

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

## **One Hundred And Fifteenth Legislature**

OF THE

## **State Of Maine**

### **VOLUME VII**

#### **SECOND REGULAR SESSION**

Senate

March 10, 1992 to March 31, 1992

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#### **SECOND CONFIRMATION SESSION**

May 20, 1992

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#### **THIRD CONFIRMATION SESSION**

August 19, 1992

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#### **THIRD SPECIAL SESSION**

October 1, 1992 to October 6, 1992

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#### **FOURTH SPECIAL SESSION**

October 16, 1992

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#### **FOURTH CONFIRMATION SESSION**

November 19, 1992

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#### **HOUSE AND SENATE LEGISLATIVE SENTIMENTS**

December 5, 1990 to December 1, 1992

In Senate, March 26, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-679) AS AMENDED BY HOUSE AMENDMENT "A" (H-1274) AND SENATE AMENDMENT "A" (S-716)** thereto, in **NON-CONCURRENCE**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-679) AS AMENDED BY HOUSE AMENDMENTS "A" (H-1274); "B" (H-1295) AND SENATE AMENDMENT "A" (S-716)** thereto, in **NON-CONCURRENCE**.

On motion by Senator ESTES of York, the Senate **RECEDED and CONCURRED**.

**Non-concurrent Matter**

Bill "An Act to Improve Educational Public Broadcasting Statewide" (Emergency)

S.P. 945 L.D. 2409  
(C "A" S-666)

In Senate, March 26, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-666)**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-666) AS AMENDED BY HOUSE AMENDMENTS "A" (H-1200); "F" (H-1290)** thereto, in **NON-CONCURRENCE**.

The Senate **RECEDED and CONCURRED**.

**Off Record Remarks**

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

Senate at Ease  
Senate called to order by the President.

**ORDERS OF THE DAY**

On motion by Senator CLARK of Cumberland, the Senate removed from the Unassigned Table, the following:

An Act to Enable the Department of Human Services to Have a Presence in Every County through Enhanced Administrative Flexibility

H.P. 620 L.D. 890  
(C "A" H-884)

Tabled - March 5, 1992, by Senator CLARK of Cumberland.

Pending - **ENACTMENT**  
(In Senate, February 27, 1992, **RECONSIDERED ENACTMENT**.)

(In House, February 20, 1992, **PASSED TO BE ENACTED**.)

On motion by Senator GOULD of Waldo, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-884), in concurrence.

On further motion by same Senator, Senate Amendment "B" (S-652) to Committee Amendment "A" (H-884) **READ**.

**THE PRESIDENT:** The Chair recognizes the Senator from Waldo, Senator Gould.

Senator GOULD: Thank you Mr. President. Ladies and Gentlemen of the Senate. This amendment allows the continuance of the presence of the Department of Human Services in the county of Waldo and a presence in Lincoln and Oxford counties. There will be a review set up by the Department of Human Services of all three counties to find out whether they really need the presence of the Human Services or not. They will come back to the Human Resources Committee by November 1, 1993. Thank you.

On further motion by same Senator, Senate Amendment "B" (S-652) to Committee Amendment "A" (H-884) **ADOPTED**.

Committee Amendment "A" (S-884) As Amended by Senate Amendment "B" (S-652) thereto, **ADOPTED in NON-CONCURRENCE**.

Which was **PASSED TO BE ENGROSSED, As Amended in NON-CONCURRENCE**.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

**Unfinished Business**

The following matters in the consideration of which the Senate was engaged at the time of Adjournment, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Senate Rule 29.

The Chair laid before the Senate the Tabled and Later Assigned (3/25/92) matter:

An Act to Clarify the Administrative Practices of the State Tax Assessor Pertaining to State-issued Licenses

H.P. 1497 L.D. 2109  
(C "A" H-1093)

Tabled - March 25, 1992, by Senator CLARK of Cumberland.

Pending - **ENACTMENT**  
(In Senate, March 16, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1093)**, in concurrence.)

(In House, March 18, 1992, **PASSED TO BE ENACTED**.)  
Which was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

The Chair laid before the Senate the Tabled and Later Assigned (3/26/92) matter:

Bill "An Act to Legalize Marijuana for Medicinal Purposes"

H.P. 1729 L.D. 2420  
(C "A" H-1281)

Tabled - March 26, 1992, by Senator GILL of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence

(In Senate, March 26, 1992, **READ A SECOND TIME**.)  
(In House, March 26, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1281)**.)

