

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

January 3, 1979 to May 4, 1979

HOUSE

Thursday, March 15, 1979

The House met according to adjournment and was called to order by the Speaker.

Prayer by Father Louis Berube of Saint Philip's Catholic Church, Auburn.

Father BERUBE: In the 2,000 years, no person has had the impact on our lives, the influence on our civilization that Jesus did. I would like to read from his teachings.

"As Jesus was going up to Jerusalem, he took the twelve Disciples aside and on the way he said to them, 'Behold, we are going up to Jerusalem and the son of man will be delivered to the Chief Priest and they will condemn him to death and will deliver him to the Gentiles to be mocked and scourged and crucified and he will be raised on the third day.' Then the mother of the sons of Zebedee came up to him with her sons and kneeling before him she asked him for something. He said to her, 'What do you want?' She said to him, 'Command that these two sons of mine may sit one at your right hand and one at your left in your Kingdom.' But Jesus answered, 'You do not know what you are asking. Are you able to drink the cup that I am to drink?' They said to him, 'We are able.' He said to them, 'You will drink my cup, but to sit at my right and at my left is not mine to grant but it is for those for whom it has been prepared by my father.'

When the ten heard it, they were indignant to the two brothers. 'Why do we always have to find reasons for squabbling?' So Jesus called them to him and said, 'You know that the real rulers of the Gentiles lorded over them and their great man exercised poverty over them. It shall not be so among you, but whoever would be great among you must be your servant, and whoever would be first among you must be your slave, even as the son of man came not to be served but to serve and to give his life as a ransom for men.'

Let us pray, Father, we thank you for the gift of your Son, Jesus. We pray today that you send your spirit on this body of legislators that we may learn better in our lives that it is, indeed, greater to serve than to be served. Amen.

The journal of yesterday was read and approved.

Papers from the Senate

The Following Joint Order, An Expression of Legislative Sentiment recognizing that:

Kadi O'Leary of Allagash High School has played in the Class D Girls' basketball state final competition for five consecutive years (S. P. 382)

Came from the Senate read and passed.

In the House, was read and passed in concurrence.

The Following Joint Order, An Expression of Legislative Sentiment recognizing that:

Star McBreairey of Allagash High School has played in Class D Girls' basketball state final competition for five consecutive years (S. P. 383)

Came from the Senate read and passed.

In the House, was read and passed in concurrence.

The Following Joint Order, An Expression of Legislative Sentiment recognizing that:

The Red Riots of South Portland have won the Western Maine Class A Basketball Championship for the Academic year 1978-79 (S. P. 384)

Came from the Senate Read and Passed.

In the House, was read and passed in concurrence.

The Following Joint Order, An Expression of Legislative Sentiment recognizing that:

The Pine Tree warriors, Inc., of Lewiston

will celebrate their 20th anniversary on March 22, through March 25, 1979 (S. P. 385)

Came from the Senate read and passed.

In the House, was read and passed in concurrence.

RESOLVE, to Provide Minimum Retirement Benefits for Mrs. Elizabeth Ramsay of South Portland (S. P. 372) (L. D. 1152)

Came from the Senate referred to the Committee on Aging, Retirement and Veterans and ordered printed.

In the House, was referred to the Committee on Aging, Retirement and Veterans in concurrence.

Bill "An Act to Protect Subcontractors from Nonpayment on Public Improvement Contracts" (S. P. 370) (L. D. 1150)

Bill "An Act Pertaining to Employment Status of Unclassified Policy-Making Positions" (S. P. 371) (L. D. 1151)

Came from the Senate referred to the Committee on State Government and ordered printed.

In the House, were referred to the Committee on State Government in concurrence.

Bill "An Act to Extend the New Jobs Credit Provisions under the Statutes relating to Taxation" (S. P. 369) (L. D. 1149)

Came from the Senate referred to the Committee on Taxation and ordered printed.

In the House, was referred to the Committee on Taxation in concurrence.

Ought to Pass with
Committee Amendment
Amended in Senate

Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-36) on Bill "An Act Relating to Plumbing Inspectors" (S. P. 153) (L. D. 369)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-36) as amended by Senate Amendment "A" (S-40) thereto.

