what is going to happen — I would be very nervous about that. I state that only because it was stated here that it was pretty clear what the decision might be and I don't think anything in that respect is clear.

With that out of the way let me talk to you about what I do know. Let me tell you who I am and what I am. I am a working man from Washington County. I have earned my living all my life working with my hands. Anyone that knows me knows that I am very proud of that. I come from working folks, my folks come from working folks right on down the line. I resent, a little bit, folks trying to tell me what it is like to work in Washington County. I don't mind somebody telling me something that they know more about than I do.

I do it every day, so, I am going to tell you about working for a living in Washington County. My wife and I have, like a lot of people, like 85 percent of those folks in Washington County, work and earn our own living. We do it by doing different jobs. I am now presently a custodian. I have been a hand liner. I have been a street sweeper. I drove taxi. I have worked in Woolen mills. I have worked in paper mills. I have worked in the woods. I have worked in the water. Probably many many other things in between that I can't even remember because in Washington County what is available to you are



dead-end jobs and you have to have two or three of them generally just to make ends meet — a fact, it is still a fact.

I am very proud of my wife's and my work because our daughter whom we love very very much is going to graduate from college next year. Nobody, none of my brothers and sisters have ever graduated from college. None of my brothers and sisters have ever gone to college. We are now beginning to because we have worked all our life and we have been able to put a little aside. When I get kicked out of this House or whatever, that is one of the things I intend to do, not particularly to improve my life, not that I think working for a living is anything wrong with that but it is just a personal goal of mine. It was a personal goal of my parents. I have seen my parents sacrifice everything, all their dreams, all their hopes, to keep a roof over their five children's heads. The older I get the more profound the lesson that becomes. I would like to see that change.

I don't want to get sappy on you but I saw my mother die when she was 56 years old. Doctors will say that she died of this heart thing or that thing. I will tell you what she died from. She died from working her fingers to the bones and having no hope for anything for the future but the very same thing day in and day out. So, when I read news paper articles that say we ought to be promoting this and we ought to be promoting that in Washington County — well, when?

I have been working on port development since it began, in and out of public life along with a lot of other folks. I have been working on aquaculture before they even came to Eastport. When they started over in New Brunswick, they came over to the boat school and they said to me, (because the custodians always get the jobs nobody else wants — which is fine because you learn more that way) they said we want you to take water temperatures three times a day for a year. The good man that I work with, Gary Ramsdell, and I, did that. I had a dark room in the house (at the time) as a hobby. I went home and got a dark room thermometer because they didn't even give us a thermometer. We tied a string to it and every day for a year, three times a day, we took water temperatures so they could gather some information. I didn't charge them \$75,000 a year for consultant or study fees. I did it because I knew it was going to be something that we might want to get into.

I see Washington County's future in a lot of things, not just a casino. I see the casino as filling a niche. I see the casino as bringing a market to Washington County so that aquaculturists can sell more of their fish, so the port can have more folks in around there supporting that.

I give their due to aquaculture and the port, they are part of our future, no question about it. But, I don't want any one business being all our future, that is a dead-end street.

Aquaculture might not be there next week, there is no guarantee. As a matter of fact, considering some of the imports from other countries and how hard it is to get money to get people started in this business, there is no guarantee on that. So, if you are going to think about investing in aquaculture I urge you to do so but don't expect a guarantee in that either.

The port, we have done a great job and I thank different Representatives who have pointed that out. It has been a long hard road. I can remember the

times we traveled to Augusta, leave Eastport at four-thirty in the morning as a City Council and have a meeting with a particular bureaucrat at eight-thirty or nine o'clock and get here and find that he is not here, he is out-of-state. We have gone the whole gauntlet on that. Now when we come down here people listen to us because we have been successful, with your help, and I appreciate it and the people down in Washington County appreciate it as well.

There is no guarantee folks, I don't know what folks in the mill, working people in the GP mill think about this project. I think you will find varied opinions on it.

I know there is one feeling you will find very prevalent — nervousness, they are worried. No guarantee that mill is going to be there next week, next year, no guarantee whatsoever. If that goes down then the biggest part of our business in the port goes down as well.

This deal with gambling, I don't gamble, I never have in my life and I honestly don't understand what entices people to do that. If this casino is built in Calais I think that the most my wife and I would ever do is perhaps have a dinner or take in a show or something like that. I might do that, but gambling isn't something that fits in my lifestyle. I would rather stay home on the couch with the wife and watch a good movie — to be perfectly honest with you. Because after working for a living all day long you don't have too much energy to do anything else.

I don't want to get too impassioned about Washington County though I do feel very very strongly about this. There is something else that has been said on numerous occasions and I accept those folks in the House that may have opinions on that, I realize where it is very easy to come of that opinion. There have been different news paper articles and what have you and the general impression has been that poor people gamble, that you have to take care of poor people because they can't take care of themselves. Let me tell you something, that is very insulting. I was raised in a poor household. I always had a shirt on my back, three squares and a roof over my head and a nice comfortable bed and I have already told you how I was able to obtain those — not by my efforts. I find it very insulting because it assumes that if a person is on the low end of the economic scale they are on the low end of the intelligence and moral scale. Wrong. I am going to repeat that, wrong! That is insulting. As a matter of fact, if you want to generalize people in categories such as that then I would be more concerned about the morals of those who have \$50 million or \$60 million in the bank than I would those that don't have five cents in their pocket. I will tell you what, my parents always paid their bills first and they taught us right from wrong and like I say, the older I get the more profound that lesson comes.

I don't mind working my life away with my hands, as a matter of fact I am very proud and I am very grateful to my parents that they taught me that. Because no matter what happens in this world Buster Townsend will survive because Buster Townsend knows how to turn his hand at various things.

There are some things in life that I think folks have a right to have. I think they have a right to hope for something better for the children that they raised, that was my parents motivation, very selfless

motivation, I might point out. My dad wanted to be an engineer, never had the opportunity because he was too worried about Buster.

Ladies and gentlemen I don't see this — opposition, I think in many cases, has blown out of proportion as to what this is going to do to Washington County. I can't hit on all the points here and I am sure you will be hearing from me again before this debate is over with.

Please, ladies and gentlemen, when you speak about the working people of Washington County let's have a little respect, we are not all drunks, we are not all gamblers. As a matter of fact 85 percent of us do a darn good job taking care of those we love and we will continue to do so whether this casino comes to Calais or not.

I want to thank those in the House, each and every one of you for the past help you have given to us in Washington County on ports, on blueberries, and cranberries. We have a very diverse economy and I view this casino as fitting in a niche and even making it more diverse.

Working people in Washington County deserve your respect. It is us, over the last 200 some years that have kept that a pristine area. It is not folks from any where else in the world that has done that. The reason you have a nice place to come down to and spend the summer or visit whenever you want to is because we turned down Pittston Oil Company, we turned down oil-fired electric project and a number of other pie-in-the-sky from the west ideas. But, what each and every one of those things had in common was in order for them to work, in order for them to make money they had to ignore and in some cases wipe out what was already there. That was wrong. The difference in this project is when this casino comes in, if it comes in — excuse me, I am optimistic and I have to remain that way — but if it comes in it doesn't wipe out other businesses. It helps other businesses. In brings a market there.

The traffic on Route 9, infrastructure in Washington County has always been bad. I don't know why that is news to people. I mean, if we could have a new infrastructure in Washington County we could have done a lot more for port than we have been able to do.

The traffic you are talking about, most of it is already there, 3 million a year going across that border, across Route 9 and Route 1. That isn't even an argument.

When they wanted to bring Pratt and Whitney into southern Maine in different projects, infrastructure is always a concern but, I didn't hear anyone say don't bring it in because we don't have the roads to support it or we don't have this to support it. What I hear is a very different attitude, let's do what we can to make this work. Well, I ask for the same for Washington County.

I have spoken too long this time and you are going to hear from me again so, with that I am going to close and I want to thank you for your attention.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Township 27, Representative Bailey.

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: I rise today not to urge your support for L.D. 1998, I plead for your support for L.D. 1998. Washington County needs the \$40 million pumped into its economy in order to rejuvenate to the point where we can use the casino

as a small portion of our economic base and expand upon that to bring back the tourism that we have lost in the past 25 years.

I am an example of just exactly what the good Representative John Marsh spoke about. I am a resident of Washington County, have been all my life except for the 25 years that I had to leave in order to make a living. Since I have retired I moved back to Washington County, I put all my efforts into trying to build that county, provide medical services for that county to the point where we don't have to export all of our people out of the county and rely upon migrant workers to come in and harvest our blueberries and harvest the forest and thin our forest, that is what is happening in Washington County. I will tell you if you are going to talk about Washington County you ought to at least go up there and see the depressed economic state that we live in today.

L.D. 1998 — I started working on L.D. 1998 being opposed to casino gambling. I didn't work very long before I realized that we were going to have a casino in this state because the Federal Government in 1988 authorized the Native Americans in this country to use casino gambling as a means of generating revenues to support their very depressed populations. With that in mind I started working with the groups to encourage a negotiation that would allow the state to have the control it needs over a casino operation to keep out the bad that you all read about and hear about that is associated with gambling.

As a retired state police officer I know that a depressed economy brings more crime into an area than any casino could ever bring in. I also say, as a retired state police officer, that our state police in the State of Maine have the expertise to operate that casino and make the rules for the operation of that casino so that we are going to have a facility in Washington County that we can be proud of and that we can expand upon.

I had an occasion the night before last to speak to a gentleman by the name of John Winsockey, a gentleman from Connecticut that lives in an area that is near the casino complex in Connecticut. His first statement to me was, "The casino in Connecticut was a godsend to this area. When it came to us, we were in an area of decline. All the defense related jobs were leaving and this area was dying, it was nothing but a rock pile." In four years, since the casino started in Connecticut, they have gone from 4,000 employees to many thousands, over 10,000. He indicated in the paper that there was an article that stated 27,000 jobs. I don't know if that was indirect and direct related jobs or what but, he tells of the good things about the casino that the casino has brought there.

We talk about the fear of a traffic problem here. That casino has seen up to as many as 45,000 people visit it a day. We are talking about 2,000 in Calais. That casino in Connecticut is out in the boondocks on a narrow road, if they can take 45,000 people a day into that casino I guess in Washington County on Route 1 we should be able to take a few of the people that are already there. We are one of the ten busiest border crossings in the United States. I think we can take the 2,000 people that is anticipated for that casino and not have to put a big burden on the road systems.

Again, John Winsockey talks about the Native Americans in Connecticut that are going to invest

\$30,000 in building a Native American museum. Just imagine what that does for that state. Just imagine what something like that could do for this state if we could have a Native American museum. Just imagine the tourism that would generate, the people that would want to visit that.

He also talks about in Connecticut they are in the process of talking about building a Disney World type complex near the casino to make it a family affair where it is going to be under glass so they can operate 365 days a year. He also talks about a vision of having high-speed ferry service from Long Island with a tramway from Mystic up to the casino. Those people are thinking, those people are going to be the people that have the job opportunities made to them. This state has got its head buried in the sand. As long as we have it there we aren't going to create jobs in this state. We have let the state lose 50,000 or 60,000 jobs since I have been in this legislature and boy I will tell you if we don't turn this around we are going to have a state that cleans up after the tourist leave in the summer and that is it.

Again, I not only urge you to support, I plead for your support of this and let Washington County move ahead.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bangor, Representative Faircloth.

Representative FAIRCLOTH: Mr. Speaker, Men and Women of the House: I rise in opposition to Committee Report "A." In 1988 only Nevada and Atlantic City had major casinos, now 27 states have casinos. Most of those 27 authorize several casinos or are planning several casinos. We New Englanders, with one casino in Connecticut are now considering seven major casinos. The casino tidal wave has reached the shores of our small state. Casinos have broad economic and moral implications and social implications.

Often we legislators must choose between the green button and the red button. Each choice matters. Occasionally, a vote takes on a greater meaning. Today we face such a vote. Today we must decide what kind of state we are and what kind of state we want to become.

I urge this House to reject Committee Report "A" the casino bill. Between the casino bill and Committee Report "B" (the "Ought Not to Pass" Report) I definitely favor "Ought not to Pass." I hope that we will later move on to consider Committee Report "C" as the better solution for all concerned which would authorize a Passamaquoddy casino but provide for a Constitutional Amendment restricting the spread of casinos. If casino supporters are not interested in that compromise or the proponents can't garner support for that then I would simply stand with the "Ought Not to Pass" Report as I speak now.

To those who want a casino in Calais, I urge you to vote "Ought Not to Pass" because this proposal, Committee Report "A" lacks a Constitutional Amendment restricting spread of casinos. It would be much better from your perspective to have such a Constitutional Amendment. To those who don't want casinos to spread state wide, I would of course urge you to vote "Ought Not to Pass" but to then consider moving on to consider Committee Report "C."

Four principles require rejection of Committee Report "A." Principle #1 — in honor of a Portland newspaper reporter, it is Weinstains Law, which holds that once a state allows one casino, it will allow

several.

Principle #2, casinos with localized markets are economic cannibals that increase poverty and decrease economic development.

Principle #3, a casino in an isolated area with a constitutionally guaranteed market and many out-of-state patrons can foster some economic growth.

Principle #4, only a Constitutional Amendment can bind future legislatures and Committee Report "A" will not provide for that.

First, Principle #1. The so called casino bill, the statute proposed by a minority of the Judiciary Committee, purports to authorize a casino for the Penobscot's and Passamaquoddy's only with the specific authorization for a Calais casino. Make no mistake, if this statute passes, the odds are very high a casino will be coming very soon to a neighborhood near you. Casinos are the junk-food of public policy in the 1990's, no state can have just one.

The Constitutional Amendment language (which this Committee Report "A" lacks) would restrict the casinos to Passamaquoddy's and Penobscot's and it also requires first that casinos be located no closer than 75 miles from large towns (those with 30,000 plus population) and, second, requires the casinos be located nearer to large towns out of state.

Governor McKernan recently insisted that this Constitutional Amendment language be added to the casino bill (the statute). I am honored the Governor insisted upon this addition to the bill. However, if this criteria is merely in statute and not enshrined in the Constitution, it is as Senator Conley said, not worth the paper it is written on.

I called University of Nevada Professor, Nelson Rose, perhaps the foremost expert on gambling policy in the United States. He confirmed that though states sometimes try to restrict the number of casinos statutorily, the temptation is too great and mere statutes are too weak. Once the flood-gate is open casino saturation is the rule.

University of New Orleans professor Tim Ryan states, "In every jurisdiction I have observed, the industry continues to push for more. There is no such thing as limited casino gambling." Win or lose the casino lobby will be back unless we pass a Constitutional Amendment.

Now, the proponents of casinos might argue that casinos do not spread when you have Indian gaming. In fact the only reason that might be the case is because in western states there are so many tribes and so widely dispersed throughout western states that they saturate the market in and of themselves which is perfectly creditable to the tribes out there. To give you some examples, in Washington State they have nine casinos. Montana, a state the same population as Maine has five casinos. North Dakota has half the population of Maine, has five casinos. Arizona, eleven. Wisconsin, eleven. Minnesota, twenty-two. The idea that an Indian casino in a state somehow prevents further casinos is a whopper.

Right down the road in the State of Connecticut, where they claim to limit casinos, they in fact are now talking about spreading casinos throughout the state just merely in the State of Connecticut. So, the whole concept of limiting casinos merely by statute simply does not work.

Principle #2. Casinos with localized markets are economic cannibals that decrease economic

development. Professor Rose said, of Maine's proposed casino statute, "As long as they are a monopoly they have a chance but then a monopoly will not last with this statute and neither will the economic development. The only way to ensure a monopoly is a Constitutional Amendment. Without it guaranteed wide market and ample out-of-state patrons are not a boom, they are a bust.

Economics professor John Grinney studied the numerous Mississippi casinos. The casinos are not generating new dollars but are just stirring up the resources we currently have and redistributing them. Local money spent at the roulette wheel is not used to feed children or build houses. Without a restrictive Constitutional Amendment casinos will increase poverty in Maine.

University of Massachusetts professor Robert Goodman writes, "While remote areas are historically favored for casinos, urban casinos are now becoming a trend in the future with negative economic consequences for rural casinos." More than 20 casinos plague the State of Minnesota, thus their casino markets are very localized. A Native American journalist in that state writes for a Native American newspaper, "We are seeing unemployment here. We are finding that welfare payments went down at first, now they are up and they are staying up."

The National Institute of Mental Health concluded that, "As gambling opportunities increased so do active addictive gamblers. Urban casinos in particular create huge pools of active addictive gamblers who live within a short drive of the casino. According to the Minnesota Gambling Commission, membership in the Minneapolis/St. Paul Gamblers Anonymous increase sixfold in recent years. Compulsive gambling leads to other problems, including debt, theft, embezzlement, disruption of family life and worth, increasing social service demands and private health insurance costs."

Principle #3. Casinos in isolated areas with Constitutionally guaranteed market and many out-of-state patrons can work socially and economically but this bill lacks a Constitutional Amendment. Stephen Gold, director of the Center for the Study of the State's writes, "Casinos are most beneficial when they attract many out of state residents. It is more positive if a casino is part of a designation resort. Law enforcement is easier in an isolated area than it is in an urban area and the jobs means much more as a percentage of the local economy but this bill lacks a way to insure that result and therefore is entirely inadequate and casinos will spread and increase poverty in this state.

Principle #4. Only a Constitutional Amendment can bind future legislatures. The casino statute purports to limit casinos to the tribes based on their shared unique sovereign status but granting a unique right to one class of citizens via statute is entirely inappropriate. Only a Constitutional Amendment carries the proper legal and moral weight for such a unique grant of authority. There is precedent for a Constitutional Amendment in other states. Wisconsin voters approved a Constitutional Amendment banning casinos entirely. California allowed some forms of gambling, similar to what we might be able to do here but simultaneous prohibited casinos elsewhere. If you want to say to your constituents in Lewiston, Bangor or Portland or wherever that a casino will not be coming to a

neighborhood near you, ever, a Constitutional Amendment is the only way. The casino bill lacks a Constitutional Amendment and is therefore a written invitation to the casino lobby to come to Augusta, session after session until they get their way which is casino saturation, they will continue to push until they saturate the market, that is what they do, that is their job, there is nothing wrong with it but that is not our job as legislators to allow for such things.

The casino bill is an excellent example of how to regulate a casino but we did not really address whether to have one. Instead of independent economic and sociological analysis the Judiciary Committee was spoon-fed rosy numbers from a group bought, paid for and brought to you by Harrah's — the same group, by the way, that did economic projections for the State of Maine.

If you want a Calais casino you should want a Constitutional Amendment. If the casino bill passes without a Constitutional Amendment the flood-gates will be open. A Constitutional Amendment is the only way to protect your marketplace. Voting "Ought Not to Pass" is a better choice on the casino bill but I hope we will move on to consider Committee Report "C." The casino frenzy is strong. To assure your constituents that a casino will not be coming to your area an "Ought to Pass" vote is totally inadequate. The only way to limit casinos permanently is a Constitutional Amendment.

Second, I believe the people down east with a Constitutional Amendment will benefit if we have that Constitutional Amendment restricting their market, then you can draw out-of-staters and well-off tourists and help put food on the table down east.

Never before have I spoken on behalf of a Minority Report from the Judiciary Committee but this issue is important. The reasoning for a Constitutional Amendment is strong and every once in a while you have to be willing to go it alone. Without a Constitutional Amendment these casinos will spread, they will localize their markets, they will increase poverty state-wide and decrease economic development.

I urge this House to decisively reject the casino bill and I hope later that they will consider the Constitutional Amendment which fulfills the true Maine character, it is moderate, it is compassionate and it is decisive. Let's settle this issue once and for all.

Please reject the pro-casino lobby, reject the hyperbole against the casino too. Reject the passions of the moment and please reject Committee Report "A" so that we can explore the possibilities of compromise that could benefit all the various sides of this debate.

The SPEAKER PRO TEM: The Chair recognizes the Representative from South Portland, Representative Johnson.

Representative JOHNSON: Mr. Speaker, Men and Women of the House: I woke up very early this morning, at five o'clock, that is early for me and like a splash of cold water I said this is the day you have to make up your mind. I have been all over the chart on this issue as all of you have, I am sure. I have been besieged by my clergy friends, my piers, on issues of church and spirituality and morality. Then people have come after me for dollars and looked at me and said, now look at the dollars on this side and look at the dollars on that side. Then other have come along who have been experienced with

it. People talk about social impact, what it is going to do. I have searched for a standpoint. I have looked really hard for a place to stand which gives me a clear conscience point of view without any sense of self-righteousness and without arguing for or against it — even the stuff that is coming forth and where I have landed is this, I am going to respect the judgment of the Passamaquoddy people. They are intelligent, they are perceptive, they are sensitive, they live there and they sweat over this, and I am going to come down and say what can I do to support your position?

I have a great concern for spirituality, for the inner person and what happens inside of you. I am well aware of the temptation of gambling and all that attends it. But, that is not the only temptation in life. If you are a stock broker, if you make your living doing that there are great temptations.

We could have an industry up there that deals in weapons. Then we could sell those weapons to all the people in the third world countries and feel that we have got a good industry up there. I wouldn't feel good about that. I don't know of any industry that is pure or clean but here is an attempt by a people, the Passamaquoddy's, they have worked at it, they are concerned and I trust them and I will support them as much as I can.

So, I will urge my friends here in this House to support this bill, the "Ought to Pass" motion.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Augusta, Representative Lipman.

Representative LIPMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to share with you some of my thoughts as a member of the Judiciary Committee. First of all, I think a great deal of credit has to go to Representative Farnsworth. Representative Farnsworth has worked tremendous amounts of hours; very, very hard, shown tremendous patients and has coddled, cajoled, did everything one could do to try to make this a workable bill. I commend her for her effort and I commend the many people who worked long hours to reshape this bill from where it came from.

However, there is another issue that we never really discussed in the committee, that we really never heard a lot of testimony about. That is the issue, do we want casino gambling in the State of Maine? It is the same issue that my good friend and member of the Judiciary Committee, Representative Faircloth and his Minority Report refers to when he says we need a Constitutional Amendment to decide whether we want casino gambling. I too have gone out and filed another Minority Report saying that the first thing that the people in the State of Maine must decide is do we want to put the State Seal and the State Stamp on casino gambling. I believe that is a proper subject for the people of the State of Maine. The people of the State of Maine voted on lotteries, they have a right to decide whether we want to have casinos.

This question is not that simple either. We have a law out there called IGRA. What I would like to do is share with you how I view IGRA fits into this picture. I believe that the tribes have an argument under IGRA and I believe they could well win under IGRA. If we deny them the opportunity to have a casino they could proceed with their rights under IGRA as they did in Rhode Island and they would end up with the right to have gambling under IGRA, however it would be on Tribal land rather than on

state property.

The other situation is they wouldn't be entitled to, necessarily, roulette and slot machines. So, there is sort of a hooker in there if you go under IGRA.

The fact if we agree in the State of Maine to allow this bill to go through, does not preclude or prohibit and we cannot stop the tribe from proceeding under IGRA. So, we must understand that even though this bill passes there is nothing to stop the tribe from going under IGRA. If in fact an argument could be made, well, we negotiated in good faith, therefore they couldn't win under IGRA. We cannot take their right away to go under IGRA, that is federal law, that is a federal jurisdiction.

It becomes a little more murky and a little more muddy when you realize that there is Tribal land in Albany Township, which is in Bethel, Maine and Tribal land at Sugarloaf. So, it is very conceivable that they could go under IGRA whether we turn them down or they accept it and they could open up a casino in Albany Township, which is in the Bethel area. It is very possible. Which all leads us back to the situation — what we think we are doing today and what we believe we are doing is very very important. But, there may be a lot of very important things that could happen in the future.

We have to go back to the argument made by the good Representative Marsh, economics will play a large role in this. The economics is such that as much as we want to see development in Washington County and we will do whatever we can, will there ever really be a casino in Calais when you realize that the source of the population comes from New Brunswick? And, when you realize that people who live in Canada are going to be having to pay a tax to do business in Maine, remember there is an exchange rate of 72 cents on the dollar. Are they going to want to suffer that exchange rate when they come to the State of Maine to gamble at our casinos or are they going to build their own casino? Or, are we going to end up with the project in Calais not being feasible and a casino in Bethel?

All these questions loom out there and we can't answer them today because we don't have the decision on IGRA and we don't know where it is going to go. One thing — and this is the reason for the Minority Report "B" as I have filed it — I believe the people of the State of Maine should have an opportunity to decide whether we want gambling. If they decide we do not want gambling then we should do what we can to discourage it and we should fight, as the Attorney General of the State of Maine has indicated that he can do, the fact that gambling should not come into the State of Maine, we should fight the case under IGRA and we may well win. I understand the Attorney General's Office believes they can win that case.

On the other hand, if we are to have gambling in the State of Maine the door is open. It should be regulated. It should be regulated by a state gaming board.

The reason I prefer a state gaming board rather than the process we are going is twofold. One, if we had gambling and casinos, I believe, we are going to be confronted by organized crime.

I believe we are going to be confronted by prostitution and I believe that we have got to change the type and nature of our law enforcement.

I also believe that we need a state gaming board because we have to look into the financial viability

of the applicants.

I have no concern with the current applicant, the Passamaquoddy Tribe and what they are prepared to do today.

However, only a year ago when this same bill was presented the money was coming out of Malaysia and the operators were people who were unlicensed or coming from either Connecticut or Rhode Island.

I believe that we need a gaming board, even though it is going to cost money to evaluate the financial viability of the proposed applicant.

I do agree very much with Representative Faircloth, that if we pass this bill we are not going to see the end of applications for casinos. We are going to see them for riverboats, we are going to see them for other areas of the State of Maine and we must be prepared to handle it if in fact we are going to do it.

So, what I say in conclusion, and I urge my fellow legislators to follow that is that this is such a monumental step that we ought to let the people of the State of Maine decide. And, if the people of the State of Maine decide we are going to have casinos then no one should get a monopoly, we ought to have a good firm plan to regulate it and we ought to spend the money to have a state board and make sure that the people who are applying have the financial viability and have the integrity to run the system and that we ought to decide where and when in the State of Maine there ought to be casinos.

In taking this position I no way intend to cast any dispersions on the present applicants. I think they have done an admirable job. I believe that the Passamaquoddy Tribe has come a long way from the time we heard about the applications, where money was coming out of Malaysia and we weren't sure who the operators are.

I commend Representative Farnsworth for the tremendous effort she has gone through in working with all the people to come up with a viable bill. However, I think we have to look at the bigger picture and the bigger picture is that do we want to have casino gambling in Maine. That is a decision that each one of us has to answer. I am going to vote no on this bill because I want to give the people a chance to decide.

**THE SPEAKER PRO TEM:** The Chair recognizes the Representative from The Passamaquoddy Tribe, Representative Soctomah.

**Representative SOCTOMAH:** Mr. Speaker, Men and Women of the House: The Passamaquoddy people live on two communities in Washington County, our ancestral land. We have lived there since time immemorial. Our land base has been reduced and Reservations have been created. We need to sustain those communities today.

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 of opposition to this bill from a few individual members of my Tribe. I speak today, however, to assure you that this bill is strongly supported by the elected leaders of the Tribe, many of whom have always been here in the past few weeks.

In addition, the bill is supported by the great majority of Tribal members who live on the Reservation at Indian Township and Pleasant Point. To this majority this project is an opportunity, it is not a goal in itself but a means of achieving our

own tribal objectives, of doing things that we want to do, that we must do, if we are to develop as a Tribal people.

