

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

One Hundred and Seventh Legislature

(First Special Session)

OF THE

STATE OF MAINE

1976

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Thursday, March 18, 1976

Senate called to order by the President.
Prayer by the Rev. Canon Roger S. Smith, St. Mark's Episcopal Church, Augusta:

Almighty God, we humbly thank you for this good land which you have given us for our inheritance. We pray that we always prove to be a people mindful of your favor and glad to do your will. Bless this state with honest labor, clear thinking and mutual regard. Save us from violence, discord and confusion, from pride, arrogance, and from every evil way. Fill with wisdom those to whom we entrust the authority of government, that they may seek justice and peace. In time of prosperity fill our hearts with thankfulness, and in times of crisis do not allow our trust in you to fail. We offer you thanks for those persons who have answered your call to serve in this legislature. Guide the deliberations of this Senate today, that they may serve the people of Maine well. Amen.

Reading of the Journal of yesterday 1

**Papers from the House
Joint Resolution
STATE OF MAINE**

In the Year of Our Lord One Thousand Nine Hundred and Seventy-six.

IN MEMORIAM

Having Learned of the Death of Dr. Carl R. Bither Outstanding Citizen of Waldoboro who was Dedicated to Serving His Fellowmen

The Senate and House of Representatives of the State of Maine do hereby extend their sincere heartfelt condolences and sympathy to the bereaved family and friends of the deceased; and further

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine. (H. P. 2209)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

**Joint Order
STATE OF MAINE**

In the Year of Our Lord One Thousand Nine Hundred and Seventy-six.

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Walter F. Trundy of Stockton Springs Soon to Retire Having Reached 97 Years of Age, and Served as Town Clerk for over 68 Years

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 2210)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**House Paper
Study Report — Legal Affairs**

The Committee on Legal Affairs to which was referred the study relative to Bill, "An Act Relating to the Regulation of Private Detectives and Watch, Guard and Patrol Agency" (H. P. 471) (L. D. 570) and Bill, "An Act Relating to Licensing and Fee Requirements for Private Detectives, Watch, Guard or Patrol Agencies" (H. P. 1299) (L. D. 1575) pursuant to H. P. 1607 of the 107th Legislature, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Reform the Regulation of Watch, Guard and Patrol Agencies and of Private Detectives" (H. P. 2211) (L. D. 2309) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Comes from the House, the report Read and Accepted and the Bill referred to the Committee on Legal Affairs.

Which report was Read and Accepted and the Bill referred to the Committee on Legal Affairs, in concurrence.

**Committee Reports
House**

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act to Provide Service for the Mentally Retarded." (H. P. 1957) (L. D. 2146)

Leave to Withdraw

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Provide Dental Care to Developmentally Disabled Boarding and Nursing Home Clients and to other Persons." (H. P. 1897) (L. D. 2077)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought to Pass

The Committee on Election Laws on, Bill, "An Act Relating to Requests for Absentee Ballots." (H. P. 2062) (L. D. 2232)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

Which report was Read and Accepted in concurrence, Bill Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Transportation on, Bill, "An Act Relating to the Maine Transportation Board." (H. P. 1858) (L. D. 2026)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-974).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

**Senate
Leave to Withdraw**

Mr. Gahagan for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Resolve the Deficit in Education Funding for the Fiscal Year 1975-76." (S. P. 656) (L. D. 2082)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

Second Readers

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

House

Bill, "An Act to Reconstitute School Administrative District No. 42." (H. P. 2059) (L. D. 2237)

Bill, "An Act to Establish a Program to Protect the Clam Fishery from Green Crab Predation." (H. P. 2200) (L. D. 2303)

Which were Read a Second Time and Passed to be Engrossed, in concurrence.

House — As Amended

Bill, "An Act to Extend the Exemption of Self-employed Sternmen on Lobster Fishing Boats from Coverage under the Employment Security and Workmen's Compensation Laws." (H. P. 1890) (L. D. 2070)

Which was Read a Second Time and Passed to be Engrossed, as Amended, in concurrence.

Bill, "An Act to Amend the Definition of "School Bus" to Include School Buses Rented from School Administrative Units by Nonprofit Organizations in Order to Transport Children." (H. P. 1930) (L. D. 2117)

Which was Read a Second Time.

Mr. O'Leary of Oxford then moved that the Senate reconsider its action whereby Committee Amendment "A" was Adopted.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I wonder if the Senator from Oxford, Senator O'Leary, would enlighten the Senate as to the problem with the Committee Amendment.

