

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 1, 1982 to May 13, 1983

STATE OF MAINE
One Hundred and Eleventh Legislature
First Regular Session
JOURNAL OF THE SENATE
Augusta, Maine
May 5, 1983
Senate called to order by the President.

Prayer by the Reverend Robert Howard of the Federated Church of Thomaston.

REVEREND HOWARD: Let us pray! Lord of the Nation, May mornings, and State Senators, You have created us in Your image and implanted within the hope, that nudges us beyond self-interest and resignation.

You've designed a kaleidoscope of diversity in the body politic, which leaves our Towers of Babel unfinished. And eclipses the names we would make for ourselves.

Even endow this assembly we ask You with the climate of expectancy, good humor, and justice; that it may pursue its grave responsibilities evenhandedly, and to Your Name be the praise, this day and always. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

Papers from the House Non-concurrent Matter

BILL, "An Act to Override the Federal Preemption of State Authority to Regulate Alternative Mortgage Transactions." (Emergency) (H. P. 790) (L. D. 1082)

In House April 27, 1983 Passed to be Engrossed.

In Senate May 2, 1983 Passed to be Engrossed as Amended by Senate Amendment "A" (S-77) in non-concurrence.

Comes from the House, that Body Adhered. On motion by Senator Pray of Penobscot, Tabled until later in today's session, pending Further Consideration.

Senate Papers

BILL, "An Act to Streamline Information Processing by Income Supplementation and Social Service Programs" (S. P. 533) (Presented by Senator BUSTIN of Kennebec) (Cosponsors: Senator GILL of Cumberland, Senator HAYES of Penobscot, Representative DAVIS of Monmouth)

Which was referred to the Committee on Health and Institutional Services and Ordered Printed.

Sent down for concurrence.

BILL, "An Act to Create the Finance Authority of Maine." (S. P. 534) (Presented by Senator TRAFON of Androscoggin) (Cosponsors: Senator TWITCHELL of Oxford, Representative GWADOSKY of Fairfield, Representative DILLENBACK of Cumberland)

Which was referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

Orders

Joint Resolution

On motion of Senator KANY of Kennebec, the following Joint Resolution (S. P. 535) (Cosponsors: Senator PEARSON of Penobscot, Representative HALL of Sangerville, and Speaker J. MARTIN of Eagle Lake)

JOINT RESOLUTION APPLAUDING THE PARTIES INVOLVED IN THE HISTORIC AGREEMENT BETWEEN THE PROVINCE OF QUEBEC AND THE NEW ENGLAND STATES, TO PROVIDE HYDRO-ELECTRIC POWER TO THE PEOPLE OF NEW ENGLAND

WHEREAS, officials of the New England Power Pool (NEPOOL) and Hydro-Quebec have agreed to bring hydro-electric power from the Province of Quebec and to New England; and

WHEREAS, the New England governors, Jo-

seph Brennan of Maine, Richard Snelling of Vermont, William O'Neill of Connecticut, J. Joseph Garrity of Rhode Island, John Sununu of New Hampshire, Michael Dukakis of Massachusetts, and Prime Minister of Quebec, Rene Levesque, wholeheartedly endorse this historic agreement; and

WHEREAS, this interconnection agreement provides considerable savings for New England consumers with respect to energy costs and further reduces New England's dependency on oil; and

WHEREAS, the people of New England and their Canadian neighbors share common cultural, economic and environmental advantages and concerns; now, therefore, be it

RESOLVED: That We, the Members of the First Regular Session of the 111th Legislature of the State of Maine, now assembled, applaud this historic occasion as a sign of mutual goodwill between the people of New England and the Province of Quebec; and be it further

RESOLVED: That other mutually beneficial agreements between New England and Quebec be encouraged in future years to strengthen relationships between New England and Canada; and be it further

RESOLVED: That a suitable copy of this resolution be prepared and presented to Premier Rene Levesque.

Which was Read and Adopted.

Sent down for concurrence.

Committee Reports House

Ought Not to Pass

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 15 of the Joint Rules:

BILL, "An Act to Repeal the Law Providing an open Season on Moose" (I.B. 1) (L. D. 743)

Leave to Withdraw

The following Leave to Withdraw reports shall be placed in the legislative files without further action pursuant to Rule 15 of the Joint Rules:

BILL, "An Act to Establish Rules to Minimize the Negative Effects of Monthly Reporting and Retrospective Budgeting in the Aid to Families with Dependent Children and Food Stamp Programs" (H. P. 1126) (L. D. 1494)

BILL, "An Act Relating to Claims to Real Property" (H. P. 973) (L. D. 1271)

Ought to Pass

The Committee on Judiciary on BILL, "An Act to Clarify the Adoption Assistance Law" (H. P. 795) (L. D. 1035) Reported that the same Ought to Pass.

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed.

Which Report was Read and Accepted in concurrence. The Bill Read Once and Tomorrow Assigned for Second Reading.

The Committee on Judiciary on BILL, "An Act to Amend the Adult Protective Services Act" (H. P. 826) (L. D. 1084) Reported that the same Ought to Pass.

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed.

Which Report was Read and Accepted in concurrence. The Bill Read Once and Tomorrow Assigned for Second Reading.

The Committee on Judiciary on BILL, "An Act Concerning Confidentiality of Information" (H. P. 998) (L. D. 1306) Reported that the same Ought to Pass.

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed.

Which Report was Read and Accepted in concurrence. The Bill Read Once and Tomorrow Assigned for Second Reading.

The Committee on Education on BILL, "An Act to Reestablish the Energy Testing Laboratory of Maine as a Part of Southern Maine Vocational-Technical Institute" (Emergency) (H. P. 1104) (L. D. 1492) Reported that the same Ought to Pass.

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed.

Which Report was Read and Accepted in concurrence. The Bill Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass as Amended

The Committee on Business Legislation on BILL, "An Act to Amend the Used Car Information Law" (H. P. 754) (L. D. 985) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-184)

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-184).

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-184) was Read and Adopted, in concurrence. The Bill, as Amended, Tomorrow Assigned for Second Reading.

The Committee on Public Utilities on BILL, "An Act to Clarify the Timing of Fuel Adjustment Clause Cases before the Public Utilities Commission" (H. P. 962) (L. D. 1243) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-182).

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-182).

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-182) was Read and Adopted, in concurrence. The Bill, as Amended, Tomorrow Assigned for Second Reading.