In the House, the Report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" (S-36) was read by the Clerk. Senate Amendment "A" (S-40) to Committee Amendment "A" was read by the Clerk and adopted in concurrence. Committee Amendment "A" as amended by Senate Amendment "A" thereto was adopted in concurrence and the Bill assigned for second reading tomorrow.

Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (S-26) on Bill "An Act to Test an Open Season on Moose for a One-Year Period." (S. P. 42) (L. D. 28)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-26) as amended by Senate Amendment "A" (S-32) thereto.

In the House, the Report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" (S-26) was read by the Clerk. Senate Amendment "A" to Committee Amendment "A" (S-32) was read by the Clerk and adopted in concurrence. Committee Amendment "A" as amended by Senate Amendment "A" thereto was adopted in concurrence and the Bill assigned for second reading tomorrow.

Non-Concurrent Matter
Later Today Assigned

Bill, "An Act to Regulate Odors" (H. P. 888) (L. D. 1078) which was referred to the Committee on Energy and Natural Resources in the House on March 8, 1979.

Came from the Senate referred to the Com-

mittee on Agriculture in non-concurrence.

In the House: On motion by Mr. Tierney of Lisbon Falls, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

Bill "An Act to Establish Minimum Warranties for the Sale and Installation of Solar Energy Equipment in Maine" (H. P. 871) (L. D. 1076) which was referred to the Committee on Business Legislation in the House on March 7, 1979.

Came from the Senate referred to the Committee on Energy and Natural Resources in non-concurrence.

In the House: The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Establish a Voluntary Training and Certification Program for Installers of Solar Energy Equipment in Maine" (H. P. 872) (L. D. 1077) which was referred to the Committee on Business Legislation in the House on March 7, 1979.

Came from the Senate referred to the Committee on Energy and Natural Resources in non-concurrence.

In the House: The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Authorize a School Nursing Health Consultant in the Department of Educational and Cultural Services" (H. P. 886) (L. D. 1084) which was referred to the Committee on Appropriations and Financial Affairs in the House on March 8, 1979.

Came from the Senate referred to the Committee on Education in non-concurrence.

In the House: The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Require Personnel Files to Include Medical Records and Nurses' Station Notes" (H. P. 139) (L. D. 158) which was passed to be engrossed as amended by Committee Amendment "A" (H-41) in the House on February 28, 1979.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-41) as amended by Senate Amendment "A" (S-22) thereto in non-concurrence.

In the House: The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Create a State Compensation Commission" (H. P. 403) (L. D. 523) which was passed to be engrossed in the House on March 13, 1979.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

In the House: On motion of Mrs. Kany of Waterville, the House voted to insist.

Petitions, Bills and Resolves
Requiring Reference

The following Bills were received and referred to the following Committees:

Aging, Retirement and Veterans

Bill "An Act to Allow a Maximum of 25 Years Service Prior to 1942 for Computation of Teachers Retirement Benefits" (H. P. 989) (Presented by Mr. Sprowl of Hope)

(Ordered Printed)

Sent up for concurrence.

Agriculture

Bill "An Act to Revise the Statutes Governing Chemical Control of Rodents as Agricultural Pests" (H. P. 990) (Presented by Mr. Michael of Auburn) (Cosponsor: Mr. Paul of Sanford)

Bill "An Act Relating to Registration of

Commercial and Custom Establishments under the Maine Meat Inspection Act" (H. P. 991) (Presented by Mr. Austin of Bingham)

Bill "An Act to Amend the Frozen Dairy Products Law" (H. P. 992) (Presented by Mr. Austin of Bingham)

Bill "An Act Relating to Potato Quality" (H. P. 993) (Presented by Mr. Mahany of Easton)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act Requiring Motor Vehicle Owners and Operators to Carry Liability Insurance" (H. P. 994) (Presented by Mr. Masterman of Milo) (Cosponsor: Mr. Kelleher of Bangor)

Bill "An Act Concerning Manufacturer Liability on Express Warranties Pursuant to Consumer Sales" (H. P. 995) (Presented by Mrs. Mitchell of Vassalboro)

Bill "An Act to Exempt Financial Institutions from the Motor Vehicle Dealers Licensing Requirements" (H. P. 996) (Presented by Ms. Benoit of South Portland)

(Ordered Printed)

Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act Relating to Impact Aid Funds Received under United States Public Law 81-874" (H. P. 997) (Presented by Mrs. Bachrach of Brunswick) (Cosponsor: Mr. McKean of Limestone)

Committee on Education was suggested.