The PRESIDENT: The Senator from Kennebec, Senator Speers, has posed a question through the Chair to the Senator from Oxford, Senator O'Leary, who may answer if he so desires.

The Chair recognizes the Senator from Oxford, Senator O'Leary.

Mr. O'LEARY: Mr. President, I would ask the Senate to go along with the reconsideration. I would like to include an amendment here to allow for the transportation of Sunday School children in the definition of school buses.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I wonder if the good Senator O'Leary would be willing to table this for one legislative day. It was my understanding that this bill is going to be worked on in committee a little bit later today.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Thereupon, on motion by Mr. O'Leary of Oxford, tabled and Tomorrow Assigned, pending the motion by that Senator to reconsider Adoption of Committee Amendment "A".

Senate

Bill, "An Act to Provide Funds to the

Department of Inland Fisheries and Wildlife." (S. P. 718) (L. D. 2254)

Which was Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

Senate — As Amended

Bill, "An Act to Establish the Dates of Legislative Sessions and to Clarify Laws Relating to Expenses of Legislators." (S. P. 663) (L. D. 2087)

Which was Read a Second Time.

On motion by Mr. Katz of Kennebec, the Senate voted to reconsider its prior action whereby Committee Amendment "A" was Adopted.

The same Senator then presented Senate Amendment "C" to Committee Amendment "A" and moved its Adoption.

Senate Amendment "C", Filing No. S-443, to Committee Amendment "A" was Read.

The PRESIDENT: The Senator has the floor.

Mr. KATZ: Mr. President and Members of the Senate: What this amendment does is walk a midway point between the positions that were talked about here yesterday. At the moment, the compensation of the legislature for the next biennium is going to be \$6,000, plus per diem for the second regular session. The per diem during the second regular session, based upon the adoption of Senator Clifford's amendment yesterday, is something in the order of \$1500. This amendment increases the compensation for the second year from \$1,000 to \$2,000 but it repeals the whole provision for per diem.

If you notice on the statement of fact, it says that this will result in a total pay for the per diem of \$7,000. By wiping out the question of per diem, the statement of fact says that the legislature payroll would be decreased about \$46,000 from the level of Committee Amendment "A". I want to explain to you that the arithmetic in this statement of fact is somewhat erroneous. The majority leader and I have been working on this arithmetic for the last hour or so and we are both convinced that it is wrong. The saving would be something probably closer to \$92,000.

I think that the propriety of this amendment rests on the fact that the question of per diem no longer has any relevance at all. It is absolutely indefensible to base the compensation for the legislature on per diem during the regular session. And let me point out to you some of the pitfalls of maintaining per diem. In the first place, if you have the flu during the first regular session, you have what amounts to sick leave, you get paid. If you have flu during the second regular session, you don't get paid. The logic of it completely escapes me.

I think where this actually translates the dollars of the per diem into an increase in compensation from \$1,000 to \$2,000, and at the same time reduces the overall burden on the taxpayer by a very minimum amount of money, that perhaps the Senate might be willing to go along with this very reasonable amendment.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I agree in part with what the good Senator from Kennebec, Senator Katz, has stated, but I would like to correct an error and a misimpression which he has left in his comment that this would increase the

compensation from \$1,000 to \$2,000 for the second regular session of the legislature.

The part that I agree with him on is in regards to the illogic of establishing a per diem salary for the second regular session of the legislature. I do feel that that salary ought to be a fixed salary just as is the compensation for the regular session. The misinterpretation, however, is that the \$2,000 which would be established by the amendment is in fact compensation for the second regular session of the legislature. That is not the case. The first regular session of the legislature has a salary established at \$6,000, \$5,000 of which is to be paid in the year of the first regular session and \$1,000 of which is to be paid in the following year. That is still compensation for the first regular session of the legislature. So that, in effect, what the amendment does is establish a fixed salary for the second regular session of \$1,000.

Now as the good Senator explained, based on the amendment that was adopted yesterday of 50 days for the second regular session, that salary would come out to somewhere between \$1,200 and \$1,500. But by establishing a fixed salary at \$1,000, the Senator is reducing the pay for the second regular session, but not by very much. So I would not want the impression to stand that the salary for the second regular session is \$2,000, it is not. It is \$1,000, under this amendment. The other \$1,000 that is paid is a deferred salary payment for the first regular session of the legislature.