The Committee on Agriculture on BILL, "An Act to Amend the Composition of the Board of Pesticides Control" (H. P. 709) (L. D. 900) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-181).

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-181).

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-181) was Read and Adopted, in concurrence. The Bill as Amended Tomorrow Assigned for Second Reading.

The Committee on Labor on BILL, "An Act to Clarify Sanctions for Repeated Violation of the Labor Laws of Maine" (H. P. 1050) (L. D. 1394) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-183).

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-183).

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-183) was Read and Adopted, in concurrence. The Bill as Amended Tomorrow Assigned for Second Reading.

The Committee on Transportation on BILL, "An Act to Amend Certain Motor Vehicle Title Laws of the State" (H. P. 895) (L. D. 1160) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-188).

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-188).

Which Report was Read and Accepted in

concurrence. The Bill Read Once. Committee Amendment "A" (H-188) was Read and Adopted, in concurrence. The Bill as Amended Tomorrow Assigned for Second Reading.

The Committee on Education on BILL, "An Act Relating to School Boards" (H. P. 1096) (L. D. 1444) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-189).

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-189).

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-189) was Read and Adopted, in concurrence. The Bill as Amended Tomorrow Assigned for Second Reading.

The Committee on Business Legislation on BILL, "An Act to Extend Consumers Freedom of Choice Regarding Insured Mental Health Services" (H. P. 743) (L. D. 955) Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-190).

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-190).

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-190) was Read and Adopted, in concurrence. The Bill as Amended Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Fisheries and Wildlife on BILL, "An Act to Provide for Registration of All-terrain Vehicles" (H. P. 954) (L. D. 1235) Reported that the same Ought to Pass in New Draft under same title (H. P. 1169) (L. D. 1544)

Comes from the House, the Report Read and Accepted and the New Draft Passed to be Engrossed.

Which Report was Read and Accepted in concurrence. The Bill in New Draft Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft under New Title

The Committee on Education on BILL, "An Act Relating to the Appointment of the Board of Visitors of the Governor Baxter School for the Deaf" (Emergency) (H. P. 975) (L. D. 1276) Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act Relating to the Appointment of a Policy Review Board for the Governor Baxter School for the Deaf" (Emergency) (H. P. 1168) (L. D. 1543).

Comes from the House with the Report Read and Accepted and the New Draft under New Title Passed to be Engrossed.

Which Report was Read and Accepted in concurrence. The Bill in New Draft under New Title Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Energy and Natural Resources on BILL, "An Act to Limit the Storage of Spent Fuel at Nuclear Reactor Facilities" (H. P. 314) (L. D. 373)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-186).

Signed:

Senators:

KANY of Kennebec
PEARSON of Penobscot

Representatives:

HALL of Sangerville
MCGOWAN of Pittsfield
MITCHELL of Freeport
JACQUES of Waterville
MICHAUD of E. Millinocket
MICHAEL of Auburn
RIDLEY of Shapleigh

The Minority of the same Committee on the same subject matter

Reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-187).

Signed:

Senator:

McBREAIRTY of Aroostook

Representatives:

KIESMAN of Fryeburg
DEXTER of Kingfield
BROWN of Livermore Falls

Comes from the House with the Majority Report Read and Accepted and the Bill Passed to be Engrossed. As Amended by Committee Amendment "A" (H-186).

Which Reports were Read.

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

Senator KANY: Thank you, Mr. President. I move Acceptance of the Majority Ought to Pass Report.

The PRESIDENT: The Senator from Kennebec, Senator Kany moves that the Senate Accept the Majority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, through the Chair I would like to ask whether the Committee received any opinion about the constitutionality of this measure?

The PRESIDENT: The Senator from Knox, Senator Collins poses a question through the Chair to any Member of the Committee who may wish to respond.

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Mr. President and Members of the Senate, the Committee I'm sure, has heard many opinions on the constitutionality of this measure. I'd like to point out that there is a new Federal Law regarding High Level Nuclear Waste, and the Committee very carefully constructed this Bill. The Majority Report took into consideration the exact deadlines that the Federal Authorities, through Congress in the new law, stated as that time in which certain facilities would be available.

We carefully thought about the referendum process and the fact that the people of Maine decided to keep open Maine Yankee until the end of its life. We tried, to the best of our ability, to think very carefully determining an appropriate number of spent fuel assemblies, which could be housed at the present facility.

Those of you who are familiar with Maine Yankee, and I'm sure we all are, particularly after two referenda on the subject, know that Maine Yankee has applied to increase its capacity in its application to the Nuclear, to the U.S.N.R.C. It has asked for permission, not only to rerack the assemblies, but for pin compaction. Pin compaction is a controversial new sort of procedure, which has not been used at any of the nuclear power plants in the United States.

So, consequently, we asked for a determination of the maximum number of fuel assemblies which could be housed at the present facility, using just reracking, and moving, therefore, the spent fuel rods closer together. This was the figure that we came up with, which happened to coincide with our present law which states "that any fuel assemblies which have been at Maine Yankee or any existing nuclear power plant for greater than three years must be removed at that time, by 1992." In addition, it does fit in with the schedule, really, of the new Federal law.

I am very proud to present this Bill to you, today, and I urge you to read the Amendment which is (H-186), and which, also, in addition, requires that the Public Utility Commission report to the Legislature regarding the Federal government's capacity on living up to their promise in the new Federal law and meet those deadlines.

Also, would prohibit any nuclear power plant in the State from accepting spent fuel storage

from any other nuclear power plant.

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

Senator BALDACC: Mr. President, a question through the Chair to anyone that would care to answer in regards to this. Two questions.

If the N.R.C., if Maine Yankee has requested through the N.R.C. to have more assemblies than what the State is asking, the State is going to limit, would the N.R.C. pre-empt this State law?

The PRESIDENT: The Senator from Penobscot, Senator Baldacci has posed a question through the Chair to any Member of the Committee who may respond if they so desire.

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Thank you, Mr. President, Yes, Senator Baldacci. It is my understanding that if the U.S. Nuclear Regulatory Commission does eventually adopt and approve the entire application of Maine Yankee, which is including pin compaction in addition to reracking, at this point, then, the Federal Government would be pre-empting our statute. I would like to point out to you that that has not happened and indeed, that very well may not happen particularly, regarding and indeed, that very well may not happen particularly, regarding the pin compaction portion.

On motion by Senator Kany of Kennebec the Majority Ought to Pass Report of the Committee was Accepted, in concurrence.

The Bill Read Once.