We have enough experience with government subsidies and government 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 the Tribe, this bill is not about gambling, it is about jobs in our local area. It is about investment in Calais and the surrounding regions where we live. It is about establishing a commercial attraction that will stimulate long-term economic growth in that 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 orally. Our culture lives through community. It is housed and practiced and passed on to new generations only in the support of a community setting that is Tribal.

To keep our communities, to keep our language, the traditions and ceremonies that bind us together as a people and make us distinctly Passamaquoddy cultural people we need communities that are well and vibrant where people look to the future knowing that we control our destiny.

When that spirit is present and I know that we will hold our people and 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 tradition and in the ways that have come to us.

Just as we have cooperated with the City of Calais in developing this proposal for the benefit of the whole area Indian and non-Indian alike, we extended our hand to the Governor, 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 this state and we want to contribute to the growth of the Washington County area.

The majority of people in Washington County believe that this bill will succeed in doing that.

I want to thank the legislators that have worked very hard with the Tribal people in developing this compact, this agreement. They were very responsible to their constituents in working with us to ensure that this is a good bill, protecting all citizens in the State of Maine in this project.

I ask that you support this legislation, which costs the state nothing, to bring new investment and tourism and jobs of all kinds to Washington County.

We need to revitalize the economy of our area so that we in the Passamaquoddy tribe and we in Washington County can support ourselves so we can keep our people at home where they belong and contribute to the communities that are so important to our future as Maine people.

**THE SPEAKER PRO TEM:** The Chair recognizes the Representative from Orono, Representative Cathcart.

**Representative CATHCART:** Mr. Speaker, Men and Women of the House: I rise to ask you to support Report "A" "Ought to Pass" on this legislation. We have heard a lot of rhetoric, we have seen a lot of press on this casino bill. Frankly, I am a little surprised this has turned into the hot issue this year since we have been working on this legislation more than a year in the Judiciary Committee and the sub-committee has done a tremendous amount of work to make this an excellent, tightly worded and crafted bill.

I think we get carried away with the idea of casino gambling. There are so many scare tactics being used. People are saying if we allow this bill to go through this will breed more and more casinos in the State of Maine, our beautiful state will be littered with slot machines and blackjack tables. That is just not so.

What will happen if this legislation passes is there will be one casino in Calais. There could have been a second but the Penobscot Nation recently voted not to have a casino at this time. I respect the vote of their people just as I ask you to respect the vote of the Passamaquoddy Tribe who favored the casino. It is one casino. Perhaps many many casinos are not a good idea. That will be for future legislatures to decide because they will weigh any proposal for another casino on its merits subsequent to this one. They will have more data, perhaps then, more long-term statistics on what happens if casinos are allowed to proliferate. This will be one casino resulting from this bill.

The economic development piece is very important but I don't think we should condemn this one bill for a casino because the state has failed miserably to create economic development in Washington County. We are talking about a chronically poor and depressed part of our state where we have done virtually nothing to help the local people with jobs and with development. This would be one business that would bring more millions of dollars into that poor county to encourage other business to develop. That is all it is, it would create a few hundred jobs for people who don't have jobs. So what if some of those jobs are minimum wage jobs — that is not good but it is better for the people there to be able to work than to just have to stay on welfare. The jobs would be very real and they want those jobs.

I ask you not to make too big a thing of this, not to say it is going to be the proliferation of casinos, it is not going to save the state, it is not going to ruin the state, it is not going to make Washington County the richest county in the state probably, (though I would like to see that happen), but it will bring jobs, it will bring money into that area that desperately needs them. So, I ask you to support this motion.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I have, up until this morning, I had not made up my mind. When I heard one previous speaker get up I made up my mind I will vote for it.

I know that this is an important issue but I think we should stick to the issue. When I heard someone categorize the people in Washington County as a bunch of blueberry pickers with a pocket full of money and get drunk on Saturday night — that is a blanket condemnation of a whole area of the state. Those are good people. They live in Washington County, a lot of them, by accident of birth — they live there, they have got nothing else. I have got a lot of friends in Washington County.

I can't help but think this is the same type of language and thinking that I say back in 1946 and 1947 in Lewiston when one of the new Legion Posts was trying to get a liquor license and the remark was made, "Why have another liquor license, all you have is a bunch of Frenchmen who work in the mills and get drunk Saturday night?" I thought those days were

gone but apparently not. You still have a lot of mental cross burners floating around. I hate to see that this thing would delegate itself. I have heard and read in print where they are damning the welfare people. A lot of those people, it is not their fault. I hope that we keep this clean and not start tearing down people because of the economy and the accident of birth of up in Washington County and they are doing the best we can.

I want you to make up your mind on what is here, what the issue is and let's leave this idea of blanket condemnation of any group of people out.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Pouliot.

Representative POULIOT: Mr. Speaker, Ladies and Gentlemen of the House: I strongly urge your support for L.D. 1998. Much has been said about this issue. This bill should be supported because of the support it will provide to the Passamaquoddy's and the economic development and the real jobs a casino will bring to Washington County. Yes, this bill will allow a casino in Calais. This bill, however, does not and will not create — I repeat, will not create an unstoppable train which will bring a string of casinos to Maine.

L.D. 1998 is drafted to be very tightly regulated at the casino in Calais.

L.D. 1998 does not allow casinos state wide.

L.D. 1998 does provide the opportunity for a very economically deprived region of this state to experience an influx of good paying jobs rather than seeing a continued outflow of persons, young, middle-age and old, who can't live in the region because there are no jobs.

The Calais casino bill presents an undeniable opportunity to bring not just jobs to Washington County but economic parity with the rest of Maine in the most disadvantaged region of Maine.

Over the past 12 months Washington County unemployment was a staggering 69.9 percent higher than the state average. In January unemployment in Washington County was a sky-high 18 percent. I say to you, ladies and gentlemen of the House, we can do better for our neighbors down east and we must.

During the same time in 1993 unemployment at the Passamaquoddy Reservations, Indian Township and Pleasant Point, reached a staggering 55 percent.

Imagine in your district every other person in your neighborhood without a job or the means to support him or herself or their family. We can do better for our neighbors down east. And, I repeat, we must.

There is appalling poverty in this region and the Reservations are no exceptions. Forty percent of the houses in Pleasant Point are home to two or more families. For almost half of the Reservation, overcrowding is a daily reality. For these neighbors down east there is no American dream.

One might say this area has never recovered from the great depression. We can do better and we must.

The 25,000 members of the Passamaquoddy Tribe are all that remain along with the Penobscot within the State of Maine of that former and extensive confederacy once known as the Eastern Indians.

The Indian Land Claims Settlement has provided the Passamaquoddy land and the opportunity for more economic independence. Since the settlement, they have tried hard to bring jobs to Tribal members and to Washington County. Their efforts over the past decade have gained little. Only one manufacturer has



been attracted to the area, that company provided about 50 jobs and required significant government assistance to locate in Washington County.

Jobs remain scarce. We can do better for our neighbors down east and we must.

It is very easy to say that the Passamaquoddy and the people of Washington County should try harder. Let me assure you, they have tried harder but blueberries don't provide year-round employment and benefits. Agriculture will not provide the jobs or the benefits needed.

Timber harvesting is under attack and the largest employer in the area, Georgia Pacific, is facing an uncertain future (as well as all Maine paper mills).

Where are the jobs supposed to come from? Saying that there has to be more creative thinking about job creation simply dodges the issue.

Face reality, there are no opportunities for a large number of good jobs to be created other than by allowing a casino. The casino will bring 725 direct jobs. I repeat, direct jobs — 300 in gaming operations, 425 in administration, finance, computers, security, food and beverage, personnel, marketing, purchasing, facility and customer service. Ninety percent will be filled by the Indians and Maine citizens, I repeat, 90 percent will be filled by Indians and Maine citizens.

The average wage will be \$24,000. Employees will receive full-range benefits, health coverage, savings and retirements plans.

Almost 800 more indirect jobs are projected, construction jobs, retail jobs, tourism jobs, jobs for local people.

The key question I have always asked myself through this whole bill is having seen it go through and I have always asked myself as I try to represent my district in Lewiston — I said to myself, knowing the economy of Maine, what does having a job mean? You must ask yourself that question. The reason why I say that is because many of you will be hitting the campaign trail. I know that one of the primary things that you will probably have on your brochures, is "I am for jobs" and you will leave it there. But, I ask you, when you go home — define jobs. To me job means self-respect. It means security. It means the ability to provide for yourself. It means the ability to provide for ones family. It means the ability to provide for others through charitable giving. It means the ability to break the cycle of poverty and get off welfare. How many times do we hear this said in the House, we have to get them off the roll. Here is the golden opportunity to help Washington County and the ability to wake up each day with a purpose in life.

Problems of unemployment and poverty impact every person in human terms that few of us here today can fathom. But, I know there is hope. The proposed casino in Calais is a genuine opportunity for the Tribe to gain financial independence. For the region to create sustainable economic development the Calais casino will provide the chance to create jobs, to invest in people, to provide the resources for the Tribes most basic needs, education, municipal services, youth programs, elderly support and the additional economic development for Calais and the region. Your yes vote will put the Passamaquoddy on equal footing with other tribes in the United States in terms of economic development and independence. You can help the Passamaquoddy and the citizens of Calais do what they want to do for themselves.

I would just like to depart for one second. I couldn't help thinking, as I was watching the debate and I said to myself I know now that I am on the right side because I am trying to Represent all Maine and to represent a region that is deeply impacted with poverty but when I look in the gallery and I see the businessmen of Washington County, ladies and gentlemen, I say to you here today, wake up, these people are here today because they care, they care for their region. They see the opportunity. This agreement has been agreed with before the committee in good faith. Don't let this opportunity escape Maine where we have a bill before us where we can control and regulate. I applaud these businessmen to take time out of their business and their busy schedule in a deprived and poverty area to come here and possibly cost them \$400 to \$500 to be here four or five days. Well, I got that message and I hope that you will support Committee Amendment "A."

The SPEAKER PRO TEM: The Chair recognizes the Representative from Caribou, Representative Robichaud.

Representative ROBICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: We can do better for our neighbors in Washington County and we must. However, my definition of jobs is jobs that are a net increase to the community, not jobs at the expense of other jobs in the community. Economic development means value added.

We can talk about generalities and economic development and jobs ad infinitum and we will agree on some points and we will disagree on others but we have an L.D. in front of us and I would like to talk about some of the specifics in that L.D. and this proposal.

When we talk about economic development that is the motivating force behind this L.D.. I have some serious concerns about how this money that is going to be generated at this casino, where that money is going to come from. Harrah's own numbers, Harrah being the management company who will be or has been hired by the Passamaquoddy's to run the casino, Harrah's numbers say that in order to meet their projected revenues each person who enters the casino per day must lose \$60. That is the premise to making money, that each person has to lose \$60.

Also, Harrah's numbers say that 15 percent of their patrons are going to come from zero to 50 miles around the casino, 15 percent. Fifty-five percent of their patrons are going to come from 50 to 100 miles around the casino, that adds up to 70 percent. That means that the local people in Washington County and maybe even stretching into my own Aroostook County and into Penobscot and surrounding areas are going to be asked to provide the revenue for at least 70 percent of the projected million dollars of revenue that this casino is intended to make.

The purpose of this bill is to provide, as the proponents have stated, economic development and jobs for the people of Washington County. A very legitimate aim but if they are making — if they are intended to make money from those very people who need so desperately economic development and need jobs in order to feed their families, are we asking them to foot the bill? I find that kind of disturbing.

I also would refer to a study, a two-year study done by Robert Goodman, who is an urban planner and economic development professor at the University of Massachusetts at Amherst. In his study he looked at



economic development values of casino projects all over this country and he specifically looked at the economic development study done by proponents of the casinos. He found that in those studies that are done by the casino companies and the proponents, generally, revenues and job numbers have been over estimated. That is in his study.

Also, as was mentioned before by Representative Faircloth, we have to keep in mind that people gamble with their discretionary income. Now, discretionary income can be defined by whatever money you have left over once you have paid all your bills and your necessities.

I am a little concerned at the expectation that 70 percent of the patrons of the casino are going to come from Washington County when the aim is to provide discretionary income for people of Washington County and provide basic income. I thought the problem was that these people didn't have discretionary income to spend. And, if they did, does this mean they are going to spend their discretionary income at the casino instead of at their local furniture store, local clothing store, local restaurant? What is the net impact on the local businesses that already exist?

Again, I would just hate to see a situation where in our haste to do some good we end up creating an either break even situation with regard to jobs or a net loss of jobs. I think we have all been able to recognize that small business is the backbone of our state and I am just very concerned at anything that might put those small businesses, especially, in an area that needs so much of our attention and so much of our help. I am worried that we put those small businesses at risk.

I also just want to mention something about IGRA. You all understand the Indian Gaming Regulatory Act of 1988 and how it relates to the Maine Indian Land Claims Settlement Act. I will just mention one more thing. There is nothing that we (as a state) can pass or not pass that will prevent a law suit against the State of Maine so that an Indian Tribe can put a casino under IGRA. The very argument that the proponents are putting a casino under IGRA would use in a court case they would use to argue that Maine can't stop them. IGRA is a federal law. However, as people have stated before and I won't go into it in detail, Maine has an exemption in its Land Claim Settlement Act, has a paragraph that says that anything after October 10, 1980 when the Land Claim Settlement Act was completed that does not specifically mention Maine, and IGRA does not, IGRA applies generically across the whole country, then it does not apply to the State of Maine. Since IGRA does not specifically state "Maine" and we have that provision which is very different from Rhode Island — in fact, in the Rhode Island decision they mention that Maine and Massachusetts both have provisions that set them apart from the Rhode Island Land Claims Settlement Act. Because of that I feel that the case under IGRA would not be successful.

Remember back a year and a half ago when we first got this bill, L.D. 1266? At that time that bill was to establish a compact agreement under IGRA between the state and the Passamaquoddy Tribe. We determined, I should say the Judiciary Committee, I was a member of the subcommittee, the Judiciary Committee determined after reviewing, hearing from all the people who testified at the public hearing that putting a casino under IGRA would probably — it

would result in a law suit. So, in an attempt to avert that we decided to craft this under Maine law. That opens up a whole new avenue. The original proposal was under IGRA so all the threats or I should say the predictions that there will be law suits, that is what we would have dealt with at the beginning of this issue and I deeply believe that there is nothing we can do to prevent that.

I would just ask you to look at the bigger picture. Look at Washington County, look at the fact that there is a need for economic development but also look at the fact that putting a casino in Maine not only impacts the people of Washington County but of the whole state. It is our duty, in order to represent the people of our respective districts to raise questions as to how that will impact the people in the whole State of Maine.

I am concerned about a variety of issues, many of which I have expressed to you all at separate times. I deeply feel that there are enough questions and enough concerns to warrant at this stage a vote against Report "A." I would urge you to join with me.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Mr. Speaker, Men and Women of the House: I would like to just explain a few things that are in Report "A" before I get into discussing some of the issues that have been discussed here today and talking about casino gambling. We are looking at quality of life, social issues that have not been discussed, economic problems that may occur and infrastructure costs.

This bill imposes a ten percent casino excise tax on gross gaming revenues, less the value of all prize winning paid. For the first five years of operation the casino will be allowed to exempt \$10 million of gross revenues per year to cover debt service and management fees. In addition, the casino will be allowed to exempt another \$15 million of gross revenues in the first year of operation to offset their \$1.5 million advance to cover — the Tribal people had advanced the State of Maine \$1.5 million to cover regulation enforcement costs for the fiscal year 1994-95. The bill also established the casino tax account to pay regulatory costs from casino tax collected as well as make payments of up to \$2 million per year to the city of Calais and the Rising Tide Development. Based on the projections of — I used numbers from \$45 to \$53 million annually in gaming revenues and after the deductions of the exemption, regulatory enforcement costs and payments to the City of Calais and the Rising Tide Development Fund the General Fund receives absolutely nothing. I feel that as legislators in this state we must cut the best deal for the State of Maine, this is not the best deal.

The State of Maine is being faced with a situation that 25 or 26 other states are being faced with. Whether or not the Passamaquoddy and the Penobscot Nation fall under IGRA.

I would like to give you two scenarios, if in fact this bill fails the Passamaquoddy Tribe will go to court. They can either do two things, win or lose.

If they prevail in court the Passamaquoddy Tribe will fall under IGRA. That means that they will have a casino on Tribal land. The State of Maine will not allow any mechanical devices or slot machines, roulette wheels or games commonly known as policy or numbers in that casino. So, the most profitable, and

I say profitable instruments that are used in casinos as we all know are slot machines. They will not be allowed in this casino. Roulette wheels will not be allowed in this casino because we don't allow them under the laws today in this state. We all know what is happening in Connecticut, the revenues that are generated just in the month of October alone, after accounting for pay-off to players, the tribe took in \$32 million in slot machines. Why do I know that? Because when the tribe in Connecticut prevailed in the courts there was an agreement that was reached after they prevailed, where the State of Connecticut took a percentage of revenues generated from slot machines. Those revenues have contributed to the general fund along with the other portions of that agreement to the tune of somewhere around \$120 million a year to the general fund. The State of Connecticut has put some of those monies into their general fund, or most of them, and spending those revenues.

I ask you as competition is increasing because it has been a copy cat maneuver throughout all the states in this country that if one state has casinos, we better do it too. I am not sure that is the position the State of Maine should take. I think we are a little brighter than that. I think that this legislature and past legislation has been introduced to create the jobs that we know not only Calais needs but every county and every town in this state needs. We have discussed and been able to pass legislation for TIFS and STIFS, jobs bond bill, we have done some of those things. There is no quick fix to this economy.

My concern in looking at the revenues that have been brought before us and prepared by Waldren Economic Forecasting Associates, I turned to the first page and I read it. "Economic impacts are measured in terms of jobs, wages and the unemployment rate and tax collection." Never once in this report has social impact, economic problems or infrastructure costs been addressed.

I would also like to remind you that this same company has done the forecasting for this state for a few years and I want you, in case you have forgotten, I want to remind you that since June of 1989 there has been a shortfall of \$942 million. That is what this and past legislatures have had to deal with.

I do believe that the State of Maine is giving away games for free. I think what we need to do is allow the process to take place and rather than myself or any other legislator to determine whether or not if the Passamaquoddy Tribe decides to go to court that they will win or lose — it is not for us to be judges and juries. If they do prevail in court we can revisit this and strike a better deal.

For those that think there won't be a deal then try to operate a casino without having slot machines, roulette wheels and doing it on Tribal land. If in fact the Passamaquoddy tribe loses in court and I think that the State of Maine can make that decision whether or not you want to have casino gambling in this state and nothing would exclude both tribes from being involved in this mix because casinos have helped tribal people throughout this country. They do create jobs, there is not question about that but it is the consequences that fall after that that I am concerned about when states start booking those revenues and revenues don't meet that goal other programs will suffer. We have seen that in our state.

I have a recommendation, that we allow that

process to take place because the state cannot be hurt by this. Should the Passamaquoddy Tribe and the Penobscot Nation, if they choose, take the route of the court and prevail, we will be back here revisiting this issue. I think we will have several pieces that we don't have today to make this important decision, not for the people of Calais or the Passamaquoddy or the Penobscot Nation but for the people of this state. We will have more accurate and objective information about economic and social impacts involved in casino gambling. We need a comprehensive plan to discuss goals and methods to achieve those goals and we need to act as a guide and this plan needs to act as a guide for Maine's future. Communities or the state should insist on arrangements which compensate these communities or the state for current and future costs as a result of gaming ventures. This bill does not do that. This is a one-sided picture that revenues will achieve or exceed the \$48 million mark. The state must not become financially dependent on revenues from gambling. Gambling is not the cure-all for bad economic times. There are a lot of hidden costs in this bill that have yet to be addressed.

Just one other point I would like to make. This bill does not prohibit the Passamaquoddy Tribe, should this bill pass, to continue to go to court against the state and requesting that they do comply with IGRA. At that point property taxes on this lavish casino to be built could be in jeopardy to the City of Calais.

I would urge you not only to vote against the pending motion but with any bill to do with casino gambling that comes before this legislature this session or any amendments to it because I think it is a perfect opportunity for the courts to decide this case for the people of Maine because we are different than what has been discussed in other states. We do have that Indian Land Claim Act and if the tribes feel that there is a problem that is what we have courts for, let them pass judgment first. The State of Maine will always be able to come back to the table and get a better deal than we have here. We will be able to plan, in fact, if we should have casinos in this state regardless of IGRA.

I would urge you to vote against the pending motion.

The SPEAKER PRO TEM: The Chair recognizes the Representative from LaGrange, Representative Hichborn.

Representative HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: To give my reasons for my vote would be monotonously repetitive. I recognize and respect the opinion of people who are speaking on either side, either for or against, they have good reasons and they deserve respect for having those opinions.

A previous speaker spoke of the quality of jobs that might be available. I understand why those remarks were made. I would answer the question by asking another question — would I take a job today digging a ditch, slopping around in the mud for minimum wage not knowing whether or not I would have a job tomorrow or not? Well, my answer would be this, of course I would rather have a job as a teacher, as a superintendent, as a carpenter, a mechanic, an engineer, a dentist or doctor. But, if I didn't have a job I would take a job digging a ditch and I have done it in the past and I could and would do it again.

Many of the people in that area don't have the

opportunity of even a job of digging a ditch. It seems to me that a casino may and probably will bring jobs to the area.

I see in this bill an opportunity, an opportunity that might be described as a ray of hope for the future, a ray of hope for people like you and for me.

I have lived all my life in an area that has been economically distressed and I think I can understand the feeling of many of the people there. I know and understand the feeling of the people who oppose the idea of a gambling casino anywhere.

I would hope that when we vote here today that we could vote to make that ray of hope for those people a little brighter than it is today.

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The Speaker resumed the Chair.

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

Representative CARON: Mr. Speaker, Members of the House: I rise today and ask your support of Committee Report "A." As you know, I serve on the Judiciary Committee and I have been practicing law for about 21 years. There are six or seven attorneys on this particular committee and this bill has been before us for two years. Go back from an historical point of view, two years ago we had discussions before our committee with the Attorney General Moss, with Attorney Tom Tureen and Attorney Cohen. One of the arguments at that time was over IGRA and whether or not it applied. At that time there had already been a decision from the Federal District Court in support of the Narragansett Indian Tribes who had a very similar provision in their settlement agreement that we have. Attorney Moss was adamant that he was going to win that appeal, our Attorney General staff filed an amicus curiae, friend of the court brief, was part of the hearing in Rhode Island, raised all the issues that he would raise if this issue came before the court again and all those issues were raised and Moss was absolutely positive he was going to win that appeal. It turns out two or three weeks ago the decision comes down, it is against the State of Rhode Island in favor of the Narragansett Tribe, and our Attorney Generals' were there.

After that — it appears on our desk, we have a report from the Attorney General saying but in spite of that we still think we can win. Well, let's be a little practical, we are in the same circuit, if we bring the same issues before the same judges I suspect we are going to have the same results. In light of that we had the Attorney General Carpenter give us a second opinion the other day, he said an opinion of an Attorney General was not the same thing as the Attorney General's opinion. If you look at his opinion he says, well the other tribes have a 50/50 chance of winning.

Well, I am listening to a lot of the people here and the people that are opposed to this are probably the biggest gamblers. You have already got a district court and appeals court that have ruled against us and they want to take a chance and let us go back to court — I think you would have a better chance at the roulette wheel than you would having our Attorney General win this case.

We had Representative Lipman, who is also an attorney, even though he is opposed to this

particular bill, he is of the impression that the tribe would win.

Let's put some perspective and that is where we started. Representative Farnsworth then took a small bill and made sure we have complete control because under IGRA there are no funds, no income coming to the state. I have heard a lot of arguments here that "Oh, well we are not getting enough." Well, under IGRA you get nothing, at least the state is getting 10 percent of the gross which is substantial.

To disagree with the Representative from Old Orchard, Representative Kerr, and I understand if some of the Canadians stop in Calais rather than go to Old Orchard Beach, it may affect some of the economy in Old Orchard. There is more income, there is more than 10 percent, not only the economic development for that area and a revolving account of \$20 million that is going to be paid back in in developing that particular area.

What about the 1,500 people that are now working that are paying state income tax? What about those people that now we don't to pay from people down in the south and other parts of the state we are paying unemployment compensation for the people up there? What about the people that are on AFDC in the area that we are now subsidizing from York County and Cumberland County, these people are going to be working? That is probably another million dollars that is going into the state fund.

What about sales tax? The sales tax — do you know that every one of those slot machines, and there will be millions of dollars worth of slot machines going into the casino, do you realize they have to pay six percent sales tax on that? That is going into the state fund. What about Harrah's? Harrah's is now under contract for the five year period, will be making \$4 million to \$5 million as a management fee, you know they pay state income tax. Now, they don't pay state income tax just on the income they make here. I found out that they have to pay state income tax based on their world-wide earnings, a substantial amount to the state.

What about the room tax? You know they are proposed here the tribe is going to be having two brand new hotels in that area and we have a room tax that is going to be continuous every year, that is more income to the state. It is numerous amounts and it will keep revolving upon itself. So, let's correct those particular points.

Therefore, I would like you to support our Committee Report "A."

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Clukey.

Representative CLUKEY: Mr. Speaker, Ladies and Gentlemen of the House: I have a great deal of sympathy for the people in Washington County. I am familiar with that area and I know they need jobs and they need to improve their economy. What concerns me about this is that this is more far reaching than just Washington County. Even if you had just one casino and it was in Calais, the impact of that would radiate way beyond Calais. I am also afraid that this is just one step in three or four more casinos in the State of Maine, for instance we are already talking about a casino in Aroostook County, Bethel and Old Orchard Beach. So, I would just make the point that this is not just about Washington County.

There are many reasons why we should not support casinos in the State of Maine. I would just like to focus on the issue of crime.

We have heard that, from the casino proponents and the industry representatives that gambling casinos have changed since they were first introduced in Las Vegas. They say the casinos are now family oriented, Disney-style resorts and the crime, particularly organized crime, is no longer a factor.

I was a little bit skeptical of those claims so I decided to do a little research on my own and as a result of that have obtained several articles from around the country, all the way from California to New York Times, newspapers, magazines. After having read those I can tell you that there are some serious doubt in my mind about those claims. I would just like to read some of those articles to you. I am just going to summarize them and if any of you would like to read them in totality I would be willing to give them to you and let you copy them.

The first one I would like to make you aware of was a study that was done by Temple University and reported in the Journal of Criminal Justice. It is a study on, "Do Casinos Enhance Crime?" I am just going to summarize for you, the article analyzes the possible impact of the 1978 introduction of casino gambling in Atlantic City on crime in that region. In the conclusion it says, "The study shows the possible casino-related export of crime from Atlantic City to localities in its vicinity. This is a real cost imposed on these localities, which is ignored in studies conducted by states that are considering casino gambling for their dilapidated recreational regions. Such states should consider region-wide cost-benefit analysis, which includes, among other things, the anticipated costs of interjurisdictional crime spillover, before they choose to legalize casino gambling."

Another study that I have in my hand was also done by Temple University and it appeared in the Journal of Research in Crime and Delinquency in 1991. "Casinos, Crime, and Real Estate Values: Do they Relate?" "They applied the model to casinos in Atlantic City and it showed that the frequency of violent crime, burglary, robberies diminished with distance and appeared to have a depressing effect on property values especially in localities accessible to the central city. The negative effect on crime diminishes with distance. The effect on property values appears to be significantly higher in post-casino relative to pre-casino era, however, the positive effects on the central city on real estate values diminished with distance. Thus, development in crime effect property value adversely as distance and they say the discounted value of crime resulting from casinos has reflected in unrealized assessed real estate valuation appears to be an average of \$24 million per square mile in 12 accessible locations and \$11.2 million per square mile in 52 less accessible locations."