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

Mr. CONLEY: Mr. President, I noticed that the good Senator from Androscoggin, Senator Clifford, is absent, and where it seems that the majority floor leader and the sponsor of this amendment have been taking an hour and a half to find out exactly what it means, I would hope that someone would table this until tomorrow.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Danton.

Thereupon, on motion by Mr. Danton of York, tabled and Tomorrow Assigned, pending the Adoption of Senate Amendment "C" to Committee Amendment "A".

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

Emergencies

An Act Concerning Insurance Coverage for Blind Persons. (S. P. 637) (L. D. 2012)

An Act Concerning the Administration of Medicine to Inmates of County Jails. (S. P. 668) (L. D. 2127)

An Act to Clarify the Authority of the National Guard in Providing Emergency Medical Services. (H. P. 2051) (L. D. 2226)

These being emergency measures and having received the affirmative votes of 27 members of the Senate, were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

Orders of the Day

The President laid before the Senate the first tabled and Specially Assigned matter:

HOUSE REPORT — from the Committee on Transportation — Bill, "An Act Concerning Transit District Buses Used for Elementary Pupil Transportation." (H. P. 1996) (L. D. 2177)

Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-980); Minority Report — Ought Not to Pass.

Tabled — March 17, 1976 by Senator Speers of Kennebec.

Pending — Motion of Senator Conley of Cumberland to accept the Majority Report.

(In the House — Passed to be Engrossed as Amended by Committee Amendment "A").

Thereupon, the Majority Ought to Pass as Amended Report of the Committee was Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read.

Mr. Conley of Cumberland then presented Senate Amendment "A" to Committee Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-439, to Committee Amendment "A" was Read and Adopted.

The PRESIDENT: The Senator has the floor.

Mr. CONLEY: Mr. President and Members of the Senate: To save everyone time from looking it up, all it does is remove the emergency preamble from the bill.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I wonder if the good Senator from Cumberland, would enlighten us as to the purpose of Committee Amendment "A" on the bill.

The PRESIDENT: The Senator from Kennebec, Senator Speers, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, it is much easier to pass. Would the Secretary please inform me as to what the filing number is of Committee Amendment "A"?

The SECRETARY: The filing number of Committee Amendment "A" is H-980.

Mr. CONLEY: Mr. President and Members of the Senate: Perhaps I could briefly explain just exactly what the bill does. It allows, in the situation of Portland, whereas the Department of Education and the school board has a contract with the Greater Portland Transit Authority for the purpose of transporting children to and from school, under the present law these buses — and when we are talking about buses we are talking about all school buses — are limited in the law as to the number of passengers they may take on at any one time. I wish to point out, as I stated, that the Transit Authority has buses which are much larger in size, in fact, than the normal school bus that we see so much in the rural areas of the state. What has been happening in Portland is that on rainy days or stormy days, snowing or whatever inclement weather we have, there are a number of students who don't take the bus on good or fair weather days but, as I say, when the weather is inclement the bus comes by and picks up so many children, and then it gets a half a mile or so from the school and all the rest of the kids that are standing out there, who may normally ride the bus, the bus driver has to bypass them because of the way the present law is written.

What this bill addresses itself to is strictly elementary school children. Within the buses of the Transit Authority, they are built in a manner that the seats are certainly wide enough to hold three

elementary children and, therefore, would obviously help remove a bad situation of having to bypass them. That is exactly what this whole bill is.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President and Members of the Senate: I am just a little bit confused by this amendment, and I would ask the good Senator from Cumberland if he could further enlighten me, because the amendment speaks of reducing the minimum seating space by not more than twenty percent. To reduce a minimum, it seems to me to be going in the opposite direction from the purpose that the Senator has described, and I am a bit confused.

The PRESIDENT: The Senator from Knox, Senator Collins, has posed a question through the Chair to the Senator from Cumberland, Senator Conley, who may answer if he so desires.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Thereupon, on motion by Mr. Merrill of Cumberland, tabled and Tomorrow Assigned, pending Adoption of Committee Amendment "A", as Amended by Senate Amendment "A" Thereto.

The President laid before the Senate the second tabled and Specially Assigned matter:

HOUSE REPORT — from the Committee on Transportation — Bill, "An Act to Exempt Emergency Vehicles and School Buses from the Statutory Prohibition of the Use of Studded Tires From May to October." (H. P. 1953) (L. D. 2138) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass as Amended by Committee Amendment "A" (H-975)

Tabled — March 17, 1976 by Senator Speers of Kennebec.