Committee Amendment "A" (H-186) was Read and Adopted, in concurrence.

The Bill, as amended, Tomorrow Assigned for Second Reading.

Senate

Leave to Withdraw

The following Leave to Withdraw report shall be placed in the legislative files without further action pursuant to Rule 15 of the Joint Rules:

BILL, "An Act to Raise the Annual Public Utilities Commission Regulatory Fund Assessments to \$1,450,000 for Fiscal Year 1984 and \$1,500,000 for Fiscal Year 1985." (S. P. 421) (L. D. 1274)

Ought to Pass as Amended

Senator PEARSON for the Committee on Energy and Natural Resources on BILL, "An Act to Revise the Statutes Relating to Radiation Control" (S. P. 395) (L. D. 1195) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-89).

Which Report was Read and Accepted. The Bill Read Once. Committee Amendment "A" (S-89) was Read.

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

Senator KANY: Thank you, Mr. President. I present Senate Amendment "A" to Committee Amendment "A" and move its Adoption.

The PRESIDENT: The Senator from Kennebec, Senator Kany presents Senate Amendment "A" to Committee Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-92) to Committee Amendment "A" was Read and Adopted.

Committee Amendment "A" as amended by Senate Amendment "A" thereto was Adopted.

The Bill, as amended, Tomorrow Assigned for Second Reading.

Senator HAYES for the Committee on Labor on BILL, "An Act to Prohibit Residency Requirements for Municipal Employees" (S. P. 61) (L. D. 167) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-90).

Which Report was Read.

On motion by Senator Pray of Penobscot, Tabled for 1 Legislative Day, pending Acceptance of the Committee Report.

Ought to Pass in New Draft Under New Title

Senator HAYES for the Committee on Education on BILL, "An Act Concerning State Assistance to Areas Affected by Indochinese Immigrants" (S. P. 424) (L. D. 1286) Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act Concerning State Assistance to Areas Affected by Non-English Speaking Immigrants and Refugees" (S. P. 532) (L. D. 1555)

Which Report was Read and Accepted. The Bill in New Draft Under New Title Read Once and Tomorrow Assigned for Second Reading.

Second Readers House

The Committee on Bills in the Second Reading reported the following:

BILL, "An Act to Require the Wearing of Protective Headgear by all Motorcycle, Motor Drive Cycle and Moped Riders" (H. P. 836) (L. D. 1072)

Which was Read a Second Time.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate, I guess for those of us who have been here a few years, the helmet law is nothing new to us. Back in 1977 when we first were faced with making a decision to repeal the mandatory wearing of helmets, one of the key phrases we used during that segment of time was "freedom of choice." Maybe that phrase has been overused today, but I still believe somewhat in the general philosophy projected at that particular segment of time.

Prior to then not many valid statistics were kept relevant to motorcycle activities in the State of Maine, but since that particular segment of time the activities of motorcycles, mopeds, and other two-wheel vehicles have increased dramatically. During that segment of time many statistics have been developed which basically indicate, according to the Statement of Fact, that the deaths of operators are increasing tremendously in Maine.

There has been one organization in the State of Maine that has kept track of those statistics, and I would like to put their name on Record, United Bikers of Maine Incorporated. They've done one commendable job in really bringing forth exactly what are the true, valid statistics relevant to accidents regarding motorcycles in Maine.

There was a handout, apparently in the other Body, that brought out certain statistics, which were not really relevant, but broad, as it pertains to motorcycle activities in the State of Maine. It is very hard to draw an analogy between Maine's activities with a very very short driving season versus those in the State of California, which has a very long motorcycle driving season.

The final concluding remark at the base of the report, I think is interesting, it says no figures on the number of motorcyclists with spinal cord injuries in Maine in a year. They had no final figures, my guess would be about twenty-five, based on population and share of National injuries. Just generalizations, but nothing valid to justify that particular statement.

Statistics were developed for 1982 from files and information from the State of Maine, the Maine State Police Accident Reports. I would like to read these statistics into the Record, so everybody has a clear understanding exactly what has transpired in Maine. In 1982, there were twenty-eight accidents involving motorcycles: of those twenty-eight accidents, fifteen were involved with excessive speed; twenty of those accidents, and these are fatalities, lost control of bike, twenty of those, which represents 71% of the twenty-eight fatalities. Not wearing helmets: sixteen fatalities were recorded, not wearing helmets. Wearing helmets: nine died, and strange as it may seem there were four of those twenty-eight accidents not

recorded. Now, in addition to that of the twenty-eight accidents: unregistered motorcycles there were three fatalities; and no motorcycle license there were six fatalities. Motorcycle permit there was one; alcohol related operators' deaths there were nine; two of those fatalities were passenger deaths, which were alcohol related; drug related, operators' deaths one; no passenger deaths.

If you correlate all of this information, you will see with the number of increased registrations for motorcycles in Maine that we are not as in serious shape as some people try to make us believe.

Since the repeal of the mandatory helmet law, Maine has had a 18.6 increase in motorcycle registrations, and that does not include off the road motorcycles or mopeds. Also, 1.9 decrease in motorcycle fatalities, but off the road, motorcycles and mopeds are included in these fatality reports.

The basic problem in the State of Maine is the very short driving season that we have and everything, insofar as repealing the helmet law is based primarily upon, it should be based primarily upon education. We need to educate these people more as to the consequences that can materialize. Wearing a helmet or not wearing a helmet is not going to decrease fatalities, it's going to happen because they are inexperienced. Most of these people who drive motorcycles and have these accidents have less than one year experience on that motorcycle. This is where the cause is.

It would be just like myself, for example, if we did not have the different classes of driving different vehicles, as we had at one point in time saying, I have a passenger vehicle license, but all of a sudden a friend of mine has an eighteen wheeler and he expects me to take it down the road. Could you visualize the chaos that could materialize from that? Motorcycles are in the same category. You start with a small motorcycle, a person can afford a larger one, does not have the understanding of the amount of horsepower that machine has, and consequently he is not familiar with the road conditions and just breezes out and kills himself.

Regulation or over regulation is not going to solve the problem. The only problem solving in this situation is more education, and I might say mandatory education in the State of Maine for these people.

Mr. President, I feel very strongly on this particular issue this morning that I'm going to do two things. Number one, I'm going to move the Indefinite Postponement of this Bill; and secondly, I'm going to request a Roll Call.