Again, I will read the conclusion, "The result may encourage regional scientists to consider the adverse effects of crime on property values, in addition to the effects on property values of "traditional" externalities like transportation, pollution, and local public expenditures. The results should also give pause to policymakers who are considering the use of casinos as a machine for growth in depressed regions."

This is an article that appeared in "Variety" — the headline is "Harrah's Gaming License Down Under Endangered by Probe of Mob Link. Harrah's license to operate Sydney's first legal casino in partnership

with Australian developer Hooker Corp. is in jeopardy, due to claims the U.S. operator consorted with American mobsters.

New South Wales Premier Barrie Unsworth, whose government approved the Harrah-Hooker casino bid, said July 3 the license would be revoked if the allegations against Harrah's are proved.

The Government was embarrassed by the July 2 Sydney newspaper report detailing charges against Harrah's by Francis Kelly, a former criminal who worked undercover for New Jersey police in several Atlantic City casinos. The paper said Kelly is cooperating with the FBI which had interviewed Harrah's executives as part of an investigation into organized crime.

Kelly reportedly alleged Harrah's used two New York mobsters to arrange a deal with the Teamsters Union in 1981 to avert a strike in Atlantic City.

Kelly was quoted as saying that deal was negotiated by John Allan, the chief executive of Harrah's, who is now with an Australian Malaysian-owned company that manages the Adelaide Casino in South Australia."

I should point out that both Allan and Harrah denied any improprieties.

Another article that goes along with this one, "U.S. Lawsuit Says Mob Controls Union in Atlantic City's Casinos." This appeared in the New York Times on December 20, 1990. "The federal Government sued today to take control of the union that represents 22,000 hotel, bar and restaurant workers in Atlantic City and its casinos. Prosecutors said an organized-crime family had used murder and intimidation to control the union, plunder its health and welfare funds and extort money from bars and restaurants.

The lawsuit against the union was filed in Federal District Court in Trenton against a backdrop of government concern, reaching back years, about the possibility of mob influence in the casinos, a fear that has been shared by New Jersey officials since gambling was legalized here in 1970.

The suit's racketeering charges depict the Philadelphia-based Bruno-Scarfo crime family as having an often violent grip on the union, Local 54 of the Hotel Employees and Restaurant Employees Union. The family has maintained control, the suit says, despite 20 years of intense scrutiny, regulation and prosecution by Federal and state agencies."

It goes on to say that, "Nicodemo Scarfo, the current boss of the family, still controls Local 54 from his Federal prison cell in Marion, Indiana, where he is serving a life sentence for racketeering, murder and extortion."

An article that appeared in the Los Angeles Times, October 7, 1991, the headline is "How the Mafia Targeted Tribe's Gambling Business." What this is is a federal wiretap investigation that came up with thousands of pages of wiretap reports that document the Chicago mob move to infiltrate Rincon Reservation showing collaboration with mob families across the country and suggest organize crime ties to other Reservations as well. This is not an Edward G. Robinson movie, this is a real F.B.I. wiretap investigation involving four members of the Chicago crime family.

I am not going to take any more of your time to read any more of these (I have several more).

I would just like to say that if we get a casino

in Calais I hope that we are able to keep undesirable elements out. I know if anybody can do it is going to be the Maine State Police. I should also point out that New Jersey has a top-notch State Police organization. I have been down there in Sea Grit, New Jersey, I have gone to their State Police Academy and it is located right next to Atlantic City and they probably have got as many offices in their organized-crime and criminal intelligence unit as we have in the whole State Police Department. In 20 years they have not been able to keep organized crime out of Atlantic City.

I guess I am not going to take the chance on that up here. Ladies and gentlemen of the House, I plan to vote against this bill and I ask you to join me.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Pfeiffer.

Representative PFEIFFER: Mr. Speaker, Men and Women of the House: For the Record, just to create an impression left by a previous speaker who stated that were Maine taken to court under IGRA, Maine would lose because the identical issue had already been litigated in Rhode Island and the ruling went against Rhode Island. I would just like to read a brief excerpt from the opinion in that case.

"Comparative analysis is also instructive. We think it is sensible to compare the jurisdictional grant embedded in the Settlement Act" (that is the Rhode Island Settlement Act) "with the jurisdictional grants encased in two other Indian Claims Settlement Acts that were to some extent modeled after the Settlement Act. Both of the later pieces of legislation, one involving Massachusetts, one involving Maine, contain grants of jurisdiction parallel to section 1708 expressed in similar language. Yet, both acts also contain corresponding limits on Indian jurisdiction conspicuously absent from the Rhode Island Settlement Act. By placing stated limits on the retained jurisdiction of the affected tribes these newer acts imply that in unadorned grant of jurisdiction to a state such as is embodied in the Rhode Island Act, does not in and of itself imply exclusivity. We find these factors to be of declaratory significance."

In other words, the court distinguished the Maine Settlement Act from the Rhode Island Settlement Act and it was on that basis that the court ruled in favor of Rhode Island.

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: I had distributed an article that I saw last week in News Week I thought was rather timely. I am not going to bore you with a lot of quotes from it but I would like to highlight a couple of items because we have all had too much material handed to us on this, "In Blackhawk, as elsewhere across America, tax-shy politicians are turning to gambling as a solution to all kinds of fiscal and social problems. It is part of the American conservative landscape, says gambling analyst William Tompson of the University of Nevada at Las Vegas, they will trade morality for dollars. Like the Lottery craze of the 1970's which held out hope that proceeds could save America's schools. The current casino boom is supposed to pay for basic services that the country otherwise can't afford. The real gambling addicts are the politicians, says Terry Brunner, of the Better Government Association

of Chicago where river boat gambling project is under consideration. They are addicted to the money."

I just don't think this is a fiscally prudent way to raise revenues for our state or for our community.

One other quote I would like you to hear is, "I am making a good salary, better than I ever did," said city clerk Penny Round. So, she thinks gambling is a godsend? "No, I wouldn't wish this on anybody's town."

Finally, in response to Representative Caron's comments about Representative Kerr in Old Orchard Beach, I would just like to say that I think Representative Kerr would be opposing this legislation even if it were a casino in Old Orchard Beach.

The SPEAKER: The Chair recognizes the Representative from Jonesboro, Representative Look.

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: I first learned of this plan over a year ago. At that time I asked several questions. I was deeply concerned about the need for what I saw as additional law enforcement. When I asked this question of the promoters I was told, "Oh, don't worry about it, we are going to take care of everything. We are going to hire the state police, we are going to pay all the bills and that is not going to be a problem."

Now, we have been told we must address Amendment "A," I am addressing Amendment "A" at this moment. I ask you to look at page 43 of Amendment "A" and at the top of the page it is speaking about the new classes of crime, "C" and "D." The class "C" crimes are going to be paid for to the state. The state will be reimbursed for those costs. Let me read what it says about sentences for Class "D." "These offenses, sentences imposed or Class "D" offenses must be served in a County jail. The average cost per sentence for a Class "D" crime is \$8,320 based upon an average length of stay of 119 days." Now, the last sentence is this, "The additional cost to the counties for the housing of each offender sentenced under this new crime is not reimbursed by the state." Is that a promise? No. This is just one.

I have been a public official for many many years. I have always tried to think of the overall picture for everyone and when I was in local affairs, my concerns were for my town. When I was in county affairs, my concerns were for the overall county. That responsibility and feeling, gut feeling there, I have never let it, I come up here thinking of Washington County. Now, as a Representative, I have a smaller area but this feeling for the county still remains.

I will be the first to admit that jobs are needed but they are not only needed in Washington County, they are needed all over the State of Maine, everywhere. I think what we really need to do is look and see what has happened. This is not just a county or an area problem. It has been all over the country. I can remember the 1920's, the early 1920's, so that dates me, yes it does, they were not pleasant but we survived. We learned values, we learned a lot of things. It bothers me extremely that this proposal is all and is the best thing since sliced bread for Washington County. I think Washington County is as deserving of economic development as any other part of the State of Maine or the nation. I don't think that gambling is a truly economic development possibility.

I was disturbed by the impact this is going to have. In anything that we undertake, we should always look at the effect. You have been deluged with media coverage of casinos and I consider it very timely that U.S. News and World Report came out with that extensive coverage of the history of casino gambling in mid March — you have had it on your desk. There were three different articles contained in that printout but there have been many other things here.

I have (and you have) copies of the last weekend's Bangor Daily News which had two articles written at the Machias bureau. These pointed out the welfare conditions in Washington County and statistics are what we are talking about here. It puts Washington County as the highest ranking county in the purchase of Lottery tickets. I can't say who buys Lottery tickets. I know that one person does not buy Lottery tickets and that is me. But when a county is dealing and feels that much of a need or a priority to persons — this article points out that what this amounts to is an average of \$141.61 per man, woman and child in Washington County, the cost. By the same token, over here on the other side it shows the food stamp recipients in that county as being the highest in the State of Maine at 19.9 percent. I am not proud of that. I feel very badly that this is the case but I do know that there are attitudes of people and many of these attitudes are not what you would call complementary to them.

I think some of these statistics may be as a result of attitudes. But, ladies and gentlemen, I do not feel that this proposal is going to resolve the problems that we have either in Washington County or in the State of Maine.

I ask you very sincerely please do not impose this upon the people in eastern Maine particularly because from the history we are reading in the media and are hearing from personal experiences it is going to make things so much worse.

I resent the tactics that have been used in this stress for this proposal. Not only the persons, we who are legislators who have been pressured but the intimidation that has taken place as a result of this by people who would like to be heard but are held back by intimidation. This is wrong. This is very wrong because we are a free people, everyone should have a right to speak his mind and be heard and not be subjected to this.

I thank you for your attention and I especially want to thank Representative Pfeiffer for giving us, those of you who heard it earlier today, she has given us an expert analysis of what Amendment "A" is all about. If you did not hear her, I suggest you ask her. This is what we are talking about. This is what we needed. Her background gives her the knowledge to decipher all that is in these 44 pages.

Mr. Speaker, I ask for a roll call.

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

Representative KERR: Mr. Speaker, Men and Women of the House: My community has been mentioned here on several occasions. The issue that I have discussed was the bill. I would like everyone to understand that no member, not one constituent in the town of Old Orchard Beach or Saco has asked this Representative to put in a bill to allow casino gambling in either of the two communities that I represent.

The issue to me is plain and simple and in case you weren't here when I explained my scenario to begin with, I am going to repeat it briefly. This bill does not address social costs, economic costs, infrastructure costs or any other hidden costs. It is all predicated on a number that may or may not exist. This bill does not provide any money to the General Fund of this state the way that it is written. It could cost the state money.

I have said and suggested and will continue — that if the Passamaquoddy Tribe and the Penobscot Nation choose to go to court and prevail, they will not be allowed to have slot machines, roulette wheels or other forms of operations of games commonly known as policy of numbers. And, they will have to have their casino on tribal land.

I don't believe that this state has to have the copycat attitude other states have had because one state has a casino we have to have it. This bill or any casino is going to create some jobs, there is no question about that. Once a casino is opened and the dice begin to roll it creates a new constituency. People in states depend on casinos for jobs and government depends on casinos for revenues. If we fail to meet that projection as we have since 1989 where there has been a shortfall in the state of almost a billion dollars we were going to have to cut those programs that were formed before.

I think that there is a lack of objective knowledge and research about the real economic and social costs and benefits of legalized gambling. We need time to evaluate that information. I would just urge that this question and this debate before us is not going to end here. Should we grant or should this legislature approve this piece of legislation, nothing in this legislation prohibits the Passamaquoddy Tribe or the Penobscot Nation from pursuing IGRA in the court of law, nothing prevents that.

I do represent District 17, which will now be changed to District 20. I am concerned about my district as every one of you are. But, I am also concerned about the State of Maine and the quality of life that we have here. If in fact this legislature, the people of the state decide that casino gambling should exist in this state I think that we should all be protected and that the true cost be shown and the true cost be funded, nothing more, nothing less.

I would also like to reiterate or remind people that there is a group of legislators that have put in a lot of time and work into this bill and I do respect that. I remember attending one of the committee hearing in Judiciary where I listened to a spokesperson from Harrah's say that the management costs were going to be 40 percent, 40 percent of the net. I was appalled at that. I felt bad for the Passamaquoddy Tribe because I felt they were getting ripped-off, money that they should have received, they weren't getting. But, my good friend from Biddeford, the Representative from Biddeford, made sure that in that bill they got 30 percent of the gross, not the net. I know that the Judiciary Committee and the subcommittee has worked hard. We have differences here, let's leave it at the bill, keep it at the bill, not communities because my stance will be consistent whether this casino be in York County, Cumberland County, Washington County or Arostook County.

We need time to review the actual costs. This bill could cost the State of Maine money. That is a

reality. Will it create jobs? I said before, yes, it will create jobs but there is a cost to those jobs that we have not yet looked at.

I would urge you not only to vote against this amendment or this bill or any amendments that come forth.

The SPEAKER: The Chair recognizes the Representative from Holden, Representative Campbell.

Representative CAMPBELL: Mr. Speaker, Men and Women of the House: This morning we have talked about a lot of things. One of them I struggle with tremendously when it comes time to cast a vote, that is emotion. What I have tried to do in each of the votes that I cast is eliminate that emotional urge to vote one way or another and bring it down to facts.

We talked about risk this morning. We talked about what if another casino is located in the Canadian provinces? What if we have to endure a court battle? One of the things I have tried to do is understand the financial investment and improvement in Calais, its community and its region.

Let me tell you a little bit about what I have learned and my understanding of the cost and investments in this region. As I understand it it is a \$40 million investment. \$40 million broken down into two areas, \$20 million which will be invested in a casino. This money, as I understand it, is \$20 million non-recourse and property on which this is invested becomes the property of the Tribe within five years. The other \$20 million is a little more complicated. That \$20 million is broken down into \$13 million which goes into a Rising Tide Trust which will invest in the Calais region to improve properties. That \$13 million is broken down into \$5 million for an on-site hotel, which is constructed and managed by a local developer, 116 units of hotel rooms. Another \$8 million of that \$13 million is divided up into business loans for the Calais area which some have alluded to as being hotels in the downtown area, and other business investments.

Also, aside from that \$13 million there is \$7 million which will be invested in the infrastructure, \$3 million of that \$7 million will be invested in the downtown infrastructure as well as the infrastructure in the region. Two million will be used to improve what is now a 9-hole golf course and enlarge that to an 18-hole golf course. A million dollars will be invested in downtown businesses, a loan pool for improvement of existing structures in the city. \$500,000 will be invested in a trolley which will connect all three points, the casino location, the downtown redevelopment region, the city proper and the golf course. If any of you have been to Calais there is an obvious triangle which will include the majority of the city.

Another \$500,000 will be invested in the purchasing of land for parking downtown and the improvement of that property.

I told you earlier that I tried to take the emotion out of things, that is the factual investment in the region that can use a \$40 million investment.

Now I will put a little bit of emotion into it. Last year about this time I was very pleased and honored by the efforts of this body, the other body and the Governor's office to fast-track a DFAS project for my region, Bangor. I was impressed by the speed of which we could actually get something done here.

I remember a \$10 million bond issue that the people of Maine passed to invest in jobs for Bath

Iron Works. That a little different than this, that was purely taxpayer money. In this case there is no taxpayer money involved. \$40 million is real cash, it is real money invested in a region. We can never take that improvement away from that region. Development concepts come and go but real dollars invested in a region stay in that region whether it be a casino or any other concept, those improvements are real improvements.

I believe it is time for us in the Legislature to remember all our brothers and sisters in the state and I think it is time for us to help our sister cities east of us in Calais and remember that they deserve improvement dollars also.

I would encourage that we accept the motion before us.

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

Representative SULLIVAN: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair.

To anyone who wishes to answer. I happen to serve on the Housing and Economic and Community Development Committee and the Labor Committee. I have continually read and heard about this being an economic development tool involving jobs and particularly job training. So, my question is how much time has been spent with the Department of Community and Economic Development or with the Labor Department in assessing this as a truly economic development tool?

The SPEAKER: Representative Sullivan of Bangor has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Township 27, Representative Bailey.

Representative BAILEY: Mr. Speaker, Men and Women of the House: I don't know the answer to the good Representative's question but I would like to respond to a couple of statements that have been made by other Representatives.

Regarding the sale of Lottery tickets in Washington County, people have to realize that we live in an area that has one of the five or ten busiest border crossings in the United State. We also generate most of our revenues or at least half of our revenues from tourism. A good number of those Lottery tickets sold in Washington County, I am sure, are sold to the tourist and the people that are living on both sides of the border and the people crossing the border. I think that is a gimmick used by some of the people to try to convince the members of this body that a casino there is going to prey upon a bunch of already addicted people to gambling. There are a few people there that buy Lottery tickets but by no means do people in Washington County buy Lottery tickets than other counties in this state.

To respond to a statement that was made that there have been no studies done on the social impact or cost. Believe me, a poor economy in a depressed area surely adds a lot more to the social costs and the welfare costs of this state than any economic development could do. I think if you look at those issues it is all hype and the people that are quoting these are trying to put you in a frame of mind that the casino is bad. This casino, if it is authorized in Calais is going to be a very small part to fit into a big economic plan for that area. I will tell you, I can't imagine that Representative in my own party turning her nose to a \$40 million project



located in a county as depressed as an area where she represents, 8,000 of those people.

The SPEAKER: The Chair recognizes the Representative from Eastport, Representative Townsend.

Representative TOWNSEND: Mr. Speaker, Ladies and Gentlemen of the House: I would also just like to touch briefly on the article in the Down East version of the Bangor Daily News. It actually appeared on the front page but it was from the Down East Bureau.

First off, anyone that reads that article with any thought, put the emotion aside and look at the article. Mr. Sylvain fails to make any kind of connection between buying Lottery tickets with working people or welfare folks. He makes no connection there, he failed on that perception. I work for a living and I buy Lottery tickets. I know a lot of people buy Lottery tickets because they think they are going to get something for nothing. I tend to buy them because I like that one minute thrill of losing and thinking you are going to win, that is just something I like to do. It is just a Lottery ticket, I buy one a week, that is all. But, to take that article and to say that or to insinuate that welfare folks or folks on food stamps are buying those Lottery tickets, that is very insulting. Once again it points to this underlying bias towards folks on the poor end of the economic scale. There is an attitude towards folks that because they don't have a lot of money in their pocket, a lot of money in the bank, they are immoral and unintelligent. I have already told you that is wrong and I am sticking to that. That is wrong, that is wrong.

Also, I want to point out, I want to clarify some things here. I can't speak for everybody here that has been supporting this issue but myself, I have been very, very careful not to intimidate anyone with it. I don't like that either and I don't feel that that is the way to go. As a person who is strongly in support of this I feel a lot of intimidation from the opposition, not threats or anything like that but intimidation through their spreading of rhetoric and ignoring facts.

Also, I need to point out that the Washington County bureau of the Bangor Daily News, I can't speak for Mr. Sylvain but I had a long conversation with the other gentleman that works there, Clayton Beal, and he has been against this right from the start. As a matter of fact he gave me quite a lecture there one day in his office for about 20 minutes about morals and about a week later I saw an article in the Bangor Daily News that says, "Many Prepared to Move out of Washington County if Casino Comes In." Then he proceeds to interview three people, one of which is for the casino. But, he knows, he has been in the newspaper business for many years so he knows that people read the headlines, most people, then they won't go on with the article. So, so much for the lecture on morals.

A couple of other things that speakers have pointed out. We have talked about crime. Poverty promotes crime.

If you were going to — also as far as economic development, it is going to bring people and I think one of the underlying things that hasn't really been said — I am going to say it, I might get myself in trouble but I am going to say it any way. There are a certain number of folks in Washington County, I don't care what you want to bring there for economic development, they are going to oppose it. The reason for it is some folks in Washington County have a very

idyllic life, they have got their living made, they have either retired and come there or they have got high-paying jobs, some of the few high-paying jobs, and they don't want any change. In a way I don't blame them. They have a right to want that but what they won't admit to you and I, but to themselves, because most of these folks are very good people, but in order for them to maintain that idyllic life they have to keep a whole bunch of people right under there, right under that thumb, right there. That is something that has to be done in order to continue that life. So, I would suggest to you that it isn't about a casino for some people, I would suggest for some people they just don't want economic development in Washington County period because it would change their idyllic little life that they have. I am glad they have it but I would really like to have that same idealistic life and opportunities for some of our neighbors.

It has been said that this may lower real estate values. Well, if you want to see low real estate values, come on down to Washington County. If you have a home or a piece of property in Washington County try to sell it and you will get a firsthand lesson of low real estate values.

There was some mention made about how this money is first going to go to pay off the debt. I am not a financial genius but I would offer you this comment, I think the State of Maine could learn a lesson from that, paying debts off first before you move on to other things. That is part of the thing that I do like.

There has also been a lot of folks talk about — I know they are sincere — talk about how they are concerned about Washington County. Well, thank you, ladies and gentlemen. I have got to offer to you that being concerned is only one part of it. What Washington County needs is action and action speaks louder than words. We don't want welfare, we don't want handouts, we don't want anyone taking care of us. Believe it or not, we don't need that. All we need in Washington County is an opportunity because history has shown with the port, aquaculture, blueberry industry, the cranberry industry, that given that much of an opportunity and most of the time that means just getting out of the way, that much of an opportunity, we will turn that into something because we are masters at turning something from nothing. We have to in order to survive.

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On motion of Representative Gwadosky of Fairfield, the House recessed until 2:00 p.m.

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(After Recess)

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The House was called to order by the Speaker.

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The Chair laid before the House the following matter: Bill "An Act Authorizing a Tribally Owned Casino in the City of Calais" (H.P. 1470) (L.D. 1998) which was under consideration when the House recessed.



On motion of Representative JACQUES of Waterville, tabled pending the motion of Representative COTE of Auburn to accept Report "A" "Ought to Pass" and later today assigned. (Roll Call Requested)

On motion of Representative JACQUES of Waterville, tabled pending passage to be enacted and later today assigned.

The following items were taken up out of order by unanimous consent:

**ENACTORS**

**Emergency Measure**

An Act to Amend the Laws Relating to Potatoes (H.P. 1273) (L.D. 1717) (C. "A" H-1059)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 108 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure**

Resolve, Establishing the Commission to Study Biotechnology and Genetic Engineering (H.P. 1015) (L.D. 1361) (H. "A" H-1058 and S. "B" S-554 to C. "A" H-877)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and 1 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

**Emergency Measure**

Resolve, to Establish a Commission on the Future of Maine's Paper Industry (S.P. 773) (L.D. 1996) (H. "A" H-1048; S. "A" S-582)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and 1 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

**Emergency Mandate**

An Act to Revise the Authorization of the Towns of Appleton, Camden, Hope, Lincolnville and Rockport to Form a Community School District (H.P. 1474) (L.D. 2002) (H. "A" H-1045)

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

An Act to Improve Access to Pharmaceuticals (H.P. 558) (L.D. 755) (C. "A" H-986)

An Act Regarding Cable Television (H.P. 1096) (L.D. 1483) (H. "B" H-982 to C. "A" H-836)

An Act to Clarify the Maine Banking Code as it Pertains to Service Corporations Serving Credit Unions (S.P. 555) (L.D. 1591) (H. "B" H-1055 to C. "A" S-537)

An Act to Promote Flexibility in Health Care Delivery Systems (S.P. 592) (L.D. 1651) (H. "B" H-1051 to C. "A" S-568)

An Act to Protect the Rights of Employees and to Ensure the Proper Expenditure of Public Funds (H.P. 1303) (L.D. 1758) (S. "B" S-575 to C. "A" H-865)

An Act to Establish Maine Quality Centers (S.P. 728) (L.D. 1949) (Governor's Bill) (C. "A" S-579)

An Act to Establish the Maine School of Science and Mathematics and the Task Force on the Maine School of Visual and Performing Arts (S.P. 733) (L.D. 1958) (Governor's Bill) (H. "A" H-1054 to C. "A" S-511)

Resolve, to Clarify the Transfer of Certain State Lands to the Maine Veterans' Homes (H.P. 1465) (L.D. 1991) (Governor's Bill) (H. "A" H-1035)

Were reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

An Act to Implement the Recommendations of the Commission to Study the Future of Maine's Courts (H.P. 1008) (L.D. 1354) (H. "A" H-1015 to C. "A" H-1000)

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

On motion of Representative JACQUES of Waterville was set aside.

On further motion of the same Representative, tabled pending passage to be enacted and later today assigned.

An Act to Create a Law Governing Prepared Food Franchise Practices (H.P. 1407) (L.D. 1916) (H. "A" H-1005 to C. "A" H-912)

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

On motion of Representative WINN of Glenburn was set aside.

On further motion of the same Representative, tabled pending passage to be enacted and later today assigned.

An Act to Establish a Catastrophic Health Expense Program (H.P. 1473) (L.D. 2001) (Governor's Bill) (C. "A" H-1061)

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

On motion of Representative FOSS of Yarmouth was set aside.

The same Representative requested a roll call on passage to be enacted.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: A roll call has been ordered. The pending question is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 328

YEA - Adams, Ahearne, Aliberti, Bailey, H.; Beam, Bowers, Bruno, Cameron, Campbell, Carleton, Caron, Carr, Carroll, Cashman, Chase, Chonko, Clark, Clement, Cloutier, Coffman, Coles, Constantine, Cote, Cross, Daggett, DiPietro, Dore, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnsworth, Farnum, Fitzpatrick, Gamache, Gean, Gould, R. A.; Gray, Hale, Hatch, Heeschen, Heino, Hichborn, Holt, Hussey, Jacques, Jalbert, Johnson, Kerr, Ketterer, Kilkelly, Kontos, Larrivee, Lemke, Lemont, Libby Jack, Lindahl, Lipman, Look, Marshall, Martin, J.; Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Norton, O'Gara, Oliver, Paradis, P.; Pendleton, Pfeiffer, Pineau, Pinette, Plourde, Plowman, Poulin, Pouliot, Rand, Reed, W.; Richardson, Ricker, Rotondi, Rowe, Rydell, Saint Onge, Saxl, Simonds, Simoneau, Skoglund, Small, Spear, Stevens, K.; Strout, Sullivan, Swazey, Tardy, Townsend, G.; Townsend, L.; Tracy, Treat, Vigue, Walker, Wentworth, Whitcomb, Winn, Young, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, R.; Barth, Bennett, Birney, Clukey, Dexter, Donnelly, Farren, Foss, Greenlaw, Hoglund, Joy, Kneeland, Libby James, Lord, MacBride, Marsh, Nash, Nickerson, Ott, Pendexter, Reed, G.; Robichaud, Stevens, A.; Taylor, Thompson, Townsend, E.; True, Tufts, Zirnkilton.

ABSENT - Brennan, Cathcart, Hillock, Joseph, Kutasi, Martin, H.; Ruhlin.

Yes, 111; No, 33; Absent, 7; Paired, 0; Excused, 0. 111 having voted in the affirmative and 33 in the negative, with 7 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following item which was tabled earlier in today's session:

Bill "An Act Authorizing a Tribally Owned Casino in the City of Calais" (H.P. 1470) (L.D. 1998) which was tabled by Representative JACQUES of Waterville pending the motion of Representative COTE of Auburn to accept Report "A" **"Ought to Pass"**. (Roll Call Requested)

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative DiPietro.

Representative DIPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: I just want to say that this morning has been a very enjoyable morning. I have learned a lot of things about the Indians that I didn't know before. I just want to say that the debate this morning was really worthwhile for those people that stuck around to listen to it. If anybody can add anything new to it, I would like to hear it; if not, Mr. Speaker, I would like us to take a vote on the issue.