Pending — Acceptance of Either Report. (In the House — Passed to be Engrossed as Amended by Committee Amendment "A").

Thereupon, on motion by Mr. Greeley of Waldo, the Minority Ought to Pass as Amended Report of the Committee was Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

The President laid before the Senate the third tabled and Specially Assigned matter:

HOUSE REPORT — from the Committee on Labor — Bill, "An Act Regarding the Rights of Students at the University of Maine in the University Bargaining Process." (H. P. 1966) (L. D. 2155) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-977); Minority Report — Ought to Pass as Amended by Committee Amendment "B" (H-978)

Tabled — March 17, 1976 by Senator Roberts of York.

Pending — Motion of Senator Pray of Penobscot to Indefinitely Postpone bill and accompanying papers.

(In the House — Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A")

The PRESIDENT: The Chair recognizes the Senator from York, Senator Roberts.

Mr. ROBERTS: Mr. President and Members of the Senate: I would like to speak against the motion which is now

before the Senate of indefinite postponement of this item.

Some few years ago the state passed collective bargaining for the public sector of the State of Maine, and that included all, with the exception of the University of Maine and one or two other small units. Last year at the regular session we had the bill before the Labor Committee on collective bargaining for the University of Maine and that passed in the last session.

At that time the students appeared and were interested in having some part in the collective bargaining process, and at that time they were not particularly considered because we were trying to work out a system for collective bargaining for the University, which was a little complicated because you had Orono which is very large, and you had Gorham which is quite large, and you had four other areas which are quite small. We did work out something which was satisfactory and which we passed last session.

This year we received a bill in the special session by the students wishing to participate in the collective bargaining setup as was passed last year for the University of Maine. There was considerable objection to this from both the standpoint of the unions and also from the standpoint of the members of the committee. As a result, a good deal of work was done, and the subcommittee worked three weeks with the students and with representatives of the labor unions, and also conferred with the trustees. As a result, this Committee Amendment "A" which you have here is an agreement by not only the students who wish some participation but also with the trustees and with the labor unions.

Let me explain that it does not change the normal two party adversary proceeding which is normally considered when you think of collective bargaining. Collective bargaining will still take place between the trustees and the management on the one side and between the workers or the unions on the other side. What this does, and all it does, is to allow the trustees to pick three students, and those three students will be allowed to meet with the trustees prior to any collective bargaining to state what the interests are of the students and how they feel about the issues as they know them. Then as the bargaining goes on, and if other issues come to light as a result of the bargaining, these same three students may meet occasionally with the administration to be informed of what other issues have come up and to indicate to the management or to the administration how the students feel with respect to those.

On any information that is given to the students by the administration during any of these meetings, the students will be bound by the same confidentiality rules as the participants of collective bargaining are. And at no time will the students be present or take any part in either the actual negotiations between the administration and the workers or the unions, or whoever is on the other side, nor will they be allowed to be present during these actual negotiations. They will simply be kept informed of what is going on.

As you know, there was sometime back a move made whereby a student was placed on as one of the trustees at the University of Maine. I believe at the present time there is no student, but anyway, there has been precedent for students to take part. I think that students today, the average student at the University of Maine is 27

years old, for one thing, and I am sure they are a lot more mature and a lot different than the students I remember when I went to college, and I feel that they have a legitimate reason to be considered. They are certainly concerned with the amount of tuition that may be charged. They are also concerned about the number of hours, for instance, that a professor would be available for consultation and that sort of thing. I feel that this is not in any way impeding the collective bargaining process, and I feel it is a reasonable step to allow these students to have at least some participation in this activity. I hope that you will defeat the motion.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate: I would like to clarify a few statements made by the chairman, not that he was in error in any way. As to the last remarks he was making, I guess he was talking about today's university students, and I fell into that category as I was about 27 when I went to the University of Maine. I commuted 84,000 miles in two and a half years and got a four year degree. I worked my way through and supported a wife and two children. And I didn't feel that we had to go in and run the school system; I was there to get an education.

Other than that, talking about the bill at hand, to clarify a few statements that were made as to what this bill would allow them to do, he said it would allow them to meet with the board of trustees. If you look at Committee Amendment "A", Filing No. H-977, it says, "the board of trustees shall appoint 3 currently enrolled students who may meet with the bargaining agent." It doesn't say they shall meet, as he stated. Then after saying that they may meet, it will go back down that during the period of collective bargaining that they shall be allowed to meet. So we are going to a "shall" to a "may" back to a "shall" again. Maybe when we are all done with it, if by some freak accident it passed, then maybe someone will want to amend it to correct that, if they are going to go that route.

