



# HOUSE OF REPRESENTATIVES

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Donna M. Loring  
Penobscot Nation  
Tribal Representative  
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Residence: (207) 737-2608

**TESTIMONY IN OPPOSITION  
TO  
L.D. 793 " AN ACT TO CONFINE TRIBAL GAMING TO THE  
RESERVATION OF THE LICENSED ORGANIZATION "**

Presented March 15, 1999

Good afternoon Senator Longley, Representative Thompson and members of the Judiciary Committee. My name is Donna M Loring and I am a member of the Penobscot Nation and the Penobscot Nation's Representative to the Legislature. I will be brief and to the point.

The Penobscot Nation strongly opposes this legislation for the following reasons: This legislation was created out of fear that the Passamaquoddy Tribal Government would build a casino on trust lands located in Albany Township. This matter is presently before the courts. L.D. 793 is an attempt to circumvent the judicial process in order to obtain desired results for Albany Township.

What kind of message does this give to the public?

Not only does this legislation ignore the judicial process but it punishes all federally recognized Indian tribes within the State of Maine. It has a punitive effect because it takes away the choice we have by law of operating beano games within Indian Territory. It further restricts beano operation to reservation only.

Should all federally recognized tribes be punished because Albany Township fears a casino might be built?

This matter is properly before the courts and should not be legislated. I urge you to send this bill out of committee with an ought not to pass report.



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## Testimony Against LD 793

Representative Donald Soctomah  
March 15, 1999

**" An Act to confine tribal gaming to the Reservation of the licensed organization "**

Chairman Longley and Chairman Thompson and members of the Judiciary Committee:

The Passamaquoddy have for years been trying to establish business growth and expansion on the Reservation, but because of the remoteness this has not happened. Washington County has one of the highest unemployment rates in the State and the Tribal communities have the highest unemployment rates within this county.

In order to have a successful business that rely on population input, such as bingo, you need to be located within reach of a large city. We see our land in Albany as being accessible to provide for a successful business. But as always, in every business venture we try to enter, we are hammered with opposition.

After spending thousand upon thousands of dollars to develop a business, completing piles of paperwork from State and Federal government agencies, following all the requirements we find ourselves faced with lawsuits to prevent the Tribe from conducting business **on our own land.**

The Passamaquoddy have suffered from injustices throughout history, now we look towards the future to prevent this from happening again, we look towards economic wellbeing. The development of the Maine Land Claims Settlement was based on the good faith effort to give the tribes the chance it needed. Now all that good effort is being changed in the middle of the game.

To try and control business ventures on any part of our land makes you responsible for our future wellbeing. The Passamaquoddy want to control our own wellbeing and not depend on anyone else.

**This Bill will limit our chance for revenue to come to our communities.**

**This Bill changes the Maine Land Claims Settlement, by denying the Tribe the right to utilize its own land.**

**This Bill is a step backwards for State and Tribal relations.**

Some people would like to see the Tribes restricted to the Reservations, but the Passamaquoddy will no longer be held back by those few people. We want to provide better services for our people; medically, socially and culturally.

It is important that we have equal justice and opportunity to be the best we can be. My Grandfather fought for that right in World War I, even though he was denied the right to vote in State and Federal elections. Denying us the right for economic development and the use of your own land would be a major step backwards.

**Vote against this Bill and all the negative aspects of it.**

Thank you, Donald Soctomah

Passamaquoddy Tribe  
Pleasant Point Tribal Government

Office of the Governor  
*Richard M. Doyle*

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Testimony OPPOSING L.D. 793  
A Bill to Restrict Indian Gaming to the Reservation

Good Afternoon Chairwoman Longley and Chairman Thompson, Ladies and Gentlemen of the Committee, and all present today. I carry Greetings from the Passamaquoddy People.