The SPEAKER: The Chair recognizes the Representative from Cherryfield, Representative Farren.

Representative FARREN: Mr. Speaker, Ladies and Gentlemen of the House: I will try not to be repetitious but it is necessary for me to speak on the floor concerning this L.D. 1998. I have been opposed to the casino since its first introduction as the people that have been promoting it were aware at that time.

Initially I must admit that I based my concerns on a moral issue but realizing that it wasn't fair to do that or be opposed to it on that issue only. I have done a lot of research, read a lot of articles, listened to a lot of people and I have yet to find anything that changes my mind.

I want to say up front that I was born and brought up in Washington County. I have a lot of admiration for the people in Washington County and their efforts to make a living for themselves and their families. I am one of those workers and my family has been for generations. However, I do not believe that it is good economic sense for Calais, Washington County or the State of Maine in the long term. I have to admit that the construction of the casino will provide some short term jobs.

One thing that I haven't heard much stated during the morning debate was about those that would be addicted to gambling. By the own admission of those that are promoting, including Harrah Company, they state that from two and a half to five percent of the people who utilize the facility will become addicted. I think that was expressed to some extent this morning when they said that there was a fund set aside to treat those that became drug and gambling addicted. I think that is important. I am not about to make my vote at the expense of two and a half percent, let alone five percent.

Please bear with me, I am trying to skip through what I had prepared so I wouldn't be repetitious.

I know that the people who have been working on this bill have tried to put together a package that would take care of all the concerns and I commend them for it. But, I do not believe that it is even possible — and I am sure they would desire that —

to put together a bill strict enough to keep out the unsavory characters that follow this type of an operation.

Another thing that concerned me is that I was in a meeting where questions and answers were being given and this casino will be open 24 hours a day, seven days a week. This gives the opportunity for the working people as well to participate in this gambling if they so choose.

I would like also to — because I believe it is necessary to give some opportunities for job opportunities, if that is what we want and God knows we need them in Washington County, but not only in Washington County, all over the State of Maine. I think it can be done because I think Eastport is a good example of good economic opportunities. They have proceeded to turn their community around and I think that can be done in the rest of the county as well as the state but in order to do that we have got to work together, we can't go off on our own separate tangents.

I think the legislature can play an important role in this as well. We all know or we have all heard (and some of us believe) that at least part of it is true that the economic climate in the State of Maine because of regulations, impediments that are placed in front of people who want to invest their money and provide job opportunities and make a profit for themselves is not the best. The Legislature can change that by loosening up some of the impediments and not desecrate the environment and not advocating that at all. I think when it requires 13 months and then get turned down for an expansion of a lobster pound, that is indicative of some of the problems that we are encountering.

I would like to read as well, in response to the job opportunities, a paper that I received from a professor at the University of Maine. It says, "Opportunities in life can improve in Washington County if we concentrate on investing on our people and natural resources and in working with New Brunswick rather than trying to pick their pockets." That statement may be true and it may not be. "Investing in aquaculture and the Eastport expansion at Estey's Head, addressing educational funding inequities, extending the fiber optics spine to Calais and encouraging value-added forest and marine resource entrepreneurship, these are the strategies to pursue. They build on our strengths and are potential while preserving our strong community and quality of life."

Finally, because again I don't want to be repetitious because the debate has been long, I would like to make it perfectly clear my opposition is no way intended to impede the ability of the Native Americans to enhance their social and economic standing in our society. It is solely based upon my opposition to gambling and a number of unanswered question that I and many other people in my part of the county have. I commend them for trying to bring economic prosperity to their people but there must be a better way and I have cited some of the better ways that we could go.

Again, some of us feel that it will provide economic enhancement but many of us feel it is only on a short-term basis at best and we have done a lot of patch work in this Legislature over the past four years and I don't think we need to do it any more.

Again, jobs are needed in our area of the state but not only our area but all the state as we all

know. We should be working toward more stability and expansion of what we have in attracting new and less risky opportunities.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: I want to respond to a couple of references made to IGRA this morning by a number of Representatives. This has to do with facts in the State of Maine at the present time. IGRA states that anything that is happening in the state at the present time, the Indians have a right to put into whatever casino they may put up if it went to IGRA, the decision was going to be made under IGRA. We now have in the State of Maine 120 licensed slot machines. These are licensed presently. So, IGRA comes into play, they will be able to have slot machines based on the existence of slot machines in the State of Maine at the present time.

We have in the balcony a number of business people and they are here to support the casino. Now, if these people thought it was going to be detrimental to the area to have a casino in the Calais area believe me the business people would not be here.

Under the worst case scenario, as mentioned by some people, that because of competition that it might not survive, under the worst case scenario what we would have in Calais is a magnificent structure, a building provided by private dollars which could be used for a number of other functions. I have been in a convention in French Lake, Indiana — this is if anybody has followed basketball, the home of Larry Byrd and it is not very big. In there is a casino-type hotel that was built in the early 1930's and it is the home of Al Capone and it was a gambling casino. When the law changed and the ability to gamble was taken away and Al Capone kind of departed the scene, it became a resort. There is a nice golf course there, very very pleasant conditions, nice swimming pool, a great resort hotel. This came to be because of a casino that did not survive the times.

Ladies and gentlemen, thank you for your time and I urge you to support the pending motion.

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Representative ZIRNKILTON of Mount Desert assumed the Chair.

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The SPEAKER PRO TEM: The Chair recognizes the Representative from Brunswick, Representative Pfeiffer.

Representative PFEIFFER: Mr. Speaker, Men and Women of the House: I would pose a question through the Chair. Many of the facts and figures that we heard this morning with regard to jobs and economic development, even including the \$20 million reportedly to be invested by Harrah, are nowhere to be found in the bill. I would like to ask the members of the Judiciary Committee where this information is coming from and I would also like to ask them if they have seen a draft version of the management contract with Harrah?

The SPEAKER PRO TEM: Representative Pfeiffer of Brunswick has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Hampden, Representative Plowman.

Representative PLOWMAN: Mr. Speaker, Men and Women of the House: The material that we relied on in making our decision was provided by the casino industry. I have not been provided a copy of the management contract and I don't believe that we as a committee would be privy to that contract, that is between the company and the Tribe.

While I am standing I will say my prepared remarks.

As a member of Judiciary I was concerned that the only information that we were receiving was the industry generated material. The material that I have been reviewing is a study done for The Center for Economic Development for the University of Massachusetts at Amherst, prepared by Robert Goodman and it is entitled "Legalized Gambling as a Strategy for Economic Development." Mr. Goodman has studied over 50 casino operations and their effect on their states. I think we should have taken this into account when we were deciding whether this was the appropriate economic development tool for the State of Maine.

In here Mr. Goodman lists — to use a word that is familiar to all of us, externalize, that come along with the gambling industry. Legalized gambling effects not just the area that it is in and in many cases the words that Mr. Goodman uses to describe the area that is being developed is cannibalization, where you are taking from the area to put it into the casino to watch 35 percent of the take is the management fee, shipped directly to the parent company out-of-state.

Second, he relates how it affects other gambling that we do. It effects the Lottery, many of whom the supporters have mentioned today, what a wonderful General Fund revenue raising thing that we have here called the Lottery. It also effects the harness racing. There are states whose harness racing has had to be bailed out because this competes with the harness racing dollars. I know there are people in this body who are very fond of the harness racing industry. It is harmful.

I think you saw on your desk the paper that I passed out, the quote from the developer saying that the businessmen were thinking that this is going to bring business into their stores, their restaurants and their bars better get a clue. I am not sure if that is exactly the words that he used but if they didn't come there today, they are not coming there tomorrow. The casino industry has analyzed every aspect psychologically of how to keep a gambler on premises. The food is either discounted or given away. If you are gambling and you are on a streak you are not leaving your slot machine. They have decided what color the slot machine should be to attract you to it. How long the rows of slot machines should be so that you won't be too discouraged when walking down the aisle. They have actually released a pleasant aroma into the air which helps obviously make you feel a little better. I am not sure how it works but they showed the money coming in went way up while this was happening.

They studied how often you have to pay off. It is sort of like the rat with the cheese, if you would like to have that analogy. How often do you have to give the rat the cheese to get the rat to keep pushing the lever. I am not exaggerating, they have used those studies to help decide how often a machine — you really can't decide but those are odds — if it pays off and the casino is giving 99 percent pay off, which we are not by the way, this bill is an 80

percent pay off. It is just incredible they have spent as much to try to get people to spend as much as they do.

I am disturbed about it. I doubt that there is a bill that we have passed that created more crimes, creates 23 new crimes. Everyone talks about how many jobs it creates, it creates 23 new crimes. I don't think we have ever passed a piece of legislation that needed \$1.5 million to get the surveillance and the security in, necessary to make sure that the wrong people don't get their fingers in this pie. I have never seen a pie divided up so many ways with no assurance of what the pie is going to be.

I know that we are relying on the traffic from Canada to come over. They are hoping that that will be most of their business and Canada has shown a deliberate attempt and a very successful attempt to recapture every dollar that Canadians would spend here, one by the 11 percent provincial tax and another by dropping their cigarette taxes, incredibly cutting their own tax base in order to keep people from coming over here. I don't believe that it would be very long before the Canadians decide this is a good idea and maybe we should have one too.

Now, since most of this has been covered I would like to read a statement that has been passed to me. I will be brief. By Marry Bassett, a Passamaquoddy woman who asked me to please put on the Record the other side. "You have heard statistics, projections and prognostications. You have heard the desperation, fear, the promises. Now I ask you to step back from all of this and to think of the larger picture. I appeal to your higher self, your humanness. Can you envision a sacred ceremony being held inside a casino? Will my people be able to heal from the oppression of 300 years with a job from a casino? Will my descendants take pride in the name Passamaquoddy if it is synonymous with gambling, with slot machines and floor shows which use our Tribal symbols? I ask you to peel away the guilt which has been an effective tool in maintaining our politics of dependency. If we are a Nation, if indeed we are sovereign then we should be meeting and speaking to the lawmakers as equals and not come begging for a casino. A casino is not an avenue for human development, it is not the way to inculcate cultural pride and is not traditional, rather, it is the worst vestige of European culture. You cannot mend the social ills and the psychic damage which are present in Washington County with a casino. Instead you will exacerbate the very conditions you are in good conscience attempting to remedy. The only way to assist us is to have faith in us as a people who have lived, thrived and survived in this North America, and we still possess the intelligence, strength and pride in who we are to heal our people."

The SPEAKER PRO TEM: The Chair recognizes the Representative from Caribou, Representative Robichaud.

Representative ROBICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: I rise to clarify some information that was given a few moments ago by the good Representative from Winslow and is also in a hand-out that has been given you that says under IGRA Maine cannot bar slot machines. While the sheet does cite the correct passage in statute, it does fail to recognize that under Title 17, section 332, subsection 3, that section is entitled schemes prohibited. If I may paraphrase — the section says, "no license shall be issued for slot machines, roulette or any other policy or numbers games." That

means no license for either charity or for pay out. Under IGRA if you either license it for legal gambling or for charity as we do electronic video games then the Indian Tribe could put in those machines under IGRA but because slot machines, roulette, numbers and policy games, no license is issued for either charitable or profitable purposes then they would not be included. I would be very concerned if there are 120 slot machines out there because that means there are 120 slot machines operating illegally in this state.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Calais, Representative Driscoll.

Representative DRISCOLL: Mr. Speaker, Members of the House: It has been a while since I have been trying to get up, arthritis doesn't help me any.

I am glad to be able to speak to you today as a citizen of Calais. I brought my family up there, I saw them grow up, go to high school, play basketball, play in the band, go away to college, and then stay away.

Some of my boys would have liked to come back to Calais in the Washington County area because they like it down there. But the simple fact of it is that there are no jobs down there. I taught school in Calais for 23 years. In doing so I saw a lot of young people grow up in Calais. I saw those people come to band rehearsal and use second-hand instruments because they couldn't afford new instruments because the City of Calais was too poor to provide them. I saw people down there using — two persons to one book because we did not have enough money in Washington County to give them a decent education. We used to love to travel to the southern part of the state to go into the new schools and the new band rooms and to see the new instruments and hopefully some day maybe we could get some new instruments like the bigger cities and better schools in the southern part of the state had.

After I retired from teaching I thought that maybe I could help Washington County because all too often we had politicians come through, once a year or every two years and promise us the moon. Well, if you do this and you do that and maybe this and maybe that, that the economic development in Washington County would improve. My friends, during the past 60 years that has not happened.

In order to try to help Washington County I ran for the Legislature and I promised my constituents that I would try to find work for our area, try to find (environmentally clean) even 150 jobs would help our area. My friends, that is a hard proposition, especially today, the way the economy in our country is.

When I saw for the first time that we were going to get an industry in Calais, a possibility, and said it was a casino, I had never gone to a casino many times, but I did know that my mother, who used to go down to my sister's, loved to go and stay over night and take in a show, have a nice supper and go in and mingle with the crowd. Although she was 82 years old she enjoyed herself.

This to me was probably — I hate to use this word — was an answer to my prayers because not only was this going to provide 150 jobs but somewhere between 1,000 and 1,500 jobs which — I mean, we can't visualize that east of Bangor. Maybe with Pratt and Whitney to the south or Bath Iron Works, but we realize we are never going to get that type of industry in Calais or the eastern part of Washington

County where the unemployment rate is 18 percent, where down in Representative Look's area, it is 17 percent, where most of the work is part-time work, blueberries, fishing, what they call brown gold, the lumber industry. Those people don't work in the winter time. They draw unemployment. The people that they bring up are on welfare. The future is very bleak, the future is very bleak.

I would just like to take a minute of your time to quickly go down through the history of the St. Croix Valley which is where I live and where the Passamaquoddy's live. The environment is still great and we hope to keep it that way. But, the economics have been going down hill for the past 60 years. At the first of it we depended greatly on ship building, lumber, fish factories, cotton mills, soap factories, shoe factories. Eventually they left, they are all gone and my people moved to Belfast to follow the shoe factory, Freeport to follow the shoe factory. They went to the ship yards in South Portland. During the Second World War they went to Connecticut because, as Representative Marsh says, Washington County people have good work ethics and they love to hire Washington County people. Those work ethics are still there but we can't put them to use because we do not have any jobs. Those people that left to take those jobs didn't come home. My relative, my aunts, my uncles, would love to come back and that is all they talk about but they are living in Boston, Portland, Westbrook, Bath. This might be the answer that those people can return to their homeland. These jobs are good jobs. We have got the Washington Technical College down in Calais and those people come out of that — this is work training, we want work training, we want more jobs but they come out of there and they haven't got a job.

This casino would have a spin-off effect that would employ administration which is coming out of that college. People in finance, which they teach down there; computers, which we know they are going to use; security, food and beverage — we have a course in that down there. Personnel, marketing, purchasing, facilities and customer service, — everything is taught down in the technical college in Calais and could be fed right into this environment, this good economic environment to give these people a chance to go to work and to stay at home.

We have made an attempt in Calais, the city has, they have built industrial parks, they have got grants from the state to entice people to come to Calais to stay. Hathaway Shirt, Dexter Shoe, Ware Knitters all came in.

My good friend, Representative Joseph, lived in Calais for eight years. She loved it there but they couldn't stay with Hathaway Shirt. Why? Because the cost was too great, it was too far away from everything so they moved out. Dexter Shoe moved out. Ware Knitters moved out.

We have a paper mill, Georgia Pacific which has lost over 200 jobs in the last two years. That is a hole in our economy because at one time Calais had a population of 12,000 now it is down to 3,500. When you take 200 jobs out of 3,500 that hurts. That is not the end of it, every week there are people being cut off at the GP paper mill. I don't know where it is going to end, it is pretty shaky.

This is probably the last time that our area will ever have this type of an economic boost sitting right here and all we need is the help from the rest of this state. Just to say go ahead, try it, let us

help ourselves.

I would just like to read one thing to you here — my good friends, the Passamaquoddy's — by the way when I was a young fellow I used to play baseball on the Passamaquoddy Township Reservation and also Pleasant Point and we had a great time.

Early in the 1980's the Passamaquoddy's were instrumental in preventing a nuclear waste dump in the State of Maine. They helped us, we should help them. Give us a chance to help ourselves.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Buxton, Representative Libby.

Representative LIBBY: Mr. Speaker, Men and Women of the House: I will briefly address the major issue which causes me to oppose this bill. This bill, as written, has unemployment and senseless stipulations which make it impossible for my county or counties near me to consider to have a casino. Is this democracy, is it free enterprise? I think the answer to those questions is no.

Are we creating more monopolies in the State of Maine? We have got enough already. I think the answer to that is yes.

Is the bill inherently unfair because there is a north/south division? I think the answer to that question is yes. If I have a town in my county that wants to debate to have a casino and we already have casinos available in Maine then they ought to be able to debate it. So, whoever put those stipulations in this bill — and I understand what the reasons were, I disagree with them. I do not want to stop Calais from having a casino or the Native Americans or anybody else, but if you are going to monopolize them in one area of the state I am going to disagree with it. I think it is inherently unfair and I hope that you will vote against this motion and later on down the line when we come through with something a little bit more fair I am certainly willing to consider it.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: Even as much time as I have put in on this bill, I too, have learned things this morning.

I would like to just tell you a little bit about the history of the development of this bill because I think it is responsive to some of the comments that the last several speakers have made.

Before we went to lunch Representative Sullivan asked if people had gone to the State Economic Development Office and the Department of Labor to see about the economic development aspects of this bill. Other people talked about this wasn't a good enough deal for the state. I was beginning to get the impression that people perceived this bill as being essentially a state project that would be for the purpose of generating money and economic development for this state. I think it would be helpful to remember that this bill came from the Tribe after they had gone to the Governor in the fall of 1992 (I believe) to seek to negotiate a compact under the Federal Indian Game Regulatory Act. At that time the Governor did not agree that — I am not suggestion that he has changed that but the Governor's position was that he would not negotiate under IGRA. The Tribe's response rather than to go to court at that point was to come to the Legislature and see whether we could get authorization and direction to negotiate with the Governor under the IGRA umbrella.

Clearly the state is still retaining the position that IGRA does not apply here. I think it is clear to people from the debate that there is disagreement over that.

Aside from the disagreement, one of the reasons that I believe the Tribe continued to try to seek to do this by agreement with the state rather than in an adversarial posture is that if IGRA were to be the source and the authority for this, it would have to be located on Indian land. One of the problems that the tribe was facing was jobs for the people who live in the vicinity of Calais on the Reservation.

The only way that this casino can be located in Calais is by agreement with the state because IGRA would not provide that. If IGRA, whether by agreement or by court action, were to be the source of authority for an Indian gaming facility it could not be in Calais and it would have to be some place else.

That brings me to what got me involved in this bill in the first place. As a member of the Judiciary Committee we were presented with a two-page bill by the Tribal Council, Joint Tribal Council for the Passamaquoddy Tribe and the Tribe presented to us the fact that they have done considerable work over the last several years to try to develop investment, economic development and jobs for their people and for the area in general in Calais and on the Reservation. Although the Tribe has brought more money and more jobs to Washington County in the last 15 years than probably anybody else, they have not been able to reduce the rate of unemployment on the Reservation below something close to 50 percent or exceeding it (I think) in the last year on one of the reservations.

Fifty percent unemployment — I ask you to take just a minute to think about what that is like. I have been exposed to some of the figures as most of you have just by being in the legislature of our unemployment, of our AFDC programs, food stamps and so on. I just had not been looking directly at a community within this state facing 50 percent unemployment. It was, I think, the level of unemployment that was part of what Congress was looking at nationally on reservations and the fact that many of the reservations that have developed Indian gaming facilities across the country, those unemployment rates have dropped radically from 50 percent to (in some cases) less than 4 percent is why I believe the tribal council was so committed to the idea that jobs and reducing unemployment was an important part of whatever they did in this regard.

I would just like to take a minute to tell you what I have learned about what the tribe has done for economic development and jobs up there. They have, as you may know, in 1983 they bought the Dragon Products Plant and turned it around and resold it in 1988 and they solved the plants air pollution problems with an innovative scrubbing technology. When they sold the plant they kept the scrubbing technology and now have a new company called Passamaquoddy Technology. That may well produce some investment eventually because it has been (their recovery scrubber) has been endorsed by EPA and the Department of Energy and they have great hope for that. But it is not the kind of activity that produces large numbers of jobs in Calais.

Outside of the Tribal government itself the Tribe's greatest job success has been through financing plant equipment for Gates Fiber Extrusion

next to Pleasant Point Reservation. That Corporation recycles plastic soda bottles, 18 million pounds a year and they recycle them into a spun fiber that is woven into products like car trunk liners. 65 people are employed in high-tech jobs at good wages in that area, one third of them approximately, are tribal members. That project, developing that recycling facility, took years and that is what they have, 65 jobs, that are good jobs and only a third of them are tribal. So, tribal unemployment is hardly dented but there is a major impact up there. They have also made investments in blueberry companies which only provide seasonal jobs. In 1989 they have begun a partnership with a successful clothing manufacturer in Knox County, eventually that may expand to the Reservation but it hasn't yet. They have also investment in DeLorme Mapping Company.

They have done a considerable amount of work with various types of economic activity. I was quite surprised and rather impressed with what they have done.

I also appreciate the difficulty of, in the economic climate we have just been through, the fact that they were able to create that kind of a facility up there. This facility that we are talking about here if it didn't have slot machines, I would suggest, would not be one-third of the difficulty for people. I think most of the rest of the kinds of gaming are troublesome as a revenue source but there is something about the slot machines that bothers people.

I ask you to do a couple of things while you are thinking about this. Just think about how you feel about whether or not we should be able to authorize the tribal government to operate a resort up there with class 3 gambling that isn't slot machines and, see how you feel about that and also think about it with respect to slot machines. I don't suggest for a minute that it is not important to think about the slot machines but in my own process of working this issue I have found that it is very confusing sometimes to sort out how you feel about the proposal from how you feel about just the idea of slot machines.

I think one of the things that our committee tried to do, both the subcommittee and the Judiciary Committee was to present to this body a bill that had been worked through as much as was possible on the technical end of things so that if the facility were approved it would be a safe facility, a cleanly operated facility, a well regulated facility and one that we could have the least possible amount of fear about with respect with what we were doing to our state.

My feeling was that it is not my believe that it is desirable to use any form of gambling. I don't care whether it is the Lottery or horse racing with money or off-track betting or electronic games for state revenues. I agree with people like Representative Kerr that said that we should not become dependent on those kinds of things. But as a matter of fact, the state has already chosen to do that in part. Maybe not to become dependent but I would challenge anybody to put a budget through without the \$36 million worth of lottery money that we had last year or without the \$4 million that we have already got this year for off-track betting or without \$800,000 that is collected for the licensing of the electronic video games, even though they can't collect prize money for them. That is a lot of money

that we have in our budget.

This legislature has made a determination at some level that will partly fund our government on gambling revenues. It seems to me first and foremost that this is an issue of sovereignty to the extent that the Tribal government has decided that their government is in enough need of additional revenues right now to help them with their other projects and to help them specifically with the care of their people and providing the resources for education and hospitals and infrastructure that a government is supposed to provide.

I just don't believe that it is my job to question the Tribal Council's decision about how their Tribe should seek revenues to support itself.

I did think it was appropriate for myself and everybody else here to consider what does this mean for us? What does this proposal mean for us? How would it function and is it safe and desirable and all those kinds of things, but separate from the idea of whether this a desirable funding mechanism for government? We have already decided that for ourselves, I think we should let the Tribes make that decision for themselves. In this regard, this Tribe is one of three states now where there is any issue over IGRA and otherwise every other tribe in the United States, in other states, that are federally recognized and has jurisdiction over Indian land is considered to be entitled to operate a gaming facility as a means of Tribal self-sufficiency.

What I would like to explain briefly is that in the process of looking at this bill, we first just looked at the law enforcement concerns that were raised by people about this proposal that the Tribe brought in. In doing that we formed a subcommittee with members of Legal Affairs and Judiciary Committee and that subcommittee met for a few times during this session then on a volunteer basis, basically, met several times, six to eight times, I would guess, over the summer and into the fall and into January. At each of those meetings I would say there were no less than 15 people. At each of those meetings there was Wayne Moss from the Attorney General's Office, Lieutenant Harmon from the State Police, and there were the attorneys and representatives and usually at least one Tribal Council member if not the Governor or two Governors from the Passamaquoddy Reservation as well as Representative Attean, Representative Soctomah and other members from the Penobscot Tribe. It was a very full and fruitful kind of discussion. Each meeting we would raise issues, put them out on the table and talk about them and go through them. Any issues that weren't worked through at a meeting were put on the agenda for the next meeting. We just kept going and that is how you get (if you were wondering) from a three page bill to a forty page bill in short order.

I think that that group, to the credit, (I must say), of both the Attorney General and the Commissioner of the Department of Public Safety and State Police, who without any question never supported the idea of a gambling casino in Maine, along with members of both Joint Standing Committees who also some of whom don't support this casino. The agreement and the effort was made for the purpose of insuring (if this bill were to be passed) everybody was committed to making it the best possible bill. I think that there was a tremendous effort made in that regard and I feel very good about that.

There have been questions here about the number of



crimes added to the bill. All I can tell you is that in the interest of giving law enforcement every tool that they had ever found and thought desirable from any other part of the country, we put in anything that they felt would make it easier and faster and more efficient for them to persecute any kind of criminal activity. Some of these crimes are simply crimes that are the same sort of fraudulent or deceptive behavior that are already illegal under our system but they are given new language and updated so that they can be used appropriately within the setting of a casino operation and for the purpose of designing those parts of the law, people that were doing that, the AG's office, State Police, the Tribe, were routinely looking at all the laws from other states that already have casinos and getting the latest that they could find.

As I recall, the only thing of substance that we did not agree to that the Attorney General's office asked for and they only asked for it at the last meeting of the Judiciary Committee, just before we took our first vote, was to expand the wiretapping authorization of state law. We felt, given that other people had said that that was not necessary, that there were ways to use that power under federal law and the undesirability of it in general that with everything else we had done that that was not going to be needed to have an effective law enforcement process.

I would just like to say that I do feel that there is no evidence that should trouble anybody here that any Indian gaming facility in the country has been associated with increase in crime due to the operation of the casino itself. There have been changes in criminal levels of activity certainly associated with commercialized gambling but I don't believe that the Attorney Generals' nationally or any other state has indicated that there has been a significant change in the criminal activity level within the state that they can in any way attribute to a casino gaming operation on an Indian facility.

I think you will hear, before the day is out, from folks here who have traveled to and been to some of these facilities and you may share some of the impressions that I had when this started, as the newspapers have said, of the neon lights and sort of an unpleasant, very commercialized, trashy kind of image of what this facility would look like and what it would bring with it. I have to say also that I have been very impressed with the Tribe and its approach and Indian gaming in general across the country as being not that kind of a facility. It wouldn't look like that, it wouldn't bring that, and although there is the need for comprehensive planning within Calais and other areas in order to assure what happens there, I believe that people have had long enough to think about this and they do have those kinds of concerns in mind.

The amendment or the bill, Report "A," as opposed to the first bill that came was — I think it would be unique (if we passed this) in the country in terms of the fact that it does address many of the problems that Mr. Goodman and Representatives here have raised today. When there was discussion about there being no planning in advance for hidden costs to the state, I think this bill does do that. We have \$1.5 million in there for state regulatory costs that includes the State Police, the Attorney General's rule making development as well as the cost incurred by taxation in auditing and accounting for funds and I think that

that amount of money just shows itself what kind of regulation is involved in this facility because it was my understanding that is twice what most other states consider their law enforcement costs are. That money also will be paid up-front the first year so it doesn't get paid out by the General Fund and then reimbursed. It is paid before the year starts, before the casino operates and that is why the first year has a \$25 million exemption, in order to allow the Tribe to recover that up-front payment in the normal way.