As to the hearing that we had last year on collective bargaining and the fact that students appeared then and wanted to be included, they were not included because, as the good Senator stated, it was a complicated item we were getting involved in, it was something new, and it is still new. It hasn't been tried out yet. And throwing a few more nuts and bolts and some screws into the machinery before we find out if it works. I think is the wrong step to take at this time.

I think if we are going to find out how this is going to run, then we have to first of all see how the initial legislation, of which I myself was a co-sponsor last year, is going to run, see what is going to come out of it, and then after a while, a period of time, if the students want to be included, and if the people feel that is the way it should go, then that is the way it should go. But at this time I won't think that this is a step in the direction we should be going.

I think under the present law, if anybody wants to check the statutes, under Title 26, Section 1026, Subsection 4, Paragraph C, if you read item one underneath that, the interest and welfare of the students and the public and the financial ability of the University to finance the cost items proposed by each party to the impasse shall be considered. Students are going to be

considered under the present law, their welfare, and I am pretty sure that the trustees or the bargaining agents for the trustees are going to take into consideration that if they shorten down the teaching hours, the hours that a teacher is available, it is going to have some effect on the credibility of the college. And I am pretty sure that the board of trustees wants to run a good school. They are going to want the best that they can provide for their students so they can receive the best education, and for those reasons, I don't think that this legislation is necessary.

We have talked a number of times about what the special session is aimed at as far as emergency legislation, and I think that matter has been well discussed and we have pretty well run into the ground the idea that legislation coming into this session isn't all of an emergency nature. I think that this is an item that can sit down, we can wait on it, and we can find out maybe in the 108th or the 109th if it is going to be necessary to include the students. Let us first of all find out if the collective bargaining bill that we passed last year is going to work out.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Mr. President and Members of the Senate: I perhaps am a little confused, but I am reading the statement of fact here on this H-977. It says, "The purposes of this amendment are to require the university bargaining team to meet and confer with the students at reasonable intervals during the course of collective bargaining negotiations and to consider and represent the interests and welfare of students in negotiations." Now, I think of a team as everybody concerned in that bargaining, but this is what I see about the University of Maine: when we pass a bill in here to give them any money, we don't tell them what they can do with it, because it wouldn't make any difference whether we did or not. We have had arguments in here this session whereby the trustees at the university run the university. We don't run it from this legislature. If I am wrong about that, I would be glad to be corrected.

The other thing is that when a student goes there and registers he is told the different courses that he may take, and those courses have been approved by the trustees, and that is what he takes. And all I can see in this particular bill is that if the students are going to insist to take part in any way in a caucus or anything else with the bargaining team, that they are going to cause hard feelings more than good feelings with the trustees because the trustees are the ones that run the university, and I think they are very capable in doing that. I think that the good of the students will be served much better if we indefinitely postpone this bill and let them get on with the original one that they have, which they are covered under anyway.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President and Members of the Senate: I oppose the pending motion, and I would like to ask for a roll call when the vote is taken. The reason that I oppose the motion is because it seems to me that this is exactly the right time to consider this piece of legislation.

The effective date of the collective bargaining law for the University of Maine is the 1st of July of this year. Now is the

time, when the methods are being established, to implement the legislative decision of last year to have collective bargaining at the university.

Among other things, we have said, as the Senator from Penobscot, Senator Pray, has indicated, that the bargainers shall take into consideration the concerns of the students and the needs of the students. And I would suggest that all this piece of legislation before us today does is implement the method by which the trustees bargaining team will be able to ascertain and find out more information about what the students' interests are.

I think that the safeguards in this piece of legislation are very wise. I don't think it is anything substantial in terms of in any way hindering the collective bargaining process. All this legislation does would be to allow three students chosen by the trustees to meet and confer prior to negotiations, and to allow these students to meet occasionally with the administration bargaining team during the course of negotiations. I don't find any difficulty with the terms "may" and "shall" because it seems to me that the students, if they felt their concerns warranted it, would make use of the safeguards provided in this legislation. I think it is a good bill and I think we ought to adopt it and vote against the pending motion to indefinitely postpone.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: I would just like to briefly say that I join with the Chairman of the Labor Committee, the Senator from York, Senator Roberts, in urging that this bill pass.