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

Senator DIAMOND: Thank you, Mr. President. Mr. President, Men and Women of the Senate, it was interesting to hear the comments from the good Senator from Androscoggin, Senator Minkowsky. Those of you who attended the hearing on this Bill clearly heard from almost everyone, including those who were opposed to the Bill, that it is indeed safer, at least safer, to have a helmet on your head, if your going to fall to the tar. That question was asked by the good Chairman of the Committee to more than one person opposing the Bill. It was difficult for any of those people to say, "certainly, I'd rather not have my helmet on, if I'm going to fall to the tar." So, that was agreed to, as well as all the doctors, after doctors who testified, Dr. Getson who works in the Trauma Room at the Maine Medical Center, and I've seen him operate. He sees these people firsthand, he agreed. People testified about friends and relatives who had been injured, they agreed. Those of us who were still undecided because of the slogan that's been used since 1977, and it's a good one, "let those who ride decide." That makes a little bit of sense to me, a little bit. Then you ask the next question, given, that it is safer to wear a helmet, "let

those who ride decide"?

The next question is those who decide not to wear and are injured to a greater degree, because they don't wear the helmet, then they've decided to have an impact on me, on you, and all the rest of us that have insurance policies, and have an obligation to pay for the ongoing repair of these people. You see, it's a bigger question now. Its not just a question of, if he wants, or she wants to have her or his head injured tremendously and long-term care following that, that's no longer the question. The question is, who's going to pay for it? Now if you and I don't pay for it directly, we'll pay for it through our insurances. There's an impact there, whether we like it or not.

Senator Minkowsky, my friend from Androscoggin County, said that nine died wearing helmets and he listed off a series of statistics from the State Police. Well, we heard those statistics, and he, also, said we're not in as serious shape as some would have us believe. All right, I would say to you this, Ladies and Gentlemen of the Senate, peer on to someone who's just had a motorcycle accident without a helmet. Now, there are certain circumstances where there are going to be deaths, regardless of the helmet or not. If you're going fifty-five, seventy-five miles an hour and you hit a tree, there's probably going to be a fatality there. But there's a whole series of accidents, a whole series of those motorcyclists who obey the law and stay fifty-five or under, but they hit dogs, loose gravel, only have two wheels mind you, not like an automobile. We have a series of accidents, and when their heads are injured without a helmet, they're injured much worse, believe me, and I'm sure some of you have seen as I, much worse, than when they do.

So I would say, as far as being in serious shape, we are, because we do have to suffer and take the responsibility of the impact that we're going to allow. It's a different question, it's a different question now. It's not just they decide for themselves. They're deciding for you and me. Thank you, Ladies and Gentlemen.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Brown.

Senator BROWN: Thank you, Mr. President. Ladies and Gentlemen, I feel very strongly about this issue, too, as the good Senator from Androscoggin, Senator Minkowsky has indicated, and I would very much urge you to vote against the Indefinite Postponement of this issue.

He has quoted a number of statistics and facts; there's a couple of facts that I want you to bear in mind: One is that 80% of motorcycle accidents are injuries to the head, not to the spinal cord, 80% are to the head, and the accident rate is two-thirds greater for those people, the fatality rate is two-thirds greater for those people that are not wearing helmets, than it is for those that are wearing helmets.

There's a couple of issues that have been floating around that I'd also like to spend just a moment talking about.

One is dealing with peripheral vision; you've heard the fact that people can't see or hear, if they have a helmet on. I'd like to quote, if I may, from the American Medical Association, some statements regarding peripheral vision. "Opponents of helmet usage claimed that helmet wearing causes a definite serious reduction in peripheral vision. A recent study by the National Highway Safety Administration has proven that full-coverage helmets the most common type in use restrict horizontal peripheral vision less than 3% from unhelmeted cyclist.

Furthermore, that all approved helmets tested exceeded one hundred eighty degrees, well above the minimum required by the State Licensing Agencies for operators of motor vehicles, which require one hundred forty degrees peripheral vision."

Another issue, the other one deals with the

hearing; the fact that you can't hear another car coming, or whatever, with a helmet on. Helmets seriously impair hearing capacity. "Motorcycles can create a hundred and five decibels; it is necessary that in order for a cyclist to hear other sound, it must be louder than that resulting from the cycle. Consequently, as long as the rider can hear the motorcycle itself while wearing a helmet, he can also hear any other sound with a favorable signal to noise ratio, one greater than a hundred and five decibels. The helmet does reduce the loudness of both the sound of the interest and the motorcycle noise proportionately, but does not alter the signal to noise ratio between the two sounds. Critical traffic signals are not lost, and in fact, maybe helped when wind noise is minimized; the more critical sounds become louder."

The good Senator has also mentioned the business of freedom of choice. Freedom of Choice. That I harm only myself and no one else, if in fact, I do damage. There's a lot of damage that's done to family, friends and society in general, and at a time when we talk about tight monetary restraints, we talk about hospital costs containment, and we talk about all the other financial binds that are upon us, to allow individuals to not wear, to ride a motorcycle without wearing a helmet is ridiculous, it costs twenty-five hundred dollars a day for an individual to be in a critical care unit of a hospital. It costs anywhere from a quarter to a half million dollars to rehabilitate that individual and get him back to the point, if he's ever rehabilitated, and back to a point of functioning again.

So, restricting freedom of choice. We have a lot, every day we pass measures in this Body that restricts freedom of choice, and we do it because we have a total set of laws that's best for the whole of us. We don't drive on the wrong side of the road; we drive on the right-hand side of the road; we don't run red lights; we obey certain speed limits. Sure, we restrict peoples' freedom because it's best for the whole of us.

I'd like to quote, also. He has talked about the motorcycle gang from the State of Maine that is very much opposed to placing this Legislation back into effect. I'd like to quote from Cycle Canada where, in fact, the motorcyclists are required to wear helmets. They say to avoid this we need helmet laws, and by the way, he's talking about statistics. These are some of the statistics that's gathered nationwide about what happens with people that don't wear helmets. This is a quote: The editorial is called, "We Need Helmet Laws." "To avoid putting too fine a point on it, anyone who rides on the road and won't wear a helmet is so stupid that he needs to be told to wear one." This is a quote from Cycle Canada.

Mr. President, this Body has more than once demonstrated the maturity and wisdom to enact pieces of legislation that are in the best interest of all of us. I urge you to vote from the head, today, while we've still got one, and please vote to not Indefinitely Postpone this issue.

