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## House Order, Propounding a Question to the Justices of the Supreme Judicial Court

**WHEREAS**, it appears to the House of Representatives of the 128th Legislature that the following is an important question of law and that this is a solemn occasion; and

**WHEREAS**, the Constitution of Maine, Article VI, Section 3 provides for the Justices of the Supreme Judicial Court to render their opinion on such a question; and

**WHEREAS**, there is now before the 128th Legislature for its consideration House Paper 838, Legislative Document 1201, "An Act To Authorize Tribal Gaming"; and

**WHEREAS**, Legislative Document 1201 authorizes the Department of Public Safety, Gambling Control Board to accept applications for a casino operator license from federally recognized Indian tribes in this State. A license issued to a federally recognized Indian tribe would authorize operation of table games and slot machines at multiple facilities on land owned by the tribe; and

**WHEREAS**, the State authorizes and regulates casinos, including the operation of table games and slot machines, pursuant to the Maine Revised Statutes, Title 8, chapter 31; authorizes and regulates betting on harness racing pursuant to Title 8, chapter 11; and authorizes and regulates a state lottery pursuant to Title 8, chapter 14-A; and

**WHEREAS**, the revenue provided to the federally recognized Indian tribes in this State by Legislative Document 1201 will encourage and support tribal self-sufficiency, self-determination and economic development and will be used by the tribes for critical tribal government social and economic programs vital to the well-being of tribal members including promoting economic development, reducing chronically high rates of unemployment and providing services such as health care, elder care, housing and education; and

**WHEREAS**, the Supreme Court of the United States decided in California v. Cabazon Band of Mission Indians, 480 U.S. 202 (1987) that state and local governments do not have the authority to regulate gambling on Indian land; and

**WHEREAS**, it is important that the Legislature be informed as to the question raised in this order; now, therefore, be it

**ORDERED**, that, in accordance with the provisions of the Constitution of Maine, the House of Representatives respectfully requests the Justices of the Supreme Judicial Court to give the House of Representatives their opinion on the following question of law:

Question. Does the decision of the Supreme Court of the United States in California v. Cabazon Band of Mission Indians, 480 U.S. 202 (1987) allow federally recognized Indian tribes in this State to conduct gambling on Indian land without permission to do so from the State?