The collective bargaining process which we have allowed to be set up certainly allows for a shift in power, not a complete shift certainly, but some of the power is shifted away from the board of trustees into the collective bargaining process. On balance, I favor that shift, a shift in the direction of the employees of the university system.

What we get out of collective bargaining is pretty much based on what we put into it, and this bill, I think, recognizes the unique position that education is in, and students in education are in, where they are not only the consumers of the product, they are the product itself and what this bill provides is that there be a very weak voice by the students in that process. They don't actually sit in on the bargaining. The students who are allowed to sit in aren't even chosen by the students themselves but are chosen by the board of trustees.

If I had to fault this, it would be that it is such a moderate and such a small step, but I certainly think that it is appropriate to have the people who are the product itself, the product that everybody is paying for, including themselves, to have a chance to see to it that their interests, which are really the people whose interest are most synonymous with those of the state, to see that those interests are represented and heard in the collective bargaining process.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate: I wish the American Bar Association would let some of its consumers sit on its board. I think what my good seatmate just stated is something that we should all take into consideration. He talked about a step in a direction. If we

are going to talk about steps, then let's look at the original legislation and ask what the students wanted in the first place. They wanted to sit in on the bargaining. As a matter of fact, one of the statements at one of the hearings by a student was the fact that if they couldn't have what the original legislation was, they wanted a foot in the door.

We all know what the legislative process is. Each year the individuals who have been here for a while have seen the legislation come back, and come back, and ask for a little bit more.

As I stated earlier, the reason for an individual going to college is to receive an education, not to go down there and run the school system. They are represented by the board of trustees. It is in the bill now, that the board of trustees and their bargaining agents shall take the students into consideration and the welfare of the students.

As far as the good Senator from Penobscot, Senator Curtis, stating that this is the right time to put this into legislation, because the bill goes into effect this July 1st, then why didn't he as sponsor put it into the original bill? I think that is a question that only he can answer, because I think it was discussed last year and it was decided not to include the students. I think if we are going to allow the sub-units of this government, the board of trustees, to run the university system, then we are not going to go in there and start fragmenting and telling them what they have to do on every turn on every item that comes before them.

As for three representatives from the student body representing eight campuses, I don't see how three divides into eight very evenly, and the board of trustees can very well appoint them all. I would favor a student on the board of trustees, as was done by our previous governor. It would definitely give the students an input. That type of legislation isn't before us, and the power is in the hands of the governor, so we can't do anything at this time about that. All we do is address this issue that is before us.

As far as the concern about the "may" and the "shall," if the board of trustees would not want to meet with the students to hear their feelings, then they would not have to.

I think if this is necessary that we have this so the feeling of the students can be known by the board of trustees, then we don't have any need for student government in the university system, because I think the student government makes its feelings well felt by the board of trustees, by administrators, and by faculty, or at least they did a few years ago when I was in the university system.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Gahagan.

Mr. GAHAGAN: Mr. President and Members of the Senate: When I was a freshman at the University of Maine at Orono, several of us who were in student government at that time thought it would be a very helpful idea if we would have a student as a member of the board of trustees, and the idea, of course, was not very well received by the administration or by the trustees at that time. But subsequently the good Representative from the City of Auburn, Steven Hughes, was appointed as a member of the board of trustees at the University of Maine.

I think in this instance if you are going to have collective bargaining at all, and that

is not the issue here today, that we would reasonably expect that the students would be able to have some role in that process, and I hope that you would support this bill.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Mr. President and Members of the Senate: I guess I come from a strange part of the state anyway, but I am also concerned about the money that we raise for the university. I haven't forgotten two years ago when I used to go around to the caucuses, when I could, when I was running for the Senate, that I was asked over and over and over about the homosexuals at the University of Maine. Now, when I go back this time for re-election, the thing that they are going to ask me is what have you fellows done down there, have you turned over the university to the students?

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Graham.