On motion by Senator CONLEY of Cumberland, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-1281), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-726) to Committee Amendment "A" (H-1281) **READ**.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Thank you Mr. President. Ladies and Gentlemen of the Senate. This is the technical

amendment which I had referred to yesterday during the brief debate on this measure which was prepared by the Office of Policy & Legal Analysis in conjunction with the Attorney General's Office. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-726) to Committee Amendment "A" (H-1281) **ADOPTED**.

Committee Amendment "A" (H-1281) As Amended by Senate Amendment "A" (S-726) thereto, **ADOPTED** in **NON-CONCURRENCE**.

Which was **PASSED TO BE ENGROSSED**, As Amended in **NON-CONCURRENCE**.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

On motion by Senator **CLARK** of Cumberland, the Senate removed from the Unassigned Table, the following:

Bill "An Act to Strengthen the Public Disclosure of Lobbying Activities"

H.P. 1591 L.D. 2245

Tabled - March 18, 1992, by Senator **CLARK** of Cumberland.

Pending - **ADOPTION** of Committee Amendment "A" (H-1130), in concurrence

(In House, March 17, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1130)**.)

(In Senate, March 18, 1992, Committee Amendment "A" (H-1130) **READ**.)

On motion by Senator **MCCORMICK** of Kennebec, Senate Amendment "A" (S-664) to Committee Amendment "A" (H-1130) **READ**.

**THE PRESIDENT:** The Chair recognizes the Senator from Kennebec, Senator McCormick.

Senator **MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I was moved to put on this amendment after attending the RJR Reynolds Lobster Bake last month. I got to wondering if that kind of event was reportable and found upon looking that it was not. While lobbyist have to report meals and entertainment lumped into their full report, they do not have to pull out when there is an event like that. After talking to the Secretary of State, the Revisors Office, the Chairs, and the Sponsors, we worked out an amendment that would pull out and create a category called meals and entertainment activity wherein lobbyist would need to report if they took five or more officials of the legislature out to dinner. They would not have to report their names unless the expense of that meal was \$25.00 or more. That is the same standard we have now.

I like this Bill a lot and I by no means want to change its intent. I think this amendment has the consent of all involved and I urge you to consider it positively. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I have looked at this amendment but it was so long ago I forget what the cross references were. I would like to ask a question. Does this mean if a member of the lobby does any type of entertaining, if they buy you a cup of coffee or sandwich, that would be entertainment and therefore a reportable item? Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Kennebec, Senator McCormick.

Senator **MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. No it does not mean that. It particularly refers to meals for five or more Legislators or administrative officials. We did not want to include the hot dog or the cup of coffee. That is why we wrote it that way. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Is there an amount limit? If I happen to be having lunch in the cafeteria with five Legislators and a lobbyist joins us, is that included in this amendment? Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Kennebec, Senator McCormick.

Senator **MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Only if the lobbyist pays for the meals of the Legislators at the table. If there are five or more Legislators and a lobbyist takes them to dinner and pays for the meal, it has to be reported by the lobbyist under this new amendment. That lobbyist does not have to note the names of the Legislators unless each meal was over \$25.00. If five of us find ourselves having lunch with a lobbyist and we are all paying for our own meals that is not covered by this amendment. That is not something they paid for so they don't need to report it. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would respectively suggest to my co members of the Senate it is probably not a good idea to accept a meal or cup of coffee from a lobbyist. You ought to be paying for your own in every instance. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am trying to make this clear in my mind so the lobby is clear in their mind and there is no confusion if this Bill is passed. The reason I ask this is because I talked to Legislators and lobbyist in other States. In other States the reporting requirements are even more stringent than they are in Maine. Even if a group was sitting around having a soda and one person picked up the tab, the way I read this it would be reportable. I want to say for the record I don't have the disdain for the lobby that some people apparently have in this Legislature and I am not referring to anyone in this Body. I happen to believe the lobby plays an important part in this legislative process. Some of my very best personal friends happen to be lobbyists.

Sometimes toward the end of the year a number of the lobbyist will bring in cookies or a fruit basket to say thanks for all your support. That type of a contribution would be to five or more Legislators. I don't think the intent of the individual lobbies that do that is to influence us. I think it is their intent to say thank you for working so hard and we appreciate it. Another example of that would be candy bars we were given the other day. I, for one, appreciate the Maine Association of Realtors for giving me a candy bar because I needed the sugar at that point. That would be a reportable expense. I am asking this Senate do we want to go that far? Thank you.