On motion of Mr. Pearson of Old Town, was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

Education

Bill "An Act Concerning School Construction Projects" (H. P. 998) (Presented by Mrs. Post of Owl's Head) (Cosponsor: Mr. Wood of Sanford)

Bill "An Act to Provide for Voting by Secret Ballot on School Budgets" (H. P. 1004) (Presented by Mr. Sprowl of Hope)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act to Revise the Procedure for Filing Absentee Ballots" (H. P. 999) (Presented by Mrs. Berube of Lewiston)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act Authorizing a Study to Determine the Feasibility of Establishing a System of Youth Hostels" (H. P. 1000) (Presented by Mr. Hughes of Auburn)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act Relating to Mining on State Lands" (H. P. 1001) (Presented by Mr. Martin of Eagle Lake)

Committee on State Government was suggested.

On motion of Mrs. Kany of Waterville, tabled pending reference and tomorrow assigned.

Taxation

Bill "An act to Provide Reimbursement of Sales Tax on Depreciable Machinery and Equipment Used in Aquaculture" (H. P. 1002) (Presented by Mrs. Post of Owl's Head) (Cosponsors: Mrs. Sewall of Newcastle and Mr. Blodgett of Waldoboro)

Bill "An Act Relating to Withdrawal Penalties under the Tree Growth Tax Law" (H. P. 1003) (Presented by Miss Brown of Bethel) (Cosponsors: Mr. Wood of Sanford, Mr. Brennerman of Portland, and Mr. Marshall of Millinocket)

(Ordered Printed)

Sent up for concurrence.

Orders

An Expression of Legislative Sentiment (H. P. 987) recognizing that:

The Robert Shand Post #1641 of the Veterans of Foreign Wars is celebrating its 50th year of dedicated service to Rumford and to its veterans

Presented by Mr. Theriault of Rumford (Cosponsor: Senator O'Leary of Oxford)

The Order was read and passed and sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 1005) recognizing that:

Karen Jean Palanza, daughter of Mr. and Mrs. John Palanza of South Portland, has been recognized for her outstanding academic record by being chosen Valedictorian of South Portland High School for 1978

Presented by Mr. Cloutier of South Portland.

The Order was read and passed and sent up for concurrence.

A Joint Resolution (H. P. 988) in memory of Charles "Chick" Evans, who during his lifetime served as an assistant to 3 Maine Governors and President Franklin D. Roosevelt and was a former reporter, president of the Maine State Employees Association and a staunch advocate for senior citizens

Presented by Mr. Brennerman of Portland. (Cosponsors: Mr. Davies of Orono and Mr. Hickey of Augusta)

The Resolution was read.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Brennerman.

Mr. BRENNERMAN: Mr. Speaker, Members of the House: I first met Chick Evans two years ago in his role as the very articulate spokesman for the senior citizens lobbying to abolish mandatory retirement in the public sector. I can remember so clearly, after we had overridden the Governor's veto, when Chick Evans came up to me, gave me a victory hug and said, "This is the greatest day of my life". That was quite a statement from a man who in his lifetime had done so much.

Chick Evans served as administrative assistant to Governors Hildreth and Claussan and was press secretary to Governor John Reed. In the fifties, he worked as public relations man for the Republican State Committee. Previous to those positions, Evans spent many years as a reporter and radio announcer before going to Washington as a press aid to Secretary of Labor Perkins during the Roosevelt administration. He, in fact, contributed to FDR's Fireside Chats.

More recently, Chick Evans was a public relations person for the Central Senior Citizens Association and was honored in 1977 for his outstanding service by the Maine Committee on Aging. It is unfortunate that he will not be with us to completely fulfill his dream to see mandatory retirement completely abolished.