Mr. GRAHAM: Mr. President and Members of the Senate: I would like to rise to oppose the motion to indefinitely postpone this bill. It seems to me the bill, watered down as it is by the amendment, is almost an insignificant bill. It is strange that we sometimes find the most minor issues to stir up the greatest controversy. I have been out of college so long that I am almost afraid to go back, but it does seem to me that the students should not be kept in the dark about negotiations which are going on concerning their careers, so I think it is a step in the right direction that the trustees shall be required to at least let three students know what they are doing about their futures.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President and Members of the Senate: The good Senator from Penobscot, Senator Pray, expressed a wish that the Bar Association would include consumers in its processes. I am happy to inform the Senator that his wish was granted in one respect more than a year ago and in another respect about nine months ago. The Bar Association in this state has two panels for grievances, one a general panel, and each of its general panels includes a non-lawyer, and then it has a special panel concerning fees, where there are arguments over fees, and each of those fee dispute panels include a non-lawyer as part of the arbitration process.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, I would like to thank the Senator from Knox, Senator Collins, for straightening me out on that matter.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President and Members of the Senate: I too would like the opportunity to correct the record just briefly. The Senator from Penobscot, Senator Pray, who co-sponsored the bill to provide collective bargaining for the university system, which I sponsored, has noted that he wonders why I didn't try to do this sort of action last year when the bill was pending. I would like to remind him, I am a little surprised that perhaps he had forgotten, that that bill was the result of a very delicate balance, and it was written by some organizations that were very

concerned about collective bargaining, including a representative of the trustees and of the potential agents for the bargaining units. I would also point out that I had a number of amendments that I wanted to add to that bill and they were all considered here. I think that among them there were amendments to do with the problems of trying to bargain collectively systemwide, and also another bill which I had to provide a student trustee on the board of trustees. That one failed, as somebody has mentioned before.

To return to debate on the bill before us, which in several instances we have varied from, it seems to me that this is a mild measure, a very appropriate measure, and a very timely measure.

The PRESIDENT: Is the Senate ready for the question? A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion by the Senator from Penobscot, Senator Pray, that L.D. 2155 and all its accompanying papers be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Hichens, McNally, O'Leary, Pray, Wyman.

NAYS: Senators E. Berry, R. Berry, Carbonneau, Cianchette, Collins, Conley, Corson, Cummings, Curtis, Cyr, Danton, Gahagan, Graffam, Graham, Greeley, Huber, Jackson, Johnston, Katz, Marcotte, Merrill, Reeves, Roberts, Speers, Thomas, Trotzky.

ABSENT: Senator Clifford.

A roll call was had. Five Senators having voted in the affirmative, and 26 Senators having voted in the negative, with one Senator being absent, the motion did not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to accept the majority ought to pass as amended report of the committee?

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate: Since in the debate that we have just had nobody really spoke to the issue of meeting with the students during the interval period of collective bargaining, I will point out that Committee Amendment "B" will take into consideration the fears that were expressed by those who supported the amendment, that students' welfare and concern be taken into consideration. I would point out that Committee Amendment "B" states that the board of trustees shall meet with three representatives of the student body before they go into collective bargaining.

With that into consideration, I would like to move the indefinite postponement of Committee Amendment "A", and hope that the Senate will vote along with this motion so that we can pass Committee Amendment "B".

The PRESIDENT: The pending question before the Senate is whether or not to accept the majority ought to pass as amended report of the committee. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, I made a motion for the indefinite postponement of Committee Amendment "A".

The PRESIDENT: The Bill is not yet in the proper posture. I think that motion would be germane when the adoption of Committee Amendment "A" is before the Senate.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, a point of parliamentary inquiry: Do I understand the Senator from Penobscot, Senator Pray, to move adoption of the minority report of the committee, ought to pass as amended by Committee Amendment "B"?

The Chair recognizes the Senator from Penobscot, Senator Pray, who may explain his motion to the Senator from Kennebec, Senator Speers.

Mr. PRAY: Thank you, Mr. President. First of all, a question to the Chair: What is the pending motion at this time?

The PRESIDENT: The pending motion before the Senate is the acceptance of the majority ought to pass report of the committee.

Mr. PRAY: Inquiry: Was that a motion made from the floor?

The PRESIDENT: It was made from the Chair.

Mr. PRAY: I would like to move the acceptance of Committee Report "B".

The PRESIDENT: The Senator from Penobscot is moving the acceptance of the minority ought to pass report?

Mr. PRAY: Yes, sir.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mrs. President, I request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President, may I ask a question through the Chair to whoever would like to answer. I am not clear as to the difference between the two Committee Amendments, "A" and "B".

The PRESIDENT: The Senator from Penobscot, Senator Cummings, has now posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate: To answer that question, the difference between the two amendments basically is that in Committee Amendment "A" the board of trustees shall appoint three students who may meet with the board of trustees or the bargaining unit prior to collective bargaining. There is also a subsection "B" which says that they shall be allowed to meet and confer with the university bargaining agents at reasonable intervals during the course of negotiations.