After that, the cost for state recovery of its costs or payment of them are to be provided through the budget process, an appropriations process would set the amount that the state needs for its regulation costs and that would come out of the tax payment that comes in every year.

The bill essentially also does look at some of the problems in other areas where, as you have heard, most of the casinos in this country that are Indian gaming facilities there is not a penny of tax revenue that goes to the state from the casino revenues themselves because it is not allowed under IGRA as anything that the state can demand. The state doesn't have the right to do that.

Connecticut is the only other state that has that and they have it as a result of settling a law suit over the slot machine issue and they also have it as a result of the fact that the state agreed to a monopoly. But, even in Connecticut what they agreed to gives the state general fund 100 percent of the dollars they take. I am very proud of the fact that although this was not the original design of the bill and I can't really claim any credit for it but I would say Representative Caron, the Governor and many other people that worked on the economic element of this in the last several weeks actually looked at this money coming in, noted that the bills purpose in the first part as far as Tribal revenues, have to be used for Tribal governmental purposes, charitable, hospital, schools, educational purposes. When we looked at what we were going to do about the state revenue and people said we should get more money out of this or as Representative Kerr said, we should make a better deal for this state — what people ended up doing with that was they said we need to look at the impact on the surrounding area. There will be an infrastructure cost in Calais, there will be a need for some more development up there. I think that this bill does either generate it directly or it requires it directly. As has been pointed out, substantial money is going to that area.

The bill doesn't have in it the \$20 million that Harrah is agreeing to loan the Tribe to cover the cost of the construction. It does acknowledge that figure by the amount of the exemption and it does also anticipate that \$20 million will be generated for the City of Calais and the Rising Tide Investment Fund. Those two things, I think, are economic development in the sense that Calais, just where else are they going to get \$40 million coming into Calais? At the end of five years they will still have the resort facility regardless of what is there.

The jobs that are crated — I am not sure where people got the information that these are dead-end jobs or that these are low wage jobs. It was stated this morning on the floor of the House that that was the case. The Harrah's Company has made very clear and shared with us some of the figures from their other facility to the extent that I personally feel



extremely comfortable that this is truly a labor intensive facility and we do know about those because we have Bean's that is open 24 hours a day, 365 days a year. That takes a lot of people. So, when they say 725 jobs, I think they mean 725 jobs. They tell us that they expect absolutely no more than 10 percent of those jobs will go to Harrah's people, I believe at one facility they have under seven percent, I believe it is, one has five something and the other has six something. I think that 10 percent is a very small number of these jobs to go to people from Harrah's. Which by the way, has an excellent reputation for training its employees and for working with its employees to bring them along. I think that we can expect that people in Washington County and within commuting distance will get the rest of these jobs.

With respect to the Tribe, my understanding is that the Tribe has in its unemployed labor force 150 to 200 people. So, the most, if every single person in the Tribe were hired, out of the remaining jobs (my math is hard when I am talking) but if you take 725 and subtract ten percent, then round that out to 650. If you subtract 200 from that that is 450. That is a lot of jobs also for Washington County, for the Calais area. That is not including the jobs that would be generated by suppliers, by people providing ancillary services to this facility. These jobs are not — actually, I would pit these jobs against any jobs that we normally generate when we do things like spend \$7 million on tourism. When we spend money on tourism I have always had the picture that a great many of those jobs are going to be waitressing, serving alcoholic beverages, in a seasonal job, part-time wages, no benefits, no security, no retirement. These jobs are year-round jobs, they are full-time jobs. The salary which is also comparative to their other facilities, one third of them would be \$14,000 to \$20,000. One third of them would be \$20,000 to \$28,000 and one third, \$28,000 and above. The average, as was said this morning, somewhere between \$23,000 and \$25,000. That kind of average salary plus health benefits, plus retirement, plus two weeks vacation or including two weeks vacation but paid, I think there are plenty of people in this body that would question whether those are dead-end jobs no matter what they are doing and who wouldn't feel that is better than being on AFDC, being unemployed, being out of work, just in general without hope. The kinds of jobs — I think you have hand-outs of these, are all kinds of jobs and they are jobs that people are now getting trained for up there like the chef program at the Technical School, but they are going to San Francisco or some other big city where they can get cooking jobs easier. Some of those people can stay.

I have watched a number of jobs bills come before the Legislature in the time that I have been here. I don't recall a bill that had any more direct jobs in it, the highest that I recall was 600 and something for the BIW dry dock. My recollection is that there were 425 or so for the Bangor DFAS facility which hasn't happened yet but none the less. I think the wages there may have even been comparable to these actually.

There were 200 and some for something we did for Pratt and Whitney several years ago. There were 300 and some at stake at Kyes Fiber. The list can go on but I don't recall any, certainly much greater than 725, not counting the other jobs. I hope every

single person thinks about that, I am sure you will, but in terms of fairness as well as just what you feel about this particular project.

We are not looking or being asked by these people for tax breaks when we give these jobs. We aren't being asked to pay out state money to do something in advance for these people. We have not made it a requirement on any other — we didn't make it a requirement on the tourism bond, we didn't make it a requirement on any of these other jobs that those industries come in and pay for any road improvements that might ever happen in relation to that facility. We didn't make it a requirement that those people come in and pay in advance for any possible other cost that might be incurred.

In this case the tribe has made a tremendous effort to make sure that its good fortune would be shared with people in Washington County.

I asked, actually, to have this investment fund called the Rising Tide Investment Fund because I felt it was the spirit of the Passamaquoddy approach to this, that they are understanding and believing that everybody should share in this. I think that the fact that people were readily willing to accept sustainable economic development as a component of the criteria for the use of the investment money is also important. My, sort of analogy to sustainable economic development here is that if you have a rising tide and maybe you are doing well while the tide is in, sustainable economic development would make sure that when the tide is out the clam flats aren't poisoned or that the water is still clean and you can fish in it.

I think that the monies that are generated by this can be used for the kinds of things that everybody wants to do for sustainable economic development. Without a \$20 million bond where are you going to find more money for aquaculture or where are you going to find more money for some of the natural resource protection? The sustainable economic development language in this will also allow people to use this money to do things like conservation easements, protect areas up there that are part of the attraction naturally of the area.

I honestly have to say that although I was deeply troubled by this thought of having state revenue generated by what I would call gambling, that my final analysis is that this is the Tribal request for a way to generate money to support the tribe. They are sharing this in a responsible way and in a very generous way, in my opinion.

There is a set aside in here which I think the tribes are willing to look at and deal with if it does not prove to be adequate but for the treatment of people with addictive behaviors. We do not ask any restaurant that opens with a bar in it that they do an extra set aside for anybody who may develop an alcoholism problem as a result of that bar. We have not done that with off-track betting. I recognize there is a problem and I think that is important. But, I also think at the same time for every person that may develop an addictive behavior from this there are probably 50 more that will reduce the need for whatever addictive behavior they developed as a result of being out of a job.

I think that this is not a simple question, it is not an easy question but I appreciate the fact that the members of this body (and I am sure the other body) are taking the time to say what they have to say, to think about it and to give it full

consideration.

I ask that you continue to do that and give it your best effort and I hope you will support Report "A."

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Aliberti.

Representative ALIBERTI: Mr. Speaker, Colleagues of the House: I have a knack of being different in my approach in making legislative decisions and being accountable for those decisions.

I now support Report "A" of L.D. 1998. Was it due to the pressure of the legislators? The answer is no.

Was it due to the countless fliers that came across this desk day after day? That answer is also no.

Was it the legislative lobbyist that continuously asked us to support their particular areas of concern? That answer is no.

Could it have been Representative Driscoll who made such an eloquent plea as a part of that community? Could it have been Representative Townsend who made one earlier this morning and later on in the day? No.

Last Monday towards supper time the telephone rang and I answered the phone. On the other side of the line was a young lady — how do I know she was young? I just had that feeling in the way she presented herself. After the initial dialogue of introduction and socializing a little bit and my trying to get some information, the type of person I was speaking to she said, "I have the greatest opportunity that I have ever had in my life right now." I said, "What is that?" She said, "I have a chance to invest in an apartment complex." What does that have to do with this? Representative Farnsworth talked about economic development and everything else. I didn't hear too much about that personal development opportunity by the people in that community. This young lady was very excited and being given the opportunity to start this apartment complex. I continued to ask her some questions about getting a responsible answer from her and I became more and more impressed. I knew then and there that I would support the casino. I know I have a problem with determining the role of IGRA, the state — I have a problem with that but I could care less about that. I have made up my mind. I was not convinced by the respected legislator from my own community but I was convinced by this young lady's communication with me last Monday. I just wanted to share that with you.

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At this point the Speaker resumed the Chair.

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The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Ketterer.

Representative KETTERER: Mr. Speaker, Colleagues in the House: It has been said that there are three

reasons to vote for Report "A" — jobs, jobs, jobs. 700 direct and some 1400 more indirect jobs, jobs that can be taxed, jobs that can put people to work instead of having them sit at home watching television. There are other reasons why I ask you to support Report "A" on this bill. I was one of the signers of Report "A" from the Judiciary Committee. Fundamental fairness to Indians. The only federal economic initiative to benefit Indians in the history of this country has been Indian gaming. The Indians in this state from 1820 to 1980, frankly, have missed the elevator and got the shaft.

The simple fact is that Indian gaming in other states has been lucrative and successful for any Indian Tribe associated with it.

If you are in favor of jobs and economic development, you should vote for Report "A." If you are against casino gambling and want to control its growth Report "A" is your best bet. No other state in this nation has passed legislation such as this that will permit and regulate Indian gaming.

The Attorney General's office tells us that if the Indians don't get what they want here and bring an action in Federal Court under the Indian Gaming Regulatory Act of 1988 that the State of Maine will win that case. I would respectfully suggest to you that there are lawyers in this body and lawyers elsewhere who don't share that view. The simple fact that there are a number of lawyers, well respected lawyers who cannot agree as to whether or not the conflicts between the 1980 settlement acts and the 1988 Federal Legislation, the conflict inherent in those, whether or not Maine would be included, tells you at the very least that there is a conflict that we put ourselves at risk if instead of acting legislatively we rely on the courts.

In cases in Connecticut in 1990 and in Wisconsin in 1991 the Indians were meritorious in their claims with the applicability of the 1988 legislation involving Indian gaming. We run the risk if we vote no on this proposal that we could take into court and that the Indians do prevail because if the state prevails it is going to be the first time that they have. Indians have been remarkably successful in using the Judicial process. There is a reason why that is the case, because there are federal mandates and federal statutes that require that when legislation is going to be construed it limits Indian sovereignty and Indian rights then it must be construed very narrowly. The state is not postured to win a case of this kind. We put ourselves at great risk if we rely upon the courts.

The choice is clear, if you support this bill we can regulate, control and tax the Indian gaming operation. If we rely on the courts we don't get the revenue, we don't get the control and we are simply left to whatever the courts are going to give us. The tax on that is going to be zero, the regulation is going to be zero and we may end up with casinos throughout the State of Maine that are wholly unregulated. This is an undesirable effect, we can do something about that, we can do it today by voting for Report "A." For those reasons I ask you to join me and vote for that Report.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative True.

Representative TRUE: Mr. Speaker, Men and Women of the House: I would like to present some facts and thoughts that are a little different than perhaps you have heard all day long.

I came into this picture as a member of the Legal Affairs Committee as a few of us were asked to participate with the Judiciary Committee to work on this particular bill. Before that time, and up until now, I have traveled on these four roads that I have heard and the highways of the only two ways of getting to Calais. Some day I would like to take those people with me and I will show them a way over the mountain whereby there are other ways. I have done this for thirty years. That was one of the main reasons that I volunteered for this committee. I have learned a great deal.

I have signed to certainly support this because in my opinion it is the best economic package available. I know you have heard this before. I have heard speeches today about the casino and it is not the answer to the people in this geographic center of our state. Well, I ask you to think for a moment — as I stated, I have been going here for 30 years and this area has needed economic help for some time. Probably nearly as long as that. Yet, how many of you can remember when an economic package has been open to help the job climate north of Bangor? Yet, we, the Legislature, has passed many measures to help our state Bangor and to the south. I have heard other speakers say that it is unfair if the other sections of Maine do not have the same opportunity to open a casino. It would seem to me fitting that we pass this bill to help this section who has not been helped before.

Another question that I had in thinking about talking this afternoon was do we have gambling now? Certainly I don't think there is anyone in this body can say that we do not. Lottery, bingo, other games of chance, chances which I am sure you know about.

I have had the experience of going to Las Vegas, New Jersey and Foxwood. Before you jump to conclusions I am not a gambler and I don't have that affliction. I drink rarely and I never smoke. That has allowed me to put aside \$11 a week to take these excursions. To prove I am not a gambler, at Foxwood, I forgot how many points I put in the machine, it came up, like the new machines do, and it looked like it was tilting and everyone ran over and patted me on the back. "You just won \$1,000." Much to my chagrin if I had put three coins in I would have had \$1,000, with two I got nothing. I need a book on gambling.

For the last week we have had more literature given to us. In fact, I think if the people who emptied the waste paper baskets had kept all of this we could have floated a bond that would have built the casino. A lot of this was on white paper which I think is cheap or cheaper than the psychedelic paper that I have been getting since. As far as I am concerned I think back and correcting papers — as a teacher of history, I used to write on the side lines of their papers, "A" for regurgitation of the facts. "F" for not setting up this paper as I asked you to — because that is what most of these papers were, regurgitation of the facts that somebody else had written.

I had heard the challenge of the fact that casino people did not have reputable people to study whether or not it would be favorable to have a casino in Calais. Well, I have been in business and been in business a long while. I can tell you right now that the Wharton School of Business is normally thought of as being very reputable. I read closely, Mr. Goodman's report. I am not sure — I didn't check with the University of which he lectures of whether

or not this is his attempt to get his doctors thesis and that is what happens when some of the people try to do this, they try to find something that is certainly arguable. I remember reading in the paper quoted from someone in Old Orchard that he came free. I would doubt that.

In many of the papers and things which I read many things were suggested but nothing actually proven. In the paper that I heard read today dealing with Harrah, I heard all sorts of accusations in it. I was waiting for the final paragraph to see whether or not they were found guilty or not. I don't believe they were.

Years ago I stopped trying to legislate social mores. How long have we as people all over the United States and certainly in Maine tried to control drinking, drugs, and now our newest problem AIDS? What about the people who suffer from bulimia or anorexia? If we took the numbers of the people who have these particular afflictions I would almost be a betting man and bet that those people who are addicted to gambling would be if it was a percentage of every 1,000 people that they would be on the bottom of the list.

Lastly, I would like to speak about this area. Having traveled it 30 years I can remember the up's and down's of Calais in their attempt to make their Main Street very presentable and 99 percent of the storefronts were filled. If you go down the highway through Robinson and go all the way down to Eastport, I can remember when they had a renovation project and they too did a great job with the Main Street. Last year I went down and I found that probably 90 percent of those stores were also vacant.

I believe in Maine and have since I traveled over the Kittery Bridge 46 years ago returning from World War II and never wanting to leave again, and I haven't. Yes, it would be great if we had other avenues. I have been waiting for these things to come forth but I haven't seen them. It is my hope that we, the members of the Legislature will support this bill and this report. I must remember words that my good wife keeps saying to me when I go to speak and that is, "Do not be like the rooster who thought the sun rose only to hear himself crow." So, I will stop crowing.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Mr. Speaker, Men and Women of the House: I have already told Representative Townsend that I had quite a bit of material I would like to discuss with you, most of it has already been said so I would like to just touch on three items very briefly.

First of all, quite a bit of discussion today has been on the legal problems surrounding the casino and the building of it. Actually, I think one of the opponents earlier — I would like to recount just a little bit of what he said, may have handled that question best, however unplanned it was. In his comments, Representative Faircloth acknowledged that the bill that we are considering, Report "A" is an "excellent example of how to regulate casinos." While I wasn't looking for such a statement from an opponent I agree with that statement and I believe that that assessment an accurate one. So, in my judgment, the legal problems aren't an issue in my case at least.

Another comment was the proliferation of casinos. I think Representative Cathcart stated that very

clearly as well. I want to remind you of that, she pointed out that this bill only allows the one casino. As I have realized from the start, as others have as well, if there are other requests then they will have to come before whatever legislature is sitting at that time and they will have to stand on their own merit. The point I want to emphasize that she said earlier which I think is a valid one, that at that time whether it be a year or two or however many years, that legislature, whichever one it might be, will have the experience of this casino to fall back on and to look at.

Social issues have come up over and over again about the impact the casino will have on the area. I don't remember exactly which document it was — we have just heard from Representative True and others and we certainly have lots of material. I would say this to you about the social issues. On one of those documents it did point out (and I will repeat it in my own words), aren't we all well aware that Washington County already has an incredibly high unemployment rate. Aren't we already aware that they already experience the social problems associated with poverty, namely alcoholism and drug abuse, domestic violence and other criminal activities. I would ask you, how could it get worse?

With this bill we have a chance to help them to do better. What this bill is about, in my judgment, is exactly what Representative Pouliot, Representative Townsend and others have said, is putting our actions where our words have been, at least all the ten years that I have been here and really doing something about all those things we have been talking about, giving the Passamaquoddy Indians and the people of Calais a chance for jobs, giving them a chance to get off the welfare rolls, giving the county a chance to turn things around. The majority of the tribe wants it, the majority of the citizens want it and I believe we should trust their judgment.

We have talked about safety quite a bit. While I haven't been to Las Vegas a large number of times, I have been there. Many of the few who are still in the chamber know my wife quite well and my wife is not exactly a person who loves to roam the streets at night, especially in a strange city. It was very difficult on the first night to get her to even want to go outside, but after one evening I was finally able to convince her and she was as comfortable as could be. Those who are talking about the violence and the crime that is rampant on the streets of Las Vegas or Atlantic City, outside of the casino — I can't tell you what goes on outside of the casino area in Atlantic City — are telling you wrong, the casinos aren't trashy. In my judgment the streets aren't trashy, they are a little more glittery than beautiful downtown Westbrook, yes, they are. The food is excellent, the people are wonderful. The security is something you don't even think about all day long or all night long.

Finally, I would just quote from a couple of the documents that we got that Representative True mentioned so many that we have, and several others have too, from a couple of the comments that we received that I think boils it down for me. "The most important issue has been resolved. This development is manageable, it can be built without fear so long as the state remains vigilant."

Representative Bailey, early in the day, expressed his support and his confidence in the State Police. Since I have a great amount of confidence in

Representative Bailey I share his confidence in the State Police ability to maintain that vigilance. "The only question remains is whether state legislators, once they have weighed the risks and advantages and found the risk work taking, are willing to make a commitment standing behind the tribe and the people of northeastern Maine." Finally, in another article, "The casino should be considered for what it is." That is what I have been trying to do through all these documents, "one business proposition to invest \$20 million in Washington County creating a few hundred jobs in a chronically depressed part of Maine. By voting for the project, we, the legislature, will be supporting a single opportunity, not a final economic solution. There will continue to be room in that county for additional development and the activity created by the casino may help bring it about."

Finally, I would just say this, we have heard several of the opponents today talk about reports and experts. It seems to me we have a lot of experts out there, in my 23 years of teaching and over half of my 62 years in government in one form or another I have come to the conclusion that you can get a report, an authoritative, written, unimpeachable, beautifully professional, report that says what you want it to say any time from any one because there are experts out there who are capable of doing that.

In my judgment, many of the reports that have been alluded to today have been used in just that way. I think it is unfortunate, I think we are avoiding the issue and that is the issue of depression in that area that we can help finally by our vote today, we can say we have done something for an area that we have been talking about doing something for a long time.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I know you have all seen on your desk a copy of the U.S. News and World Report of March 14. I think the chilling words of a Las Vegas casino owner capture the essence of what I think is wrong with bringing casino gambling to Maine. He said in this article, "we target everybody, that is the business I am in. Money is money, what is the difference if it is a Social Security check, a welfare check, a stock dividend check?"

In my opinion we don't want that attitude in Maine, period. I think we care more about people than that. I do agree with all the speakers who say we need a state-wide strategy. Representative Bowers distributed a list of the unemployment rates, clearly Washington County is not the only area suffering. We need to have that debate, we should be having that debate now.

Last week when we debated cutting the tax burden in this state, which would have drawn jobs all over this state, I think that lasted maybe ten minutes, that debate. I think we need to have the courage to make decisions right now in this body to turn down the casino proposal. I know there has been a suggestion we send it out to referendum but I don't accept the politics of the referendum because of the enormous amount of money that has been spent to promote casino gambling in the corridors of the capital. I think it would be a very lopsided discussion publicly.

I would like to pose a question to any supporter because we have had a lot of discussions in the

Appropriations Committee about paying the bills for indigent clients and for corrections over time because of the number of increased crimes being created. The bill, Report "A," imposes an excise tax, it raised \$1.9 million and the bill immediately spends \$1.85 million, so clearly there is not money there for law enforcement or corrections. It creates five pages of new crimes, five pages in Report "A," pages, 23, 24, 25, 26 and 27. Page after page of new crimes that are committed only in casinos. Clearly there has got to be an increased cost in the corrections department. Who will pay for the lawyers of those who have lost all their money and become indigent? We had to put several million dollars into that account this year to pay for those clients. Who is going to pay for the prison time, even the fiscal note on the bill says it is \$45,000 for certain crimes and \$8,000 to send each Class D criminal to jail, etcetera. Who is going to pay these and who is going to build the prisons to put them in? I think it is time we asked those questions of those who want this bill.

The SPEAKER: Representative Foss of Yarmouth has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Eastport, Representative Townsend.

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: I am a little bit taken by surprise as I have seen a lot of laws passed here in my six year in this House and a very few times have I heard who is going to pay for this and who is going to pay for that.

As far as money for the state police to keep this in order it has already been stated here a number of times on the floor and in caucuses as well and it is a pretty clear thing to look up in the bill — the projections on this is \$40 million and they would have to go below \$15 million before the State Police don't get their money, they get money for the new offices and to run this, that is already clear. I would state that if that is going to be a question and a point for this bill then I want it to be a point for every law we have passed in the past six years and in the future.

Once again, I can't help but feel (and it is just my opinion) but I can't help but feel that we are being used just a little bit differently here. I see tax money going into many many projects in this state without a blink of anybody's eye on the floor of this House. I see a lot of laws being passed with new crimes. Very seldom do you hear this question, "Who is going to buy the new jail?" and "Who is going to do this?" Yes, those are serious questions, there is no question about it but none of them should be used as excuses to deny economic development in Washington County. I think the answer to all those question is this, yes, there are going to be people hurt, yes, there is going to be people committing crimes. With any type of economic development you get crime because crime follows economic development, crime follows money. 85 percent of the folks in Washington County that work for a living, 85 percent who can handle the responsibility of spending their pay check in a responsible manner to take care of their families should not be held economic hostages for the few that cannot handle it.

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

Representative FAIRCLOTH: Mr. Speaker, Colleagues

of the House: I just wanted to mention a couple of points. First, Representative O'Gara, said it might be unintentional on my part to say that this is an excellent bill on how to regulate casinos. In fact, no, that was very intentional on my part. As a member of the Judiciary Committee, as many have, I compliment Representative Farnsworth and many others who have worked on this bill. I was involved with adding law enforcement provisions to this bill and I stand by that statement.

I have never argued that it is not a well crafted piece of legislation if one wishes to have a casino but I do feel that there was not an adequate discussion about whether and under what circumstances one would have a casino.

I would respectfully disagree with some of the points made where I have heard people say we should "not think about casinos spreading." I think that is even a quote from one of the members of the House. I think indeed we should think about that. I think that we do need to listen to experts in that regard. I tried to look at this in a very objective fashion and look for experts not trying to find a result from those experts but trying to find what they would tell me. Again, speaking to someone like Professor Nelson Rose at the University of Nevada, he made very clear to me that he thought it held true that when states allow one casino they tend to allow several. Economists told me casinos with localized markets are economic cannibals, they increase poverty and that is my concern.

I also made a third point which I have also maintained that a casino in an isolated area with a wide guaranteed market and many out of state patrons can foster economic growth and I have never changed my position in that regard.

But, I believe — again a fourth point, that only a Constitutional Amendment can limit that. One of my problems is that it seems somewhat strange to me that we are not supposed to listen to independent economists. We are not supposed to listen to independent experts but we are supposed to listen to the paid lobbyists like Mr. Tureen. I like Mr. Tureen, I think he is a good man. I think the lobbyists for the casino are honest people. I don't think they lack honor in any way, but they are pressing a point of view and that is what they are going to do. But when you look at what the independent experts tell you I think the evidence is extremely clear that casinos do spread when you allow them in a state and that is one of my foremost concerns. I am surprised people say we should not think about that. We shouldn't think about the future? We shouldn't think about future legislative sessions? I think we should. I don't think we should just be thinking into this next session. I think we need to look five, ten, twenty years ahead into the long term economic implications of our actions. I feel very strongly that when you do that we need to have greater assurance and this bill lacks that, that there will not be a spread of casinos. I think we should listen to people like a journalist, a Naive American journalist from the State of Minnesota who said that at first, at first, unemployment went down, welfare rolls went down but that now they are going back up and they are staying up. I think we need to listen to that. You can call them an expert or whatever you want but to me it sounds like he is a Native American journalist from the State of Minnesota who has some knowledge that we should

listen to and he is objective, he is not paid by anyone to tell me what he is telling me or to write what he is writing in his publication. That is why I am coming by this viewpoint.

I also want to address some concerns about the legal issues. When I say legal issues I mean the points made about IGRA. I would want to respectfully disagree with my friend, Representative Ketterer, about the possibility of using IGRA. One point that has always puzzled me about the argument that immediately the tribe could go to IGRA in this state is that if they could, why wouldn't they? There are more than 100 Native American casinos in the United States today. They didn't go to their legislatures and ask to have a casino. Why? Because they knew quite correctly that under the Indian Gaming Regulatory Act they had an immediate right but if you listen to the Department of the Attorney General, here is a memo from Wayne Moss — he states, I quote, talking about IGRA does not apply here, he said, "Our law is not like the Rhode Island law situation that has been referred to, we have a specific provision that states that these other laws shall not apply, such as IGRA, unless such provision of such subsequently enacted federal law is specifically made applicable within the State of Maine." You don't need to be a lawyer to know what that means. It is a fairly straightforward statement. "There is no such provision." Again, this is quoting from Mr. Moss, "since IGRA contains no provision to make it specifically applicable within Maine, IGRA simply does not apply here." Now, is there a guarantee that if this matter goes to litigation that the Tribe will not prevail? No. But, again, this is just the opinion of Attorney General on one level of this.

Then, furthermore, I have heard statements that you can't negotiate a compact and they can have unregulated casinos if they go through IGRA. If they were successful in IGRA, and that is a big if, then it is in fact true that under IGRA they have to negotiate with the Governor of the state and the Governor can ask for law enforcement provisions, he can ask for significant regulations and do that in good faith and quite appropriately. So, it is incorrect to argue that that is not the case.

Also, when talking about whether or not you can have slot machines or not, Mr. Moss from the Attorney General's office who is an expert in this area consulted with perhaps the best expert in the country Nelson Kemsy who is the Executive Director of the Conference of Western Attorneys' General. He said that since slot machines, roulette wheels machines are outright prohibited under Maine law he says it would be not likely that they would be allowed under IGRA here in the State of Maine. That is all I am saying. Is it possible that they could be? Yes, it is possible but you keep adding on these unlikely things and you have a very unlikely scenario not to mention the fact it has to be on Tribal land.