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

Senator DANTON: Mr. President and Members of the Senate, first I'd like to tell you that I've served a few terms in the Legislature, and I also would like to tell you that I've voted to repeal the helmet law and then it went down to the late Governor Longley's desk. He vetoed the bill, and I never got a chance to override his veto, but I perhaps would have voted to override his veto.

I guess with age comes wisdom and perhaps as I look back, if I had it to do over again, knowing what I know now, I would never do it. If that's a confession, so be it.

The number of people legally permitted to operate a motorcycle in Maine is increasing at an astounding rate. In '72, my first term here in the Legislature, there were only thirteen thou-

sand four hundred and twenty-six motorcycle license endorsements in the State of Maine. Ten years later, that had grown to sixty-eight thousand eight hundred and thirty-two with the oncoming of gasoline shortage and going to motorcycles for transportation, I would say that was the cause of the increase.

During the same ten year period, the number of motorcycle accidents rose from four hundred seventy-four in '72 to one thousand one hundred thirteen in '82, ten years later. The fatalities in that same period of time went from twelve to thirty-four. People who ride motorcycles, if they aren't killed they're seriously injured. In most part, they're young people under thirty years old. I'm sure that no one plans when they buy a motorcycle that they're going to be injured or handicapped or killed, but those things happen. Most motorcycle accidents are serious.

The only thing I can say to you as a Senator, who I think is pretty broad-minded in most areas, in most Legislation I know I've heard from different Legislators that they don't want to mandate. If they feel that way that they shouldn't vote on anything up here. Everyday on our calendar there are enactors and we enact, that is mandating up or down, take it anyway you want and we mandate here everyday.

I don't want to belabor this point, but there are one or two things more I would like to say. Just last weekend we had the YMCA mock legislature here. One of the bills that they picked to consider was the helmet law and they passed it, and the YMCA Governor vetoed it and they overrode his veto. That is young people in the State of Maine. Maybe we should take a message, or learn from the younger people in the State of Maine.

Senator Smith the grand lady we honored last week, and I quote her said, "I would rather be in a room with nuclear power than on a motorcycle." Maybe we should learn from that grand old lady.

I can only say this in closing, and I pray that it should never happen to anyone, but when you're home, and you get a phone call and a member of your family is in a hospital on the critical list, because he or she was riding their motorcycle or a moped, going ten or fifteen miles an hour and because of some slippery gravel or whatever the accident was that caused them to fall and hit their head and never recover, I'll tell you, it makes you stop and think. Thank you very much.

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, just very briefly, I think in my eight years here I think that I have voted on both sides of this issue. In 1977 I believe I decided that it was time to let people make those decisions on their own. I can't argue with any of the points put forth by the good Senator from York, Senator Danton, or Senator Brown from Washington, or Senator Diamond from Cumberland they all made good points.

What that motorcycle rider decides to do prior to having an accident, whether or not to wear a helmet, does impact on all of us. But let's not believe for a second that we are operating here in a vacuum that this is a unique situation by any means.

Statistics are very very clear that we could save many lives, many injuries, much anguish, many dollars by forcing people to use their seat belts in cars. That is a fact of life. That impacts on my insurance, that impacts on the State budget, that impacts on hospital costs. There are so many things, I am a smoker there are people in this Chamber who smoke. The fact that we smoke and the fact that there is a group of people who use tobacco products, get cancer, have heart attacks more often than those of you who don't, impacts on hospital costs, impacts on State budgets, impacts on

private insurance policies.

So this is not a unique issue in that regard. I do not disagree that there is an impact there, I don't disagree that there is an impact on the Catastrophic Illness Program of the State of Maine or other programs.

It is just that I feel that when we tell parents that they must restrain their children in child restraint seats, that is a perfectly legitimate State interest, because those children are not able in our opinion and the opinion of our society to make those kinds of decisions for themselves. We have had that proposal before us many times and we have not considered it be to an overriding State issue. This year it happens to be.

As far as motorcycle helmets, I think that there is a freedom of choice issue involved here. I will vote with the good Senate this morning, the Senator from Androscoggin, Senator Minkowsky and I would hope that you would do likewise. Thank you.

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

Senator HICHENS: Mr. President and Members of the Senate, I too would support the motion to Indefinitely Postpone this Bill. When we voted on repeal of the helmet law several years ago, I supported it then on the same case that I would present today that it is a matter of choice.

I have a son-in-law and a son who are avid motorcyclists and both of them have expressed to me the dangers that they see and have experienced in having to wear helmets. They both were relieved when the law was repealed that they did not have to wear helmets under certain conditions. They both when they go out on the open road do wear helmets, but when they are around in heavy traffic they feel that it is more of a danger then it is a help.

We have a gentlemen sitting in the rear of the auditorium today, a former legislator who went across country on a bike and he told me that while he was in the cities he wore his helmet, or took off his helmet rather, because there was so much clouding up on the mask and he couldn't hear that well, but that when he got out on the open road he had the privilege of using that helmet and he felt that it was a help to him. If I have misquoted him he can weave his hand in objection, but I felt that while he was here today that I should quote him, because he was an experienced bike-rider and he knows what he is talking about.

So I hope today that you'll go along with the freedom of choice.

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

Senator BUSTIN: I would hope that you would go against the motion to Indefinitely Postpone and I just want to say a couple of things. One, when you have a motorcycle accident it's much more expensive to repair that human being, then it is when you have an automobile accident, that is a matter of fact.

Second, yesterday I stood up here very bravely, I thought, because last week when I had mentioned this to my son who has just purchased a motorcycle, for probably the third time, for riding this summer, said to me, I am going to be watching your vote don't you dare vote for that helmet law. Well, I saw him last night, I stopped on the way home from the Milk Pooling Bill hearing, and I didn't have to tell him that I had been one of the sixteen that stood up there, I was well aware that if I hadn't stood up, and stood up on the other side that the Bill would have been killed right then and there. I didn't have to tell him that because there was no recording, but I told him, and what he said was, "well I'm selling my bike. I am not going to have that bike," and then he thought well it doesn't go into effect until October does it, I can ride all summer without the helmet. His wife sitting in the other room and another young friend, said I hope that you do vote for that tomorrow, because we think that

it is important. The wife happens to the daughter of a nurse.

So I think that that points out what you are saying. I wrote a note to Senator Danton this morning, and I explained to him what my son had said, I mean I am putting myself on the line. The love of my son may go because of my vote on this. What Senator Danton wrote back to me was, "If you love him, you will vote for him to put a helmet on." That is the way that I feel about it. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate, when I was on the Transportation Committee and this Bill was heard during that segment of time, this was also the time when the Federal government decided to curtail its funding to the State of Maine for highway transportation, if Maine did not have a helmet law. They finally came to the realization that they had to change their entire posture, they could not mandate Maine not receiving these funds.