My name is Richard M. Doyle and I am the Governor of the Pleasant Point Passamaquoddy People and I am here today to add emphasis to the words of our distinguished representative, Mr. Donald Soctomah and to voice my strongest opposition to L.D. 793. As a Tribal Leader of the Passamaquoddy, I also carry with me the sentiments of the Passamaquoddy People on this matter. This bill has been intentionally and narrowly construed to create a legislative blockage/stoppage of an ongoing economic development project of the Passamaquoddy Tribe, development of high stakes bingo on the Tribe's property in Albany Township. The Albany Township project is ongoing, money has been spent in developing the project, and currently questions have been raised by opponents to our bingo, some of whom spoke for this bill, in the courts. The ongoing development of this project can be described as a battle between the Tribe and some people from Albany Township. Then along comes L.D. 793, an apparent attempt to involve the legislature in this battle. I do not believe that this is the legislature's battle. First, If passed, this legislation would decide a ongoing court case, denying the Tribe due process in the final decision. And secondly, this legislation may set a precedent that will provide a mechanism to stop developers from all parts of the State and to slow or stop the continued growth of Maine's economy, by submitting and passing legislation that overrides local authority on matters of economic development.

Despite the obvious ploy to generically package it, this bill is directed to the Albany Township situation. L.D. 793 does more harm than good by undermining the ability of the Passamaquoddy and all other Tribes in Maine to conduct economic development activities, now and in the future. It sends a clear message to Indian people that lands that were acquired for their benefit, are really not. It limits us to a reservation when we have other lands. It was long ago when the attitude that a good Indian knows his place, and that place is on the reservation, that way the savages can be controlled... was prevalent. L.D. 793 suggests the same ugly concept, but I have confidence that those days are passed and that those negative ideologies are also becoming antiquated, please don't revive them by lending any credence to L.D. 793. This bill is foolish, not called for in today's society, dangerous to the future, insulting to Indian people, and smacks of further oppression of my people. I am here today to ask this committee to put an end to L.D. 793, a bill construed to attack Passamaquoddy People.

# MAINE INDIAN TRIBAL-STATE COMMISSION

To: The Honorable Susan Longley, Senate Chair  
The Honorable Rich Thompson, House Chair  
Joint Standing Committee on Judiciary

From: Cushman Anthony, Chair  
Maine Indian Tribal-State Commission

Subject: Opposition to LD 793

Date: March 19, 1999

I am writing on behalf of the Maine Indian Tribal-State Commission to state our unanimous opposition to LD 793, An Act to Confine Tribal Gaming to the Reservation of the Licensed Organization.

As you know, current Maine law allows the Penobscot Nation and Passamaquoddy Tribe to operate high-stakes beano within Indian territory. The Commission supports the right of the Tribes to engage in all lawful economic development activities that they believe are necessary or appropriate to support their Tribal Governments and people. Because the residents of a neighboring community are opposed to that activity, be it gambling, or mining, or industrial development, is not enough for us to believe that activity should be restricted. Furthermore, it does not seem fair to us to change the rules of the game in mid-stream, after a tribal entity has begun developing plans based on existing state law. As a consequence, at its meeting on March 16, the Commission voted unanimously to oppose this bill.

We wish to add that some members among us do not believe any government, state or tribal, should rely extensively upon gambling to support its activities. Our support for Indian tribal self-determination in this area is unequivocal, however. Our vote should not be viewed as an endorsement of gambling by anyone, and is neutral as to that activity, but rather should be seen as our unanimous support for the right of the Maine tribes to decide for themselves how best to support their cultures and their tribal activities. Passage of this law would unduly and unfairly restrict that right.

Thank you for your consideration.

cc: Members, Joint Standing Committee on Judiciary  
Peter Mills, State Senator  
Donald Soctomah, Passamaquoddy Tribal Representative  
Donna Loring, Penobscot Tribal Representative



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March 25, 1999

**To: Chairpersons of Judiciary Committee and Committee Members;  
Senator Longley and Representative Thompson**

### Additional information

**LD 793 "An Act to Confine Tribal Gaming to Reservations"**

During the public hearing and also at the workshop (3/22), several people were concerned about the service costs to the surrounding communities if this bill passes. I will try to address these concerns:

The service costs of police, fire, roads and bridges in connection with the Bingo games will be the responsibility of the Tribe, as discussed with the Office of Oxford County Commissioners (see July 15, 1997 letter- to LURC from Oxford County Commissioners- attached).

These issues have been discussed, so I hope this clears up some misinformation that you are receiving from other sources.