So, when you combine all these facts together you can understand why maybe Mr. Tureen and the folks decided to come to the Legislature first because I don't think they think they have as good a case as they say they do or they would have gone straight to IGRA like almost all the other tribes in the United States have done.

My point is, again, I am not necessarily opposed to a casino if you can limit it. I think the only way to limit it is a Constitutional Amendment and that is not in Committee Report "A" and I am very

skeptical about the odds of success under IGRA. So, again, I do not do this out of any malice, I am just trying to look objectively at the facts and this is my conclusion. So, I again would urge an "Ought Not to Pass" on Committee Report "A."

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I believe we have been here since nine-thirty this morning. At noon time I was talking to a friend of mine and I made a slight wager to a lobster feed that we wouldn't even vote on this before four o'clock. He made a condition on it, but if it isn't done by five o'clock you lose out. Please, it is getting close, I don't want to lose out on that.

We have heard over and over again — I am not running for office, either reelection or higher office but there are many people in here today it is obvious they are running for higher office or reelection, they are doing quite a good job. If I was younger maybe I would be doing the same thing.

I agree with the good gentleman from South Portland, my good friend, Representative DiPietro. We have been arguing this since nine-thirty, please as the good gentleman from Township 27 said, I plead with you, let's vote on this before I croak. That is what is happening, I am not getting any younger. I hate to be hauled out of there in a horizontal position and that is exactly — like I told my good seatmate here who is a Reverend, please prepare a eulogy at the rate we are going — please, I say, there is not going to be one single vote changed. Let's vote on this and go on to something else.

The SPEAKER: The Chair recognizes the Representative from Washington, Representative Bowers.

Representative BOWERS: Mr. Speaker, Men and Women of the House: In all deference to my good friend, the Representative from Lisbon, I have waited this long because I knew I could make my remarks shorter because my good friend, the Representative from Madison, was very clear in his remarks. Representative Farnsworth was very clear and very succinct in explaining the bill. And, Representative Faircloth, my good friend from Bangor has succeeded in getting me all wound up.

I do want to address a few points that have been made, a few concerns. One concern was about roads cost. The projections that have been done by Harrah's and the Waldren Economic Group are not relying on extra traffic, they are relying on the existing traffic that goes through Calais right now. We are not really talking about a lot of new roads, a lot of new expense. I think the state police can also handle the regulation. I think they are very capable. I saw that in my discussions with Lieutenant Harmon. And, all of these extra crimes, they are tools that the State Police and the Attorney General asked for. We gave them the tools.

I went to every committee meeting, every subcommittee meeting all through the summer. Most of the issues that have been raised on the floor today were raised in those committee meetings. I feel that we made a very large good faith effort to address all those issues.

One thing that I want to tell you is that last July after we adjourned I went to a family reunion in Michigan. My cousins directed me up to an Indian gaming facility near Traverse City, Michigan. I had to get directions to find it, it wasn't advertised.



It was 14 miles up a road outside Traverse City, it has been in existence since 1981.

It started as a high stake beano facility. In 1988 they opened up a casino without permission of the State of Michigan, without a compact, they fought the state all along, it has been an adversary relationship.

I went up to it and there is no glitter, there was only a sign out front and it looked like a butler building with a nice brick facade and a big parking lot. There were very pleasant people that were directing you where to park your car. When I walked in I identified myself and I told them that I would like to talk to somebody that would explain the operation and talk to me about the tribe, this is in the Town of Peshawbestown. I learned how to say it but I wouldn't have been able to tell by the spelling.

I spent three and half hours there, they showed me around. I walked up to people that were employees there and talked to them directly without being escorted. They gave me that complete freedom to do so. It was a very nice, quiet, facility for a gaming facility.

I have been to Las Vegas once. I have done it, now I can say I have done it. I don't have any plans to go back.

I have been to Atlantic City because I drove truck and went there all the time. The city is no worse than it was before, it has always been the dregs.

But, there were people in Bermuda shorts and flowered shirts, there were all sorts of ages of people there. It was the middle of a summer afternoon and it was about half full. There were drink servers walking around, they weren't asking people if they want a drink, they had to be asked before they gave them a drink and people had to pay for their drinks.

The Tribe runs that facility, they do a real good job — 65 percent of the people that work there are members of Native American Tribes. They have built 65 new homes in a Reservation that has 2,500 people. They have built a new medical facility. They built two new schools. What amazed me about the place was the sense of pride and the sense of ownership in that facility.

One good friend of mine, at lunch today, said, "Well, my daughter could go get a job and dress in fish-net stockings and wear high heels and serve drinks." These women didn't do that, they dressed comfortably, they dressed appropriately, they had good jobs and they made good tips.

I went into Traverse City, which is a city of about 20,000. It is a destination resort city. There is a lot of agriculture in the area. I talked to the president of the Chamber of Commerce and I talked to the Chief of Police, they were both opposed to this casino but had nothing to say about it because this casino was put in under the Indian Gaming Regulatory Act. They said that the casino is now the best neighbor they could have. They said — the Chief of Police told me they are not called onto the reservation any where near as often as they used to be. There is less wife beating, less drunken behavior, less drug abuse. He basically said there is more pride.

The Chamber of Commerce said that all of its fears were unfounded, that business has been spurred by it and there has been no detriment that he can think of.

This is the visit that turned me around and made me decide to support this bill and to work so hard on

crafting a bill that I think will do the best job for the state.

I think that it is time for us to have a little trust and the common sense that the Passamaquoddy Tribe has shown and give them the chance to make this work and support Report "A."

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Members of the House: I may be speaking only for the Record but I think that I want to make three basic points.

First, I have heard comments all day about whether or not the Native Americans can win in court or whether or not they will lose. I was the only one here in this body when we were told by every lawyer in this state that we had nothing to fear from the Lands Claim Case. We woke up one morning with two-thirds of the state entirely under suspicion as to whether or not we even owned the land. Some of you remember that well. Communities like Millinocket couldn't even sell a house, you couldn't borrow a dollar to buy a house in that community because of that question.

For those who believe that that is where we are to go (to court) I want you all to remember that if this does not pass that I have said to you all, as Representatives of the people of Maine, that I don't dare take that chance because at that point Maine will have lost total control or inability to get any revenues. We ought never to forget that.

Second, for those of you from Aroostook County or were born in Aroostook County or in Washington County now you need to remember that it is a matter of time before there will be a casino in Woodstock, ten miles from Houlton. And, by next summer there will be one that will be open in Quebec City. If you think that you can stop people from gambling and going to casinos then it is like putting your head in the sand.

I was one of those that voted against gambling, I voted against slot machines, I voted against all the things that we have had and it has made absolutely no impact in the final analysis, other states ate us up if we didn't try to do it ourselves.

About the figure that I have to refute is the question of whether or not more gambling goes on in Washington County now per capita than other counties using the present system. It doesn't make any sense — I can only think back of the day before agency stores when the highest per capita of alcohol was sold in Presque Isle, Maine. Not because Presque Isle citizens were drunk but because that is where everyone from Houlton to Presque Isle went to get their liquor. So, statistics are very deceiving and once you start looking at where it is, you have got to remember that. It makes no sense. It is the number of people that go through that area that make the difference.

I was one of those that had no intention of voting for the casino bill because I, in the first analysis, decided that I didn't want a casino in Maine. Then I realized what difference does it make, it is going to happen one way or another and I would rather control it. Everyone of us will have to cast our own vote today but in the final analysis please don't do it on the basis as to whether or not Maine will ever have a casino or it won't because as I stand here today I can almost guarantee you that it will come. The only question then if that is true and you shake your head in the affirmative the only thing then to ask yourself, do you want to control it? This bill may

be the only vehicle that does that. It may be the only vehicle. If it is defeated today or the next day or whenever we get to a vote, finally, then we will all know the consequences. We, unfortunately, have to live by them.

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

Representative COFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: I feel I have to rise before you today to speak on this issue.

A little earlier I was somewhat angry because repeatedly for the last few weeks I felt threatened here. I felt that I was being threatened in my decision making process by having something called IGRA hanging over my head. I think it would be safe to say that I am the only one in this body presently that was living on Indian Island in Old Town in a community setting as a member of that community when the Land Claims issue was settled in this state. I followed that issue very closely, I know something about that from following it and being a member of that community. I know that the Native American status in this state is vastly different than the status anywhere else in this country, the Attorney General stated that. Some people don't believe that but nevertheless for whatever reasons, I concur with the Attorney General.

At one time, right after the Land Claims were settled, there were proposals to start businesses using their status. One of those proposals that was put forth by a family member was to have a smoke shop. In case any of you don't know what a smoke shop is, they are on reservations out west where they can sell cigarettes and not pay any taxes, not charge any taxes on those cigarettes. It is a booming business. We found out when we presented that proposal that that could not be done on Native American property in the State of Maine because of the different status that these communities, the Native American communities, had here, versus in the other parts of the United States.

This is very difficult for me because I have two children that are Penobscot. I have a daughter that is buried on Indian Island. After a lifetime of traveling around the world with my parents in the military that was the first community that I ever felt that was home to me. I do not take this lightly.

With this bill, I feel the importance of this spiritually, economically, every way is crucial. So crucial that I say that Maine is at the crossroads with this bill. We are here right now voting on something that we are going to make a decision that is going to effect the rest of our lives and our children's lives. It is going to effect this state one way or the other what we do. We can decide, we are at the fork of the road and we can decide which way we are going to go here. We can take one path and send a message across this country because this is what is going to happen.

They just voted down a gambling issue in Missouri and right away I heard about it here. So, you can believe with what we do here is going to go across this country. If we go down one path — let me rephrase that, we shouldn't go down this one path because this one path would be looking for a quick fix, looking for fast money. I don't feel that we believe in a quick fix. That is not in our heritage. We don't believe in fast money, we don't believe in unthought-out proposals. We don't even have a location for this casino. No studies have

been done, no environmental impact studies have been done, nothing. We don't even know where it is going to be located.

I have gotten letters from community members that have a grave concern here. The Moose Horn Wildlife Refuge is just down the road. There are deer crossings, there are moose crossings, the ducks, the eagles are there. Nobody has thought about that. I don't feel we believe in a lack of planning for our future and that is what we are talking about with this issue.

I don't feel that we really believe in desperate acts. In acts of desperation. That is what we have here.

Originally, last summer, when this issue came up I jumped right on it, all I saw was jobs. Why not in Old Town? We have got this closed factory right downtown, it would be an excellent location. Let's have a casino right there.

Until I started doing research on this subject matter — I was one of the legislators that went on the fact finding trip down to Connecticut. What we have here when I speak of desperation is a situation where right now, according to what I understand, the Passamaquoddy peoples' government is about \$2 million in debt. There was a time, a couple of weeks ago when banks would not even cash the checks from the Tribal government. They have been a victim of bad business deals just as the Penobscot's have.

All they are asking for, as are the other citizens of Washington County, is jobs. They want some help, they want to work and we down here are not helping them. There are some scandalous things that have happened and we, the State of Maine, are responsible.

It is pretty bad when we know of the substance abuse problems there as in other areas and the State of Maine, because we are — I guess the reason is we are in bad financial shape — we withhold funds that we have promised them for substance abuse. That is a pretty sorry state.

State government has shirked its responsibility for not only the Passamaquoddy people but for Washington County as a whole. All I have heard for years and years are promises, we will help, we will do something up there but nothing ever happens. I don't blame them for trying to look around being enterprising enough to search out something that is going to create jobs, that is going to bring some money in the area, that is going to keep their people in the area. Something has to be done. They are not going to stand by any more and wait for promises. It is just too bad that this is the only thing that could come forth, especially since we have a situation where our banks refusing to loan them money on viable business enterprises. Right now they could use a blueberry processing plant there. But no bank is willing to talk to them about loans because of their financial situation.

Many of us here thought that they were rolling in money when they sold the cement plant. We didn't realize that they were going to get paid back over 15 or so years and getting very little. I would venture to say that most of us didn't know their financial situation and how desperate it is. I will not say desperate, I apologize for that, I will say how bad it is.

We heard about the scrubber — we didn't hear that the previous Tribal government sat on that scrubber, where people were getting paid \$10,000 a meeting to meet quarterly to sit on that and twiddle their



thumbs, nothing every happened to that scrubber. It is proven technology, it could help the environment, it could be developed. Did anybody every offer any help down here? Did the University ever get involved and offer to help them up there to develop that?

The other direction that we could take is more in tune with our heritage. Our heritage is one of hard work. We are known for that. We are known for that nation wide and world wide. Maine workers historically have been among the nations most productive workers. I have met numerous people that have gone to other locations in the state and as soon as they say they are from Maine they are hired on the spot. What does this have to do with the issue? It has to do with the issue of viable jobs versus casino jobs. How viable is that when the goal of a casino is to empty out the pockets of the people who come there.

I certainly found a lot of real happy people down in Connecticut sitting around, very happy. We went there in the evening. I think we got there at eight o'clock and stayed until one o'clock. When we took the older gentlemen home and couple of us went back and stayed until five o'clock.

I want you to know I worked continuously when I was there. I lost \$350 gambling. I played the slot machines, I did everything that everybody does when they go there but all the time I was working. I would sit at the slot machines and start up conversations with people next to me and asking them about the place. Asking them how often they came there. I would go in the bar and sit down with somebody and ask them what is going on here. You should have heard the stories that I heard. They didn't think it was funny. Acts of desperation. That is what I heard. The more they lost the more they came back to win.

I have people that I know that have grown up in gambling addicted families. It has ruined those families. I think that we should look at other areas of financing. I look at this proposal as a bad business deal. It makes absolutely no business sense, no viable business sense, no sustainable business sense. It might work for a year, who knows, maybe even two. The Canadians are not going to let their money go to the United States or the State of Maine very long. I appreciate the good Representative from Aroostook County mentioning that in a short while there will be a casino in Woodstock, right across the border. There will be one in Quebec City. Right now there are three casinos proposed for Massachusetts. Every place is going to have casinos. Where are families going to go on vacation. Where are families going to want to go when they relocate and want to live somewhere where it is safe, where the air is clean and the water is pure, where there isn't crime?

I say if we take the other path they are going to want to go to Maine. That is the choice we have here. We don't need to do something like this, of this significance and this magnitude because we are desperate for jobs. We certainly don't need to promise people up there that if they don't get this, just we will promise in the future sometime, something else will happen. We need to put something together and concentrate on getting jobs in not only Washington County but in Aroostook County and Waldo County, the hard hit areas of this state. Our state has many valuable components.

Are many of you aware, I wonder, City Bank came

here a year ago looking to locate a business here and they went away because our banking laws weren't conducive to what they wanted so they relocated that business in South Dakota. Great place to be. I am not meaning to put down South Dakota — but, I wonder, where would someone rather be, South Dakota or Maine? Look what we have to offer. Every day that I am here, I meet people from not only around the United States but around the world. Bankers are coming in from Japan, I met three of them here two weeks ago. They are wanting to invest.

Right now we are talking about a lack of jobs, about a bad economy. But we are almost at that place where we are going to be talking about managed growth. The foundation has been laid here. The Governor has put an incredible amount of effort through the years that he has been in office in laying a foundation for international trade. That is where our future lies. We could turn this whole state into a world trade zone. Think about it. Look at the facts. We are the closest state to Europe. We have got Loring Air Force Base. Who wants to ship any more from these countries to New York and New Jersey? They write off a percentage of everything they ship because it gets stolen. It is a mess down there. What do we have to offer? If we developed this we would have a lot to offer. We have already got European companies coming over here and coming over with their factories. The Lempforder Corporation in Brewer for instance a German owned company, hundreds and hundreds of jobs. Foreign countries are buying up our land. It is happening because they know what we have to offer. We have to recognize that and build on it.

Those components that Aroostook County has won and Washington County, we have to look at the big picture and put all this together where we could have foreign goods flown in and out of Aroostook County. We should be developing Eastport as a port, we should be letting cargo ships come in and out more than they do now. We need jobs for Washington County, everybody is in agreement on that, it is just what kind of jobs. We should be talking about port facilities.

If FAME is willing to guarantee up to \$13 million in loans, guaranteed by the State of Maine for the casino proposal why can't they also guarantee those loans for a blueberry processing plant or for scrubber technology development or for building up the port facilities or for a free trade zone or finding the resources to build up Route 9 all the way from Calais to New Hampshire? Just think what that would do. They need help up there. The State of Maine should look at what help we have to offer and put our resources there, not just send them to where most of the legislators come from down south but to spread it out and let our state grow in its entirety. We need to look at the entire State of Maine.

When we come down here we can no longer afford to look at just our little districts. My district did not send me down here to do that, to find all the pork I could find and bring it back home, they sent me down here to be a State Representative, to represent all the areas of the state.

As you have gathered by now, you can understand where I am coming from. I am in agreement with those residents in Washington County that say no more promises.

I would also like to say that they should be able to say if we can't have this then we want to know

what we can have because we need something. As an example of something that is on the horizon here that you will hear about shortly, if you haven't already. Let me read the news release from Senator Mitchell's Office. This is dated March 30th, "Senator George Mitchell today, again, urged Secretary of Defense William Perry to locate Defense Finance and Accounting Service centers in Maine. In a telephone conversation with the Defense Secretary, Mitchell outlined the advantages a Maine site would have to offer. Both Bangor and Loring are under consideration by the Department of Defense as possible sites for a DFAS center. As the selection moves forward I wanted to be sure Secretary Perry personally is aware of the advantages of locating a Defense Finance and Accounting Service Center in Maine. I have met and talked with the Defense Secretary on several occasions about DFAS and am certain that he understands the benefits Maine offers. The Defense Department intends to consolidate its finance and accounting services into a handful of centers in the near future. Each center would employ at least 700....."

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Carleton, and inquires for what purpose the Representative rises.

Representative CARLETON: Mr. Speaker, I rise to a point of order questioning the relevance of the discussion that is going on at this point?

The SPEAKER: The Chair apologizes for interrupting the Representative from Old Town, Representative Coffman, the Chair would tend to agree that while the information is extremely relevant to the State of Maine, it would not be relevant to our propose of discussing this bill which is the casino bill. The Chair would encourage the Representative from Old Town to confine his concluding remarks to the motion to adopt the Majority "Ought to Pass" Report.

Representative COFFMAN: With all due respect, Mr. Speaker, I find it hard to believe that when we are talking about locating two defense centers here in the State of Maine that could bring probably 2,000 jobs and possibly one of those centers could be located in Washington County that that isn't relative to what we are talking about here. Would the Chair rule that that is not relevant?

The SPEAKER: I think the Representative from Old Town has made his point on the importance of the DFAS centers.

Representative COFFMAN: And the point of reading this up-to-date, last minute news is that here is something that could possibly come in the State of Maine. I find it very encouraging when we have Representatives in the Bangor area that have put a lot of effort in attracting this that is looking at where these should really go, where we really need jobs in this state and they are willing to say — the ones that I have talked to so far — that maybe we should look at locating one of these in Loring in Aroostook because they need it, and maybe if it fits that maybe we should locate the other one in Washington County and if not then maybe in Waldo County but somewhere that it truly needs this, not some place that has got a lot of political pull and got a lot of Representatives that will vote one way or another and that can use their influence but it is time that we look at the whole state and address the needs of the whole state out there and the different

components that make that state and stop worrying about our own little back yard.

The SPEAKER: A roll call has been ordered. The pending question is the motion of Representative Cote of Auburn that the House accept "Ought to Pass" Report "A." Those in favor will vote yes; those opposed will vote no.

## ROLL CALL NO. 329

YEA - Ahearne, Aliberti, Bailey, H.; Bailey, R.; Beam, Bowers, Bruno, Cameron, Campbell, Caron, Carr, Carroll, Cashman, Cathcart, Clement, Cote, Driscoll, Dutremble, L.; Erwin, Farnsworth, Gould, R. A.; Greenlaw, Hale, Hatch, Hichborn, Hogleund, Jacques, Jalbert, Johnson, Ketterer, Lindahl, Martin, J.; Mitchell, E.; Nadeau, Norton, O'Gara, Paradis, P.; Pinette, Pouliot, Ricker, Rotondi, Saint Onge, Swazey, Tardy, Townsend, G.; True, Tufts, Vigue, Young, The Speaker.

NAY - Adams, Aikman, Anderson, Ault, Barth, Bennett, Birney, Carleton, Chase, Chonko, Clark, Cloutier, Clukey, Coffman, Coles, Constantine, Cross, Daggett, Dexter, DiPietro, Donnelly, Dore, Faircloth, Farnum, Farren, Fitzpatrick, Foss, Gamache, Gean, Gray, Heesch, Heino, Holt, Hussey, Joy, Kerr, Kilkelly, Kneeland, Kontos, Larrivee, Lemke, Lemont, Libby Jack, Libby James, Lipman, Look, Lord, MacBride, Marsh, Marshall, Melendy, Michael, Michaud, Mitchell, J.; Morrison, Murphy, Nash, Nickerson, Oliver, Ott, Pendexter, Pendleton, Pfeiffer, Pineau, Plourde, Plowman, Poulin, Rand, Reed, G.; Reed, W.; Richardson, Robichaud, Rowe, Ruhlin, Rydell, Saxl, Simonds, Simoneau, Skoglund, Small, Spear, Stevens, A.; Stevens, K.; Strout, Sullivan, Taylor, Thompson, Townsend, E.; Townsend, L.; Tracy, Treat, Walker, Wentworth, Whitcomb, Winn, Zirkilton.

ABSENT - Brennan, Hillock, Joseph, Kutasi, Martin, H..

Yes, 50; No, 96; Absent, 5; Paired, 0; Excused, 0.

50 having voted in the affirmative and 96 in the negative, with 5 being absent, the Report "A" "Ought to Pass" was not accepted.

Subsequently, Report "B" "Ought Not to Pass" was accepted and sent up for concurrence.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

Representative Martin of Eagle Lake was granted permission to address the House.

Representative MARTIN: Mr. Speaker, Members of the House: For all of you who have gotten phone calls on the Maine Health Care Program, the judge has just granted a TRO against the state and all individuals that were on the program will continue to be on the program. They will continue to process and so you ought to inform those people that were on the program that they are protected until such time as a full hearing is granted.

## TABLED AND TODAY ASSIGNED

The Chair laid before the House the following

items which were Tabled and Today Assigned:

Bill "An Act to Increase Access to Primary Care by Redefining the Practice of Advanced Nursing" (S.P. 390) (L.D. 1185)

- In Senate, Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-454) as amended by Senate Amendment "B" (S-513) thereto.

TABLED - April 6, 1994 by Representative HOGGLUND of Portland.

PENDING - Adoption of Committee Amendment "A" (S-454) as amended by Senate Amendment "B" (S-513) thereto.

On motion of Representative PENDEXTER of Scarborough, the House reconsidered its action whereby Senate Amendment "B" (S-513) was adopted.

On further motion of the same Representative, Senate Amendment "B" (S-513) was indefinitely postponed.

The same Representative presented House Amendment "E" (H-1053) to Committee Amendment "A" (S-454) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendexter.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: I present to you an amendment that is a different definition of collaboration. The whole controversy around this bill deals with how the word collaboration is defined. I present to you a truly clear-cut, well defined, definition of what is expected of nurse practitioners and physicians.

Just very briefly - I want to go over with you the words that are key in this definition that are lacking in the definition in the amendment before this. It basically states that in areas where medical direction is indicated that that medical direction will be mutually developed and agreed to between the nurse practitioner and the physician or physicians. It makes very clear the responsibility of the physician and also it makes very clear the responsibility of the nurse practitioner.

The current definition presented in the bill creates division amongst the nurse practitioners, it crates division amongst how we practice and it sets up a whole tier system of how we can go out there and practice our specialty.

The way it exists today we all practice in the same way as long as we meet the requirements of the Board of Nursing, whether we are nurse practitioners, nurse anesthetists, whether we are a nurse midwife, we can all practice in the same way because in existing law it is very clear where we are now operating under delegation it is very clear what is expected of us.

I support collaboration but I support collaboration when it is defined in a way that we can all understand and it is all very clear what is expected of both parties.

I present this amendment to you because if you support collaboration then there is no reason why you should be against this amendment.

It does replace the so called antiquated definition that exists in our present statute.

I hope that you will be able to support this amendment. It simplifies everything and it has become such a complex issue at this point that the way the bill stands before you it is not going to

really gain anything as far as the nurse practitioners are concerned. In fact I think we are going backward. A clear defined definition of collaboration is the way that we need to go and as I stated if your intent the other night in your vote was to allow nurse practitioners to collaborate with physicians then you really should have no opposition to this definition.

Thank you very much and I would appreciate your support in the passage of this amendment.

Representative HOGGLUND of Portland moved that House Amendment "E" (H-1053) be indefinitely postponed.

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

Representative HOGGLUND: Mr. Speaker, Men and Women of the House: What I would like you to do is I would move that we indefinitely postpone Amendment "E" and ask you all to stay in favor of what you did the other night because this collaboration is another mechanism of keeping it at a status quo. What this says in about a million words that just come right back down to supervision and current control is exactly what it says. You can collaborate as long as your are supervised, you can collaborate as long as you are controlled.

What I am trying to do is put in collaboration with a written agreement between the physician and the doctor to collaborate. That collaboration would mean that you can then practice advanced nurse practice without having to have a doctors supervision or a doctor controlling you. It is a written agreement between the two parties and that is the definition of collaboration that the majority of the group is trying to get in. Please vote against this amendment.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendexter.

Representative PENDEXTER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out that the definition of collaboration in this amendment eliminates all the problems that there are with the liability issue so that you do not need to go forward with the amendment that the Representative from Portland is referring to. If you define collaboration in a way that everybody understands what their responsibilities are then you eliminate those issues.

This amendment very clearly defines what collaboration is all about. There is nothing in here that says anything about supervision. All it says - I would hope that you could read it yourself. It is House Amendment 1053. All it says is that the nurse practitioner and the physician mutually agree on a plan relative to medical direction. We talked the other night about the fact that our expanded scope of practice does get us into diagnosing and prescribing.

I have to say to you that most of the questions I have relative to my collaborative role are very often around issues of medication. We have to remember that the definition in the bill the way it is defined is so loosely defined that it actually spells out independent practice.

To have independent practice with prescriptive writing authority, I think, is not something that you find in very many states.

So, I feel that if you really voted the other night and I feel I interpreted your vote to mean that you agree that nurses and physicians should

collaborate then this definition should not really bother you because there is nothing in here that refers to anything about supervision. It just talks about mutual agreement and mutual development of how we shall proceed when we need medical direction.

Men and women of the House, if you feel that that spells out supervision or if you feel that that spells out delegation then that is the decision you have to make. I feel that this very clearly spells out collaboration.

I would hope that you would oppose the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Cameron.

Representative CAMERON: Mr. Speaker, I would pose a question through the Chair.

To the Representative that just spoke. I ask the source, from what state this definition is from?

The SPEAKER: Representative Cameron of Rumford has posed a question through the Chair to Representative Pendexter of Scarborough who may respond if she so desires.

The Chair recognizes that Representative.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: I have no idea where this definition comes from, what state. I don't know that that makes a whole lot of difference. I think the thing that we need to be dwelling on is the content of the definition. I feel that of all the definitions that we had to choose from that this is the one that most closely relates to collaboration without putting the focus on supervision and delegation. I just think that you have to keep in mind that nurse practitioners within their scope of practice aren't able to accomplish certain things in people's health care situations and that we have to have a link somehow defined in how we practice. That is the basic problem with the collaborative definition that is included in the bill. It is just so loosely defined that it doesn't say anything practically.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Cameron.