The interesting thing that took place in Washington was this. They had a series of helmets, a whole bunch of them, from different manufacturers, and they had a helmet impact test and some of the helmets that they used, that you can buy for fifteen, or twenty, or twenty-five dollars could not stand an impact of five miles per hour drop. This was one of the major reasons why the Federal government, I believe, changed its posture insofar as allowing the states to receive their Federal grants and not mandate a Federal law for helmets.

During that Committee hearing we had a series of helmets and different ones were demonstrated to the Committee as to what happened to them at different heights when they were dropped. The consequences, and the low cost protective devices, allegedly to protect our heads, caused more problems when a person who had a helmet on their head impacted something very very hard where they couldn't remove the helmet from the persons head and the person died because of the swelling of the head.

Now there are two ways of analyzing this. I believe or as the good Senator from York brought out, if you are on long trips it might be good to have a genuine high quality helmet on your head, but don't be deceived by the helmet alone because it doesn't have the durability it is really false protection when you really get down to it, but saying that you have a helmet on your head for sixteen, or twenty dollars that will not protect you to any degree at all.

I think that there were some excellent examples brought out this morning as to what the long term care and costs will be for people who had injuries. But I think that you" find that the statistics are even greater for those people who have had automobile accidents and have gone through windshields or been thrown from the vehicle for long term care. You'll find that the average motorcyclists if they have in excess of three years experience become very defensive drivers. They are always aware of what is going on.

As I brought out in previous debate it is the people with less than one year of actual experience that need more education, and the only way that we are going to solve this problem is not mandating anything but educating our youth as to what is going on.

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

Senator DIAMOND: Thank you, Mr. President. Ladies and Gentlemen of the Senate, just to defuse that latest argument Ladies and Gentlemen, if you read the Bill you'll see on the very first page it simply says "the Commissioner of Public Safety will prescribe the helmets." You will not be wearing twenty dollar helmets that will smash on five mile per hour impact. It is not the case at all. It will be DOT

approved helmets. Helmets that will stand the impact at a safe speed, and reduce injury. So, that argument now is no longer before us.

Just one more quick point and that is we talked about in the hearing, we talked about those people, we asked those people directly could you please explain to us, those of us who are still swaying, why we should not make you wear helmets based on the fact that you are going to have an impact on all of us? Nobody could answer that. The phone calls that I got this weekend the people could not answer that. That is a legitimate point. One that has to be carried.

Senator Carpenter from Aroostook pointed out made the analogy between seat belts in cars and smokers, and yes all that caused danger too and that had impact on our insurances and on ourselves. Certain, but Mr. Carpenter I know is aware of the odds. He is aware of the odds games. He knows full well what the odds are of driving an automobile and not wearing a seat belt versus riding a motorcycle and not wearing a helmet. He knows full well that that is not a true analogy because the odds are so much greater of injury from the motorcycle, and the same goes for smokers.

So the helmet is unique. It is unique! Lastly I would say that 1977 when this was repealed I was in the House and certainly I recall the gentlemen who drove across country, because he was also Chairman of H and I, and also the leader of repeal of this helmet law. So why wouldn't we use this gentlemen as an example this morning? Certainly we can all cite examples. But I am not going to take your time and cite several others. We do by the way have a law on the books which we all passed last year in the 110th that said that fifteen year olds as passengers have to wear helmets. Why? Because it is safer, we are concerned about them. I ask you to be consistent and vote against the motion to Indefinitely Postpone. Thank you Ladies and Gentlemen.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, and Members of the Senate, I am certainly very glad that the Senator from Cumberland brought out part of the Bill which says "that wearing protective head gear conforming to those minimum standards of construction and performance which the Commissioner of Public Safety may prescribe." Does this presently mean that everybody who has helmets that does not meet his particular specifications must discard those helmets? Is there a fiscal note attached to this bill to put on more State Troopers to address this particular problem, if there is one?

I think basically we should be talking of how many more State Troopers are we going to have on the road to enforce this particular part of the mandate?

It is very important and I do not think that anywheres in God's creation is the State Police, the local police departments are going to go out and test, and what mechanisms are they going to have to test these particular helmets to be sure that they can stand in excess of five miles per hour impact?

Did the Committee analyze that very closely? I certainly hope that the Senate does vote today with me for the Indefinite Postponement of this Bill.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Brown.

Senator BROWN: Thank you, Mr. President. I would that the good Senator from Androscoggin, Senator Minkowsky might have checked some of those latest statements a little more carefully before those were made, also. One was about the type of helmet, the quality of that helmet. The American National Standards Institute, the Federal Motor Vehicle Safety Standard number 218 those are now, since March 1, 1974 in continuing testing.

Those that the cyclists presently own are able, the tests that were done back in 1977 or 1975 were done with helmet that perhaps were not the quality that they are today.

The other things that he mentions was about cross country maybe that that is the time to wear a helmet. Most of the accidents occur very close to home at a rate an average rate of thirty-two miles per hour.

He's talking about the number of deaths that occur when individuals are thrown through automobile windows. It is three times—the death is three times as great in motorcycle accidents as in automobile accidents.

Those are not pertinent to the issue and the facts at hand. I would urge that we would, also, not Indefinitely Postpone this issue.

The PRESIDENT: Is the Senate ready for the question?

A Roll Call has been requested.

Under the Constitution in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The pending question is the motion by the Senator from Androscoggin, Senator Minkowsky that L. D. 1072 be Indefinitely Postponed.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

ROLL CALL

YEA—Carpenter, Charette, Clark, Dow, Emerson, Erwin, Hichens, Kany, McBreairty, Minkowsky, Sewall, Shute, Teague, Trafton, Twitchell, Usher.

NAY—Baldacci, Brown, Bustin, Collins, Danton, Diamond, Dutremble, Gill, Hayes, Najarian, Pearson, Perkins, Pray, Violette, Wood, The President Gerard P. Conley.

ABSENT—Redmond.

A Roll Call was had.

16 Senators having voted in the affirmative and 16 Senators in the negative, with 1 Senator being absent, the motion to Indefinitely Postpone, Failed.

Which was Passed to be Engrossed, in concurrence.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Brown.

SENATOR BROWN: I move for Reconsideration.