This letter may be available from LURC and the Oxford County Commissioners.

Sincerely,

Representative Donald Soctomah



HOUSE OF REPRESENTATIVES  
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JUL 17 1997

STEVEN M. MERRILL, Chairman  
ALBERT S. CAREY  
FREDRIC KENNARD

July 15, 1997 LAND USE REGULATION COMMISSION

CAROLE G. MAHONEY  
Administrative Assistant

Ms. Catherine Varney  
LURC  
22 State House Station  
Augusta, Maine 04333-0022

At this time the Oxford County Commissioners choose to remain neutral on the application submitted by the Passamaquoddy Tribe for a High Stakes Bingo hall in Albany Township.

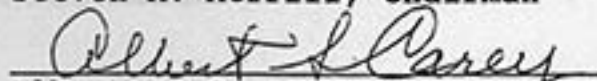
If LURC is satisfied that all the requirements (excluding fire, rescue, and police services) have been met, we will work with Sheriff Herrick, and the Town of Bethel, to negotiate with the Tribe in providing fire, rescue, and police protection. Any additional cost involved in providing services to the bingo hall shall be paid by the Tribe.


The County supports reconstructing the road and bridges, provided the project meets all County and MDOT specifications. The total cost will also be the responsibility of the Tribe.

The Commissioners will also anticipate an annual stipend from the Tribe in lieu of taxes. This would be similar to the annual funds we get from the Federal Government to offset the taxes not paid by the National Forest Service.

Sincerely,

  
Steven M. Merrill, Chairman

  
Albert S. Carey

  
Fredric Kennard

**DRUMMOND  
WOODSUM &  
MACMAHON**

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JOHN A. GRAUSTEIN  
JOSEPH L. DELAFIELD III  
DANIEL AMORY  
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MANAGEMENT CONSULTANT

March 23, 1999

Sen. Susan Longley  
Rep. Richard Thompson  
Members of the Judiciary Committee

Re: LD 793, an Act to Confine Tribal Gaming to the Reservation

Following public hearing on this Bill, Attorney Jeffrey Rosenblatt disputed several aspects of the opponents' hearing testimony, in a written submission to the Committee. This letter addresses the same points.

1. **LURC Permits.** Mr. Rosenblatt maintains that the Tribe has no LURC permits for the Albany Township Bingo Project. The point of the testimony on behalf of the Tribe was that the Tribe had been through a lengthy, and expensive, LURC regulatory process in reliance on the existing law permitting high stakes bingo operations on Indian Territory.

It is perhaps less relevant, but important, that LURC approved the rezoning and development permits requested by the Tribe, finding that the Tribe had satisfied all requirements of the LURC statutes, plan, and regulations. Although the Tribe has consistently disputed LURC's jurisdiction over Indian Territory, it has bent over backwards to meet every legal requirement.

2. **Expenditure of Funds.** Mr. Rosenblatt argues that it is significant that the substantial funds expended on the Tribe's Albany Township project come from the Lender, and not the Tribe. Even if that were true, it would be completely irrelevant to deciding whether it would be either legal or fair to repeal the statutory basis upon which that investment was made. The project is clearly sought by the Tribe, for the Tribe's benefit, and it is absurd to suggest that the Tribe would not be damaged by passage of LD 793.

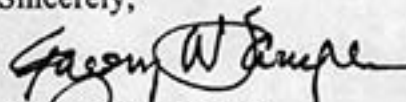


Sen. Susan Longley  
Rep. Richard Thompson  
Members of the Judiciary Committee  
March 23, 1999  
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**3. Tribal Control of Gaming Operations.** Mr. Rosenblatt's assertion that the Tribe will not control gaming operations at the proposed bingo facility is simply wrong. Written agreements executed between the Tribe and the Lender are very clear that all gaming and non-gaming activities conducted at the bingo hall site will be subject to the control of the Tribe. The Lender will have a voice, but only a minority voice. Management of the day-to-day operations is anticipated to be performed by a management company, *under contract to the Tribe.*

I hope this information is useful to the Committee.

Sincerely,



Gregory W. Sample

Attorney for the Passamaquoddy Tribe

GWS/pl

cc: Rep. Donald Soctomah

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