Report "B" basically leaves out that second section where they will meet at regular intervals during the negotiations.

The PRESIDENT: The pending question is the motion by the Senator from Penobscot, Senator Pray, that the Senate accept the minority ought to pass as amended report of the committee. A division has been requested. Will all those Senators in favor of accepting the minority ought to pass report please rise in their places until counted. Will all those opposed please rise in their places until counted.

A division was had. Seven having voted.

in the affirmative, and 22 having voted in the negative, the motion did not prevail.

Thereupon, the Majority Ought to Pass as Amended Report of the Committee was Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

The President laid before the Senate the fourth tabled and Specially Assigned matter:

Bill, "An Act to Classify the Positions of Director of Program Review and Evaluation in the Department of Audit, Director of Fraud Investigation in the Department of Audit, and of Employees of the Fraud Investigation Division in the Department of Audit." (H. P. 1992) (L. D. 2174)

Tabled — March 17, 1976 by Senator Berry of Cumberland.

Pending — Enactment.

(In the House — Passed to be Enacted)

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: This bill has had a somewhat checkered path of progress through the legislature and I am going to make a move to indefinitely postpone the bill, and will speak to my motion.

The basic concept here was that the Department of Human Services had a need for investigation, and they indicated prosecution of fraud in connection with welfare cases. This was an important recommendation of the federal audit which we had completed. The Performance Audit Committee received the bill which provided that, in order to buttress the ability of the Department to investigate, that four people in the Bureau of Audit would be transferred to the Attorney General's Department, with the prime purpose of working professionally under the Attorney General and investigating fraud of all kinds but fraud on welfare cases in particular. This provision is in another bill which is in the process of going through the legislature.

This particular bill that we are referring to here I believe was probably conceived in the mind of the affected personnel in the Bureau of Audit. Regardless, the thrust of the bill is that these people would be given classified service status, which they do not at the present have. If they stayed in the Bureau of Audit they would not have classified service. Possibly the intent was to give these people classified service and "protection" upon their new assignment.

However, the committee reported the bill out at that stage of the game ought to pass. Subsequently, we received some communications from the interested departments; namely, Personnel, Department of Human Resources, and the Attorney General's Department. There might be a mild protest that this criticism should have come up at the hearing, but I don't believe we can be too critical of their failure to appear. But since the hearing and since the bill got into the process here, I personally talked with the three departments, and I am firmly convinced that the bill should not pass. The three departments do not want it. The Personnel people say it violates the spirit and letter of the personnel law and, if we were to pass it, we would be encouraging everybody in similar situations to rush to the legislature to get special legislation. Both the Attorney General's Department, under

whom the professional work will be done, and the Department of Human Resources feel that they would like to have these people come in and then go through the regular classified process like all state employees do. So with that explanation, I would move that the bill be indefinitely postponed, Mr. President.

The PRESIDENT: Is it now the pleasure of the Senate that this bill and all accompanying papers be indefinitely postponed?

The motion prevailed.

Sent down for concurrence.

The President laid before the Senate the fifth tabled and Specially Assigned matter:

Resolution, Proposing an Amendment to the Constitution to Assure Revenues for Bond Service and Prohibit State Bonding of Current Expenditures. (S. P. 689) (L. D. 2206)

Tabled — March 17, 1976 by Senator Corson of Somerset.

(In the House — Finally Passed)

(In the Senate — Finally Passed; subsequently Final Passage Reconsidered)

Pending — the motion by the Senator from Somerset, Senator Corson to Reconsider Final Passage.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Corson.

Mr. CORSON: Mr. President and Members of the Senate: After we had finally passed this amendment yesterday, Senator Katz and I both received a communication from the Department of Education which indicates their concern that passage of this amendment in its form at this time might jeopardize bond issues which have been previously approved yet are still pending sales of some of the bonds. At this moment the Attorney General's Office is researching this matter, hopefully to clarify it and possibly suggest some amendments as soon as they find out what the status actually is. I would hope at this time that some kind soul might see fit to table this matter.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Thereupon, on motion by Mr. Speers of Kennebec, retabled and Specially Assigned for March 25, 1976, pending the motion by Mr. Corson of Somerset to Reconsider Final Passage.

(Off Records Remarks)

On motion by Mrs. Cummings of Penobscot,

Adjourned until 11:30 tomorrow morning.