The PRESIDENT: The pending question before the Senate is Reconsideration.

Will all those Senators in favor of Reconsideration, please say "Yes."

Will all those Senators opposed, please say "No."

A Viva Voce Vote being had, the motion to Reconsider Failed.

BILL, "An Act Relating to Boards of Voter Registration" (H. P. 1146) (L. D. 1509)

Which was read a Second Time.

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

Senator PEARSON: Mr. President, I present Senate Amendment "A" to House Paper 1146, L. D. 1509 and move its Adoption.

The PRESIDENT: The Senator from Penobscot, Senator Pearson offers Senate Amendment "A" to L. D. 1509 and moves its Adoption. Senate Amendment "A" (S-88) was Read and Adopted.

Which was Passed to be Engrossed, as amended, in non-concurrence.

Sent down for concurrence.

Senate

BILL, "An Act to Require Physicians, Chiropractors and Podiatrists to Post their Policy

regarding their Acceptance of Medicare Assignments" (S. P. 524) (L. D. 1542)

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

Sent down for concurrence.

Enactor

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

An Act to Amend the Laws Relating to Fees for Nonresident Concealed Weapons Permit. (S. P. 428) (L. D. 1297)

Which was Passed to be Enacted, and having been signed by the President, was 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:

BILL, "An Act to Amend the Obscenity Laws" (S. P. 477) (L. D. 1438)

Tabled—May 2, 1983 by Senator PRAY of Penobscot

Pending—Enactment

(In House April 29, 1983 Passed to be Enacted)

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

Senator PRAY: Mr. President, and Ladies and Gentlemen of the Senate, there are a couple of amendments that have been worked on for the purpose of discussion. Before we get into the discussion to Reconsider I would like to have those that have an interest in this Bill have an opportunity to review those amendments.

So I would request that somebody would table the Bill for 1 day and give the people who have an interest in the Judiciary Committee and the sponsor an attempt to review these two amendments and tomorrow hopefully everybody will have a clear understanding to discuss them.

On motion by Senator Carpenter of Aroostook, Retabled for 1 Legislative Day.

(Off Record Remarks)

The President laid before the Senate the second Tabled and specially assigned matter:

BILL, "An Act to Give the Maine Association of Retirees Proper Representation on the Board of Trustees for the Maine State Retirement System" (S. P. 481) (L. D. 1447)

Tabled—May 3, 1987 by Senator CARPENTER of Aroostook

Pending—Further Consideration.

(In House April 29, 1983 Passed to be Enacted.)

(In Senate May 2, 1983 Bill and Accompanying Papers Indefinitely Postponed in non-concurrence)

(In House May 3, 1983 that Body Adhered)

On motion by Senator Carpenter of Aroostook, the Senate voted to Adhere.

The President laid before the Senate the third Tabled and specially assigned matter:

HOUSE REPORT—from the Committee on Education on BILL, "An Act to Create a Student Seat on the Board of Trustees of the University of Maine" (H. P. 24) (L. D. 29)

Majority Report Ought to Pass as Amended by Committee Amendment "A" (H-177)

Minority Report Ought Not to Pass.

Tabled—May 3, 1983 by Senator CARPENTER of Aroostook

Pending—Acceptance of Either Report

(In House May 3, 1983 Minority Report Accepted.)

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

Senator HAYES: Mr. President, I would move the Ought to Pass, as amended by Committee Amendment "A".

The PRESIDENT: The Senator from Penobscot, Senator Hayes moves that the Senate Ac-

cept the Majority Ought to Pass, as amended, Report of the Committee.

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr. President and Members of the Senate, I would ask for a Division on this motion and would like to speak on my thoughts on this Bill.

The Minority of the Committee signed the Ought Not to Pass Report and I would share with you a letter that I received from Mr. Francis Brown, one of the trustees of the University of Maine.

Passage of this bill would represent the first substantive change in the basic concept of University trusteeship since 1865. A Board seat would be identified as representative of a constituent group, students.

The University of Maine is owned, not by the students, not by the faculty but by the people of Maine. In 1865 the Legislature wisely decided that a Board of Trustees chosen in a careful and legally prescribed way to represent the citizens of Maine, should be responsible for the governance, planning, and fiscal operation of the University. This method was selected in part, to insulate the University from direct political influence and control.

The Legislature again addressed the problem in 1967 when it created the state-wide system and enlarged the Board of Trustees. It saw no reason to alter the basic concept.

Once the precedent is set and the ice broken, various constituent groups, both within and without the University, will come forward and claim representation on the Board. Their claims are equally persuasive — if you want to convert what is now a clear example of the trusteeship principle to something else.

Beyond that, however, what really is accomplished in appointing one student trustee to a limited term, to represent a diverse student body of 28,000 individuals ranging in age from perhaps 18 to 60, enrolled in a multitude of different programs, on seven campuses from Ft. Kent to Gorham?

We hear arguments that the Board doesn't get the student viewpoint. Let me respond by indicating that I have spent countless hours over nine years plus talking informally with students, holding student forums, meeting with student groups, reading student newspapers and newsletters regularly, and reviewing letters from students and their parents. In that period I also sent my two daughters to a University campus (UMO) and am not so senile yet that I forget my own student years there. Thus I find it a bit difficult to accept the charge I am cut-off from students and need a student trustee to keep me aware of the current scene and thought.

This Board has for more than ten years had regular student representatives (7 in all — from the 7 campuses) attending all our meetings, both in Bangor and when we visit campuses, participating in committee meetings and in special meetings just prior to our regular Board meetings where they have full freedom to question, comment and otherwise discuss not only the agenda items, but anything else they want to bring up.

Finally, while it may advance the personal career of a budding student politician, service on the Board of Trustees for a couple of years will prove to be most demanding in terms of time and effort. I average about 30 days per year (business days) plus countless hours reading correspondence and other University-related matter in preparation for meetings and in travel from one end of Maine to the other. There are also other University events, ceremonial and social, where it is useful to attend, but again it is time-consuming. I therefore ask how a student pursuing a rigorous program of study can possibly be a full effective Trustee during his or her brief term.

The members of this Board take very seriously their duties and their commitment to

the University system. The workload is such that we need fifteen Trustees who can and will carry their full share of this responsibility.

Creating constituent based Trustees may be popular but is it a wise precedent to create? Where do you ultimately draw the line?"

In the Bill itself we read that the Governor will appoint one of five suggested students whether he determines them suitable or not. He is given the names of five students set up by the student board from the seven campuses and he has to choose one of them with no choice as to what he or whom he really wants on that Board. I think that it is limiting the Governor to an unfair advantage.