Representative CAMERON: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to reject this definition. This definition in its form in this amendment was reviewed by the committee and as a committee we determined that it was not appropriate for what we were trying to do. I would appreciate your support of the indefinite postponement motion.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Men and Women of the House: I hope you will vote against the pending motion to indefinitely postpone this amendment. I believe this amendment is actually what is needed if we are going to pass this type of legislation which I think still needs to have a little bit more work but if we are going to pass it I think this is the protection that we need for the citizens of this state. The citizens of this state have to know that there is collaboration going on and I think with what we have in this state in our information highway that the hope for the future of those areas that are unserved will be better served because of this legislation with this collaboration put in there so that people can feel secure that they have people with the right expertise that are going to be readily available to work with the nurses. I hope you will support the amendment and vote against

the indefinite postponement.

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

Representative CHASE: Mr. Speaker, Men and Women of the House: I did not speak on this bill when we first entertained it. I am neither a physician nor a nurse and I was originally opposed to L.D. 1185 in its first draft. I have spent a lot of time speaking to physicians in my area, both pro and con, and felt at the end of those conversations very comfortable with Committee Amendment "A."

I am leery (to say the least) about this amendment. While it is simply a definition of collaboration and I realize that Statements of Fact are not necessarily true. I do draw your attention to the Statement of Fact that deletes sections that would allow an advanced registered nurse practitioner to practice medicine in collaboration with a physician. I thought that was what the bill was all about. I thought the bill was to allow advanced registered nurse practitioners to practice medicine in collaboration with a physician or physicians.

I urge you to support the indefinite postponement and Mr. Speaker, I do request the yeas and nays.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, I would like to ask a question through the Chair.

I would pose a question to the sponsor of the amendment, Representative Pendexter, and ask her — somewhat along the lines of Representative Chase, I would ask if it was the intention of the sponsor to in fact go beyond defining collaboration and in fact delete some of the sections of the Committee Amendment that dealt with the collaboration in fact of the advanced registered nurse practitioner practicing medicine in collaboration with a physician, was that her intent to go beyond?

The SPEAKER: Representative Ruhlin of Brewer has posed a question through the Chair to Representative Pendexter of Scarborough who may respond if she so desires.

The Chair recognizes that Representative.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: I will attempt to answer those questions in a way that hopefully everybody will understand.

This has become a very complex issue. The way that the Committee Amendment reads is that nurses in advance practice now consist of three entities, it consists of nurse practitioners, nurse midwife, and nurse anesthetist. Those are the three groups that are now going to be involved in a classification called advance nurse practice. Because of the way collaboration is defined, which basically equates independent practice in the bill — what the committee did is they then decided that only certain nurse practitioners would practice in the collaborative role, which equals independent practice.

So, what they did was they set up three different practice parameters. That is what I am deleting. I am deleting the section that refers to the three tier system. In other words, the way the Committee Amendment reads now is that nurse practitioners could work under delegation, they could work under supervision or they can work under collaboration. The only nurses that can work under collaboration are nurses who have Master Degree level education and they also exempted OBGYN nurse practitioners and nurse midwives, and they have to have three years of

experience with a physician. Those, in the bill right now, are the only people who can collaborate. Everybody else has to work under supervision and delegation.

Now, if you are all totally confused that is wonderful because that is why you should vote for this amendment because the way my amendment reads everybody can collaborate. So, you remove all those tiers of practice parameters which are ridiculous because as long as we meet the Board of Nursing recommendations we can all go out there and do what it is we are supposed to do. That is the way it works now and I don't see why — there again, it is because collaboration is so loosely defined, why now we have to go through this tier system of how we are going to practice, it is just totally unworkable and it is very confusing.

So, that is what I have deleted is that whole tier system because my amendment very clearly states what collaboration means — allows nurse practitioners, nurse midwives and nurse anesthetists to practice under the one heading of collaboration and it eliminates all that garbage that is in the bill.

I will just say one word about nurse anesthetists. They are different from the rest of the nurses in advance practice because they do not have prescriptive writing authority because of the basic types of medications they deal with. So that is why they are specifically removed from the role of collaboration in the bill the way it is presented at the moment.

My amendment, because the definition is so well defined, they will be able to practice collaboratively.

I hope I have answered your question.

The SPEAKER: The Chair recognizes the Representative from Green, Representative Saint Onge.

Representative SAINT ONGE: Mr. Speaker, Men and Women of the House: This has been a long process. I got involved with this bill or the committee, purely by accident, only to become more informed as to what a nurse practitioner actually consisted of. What a process it was, and an education.

There were many things that were done in the committee and there are a few more things that need to be done here on the floor. The term collaborative agreement — we looked at many different pieces from different states and the whole committee decided on this. What concerns me the most is the deletion, however, in this particular amendment in regard to Section 2233 which is the experience and the education. I bring this to everyone's attention, in the art of compromise — I think over the past summer I have learned that well and how to actually fine-tune some of this — the educational requirement for a nurse in advance practice collaborating with a physician was increased to a Masters level and a three year internship. This was something that was agreed to by all parties and as well as for the consumers and their safety.

I hope that you will vote to indefinitely postpone House Amendment "E" so that we may move on.

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

Representative ALIBERTI: Mr. Speaker, Colleagues of the House: A while ago while we were taking this up I received on my desk, as I think every one of you did, the definitions of collaboration. On it it says as it appears in Committee Amendment "A" then it says as is proposed by the Maine Medical Association.

Could I get an answer as to whether this amendment includes the recommendation of the Maine Medical Association?

The SPEAKER: Representative Aliberti of Lewiston has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Scarborough, Representative Pendexter.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: That is one of the definitions that was supported by the physicians groups. There were others but this was one.

Those of us who are opposing this bill will be amendable to any kind of other definition as long as it clearly states what the physicians role is and what the nurse practitioners is so that it removes all these other complex issues like liability that then come into play.

While I am up I would like to comment on some of the comments made by Representative Saint Onge that I think are a little bit misleading. She referred to the fact that we have elevated the role of collaborating nurse practitioner to the Masters level with three years of experience with a physician. You don't need to do that, that is the role of the Board of Nursing. They decide who is qualified in this state to practice in the nurse practitioner role or in the role of advance nurse practitioner.

There are two ways you can become nurse practitioners, you either go to the certificate program with is a nine to twelve month or you do the Masters level. Yes, there is movement towards nurse practitioner education being in the Masters level and there is nothing wrong with that. But, I will grant you, two-thirds of us in this state are certificate program graduates. There is nothing wrong with that because we are all very competent in how we practice because we meet licensing standards and we meet certification standards. You do not need, if your collaboration definition clearly defines that where medical indication is needed, you don't need to have three years of experience before you can collaborate because you will have that link with your preceptor or your physician you are practicing with and you two can decide how free you can be about practicing your duties or not, depending on the comfort level of the nurse practitioner. Obviously we all get better with time. I could run circles around a Masters prepared nurse practitioner who has no experience. So don't get caught up in the fact that this education thing is what it is all about.

The portion that I have deleted in my amendment relates to the independent practice portion that said that we would not allow nurse practitioners to practice independently until they had at least three years of experience with a physician. But this definition removes that need because the definition assures you that that connection is there. So, it is mutually agreed upon by the nurse practitioner and the physician exactly how freely that nurse practitioner will practice. I would say over time, as a nurse practitioner gets more confident and has more experience, you have just that much more freedom so we don't need to have the supervision part in the bill when the definition clearly defines what our roles all are.

Some of the issues Representative Saint Onge brought up are education issues which are not relative to debate in this bill.

The SPEAKER: The Chair recognizes the

Representative from Green, Representative Saint Onge.

Representative SAINT ONGE: Mr. Speaker, Men and Women of the House: In the process of this summer the nurses, I think, earned a great deal of respect from me in what they do and their qualifications. I don't think I misinformed the House.

Again, I want to stress that in the art of compromise the physicians who were in fact concerned that a nurse practitioner would need more experience and that is why the agreement was reached that there would be a Masters level requirement and a three year internship.

I hope that you will move to indefinitely postpone House Amendment "E."

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

Representative ALIBERTI: Mr. Speaker, Colleagues of the House: I didn't get an answer to my question. I specifically asked whether this collaboration definition was one that was one in conformance with the Maine Medical Association? I didn't get a direct answer to that.

Now I will ask a direct question, did the Maine Medical Association approve of your definition that you are presenting here tonight?

The SPEAKER: Representative Aliberti of Lewiston has posed a question through the Chair to Representative Pendexter of Scarborough who may respond if she so desire.

The Chair recognizes that Representative.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: The answer is yes.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Cameron.

Representative CAMERON: Mr. Speaker, Ladies and Gentlemen of the House: As I stated a few minutes ago, the definition of collaboration that is before us now was presented to us by the Maine Medical Association. We did review it. We reviewed it with a number of other definitions, probably as many as ten. We chose the one we thought was appropriate. The issues that arose around the one that we chose have since been negotiated for hours on end. This amendment, in my opinion at least, virtually guts everything we have tried to do with the bill.

I find it ironic that the argument in opposition to going ahead with the compromise that we are trying to get on the floor with Amendment "H," I find it ironic that that argument against that is centered around the three years required on internship. Representative Saint Onge referenced that this was a compromise, the one thing that she left out of that reference is that the request of the medical community was five years. As a committee, most of us felt that maybe that wasn't necessary at all. We agreed to three years, that was a compromise. Now I find it again ironic that the very people that were asking for five years are now saying that three is ridiculous and you only need one or none at all.

I would ask you again to stay with us on this, follow us through the process. We have put, as many of you have on other bills, we have put innumerable hours into this.

We ask that you indefinitely postpone this definition and follow us through this process so that we can present to you Amendment "H" which is a compromise of all the parties. Again, please support the indefinite postponement motion.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the

expressed desire of one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is the motion of Representative Høglund of Portland that House Amendment "E" (H-1053) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 330

YEA - Adams, Ahearne, Anderson, Beam, Bowers, Brennan, Bruno, Cameron, Campbell, Caron, Carroll, Cashman, Cathcart, Chase, Chonko, Clark, Clement, Cloutier, Coffman, Coles, Constantine, Cross, Daggett, Dexter, DiPietro, Dore, Dutremble, L.; Erwin, Faircloth, Farnsworth, Farnum, Fitzpatrick, Gean, Gould, R. A.; Hale, Hatch, Heesch, Heino, Hichborn, Høglund, Holt, Hussey, Jacques, Johnson, Kerr, Ketterer, Kilkelly, Kontos, Larrivee, Lemke, Lemont, Libby Jack, Lord, Marshall, Martin, J.; Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Norton, O'Gara, Oliver, Pendleton, Pfeiffer, Pineau, Pinette, Plourde, Poulin, Pouliot, Rand, Reed, W.; Richardson, Rotondi, Rowe, Ruhlin, Rydell, Saint Onge, Simonds, Skoglund, Spear, Stevens, K.; Strout, Sullivan, Swazey, Tardy, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, True, Vigue, Wentworth, Whitcomb, Winn, The Speaker.

NAY - Aikman, Aliberti, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Birney, Carleton, Carr, Clukey, Cote, Donnelly, Farren, Foss, Gamache, Gray, Greenlaw, Jalbert, Joy, Kneeland, Libby James, Lindahl, Lipman, Look, MacBride, Marsh, Melendy, Nash, Nickerson, Ott, Paradis, P.; Pendexter, Plowman, Reed, G.; Ricker, Robichaud, Saxl, Simoneau, Small, Stevens, A.; Taylor, Thompson, Tufts, Walker, Young, Zirnkilton.

ABSENT - Driscoll, Hillock, Joseph, Kutasi, Martin, H..

Yes, 99; No, 47; Absent, 5; Paired, 0; Excused, 0. 99 having voted in the affirmative and 47 in the negative, with 5 being absent, House Amendment "E" (H-1053) was indefinitely postponed.

Representative HøGLUND of Portland presented House Amendment "H" (H-1067) to Committee Amendment "A" (S-454) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Lipman.

Representative LIPMAN: Mr. Speaker, Men and Women of the House: I am opposed to House Amendment "H" and I request a roll call.

I have previously supported this bill and House Amendment "H" proposes a change in that now they are offering a physicians immunity. This is something that has come before the Judiciary Committee on numerous occasions by various individuals whether it be architects and we have always opposed immunity.

The prior language which was acceptable was that the doctor would not be civilly responsible. To give immunity which is part of this compromise should be unacceptable to this body and I would urge that we vote against this amendment because of the immunity language.

The SPEAKER: The Chair recognizes the

Representative from Portland, Representative Høglund.

Representative HøGLUND: Mr. Speaker, Men and Women of the House: I would like you to stay with the motion to accept House Amendment "H" because I have to explain to you — from what I understand, I know you might be opposing this, Representative Lipman — this was an agreement between all the parties at the last minute last night. I don't particularly care for it but the Governor has requested it to have this word in it. The last and final thing was if we put it in there that is what he wanted. I was told that right at the corner of the House by Abby Holman herself. So I went out there and the nurses said they would put it in, I agreed, and that is where it is at.

I ask you all to vote for it and if we can table it after that and change it, I will do anything we have to do but right now that is exactly what I was offered.

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

Representative COTE: Mr. Speaker, Men and Women of the House: I have to go on Record on behalf of the Judiciary Committee. The Judiciary Committee has refused immunity time and time again to owners of equine facilities, retired physicians who practice for free, donors of damaged canned, goods etcetera. Immunity, arguably, could prevent reports being filed with the Board of Registration in Medicine and expose our constituents to further public health risks. On public policy grounds alone we should oppose this bill with immunity included. The amendment that was presented by Representative Pendexter was the better solution.

On motion of Representative JACQUES of Waterville, tabled pending adoption of House Amendment "H" (H-1067) to Committee Amendment "A" (S-454) and later today assigned.

Representative Brennan of Portland was granted permission to address the House.

Representative BRENNAN: Mr. Speaker, Men and Women of the House: On Roll Call 329 in reference to L.D. 1998 I am recorded as being absent and I would like to go on the Record in opposition to L.D. 1998.

Bill "An Act Regarding Access to Property via Discontinued Roads" (H.P. 1238) (L.D. 1665) which was tabled by Representative PARADIS of Augusta pending further action.

The Bill was read once. Under suspension of the rules, the Bill was given its second reading without reference to the Committee on Bills in the Second Reading.

Representative LARRIVEE of Gorham presented House Amendment "A" (H-1075) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Larrivee.

Representative LARRIVEE: Mr. Speaker, Men and Women of the House: I appreciate the indulgence of the State and Local Government Committee in bringing this back into the committee in order to work out a compromise that was acceptable to both Representative Bennett, Representative Walker and myself who worked

on the subcommittee to that committee. We are presenting an amendment here which provides some limited relief to the serious concerns that the committee had. The bill is limited in three ways. First of all, it is limited only to roads which were abandoned, not to roads that were discontinued. Discontinued being an affirmative action of the community. Abandoned being just simply that the community stopped maintaining them. It only applies first of all to abandoned roads.

Secondly, this only applies to people who own that landlocked property prior to 1965 or their direct heirs. So it is very limited in scope. Someone who has come in recently and bought a piece of landlocked property cannot under this process claim any additional benefits.

Third, it is limited because it does not create for the landlocked person the right to that access. What it does to the landlocked person is give them an expedited process in the courts so it won't be as expensive for them to go ahead and try to affirm that easement that they might have over the property.

I believe this is very limited in scope, it does provide some assistance to the group of people that we are attempting to assist here. I would hope you would be supportive of this amendment.

Subsequently, House Amendment "A" (H-1075) was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-1075) and sent up for concurrence.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

An Act to Revise the Authorization of the Towns of Appleton, Camden, Hope, Lincolnville and Rockport to Form a Community School District (EMERGENCY) (MANDATE) (H.P. 1474) (L.D. 2002) (H. "A" H-1045) which was tabled by Representative JACQUES of Waterville pending passage to be enacted.

On motion of Representative MITCHELL of Vassalboro, the House reconsidered its action whereby L.D. 2002 was passed to be engrossed.

On further motion of the same Representative, the House reconsidered its action whereby House Amendment "A" (H-1045) was adopted.

The same Representative presented House Amendment "A" (H-1065) to House Amendment "A" (H-1045) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I am pleased to report this is the final chance you will have to amend this bill. It completes the work that I attempted to do on the floor the last time we amended this project. It says that the election in Appleton is permissive, not mandatory.

Subsequently House Amendment "A" (H-1065) to House Amendment "A" (H-1045) was adopted.

House Amendment "A" (H-1045) as amended by House Amendment "A" (H-1065) thereto was adopted.

The Bill was passed to be engrossed as amended by



House Amendment "A" (H-1045) as amended by House Amendment "A" (H-1065) thereto in non-concurrence and sent up for concurrence. Ordered sent forthwith.

On motion of Representative Gwadosky of Fairfield, the House recessed until 7:00 p.m.

The House was called to order by the Speaker.

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

#### TABLED AND TODAY ASSIGNED

The Chair laid before the House the following items which were Tabled and Today Assigned:

Bill "An Act to Make Statutory Changes to Implement the Recommendations of the Legislature's Total Quality Management Committee" (EMERGENCY) (H.P. 1083) (L.D. 1449) (C. "A" H-951; H. "A" H-1063) TABLED - April 6, 1994 by Representative JACQUES of Waterville.  
PENDING - Motion of same Representative to Reconsider Failing of Passage to be Engrossed.

On motion of Representative POULIOT of Lewiston, tabled pending the motion of Representative JACQUES of Waterville to Reconsider failing of passage to be engrossed and later today assigned.

An Act to Revise the Laws of Maine to Incorporate the Office of Rehabilitation Services within the Department of Education (EMERGENCY) (H.P. 1431) (L.D. 1956) (Governor's Bill) (C. "A" H-909) TABLED - April 6, 1994 by Representative JACQUES of Waterville.  
PENDING - Passage to be Enacted.

On motion of Representative JACQUES of Waterville, tabled pending passage to be enacted and later today assigned.

The Chair laid before the House the following items which were tabled earlier in today's session:

An Act to Implement the Recommendations of the Commission to Study the Future of Maine's Courts (H.P. 1008) (L.D. 1354) (H. "A" H-1015 to C. "A" H-1000) which was tabled by Representative JACQUES of Waterville pending passage to be enacted.

On motion of Representative ZIRNKILTON of Mount Desert, tabled pending passage to be enacted and later today assigned.

An Act to Create a Law Governing Prepared Food Franchise Practices (H.P. 1407) (L.D. 1916) (H. "A" H-1005 to C. "A" H-912) which was tabled by Representative WINN of Glenburn pending passage to be enacted.

Subsequently, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Contractual Obligation for Members of the Maine State Retirement System (S.P. 653) (L.D. 1822) (C. "A" S-515) which was tabled by Representative JACQUES of Waterville pending final passage.

The SPEAKER: The Chair recognizes the Representative from Island Falls, Representative Joy.

Representative JOY: Mr. Speaker, a point of parliamentary procedure. I question whether this bill is properly before the House for four reasons and I would like to state those reasons to the Chair.

L.D. 1822 has been presented to the Legislature a bill which would establish contract status for teachers and state employees. This bill which was originally broad in scope has been narrowed by amendment to include only those two categories of employees making it very discriminatory in nature.

There are four reasons why I believe this matter is improperly before the Legislature and I request your immediate opinion on the matter.

Those reasons are; (this is a letter that I sent to the Attorney General asking his opinion). The four reasons: Number one is violation of the Legislative Joint Rule 10 which is a conflict of interest. Violation of Section 522, paragraph three of Mason's Rules governing voting — deals with the fact that the Legislature cannot vote itself a contract and; number three, it does not meet the criteria established for legislation of the Second Regular Session as defined by pre-session letter from the Legislative Council, emergency, financial or executive bills only and it violates the equal protection clause of the Constitution of the State of Maine, Article 1, section 6-A because it discriminates against 97 percent of the population and 94 percent of the work force by providing teachers and state employees with a right that has been denied to persons noted above.

I will go on to say that I did receive a rather untenable letter back from the Attorney General and of course he is only allowed to rule on the later of these questions because the other three are internal matters of the House.

I request a ruling on this please.

The SPEAKER: In response to the questions posed by Representative Joy of Island Falls — the Chair would indicate that Representative Joy did, early this evening or late this afternoon, did provide me with a copy of the communication to Attorney General Carpenter. The Chair will attempt to respond to this in the order in which they are provided.

The first question deals with violation of Legislative Joint Rule 10. Joint Rule 10 is the section dealing with conflict of interest which says that no member shall be permitted to vote on any question in either branch of the legislature or in

committee whose private right is distinct from the public interest is immediately involved.

Representative Joy also asked if this bill is not properly before the body because of Section 522, subsection three of Mason's Rules governing voting, it also deals with conflict of interest. Because we have a state statute that deals with the issue of conflict of interest those would supersede a consideration of Mason's.

The Chair would like to read into the Record a section of the law in Title 1 dealing with conflict of interest. I am reading from Title 1, subsection 1014. "Where a legislator or a member of his immediate family has an interest in legislation relating to a profession, trade, business or employment in which the legislator or a member of his immediate family is engaged where the benefit derived by the legislator or a member of his immediate family is unique and distinct from that of the general public or persons engaged in similar professions, trades, businesses and employment a conflict of interest shall be considered."

The third question deals with whether or not this bill is not properly before the body because it does not meet the criteria established by the legislation in the Second Regular Session as defined by a pre-session letter from the Legislative Council referencing bills to be considered being considered as emergency, financial or executive bills. Clearly the provision for consideration of bills in the Second Regular session is to go through the Legislative Council, once those bills are approved they are appropriately before the body.

With reference to questions one and two, regarding Joint Rule 10 and Mason's, clearly the state statute and the opinion of the Chair would not prohibit any member of this body from being in a conflict of interest on this position. The bill before us is a Constitutional Amendment that has to be ratified by the public and the members of this body would not derive a benefit separate and distinct from that of a class of other people. The members of this body would not benefit financially, singularly/separately from a class of people.

Finally, the question dealing with whether or not this bill is properly before the body because it violates the equal protection clause and discriminates against 94 percent of the population, 97 percent of the work force by providing teachers/state employees with the right that is denied to the persons noted above.

The question once again is whether or not constitutionally this body can consider this legislation.

The Chair would explain once again that the bill before us is a Constitutional Amendment. The Chair would quote from the response that Representative Joy received from the Attorney General with regard to the fourth question. When the Attorney General said, "With regard to the fourth question I would only confirm the advise that I rendered to you over the phone last week that since this bill in question proposes to make an amendment to the Maine Constitution it cannot therefore, by definition, violate another provision of the Maine Constitution such as the clause guaranteeing all persons equal protection of law."

The Chair would rule that the item before us is clearly appropriately before the body. The Chair would further rule that the members of this body are

in no conflict of interest position to vote on this matter.

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

Representative CARR: Mr. Speaker, I would pose a question through the Chair.

My question is on this bill, it is going out to referendum?

The SPEAKER: This is a Constitutional Amendment, it would have to be approved by the voters in the State of Maine.

Representative CARR: Mr. Speaker, and, on what ballot would it be? June or November?

The SPEAKER: By the Constitution, Constitutional Amendments have to appear on the November ballot.

The Chair recognizes the Representative from Island Falls, Representative Joy.

Representative JOY: Mr. Speaker, Men and Women of the House: I thank you very much for your determination. I would like to speak to the matter before the House.

First of all I would like to thank you because the other day I had been told by many members of this House that you extended a courtesy to me that has not often been shown on the floor of the House in that the silence was deafening, we could have heard the proverbial "pin drop." I bow to you for your generosity.

I won't reiterate my remarks that dealt with discrimination. I think that I have had so many people come up to me and tell me that I was absolutely right, this is a very discriminatory bill and that is something that you have to wrestle with your own conscience on. There is no question but we are establishing a right for a very small select percentage of our population.

One of the things that I would like to share with you, I am reminded of something my father told me a long time ago (it was a long time ago because he passed away when I was 16) but I have never forgotten it and I think it does apply in this case. He said, "Henry, no one will ever thank you for reminding them of their duty." I found 115 "no thank you's" the other day in response to my request to vote against discrimination.

I find it very difficult to believe that 115 members of this body are willing to use the Constitution to discriminate against so many people in our state population.

I am reminded of the fact that in December of 1992 I stood at this particular point in the House of Representatives, along with every other member, with one exception, there is one young lady that is here with us today that was not in on this. I was given the following, "I \_\_\_\_\_" (where I put my name in) "do swear that I will support the Constitution of the United State and of this state so long as I shall continue a citizen thereof. So help me God."

There are many of you who have been here a lot longer than I have and have taken that oath many times. I hope before this item comes up for a vote that you will think of that oath. It doesn't say that you will pick one part of the Constitution, that you will choose amongst the sections as to which ones you want to uphold. We have an equal right, an equal protection clause under the Constitution. That is very much a part of the Constitution right now. It says that you will not discriminate. I wonder how many people are willing to uphold the oath that they took and vote no on this proposed Constitutional

Amendment.

Mr. Speaker, I request a roll call.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: In the ten years that I have been here this is one of the most difficult decisions I have had to make. You all know me, I have tried to level with everyone. When that bill came to the Committee I looked at it and certain parts of it I didn't like and we amended it. I did vote it out of Committee "Ought to Pass," (the majority) and I did move "Ought to Pass." But, the more I see of this bill the more I get scared.

As the last gentleman said, I am very concerned when we start tampering with the Constitution.

This is not a good bill. This can be remedied. We did attempt to remedy this through the Monks Commission Report. The Monks Commission suggested (and we implemented in this body) a committee of ten people who will study the whole retirement system. In there there will be provisions they can take this up. There is only one bad picture with this, I hate to leave this body and tell you people that I have tied your hands forever. That is why I have changed my point and my view on this whole thing. It is not right for anyone to say to all of you people we will tie your hands on the Constitution as far as state benefits for state employees and teachers and walk away from it. I will not be back here to fight to change it. It is not right to set up provisions in the Constitution which say you shall not take away any benefits given but I think that the MTA and MSEA don't realize what they are getting here. If you can't take away anything from the state employees what is to prevent them from saying we can't give you anything. If the negotiations in the future they should come back and say we will give you this but we must take this. If one person says no, you can't do anything.

I have worked under the retirement system since I have been in this body. Don't tie your hands to this, that future legislators cannot do anything about it.

I hate to say this and go against my previous vote out of the committee but I have changed and I have seen it is not good. There are too many things wrong with it. The Monks Commission or the successors will come back with an answer. I tried to put into the Monks Commission charge or their successors that they would take up this matter but certain individuals said no, it is not broad enough.

I think we did have an amendment presented by the gentelady from Norway which would have instructed the Monks Commission people that you must take up this question of contractual rights.

I say again, you can vote the way you want to but I feel if I leave here with this on the Constitution I have tied your hands so that you cannot do anything in the future. I don't want to do that. I have worked too hard and I think I have built up credibility with you people that I will tell it what it is and call it what it is.

Mr. Speaker, I hate to do this but at this time I move that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Cathcart.

Representative CATHCART: Mr. Speaker, Men and Women of the House: I urge you to vote against this

motion to indefinitely postpone this bill. This bill would allow the people of this state to decide whether our state employees and teachers deserve a fair pension plan or not. We would not be putting that into the Constitution, the people will determine whether that should be put in our Constitution and I think we should allow them to make that decision.

I agree with those who say that Maine's Constitution should not be amended to give special treatment but the past three years have proven that Maine statutes do not offer the basic security enjoyed by employees in the private sector. The Monks II Commission, the Commission to study the Maine State Retirement System reported that Maine is at the bottom quartile of all states when comparing benefits for currently non-vested employees who will reach age 65 with 35 years of service. The threat of a future erosion of these few benefits is not only unfair and demoralizing to current teachers and state workers but it would discourage other professionals from applying for positions in Maine. Protecting these few benefits now is the least we can do while we have a commission to study the future of the retirement system.