Students are eligible now to be members of the Board if the Governor so desires but in his wisdom and past Governor's before him, none have felt that it was desirable to have a student on the Board.

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

Senator PEARSON: Mr. President and Men and Women of the Senate the other day I asked this question of who would pick the member of the Board of Trustees if a student was put on and I did that out of sincerity. I didn't really know the answer to it. I simply did want to know the answer to it. I am satisfied with the answer that has been given today.

I see from my own perspective nothing wrong with having a student on the Board of Trustees of the University of Maine. I would see something wrong if there were more than one. I think that it is refreshing to have the views of students. I think that it is a good experience for those people who are sitting on that Board. I see no reason why anybody should fear the information and the perspective that a student would afford to the Board of Trustees.

If it were a three person Board of Trustees then I would have some misgivings about it. It is not that situation and consequently, I favor having a student on. I would not probably have that same view about a member of the faculty, but I do with a student.

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

Senator HAYES: Mr. President and Members of the Maine State Senate, I'd like to thank the good Senator from York, Senator Hichens for bringing to our attention how infrequently we've taken a look at the Board of Trustees and I did not realize, myself that it had not been changed since 1865.

The Trustees of the University of Maine is comprised of fifteen members who are legally responsible for governing the University of Maine System. The present Bill, L.D. 29 would increase the trustees by one. The new member would be a student or a consumer of education, would be nominated by the Governor from a list of five, submitted by the appropriate student body, and who would then be reviewed by the appropriate Legislative Committee and confirmed by this Body. I say that in anticipation of an amendment that will be appended to this, if the Senate receives this for the First Reading, I'd like to amend this in the Second Reading of the Bill.

The idea of having a student member on the Board of Trustees is not new or unusual. Many states have one or more students on the Board of Trustees of state universities, and in Maine, Governor Kenneth Curtis appointed a student to the first Board of Trustees in 1968. This student, as far as I know, served with distinction for seven years.

Now the present Bill would provide for a student position on the Board of Trustees that would rotate every two years, as does the Legislature of this State, with the purpose of providing new and fresh student perspectives to the trustees. The University of Maine Board of Trustees is filled by sincere and public spirited individuals, but the Board has only limited contact with the actual educational process, or the living conditions of students. Over time

the Board has been mostly unrepresentative of the people of Maine with an overabundance of political, legal and professional people on the Board. I should point out, mostly older males with very large incomes. This volunteer Board meets once a month, except during summer and having attended a few of their meetings, it's clear to me that their abilities, knowledge and interests is truly of mixed merit, ranging between those who dominate the meetings with their casual fiscal commentary to those who have very little to offer. There's little doubt that this Board views itself as serving an important function of trusteeship, but it is not an advocacy institution of the University of Maine.

In brief, this Board is bureaucratically far removed from the educational process and from what is happening on campus. There is, indeed, a need for the real world input of the student body, the nearly twenty-seven thousand consumers of the educational process.

There are those who will say: that the students represent a special interest group; that they will not be able to learn the trustee system in two years; that they are too young to have such responsibility, and that they have nothing to offer. These criticisms, I feel, lack merit. Our young people who attend the University of Maine are intelligent, responsible and the future decision-makers of our State. Their energy, their spirit and their input will in no way diminish the quality of the trustees. In fact, it may be just the elixir or the Geritol that this Board needs.

I strongly urge you to support the Majority Report, as amended. Again, if this Senate Accepts the Majority Report, I'll submit an amendment on the Second Reading to this Bill. Thank you.

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

Senator COLLINS: Mr. President, the suggestion of the Senator from Penobscot, Senator Hayes that the Legislature has not considered this matter since 1865, of course is entirely erroneous; but we understand that freshmen have to learn these things. I can suggest to the Senator that this is the fifth time this matter has been debated in this Chamber since I've been here.

When I was nineteen and twenty years old, I'm sure that I would have voted with the Senator from Penobscot, because I was one of those campus activists of that time. My activism led to my being appointed by the University President to a special committee to recommend revisions in the curriculum. That was a real education for me. I guess I concluded at the end of my service on that committee that I really didn't know as much as the faculty did, after all.

What concerns me is that, as Senator Brown has pointed out from his letter, these things tend to spread and the next thing, of course, would be a faculty seat, that would be followed by a seat for those employees of the University who are not on the faculty; that would be followed by a seat for those represented by the one with the several unions that were representing employees; that would be followed by a seat for those who were not represented by a union, and so on. Then the farmers would want a seat, because the College of Agriculture and Life Sciences; then the engineers; then the pulp and paper people, and so on. We would rapidly get in to a constituent assembly and that, of course, is one way to run a University, some University are run that way. In my judgment, it's not the best way to run a statewide university system; and particularly, at the student level with the problem of representing all the different campuses with respect to all of their diverse interests.

I hope that we will vote against the Acceptance of the Report.

(Off Record Remarks)

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

Senator HAYES: I'd like to only briefly respond to the good Senator Collins who may have been a young radical, but seems to have changed somewhat with time.

I was reflecting, I thought, the commentary of Senator Hichens, who indicated that the trustees had not been altered. I frankly don't know how many times they've been altered, but from what I can tell, its been very rare. Thank you.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Penobscot, Senator Hayes that the Senate Accept the Majority Ought to Pass, as amended, Report, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

20 Senators having voted in the affirmative, and 11 Senators having voted in the negative, the motion to Accept the Majority Ought to Pass, as amended, Report of the Committee in non-concurrence, Prevailed.

The Bill Read Once.

Committee Amendment "A" was Read and Adopted, in non-concurrence.

The Bill, as amended, Tomorrow Assigned for Second Reading.

On motion by Senator Pray of Penobscot the Senate voted to take from the Table:

BILL, "An Act to Override the Federal Preemption of State Authority to Regulate Alternative Mortgage Transactions." (Emergency) (H. P. 790) (L. D. 1082)

Tabled earlier in today's session, on motion by Senator Pray of Penobscot, pending Further Consideration.

On motion by Senator Pray of Penobscot, the Senate voted to Recede and Concur with the House.

Senator Bustin of Kennebec was granted unanimous consent to address the Senate, Off the Record.

Senator Pearson of Penobscot was granted unanimous consent to address the Senate, Off the Record.

On motion by Senator Carpenter of Aroostook, Adjourned until 12 noon tomorrow.