In the private sector the employer cannot change the federal laws which protect pensions, but the state in its dual role as lawmaker and employer is the only employer that can unilaterally change the very laws which govern its actions.

Yesterday, the Wall Street Journal, if you will indulge me, had a very fine article titled, "Coming up Short. Public pension plans are so underfunded that trouble is likely." I am quoting from them, "Many state and local employees get less protection than do many private employees because the Employee Retirement Income Security Act, that is the federal law that we call ERISA does not apply to public plans. A company canceling a plan must compensate workers for all earned income benefits up to that point, perhaps by buying them annuities. ERISA prohibits this sort of income benefit erosion that we as Maine legislators have voted in for non-vested employees. Our state workers and teachers cannot get Social Security, the Maine State Retirement is the only protection that they have. Because of this unique fact only the Constitution offers the protection comfortable to that enjoyed by all other Maine workers. Equal pension security for our workers is long past due."

I think that it is very important that you vote against this motion to indefinitely postpone. This state has a duty to deliver benefits promised to workers who devote their careers to the states service.

The SPEAKER: The Chair recognizes the Representative from Kennebunkport, Representative Wentworth.

Representative WENTWORTH: Mr. Speaker, Men and Women of the House: Last week we voted on this exact same motion and 115 of the people in this body rejected the motion. Nothing has changed since last week except the date. None of the facts, none of the rhetoric, none of the points will be any different.

I suggest we simply go on to vote on this. I hope that the same 115, maybe more of you, will reject the motion again tonight.

The SPEAKER: The Chair recognizes the Representative from West Gardiner, Representative Marsh.

Representative MARSH: Mr. Speaker, Ladies and

Gentlemen of the House: What this House doesn't need tonight is more long debate. I think the Representative from Orono, Representative Cathcart, has pretty well covered the end of the subject. But the first of the subject hasn't been covered here tonight, it wasn't covered last week. It is no secret that I am a retired state employee. It is also no secret that I probably represent in this House as many current state employees and as many retired state employees as anyone here. I feel very strongly about these people and I would like to speak a little bit about it.

When it is alleged that this is discriminatory I am offended because it isn't discriminatory. The reason it isn't discriminatory is because we haven't gone back to look at the other end. I took an examination when I was a senior at the University of Maine. I passed the examination. I competed with a number of other young gentlemen because we didn't hire ladies at that time. I got on the Wardens list. I went to the top of the Wardens list and I was hired. I took an oath to enforce the laws of the State of Maine to the best of my ability and I did that all my adult life until I came here to see how they were made. Now, as far as I am concerned no one was discriminated against when I was hired. All of us that want to be a Warden took the exam, took the same exam. Those that passed went to the top and those that wanted to be hired were hired. The State of Maine is clearly an equal opportunity employee. That is always how we have hired all our employees and I think this should be taken into account.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Birney.

Representative BIRNEY: Mr. Speaker, Distinguished Members of the House: Representative Cathcart mentioned a fair pension plan. We do not have a fair pension plan for the state employees and teachers of Maine. There are many inequities. If you vote for this Constitutional Amendment, a vote against this indefinite postponement, you will be locking in an unfair pension plan.

She talked about the quartile, the lower quartile, for those that are non-vested. Here again it is an inequity, the unfairness, those that are vested and those that are non-vested.

I also mentioned the other day that our pension plan is in the top quartile when you look at other businesses, the big businesses in the state, when you compare them with the private sector.

The federal law was mentioned, ERISA. Last year we had the opportunity to, through a bill in this legislature, to vote in the ERISA plan, it was not done. And, you are right, private sector cannot change the federal law but it changes every year. Check with some of your people that sell pension plans. The ERISA law is not in the Federal Constitution, it is a statute. We are talking about the Constitution of this state, it is very different from statute law and we need to consider that.

Statue does not tie your hands and ERISA does change.

Underfunding was mentioned. This bill has nothing to do with funding the retirement system. So, if you think you are protecting the funding you are not, that is already protected.

Social Security for state employees, the Monks Commission went round and round the Social Security and state employees and teachers. There are many state employees and teachers that will receive Social

Security when they are normal Social Security retirement age because you only have to earn \$590 to make up a quarter for Social Security. You have to have 40 quarters to get Social Security and you can't take more than four quarters a year. It doesn't have to be in a quarterly mode. If you go out and earn \$2,300 in the summer or throughout the year you have got four quarters credit. So, Social Security — there are a lot of people that will get Social Security along with their retirement and there are others who won't. Again, it is another inequity.

Another thing that has been mentioned to me in this body, outside in the halls, is that retired state employees are worried about their pensions. Folks, retired state employees already have a contract. When you retire you have a contract with the State of Maine and your pension is protected, so this has nothing to do with already retired state employees.

Mr. Speaker, I do request a roll call.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Norton.

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: If there is a time that I have been torn it is when I am speaking with two gentlemen who have risen tonight, Representative Joy, and Representative Jalbert. I want to come down somewhere in between. We do not have a contract. I am a retired state employee too. I try not to be selfish about this but I was shocked when the Supreme Court of this state said that what I signed in 1955 was not a contract and yet the Chief Justice said it was a contract. I believe it was a contract. I thought it was a contract, it looked like a contract, it walked like a contract and I won't go on.

I want you to know that there have been mistakes and abuses of the Retirement System over the years. But let me tell you the greatest mistake we made. It was when, in 1947, we had the teachers of the state, the people who had served for little or nothing, lived in peoples homes (my mother was among them) to get whatever they got to teach school in this state. They were not paid for but were accepted into the system. They made no contribution. At that time it would have taken \$1 million a year to have paid their way. However, we accepted them in the system and never paid that way. That has made a tremendous impact from those years, 1947 to 1994. That is a mistake.

There have been abuses and I want you to know that the seat of those abuses have come from people who had political appointments to office in many cases some of them have served in these chambers and got high paying jobs. It has also been the root to which the quality of state government has gone down the drain. I have tried for eight years and I have more or less given up on that one. I tried this last year to get those people classified again and have career opportunities and have state government return to the high service that it used to be. So, I stand here tonight really in a quandary. I am going to vote against the indefinite postponement of this bill but I recognize the dangers therein.

With that I will sit down. I hope I have alerted several people to continue this discussion.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Men and Women of the House: In response to my good friend from Winthrop, Representative Norton, I agree with

him, there has been a lot of wrong in some of the contracts and a lot of wrong has been done over the years. Again, I say, I know something needs to be done to protect the interests of the employees. I, as you all know, am a 30 year employee of the Department of Transportation and I am retired and I am under this system. I value the importance of it. There is nothing in this Constitutional Amendment which would correct what the good Representative from Winthrop is saying. If you want to correct anything you have got to run back to the Constitution and correct it. That is what I am against. You can have legislation which would correct it but every time you will be locked in to the Constitution, if you want to correct something you cannot.

Now, here is the thing, any lawyer will tell you that any contract cannot be unilateral. What the state gives, fine, you take. They may not take away from you but they cannot add on. If the state later on wants to add on to the contract and they want to negotiate, let's replace this with that — they can't do it because somebody may say under the Constitution, don't touch it.

What I am concerned about, and I am telling everyone, I am just as jealous of what has happened and I am watching that contract as much as I can because I am a recipient but I don't want to be tied in where these people who for years have tried and worked and hoped for that contract and that retirement are going to have their hands tied up. Who will be the ones to negotiate to change that? There is no one to negotiate for the retirees — to answer Representative Marsh. No one to represent the retirees, it will be what the unions, the MSEA and MTA says they want for the current employees. I will not be here, ladies and gentlemen, but I hate to say that I am going to walk away from the chamber and say I have left you a mess. That is why I am saying tonight (and I have to swallow hard) and making the decision that I don't want to leave you with this.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one-fifth of the members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

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

Representative CHASE: Mr. Speaker, Men and Women of the House: I will be brief. I would urge you to support this amendment to the Constitution by voting against the motion to indefinitely postpone this bill.

The issue is not the current quality of the state employee benefit package, the current quality of the retirement package for state employees and teachers. The issue truly is protection. State employees and teachers are a special group. While they are organized and many of their rights are protected in contract the good Representative Norton is absolutely correct, the state law court has prevented the retirement benefits from being included in that contract. Therefore the non-impairment language of the federal and state constitutions does not apply and does not protect retirement benefits for state employees and teachers.

I do urge you to vote against this indefinite postponement.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Jalbert of Lisbon that this bill and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 331

YEA - Aliberti, Barth, Bennett, Birney, Bruno, Carr, Chonko, Cross, Farren, Foss, Gamache, Jalbert, Joy, Libby Jack, Libby James, Lindahl, Look, MacBride, Marshall, Nash, Nickerson, Ott, Pendexter, Plowman, Pouliot, Reed, G.; Ricker, Robichaud, Taylor, Thompson, Whitcomb, Zirkilton.

NAY - Adams, Ahearne, Anderson, Ault, Bailey, H.; Bailey, R.; Beam, Bowers, Brennan, Cameron, Campbell, Carleton, Caron, Carroll, Cathcart, Chase, Clark, Clement, Cloutier, Clukey, Coffman, Coles, Constantine, Cote, Daggett, Dexter, DiPietro, Donnelly, Driscoll, Erwin, Faircloth, Farnsworth, Farnum, Fitzpatrick, Gean, Gould, R. A.; Gray, Greenlaw, Hale, Hatch, Heeschen, Heino, Hichborn, Hoglund, Holt, Hussey, Jacques, Johnson, Kerr, Ketterer, Kilkelly, Kneeland, Kontos, Larrivee, Lemke, Lemont, Lipman, Lord, Marsh, Martin, J.; Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Norton, O'Gara, Oliver, Paradis, P.; Pendleton, Pineau, Pinette, Plourde, Poulin, Rand, Reed, W.; Richardson, Rotondi, Rowe, Rydell, Saint Onge, Saxl, Simonds, Simoneau, Skoglund, Small, Spear, Stevens, A.; Stevens, K.; Strout, Sullivan, Swazey, Tardy, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, True, Tufts, Vigue, Walker, Wentworth, Winn, The Speaker.

ABSENT - Aikman, Cashman, Dore, Dutremble, L.; Hillock, Joseph, Kutasi, Martin, H.; Michael, Pfeiffer, Ruhlin, Young.

Yes, 32; No, 107; Absent, 12; Paired, 0; Excused, 0.

32 having voted in the affirmative and 107 in the negative, with 12 being absent, the motion to indefinitely postpone the Bill and all accompanying papers did not prevail.

The SPEAKER: A roll call has been requested on final passage. For the Chair to order a roll call it must have the expressed desire of one-fifth of the members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: A roll call has been ordered. The pending question is final passage. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 332

YEA - Adams, Ahearne, Anderson, Ault, Bailey, H.; Bailey, R.; Beam, Bowers, Brennan, Cameron, Campbell, Caron, Carroll, Cathcart, Chase, Clark, Clement, Cloutier, Clukey, Coffman, Coles, Constantine, Cote, Daggett, Dexter, DiPietro, Donnelly, Dore, Driscoll, Erwin, Faircloth, Farnsworth, Farnum, Fitzpatrick, Gean, Gould, R. A.; Gray, Greenlaw, Hale, Hatch, Heeschen, Heino, Hichborn, Hoglund, Holt, Hussey, Jacques, Johnson, Kerr, Ketterer, Kilkelly, Kneeland, Kontos, Larrivee, Lemke, Lemont, Lipman, Lord, Marsh, Martin, J.; Melendy, Michaud, Mitchell, E.; Mitchell,

J.; Morrison, Murphy, Nadeau, Norton, O'Gara, Oliver, Paradis, P.; Pendleton, Pineau, Pinette, Plourde, Poulin, Rand, Reed, W.; Richardson, Rotondi, Rowe, Rydell, Saint Onge, Saxl, Simonds, Simoneau, Skoglund, Small, Spear, Stevens, A.; Stevens, K.; Strout, Sullivan, Swazey, Tardy, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, True, Tufts, Vigue, Walker, Wentworth, Winn, The Speaker.

NAY - Aliberti, Barth, Bennett, Birney, Bruno, Carleton, Carr, Chonko, Cross, Farren, Foss, Gamache, Jalbert, Joy, Libby Jack, Libby James, Lindahl, Look, MacBride, Marshall, Nash, Nickerson, Ott, Pendexter, Ploverman, Pouliot, Reed, G.; Ricker, Robichaud, Taylor, Thompson, Whitcomb, Zirkilton.

ABSENT - Aikman, Cashman, Dutremble, L.; Hillock, Joseph, Kutasi, Martin, H.; Michael, Pfeiffer, Ruhlin, Young.

Yes, 107; No, 33; Absent, 11; Paired, 0; Excused, 0.

107 having voted in the affirmative and 33 in the negative, with 11 being absent, the Resolution was finally passed, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

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An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for Academic Improvements at the University of Maine System, Including the Enhancement of Instructional Technology and Distance Learning (BOND ISSUE) (S.P. 718) (L.D. 1940) (Governor's Bill) (H. "A" H-1012 to C. "A" S-539) which was tabled by Representative JACQUES of Waterville pending passage to be enacted.

On motion of Representative JACQUES of Waterville, tabled pending passage to be enacted and later today assigned.

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An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for Academic Improvements at the University of Maine System, Including the Enhancement of Instructional Technology and Distance Learning (BOND ISSUE) (S.P. 718) (L.D. 1940) (Governor's Bill) (H. "A" H-1012 to C. "A" S-539) which was tabled by Representative JACQUES of Waterville pending passage to be enacted.

On motion of Representative KILKELLY of Wiscasset, under suspension of the rules, the House reconsidered its action whereby L.D. 1940 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-539) was adopted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby House Amendment "A" (H-1012) to Committee Amendment "A" (S-539) was adopted.

On further motion of the same Representative, House Amendment "A" (H-1012) was indefinitely postponed.

The same Representative presented House Amendment "B" (H-1069) to Committee Amendment "A" (S-539) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative

Kilkelly.

Representative KILKELLY: Mr. Speaker, Men and Women of the House: The amendment that is before you would move the University of Maine Bond Issue from a June vote to a November vote.

In order to accomplish that we needed to take off the House Amendment which would replace the Committee Amendment and the information that was included in the House Amendment is now all included in one House Amendment "B." All this does is replace the amendments that were on it and move the entire bond issue to November.

Subsequently, House Amendment "B" (H-1069) to Committee Amendment "A" (S-539) was adopted.

Committee Amendment "A" (S-539) as amended by House Amendment "B" (H-1069) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-539) as amended by House Amendment "B" (H-1069) thereto in non-concurrence and sent up for concurrence. Ordered sent forthwith.

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The following items were taken up out of order by unanimous consent:

#### SENATE PAPERS

##### Non-Concurrent Matter

Bill "An Act to Strengthen the Coordinated Delivery of Substance Abuse Services in the State" (S.P. 655) (L.D. 1824) on which the Majority "Ought to Pass" as amended Report of the Committee on Human Resources was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-508) in the House on April 6, 1994.

Came from the Senate with that body having insisted on its former action whereby the Minority "Ought to Pass" as amended Report of the Committee on Human Resources was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (S-509) and asked for a Committee of Conference in non-concurrence.

On motion of Representative GEAN of Alfred, the House voted to Insist and join in a Committee of Conference.

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##### Non-Concurrent Matter

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$14,000,000 to Construct Environmental Protection Facilities and to Investigate, Abate, Clean up and Mitigate Threats to the Public Health and Environment from Uncontrolled Hazardous Substances Sites" (H.P. 1392) (L.D. 1890) (Governor's Bill) which was passed to be engrossed as amended by Committee Amendment "A" (H-963) as amended by House Amendments "A" (H-1006) and "B" (H-1042) thereto in the House on April 6, 1994.

Came from the Senate with that body having insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-963) in non-concurrence.

The House voted to Recede and Concur.

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**CONSENT CALENDAR**

**First Day**

In accordance with House Rule 49, the following item appeared on the Consent Calendar for the First Day:

(H.P. 1080) (L.D. 1446) Bill "An Act to Establish an Ambient Water Toxins Program" Committee on Energy & Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1072)

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objections, the bill was passed to be engrossed as amended and sent up for concurrence.

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**ENACTOR**

An Act to Authorize Applied Technology Regions to Borrow Funds for Necessary Repairs to Existing Buildings (H.P. 1479) (L.D. 2005)

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

On motion of Representative WHITCOMB of Waldo, tabled pending passage to be enacted and later today assigned.

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By unanimous consent, all matters having been acted upon were ordered sent forthwith.

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**ORDERS**

On motion of Representative FOSS of Yarmouth, the following Joint Resolution: (H.P. 1481) (Cosponsored by Representative: CHONKO of Topsham, Senators: FOSTER of Hancock, PEARSON of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

**JOINT RESOLUTION MEMORIALIZING  
THE ATTORNEY GENERAL OF THE STATE OF MAINE  
TO INITIATE A LAWSUIT AGAINST THE FEDERAL  
GOVERNMENT DUE TO ITS CONTINUING PRACTICE  
OF ENACTING UNFUNDED FEDERAL MANDATES THAT HAVE  
BEEN IMPOSED ON THE SEVERAL STATES AND THEIR  
POLITICAL SUBDIVISIONS**

WE, your Memorialists, the Members of the One Hundred and Sixteenth Legislature of the State of Maine, now assembled in the Second Regular Session, most respectfully present and petition the Attorney General of the State of Maine, as follows:

WHEREAS, the Federal Government has mandated new programs and transferred the responsibility of funding these programs to the several states and

their political subdivisions; and

WHEREAS, the Federal Government has also reduced or eliminated funding for certain programs administered at the state or local government level; and

WHEREAS, the several states and their political subdivisions, as a result of economic recession and the substantial costs of these programs, are experiencing severe revenue shortfalls and budget imbalances, which are further exacerbated by the need to fund these unfunded federal mandates; and

WHEREAS, the several states, unlike the Federal Government, are required by their constitutions to balance their budgets, which further reduces their ability to absorb unfunded federal mandates; and

WHEREAS, the State of Maine, recognizing the inequity of passing unfunded mandates on to its political subdivisions, amended its Constitution in November of 1992 to prohibit state legislation or state administrative rules that require additional local government expenditures unless the Maine State Legislature funds those mandates; and

WHEREAS, the federal practice of deferring program costs to the states is inherently unfair because many states, such as Maine, lack the resources to fund these programs; and

WHEREAS, the Brady Handgun Violence Prevention Act, enacted recently by the United States Congress and effective on February 28, 1994, although laudable in its goals, represents yet another unfunded federal mandate that is leading the State of Maine and its municipalities to incur new expenses related to conducting criminal background checks; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend that the Attorney General of the State of Maine initiate a lawsuit as soon as possible that specifically challenges the continuing practice of enacting unfunded federal mandates as evidenced by the Brady Handgun Violence Prevention Act; and be it further

RESOLVED: That the Attorney General of the State of Maine, to the extent possible, work in concert with any other state that is filing or is contemplating the filing of a similar lawsuit; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, to the Governor of each state, to the Attorney General of the State of Maine, to the Speaker of the Lower House and the President of the Senate in each state and to each Member of the Maine Congressional Delegation.

Was read.

Representative TRACY of Rome presented House



Amendment "A" (H-1080) which was read by the Clerk and adopted.

The Joint Resolution was adopted as amended by House Amendment "A" (H-1080) and sent up for concurrence.

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**REPORTS OF COMMITTEES**

**Divided Report**

Majority Report of the Committee on **Energy & Natural Resources** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-1076) on Bill "An Act to Ensure Proper Funding of the Department of Environmental Protection" (H.P. 1385) (L.D. 1884)

Signed:

Senators: CIANCHETTE of Somerset  
LAWRENCE of York  
LUDWIG of Aroostook

Representatives: MARTIN of Eagle Lake  
MITCHELL of Freeport  
COLES of Harpswell  
GOULD of Greenville  
CONSTANTINE of Bar Harbor  
POULIN of Oakland  
WENTWORTH of Kennebunkport  
ANDERSON of Woodland  
MARSH of West Gardiner

Minority Report of the same Committee reporting **"Ought Not to Pass"** on same Bill.

Signed:

Representative: LORD of Waterboro

Reports were read.

On motion of Representative MARTIN of Eagle Lake the Majority **"Ought to Pass"** Report was accepted.

The Bill read once. Committee Amendment "A" (H-1076) was read by the Clerk.

On motion of Representative MARTIN of Eagle Lake, tabled pending adoption of Committee Amendment "A" (H-1076) and later today assigned.

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**SENATE PAPERS**

**Non-Concurrent Matter**

An Act to Amend the Laws Relating to Potatoes (EMERGENCY) (H.P. 1273) (L.D. 1717) (C. "A" H-1059) which was passed to be enacted in the House on April 7, 1994.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-1059) as amended by Senate Amendment "A" (S-589) thereto in non-concurrence.

The House voted to Recede and Concur.

**Non-Concurrent Matter**

An Act to Increase the Jurisdiction of the Loring Development Authority of Maine (H.P. 1275) (L.D. 1723) (C. "A" H-974) which was passed to be enacted in the House on April 6, 1994.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-974) as amended by Senate Amendment "A" (S-586) thereto in non-concurrence.

The House voted to Recede and Concur.

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**Non-Concurrent Matter**

An Act to Amend Certain Laws Pertaining to the Department of Environmental Protection, Bureau of Hazardous Materials and Solid Waste Control (EMERGENCY) (H.P. 1302) (L.D. 1757) (C. "A" H-995) which was passed to be enacted in the House on April 1, 1994.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-995) as amended by Senate Amendment "B" (S-588) thereto in non-concurrence.

The House voted to Recede and Concur.

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**Committee of Conference**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on: Bill "An Act to Reestablish a Mechanism for Review of Disputed Elections" (H.P. 1418) (L.D. 1932) have had the same under consideration and ask leave to report:

That the House recede from its action whereby it accepted the Minority **"Ought Not to Pass"** Report of the Committee on **Legal Affairs**; accept the Majority **"Ought to Pass"** as amended Report; read the Bill once; read Committee Amendment "A" (H-885) and indefinitely postpone same; under suspension of the rules, read the Bill a second time; read and adopt Conference Committee Amendment "A" (H-1079) and pass the Bill to be engrossed as amended by Conference Committee Amendment "A" (H-1079) in non-concurrence.

That the Senate recede and concur with the House.

(Signed) Representative DAGGETT of Augusta, Representative BOWERS of Washington, and Representative GAMACHE of Lewiston - of the House.

Senator LAWRENCE of York, Senator CAREY of Kennebec, and Senator HALL of Piscataquis - of the Senate.

The Committee of Conference Report was read.

The Majority **"Ought to Pass"** Report was accepted. The Bill read once. Committee Amendment "A" (H-885) was read by the Clerk. Committee Amendment "A" (H-885) was indefinitely postponed. Under suspension

of the rules, the Bill was given its second reading without reference to the Committee on Bills in the Second Reading. Conference Committee Amendment "A" (H-1079) was read by the Clerk and adopted. The Bill was passed to be engrossed as amended by Conference Committee Amendment "A" (H-1079) in non-concurrence and sent up for concurrence.

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act to Clarify the Process for Filling Unexpired Terms for School Board Members" (H.P. 1482) (L.D. 2007) (Presented by Representative GRAY of Sedgwick) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Reference to the Committee on State & Local Government suggested and ordered printed.

Under suspension of the rules and without reference to a Committee the Bill was read twice and passed to be engrossed and sent up for concurrence.

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By unanimous consent, all matters having been acted upon were ordered sent forthwith.

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**ORDERS**

On motion of Representative TARDY of Palmyra, the following Joint Order: (H.P. 1483)

**ORDERED**, the Senate concurring, that Bill, "An Act to Implement the Recommendations of the Maine Dairy and Nutrition Council and the Maine Dairy Promotion Board," H.P. 1434, L.D. 1961, and all its accompanying papers, be recalled from the Governor's desk to the House.

Was read and passed and sent up for concurrence.

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**SENATE PAPERS**

**Non-Concurrent Matter**

An Act Regarding Cable Television (H.P. 1096) (L.D. 1483) (H. "B" H-982 to C. "A" H-836) which was passed to be enacted in the House on April 7, 1994.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-836) as amended by Senate Amendment "B" (S-592) thereto in non-concurrence.

The House voted to Recede and Concur.

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**Non-Concurrent Matter**

Bill "An Act to Amend the Harness Racing Laws" (H.P. 1243) (L.D. 1670) which was passed to be engrossed as amended by Committee Amendment "A"

(H-948) as amended by House Amendments "C" (H-999), "D" (H-1003), and "E" (H-1007) thereto in the House on March 30, 1994.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-948) as amended by House Amendments "D" (H-1003) and "E" (H-1007) thereto in non-concurrence.

The House voted to Recede and Concur.

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**Non-Concurrent Matter**

Resolve, Authorizing the Examination of School Finance and Taxation Proposals (S.P. 776) (L.D. 2003) (Governor's Bill) which was passed to be engrossed in the House on April 6, 1994.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-590) in non-concurrence.

On motion of Representative MITCHELL of Vassalboro, tabled pending further consideration and later today assigned.

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By unanimous consent, all matters having been acted upon were ordered sent forthwith, with the exception of matters held.

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The Chair laid before the House the following item which was tabled earlier in today's session:

Resolve, Establishing the People with Disabilities Access Commission (H.P. 1321) (L.D. 1783) (C. "A" H-894) which was tabled by Representative JACQUES of Waterville pending final passage.

On motion of Representative FARNSWORTH of Hallowell, under suspension of the rules, the House reconsidered its action whereby L.D. 1783 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-894) was adopted.

The same Representative presented House Amendment "A" (H-1074) to Committee Amendment "A" (H-894) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: This Committee Amendment "A" came from the Judiciary Committee. The original bill was very lengthy changes in Maine Human Rights Law to make consistency with the minimum standards of the Federal Americans With Disabilities Act.

It was such a complicated procedure that we ended up reverting to asking a Commission to do this work and there were some concerns raised about business representatives on a Commission and the appointing authority so those things have been worked out by agreement with various people. As a result we have

also agreed, I hope, that there is so much complexity to this that in order for this Commission to function and report back to the Legislature by next session it would need to be enacted as an emergency so this amendment also accomplishes that.

The end result that would be of most concern to people here, I believe, is the goal is to allow businesses to have essentially one-stop shopping at the Fire Marshall's office for coming into compliance with business plans for construction. I hope that people will support this.

Subsequently, House Amendment "A" (H-1074) to Committee Amendment "A" (H-894) was adopted.

Committee Amendment "A" (H-894) as amended by House Amendment "A" (H-1074) thereto was adopted.

The Resolve was passed to be engrossed as amended by Committee Amendment "A" (H-894) as amended by House Amendment "A" (H-1074) thereto in non-concurrence and sent up for concurrence.

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On motion of Representative JACQUES of Waterville the following item was removed from the Tabled and Unassigned matters:

Resolve, to Provide the Secretary of State with Additional Time to Validate Petitions for Initiated Legislation (EMERGENCY) (H.P. 1433) (L.D. 1959) (Reference to the Committee on Legal Affairs suggested)  
TABLED - March 3, 1994 by Representative JACQUES of Waterville.  
PENDING - Reference.

On motion of Representative JACQUES of Waterville, the Resolve and all accompanying papers were indefinitely postponed and sent up for concurrence.

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Representative KONTOS of Windham moved to extend to 9:30 p.m., pursuant to House Rule 22.

Pursuant to the rules, a vote of the House was taken.

48 voted in favor of the same and 52 against, subsequently, the motion did not prevail.

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On motion of Representative TRACY of Rome, adjourned at 9:00 p.m. until 8:30 a.m., Friday, April 8, 1994.