Thereupon, the Resolution was adopted and sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 1006) recognizing that:

In this International Year of the Child, and during the week of March 12, 1979, proclaimed by the Governor as "Girl Scout Week" the Girl Scouts of America are celebrating the 67th anniversary of their founding

Presented by Mrs. Masterton of Cape Elizabeth (Cosponsor: Mr. Leonard of Woolwich)

The Order was read.

The SPEAKER: The Chair recognizes the gentlewoman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, in celebration of this very important week, I have a gift for the Speaker, some Girl Scout cookies. Would one of the Pages please come over here

and carry them up to the Speaker?

Thereupon, the Order received passage and was sent up for concurrence.

House Reports of Committees

Leave to Withdraw

Mr. Silsby of Ellsworth from the Committee on Judiciary on Bill "An Act to Increase Fees for Filing of Probate Instruments" (H. P. 416) (L. D. 531) reporting "Leave to Withdraw"

Mr. Nelson from the Committee on Local and County Government on Bill "An Act to Require Small Municipalities to Provide a Full-Time Law Enforcement Officer" (H. P. 401) (L. D. 522) reporting "Leave to Withdraw"

Mr. Gray from the Committee on Judiciary on Bill "An Act to Clarify the Hearing Procedures under the Workers' Compensation Act" (H. P. 462) (L. D. 575) reporting "Leave to Withdraw"

Mr. Birt from the Committee on Education on Bill "An Act to Prevent the Spouse of a School Director from Working for that Director's School Administrative District whether with or Without Pay" (H. P. 409) (L. D. 512) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-91) on Bill "An Act to Permit the State Auditor to Report Certain Suspected Improper Transactions to the Attorney General's Office" (H. P. 196) (L. D. 245)

Report Was signed by the Following Members:

Mr. SUTTON of Oxford — of the Senate

Mr. LANCASTER of Kittery

Ms. LUND of Augusta

Mrs. MASTERTON of Cape Elizabeth

Mrs. REEVES of Pittston

Mr. CONARY of Oakland

Mr. BARRY of Fort Kent

— of the House

Minority Report of the same Committee Reporting "Ought Not to Pass" on the same Bill.

Report was signed by the following members.

Messrs. AULT of Kennebec

MARTIN of Aroostook

— of the Senate

Mrs. KANY of Waterville

Mrs. BACHRACH of Brunswick

Mrs. DAMREN of Belgrade

Mr. PARADIS of Augusta

— of the House

Reports were read.

On motion of Mr. Lancaster of Kittery, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-91) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Consent Calendar

First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(H. P. 461) (L. D. 574) Bill "An Act Concerning the Release of Certain Information Furnished for the Filing of Liens for Support Payments" Committee on Judiciary reporting "Ought to Pass"

(H. P. 122) (L. D. 130) Bill "An Act to Require Certification of Teachers in Bilingual Education Programs" Committee on Education Reporting "Ought to Pass" as amended by Committee Amendment "A" (H-96)

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 16, under listing of Second Day.

Consent Calendar**Second Day**

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day:

(H. P. 297) (L. D. 392) Bill "An Act Concerning Reissue of Inactive Snowmobile Registration Numbers"

(H. P. 298) (L. D. 396) Bill "An Act Concerning Reissuance of Inactive Boat Registration Numbers"

(H. P. 248) (L. D. 293) Bill "An Act to Clarify the Definition of Employer Under the Workers' Compensation Act"

(H. P. 323) (L. D. 424) Bill "An Act to Provide that the Adoption of Rules by the State Controller are Consistent with the Maine Administrative Procedure Act" (C. "A" H-90)

(H. P. 181) (L. D. 209) Bill "An Act Relating to Abatement Proceedings" (C. "A" H-92)

No objections having been noted at the end of the Second Legislative Day, the House Papers were passed to be engrossed and sent up for concurrence.

Second Reader**Tabled and Assigned**

Bill. "An Act to Amend the Representation of Towns on Community School Districts" (S. P. 93) (L. D. 179) (C. "A" S-35 to C. "A" (S-33)) Was reported by the Committee on Bills in the Second Reading, read the second time.

On motion of Mr. LaPlante of Sabattus, the House reconsidered its action whereby Committee Amendment "A" as amended by Senate Amendment "A" was adopted.

On motion of the same gentleman, the House reconsidered its action whereby Senate Amendment "A" to Committee Amendment "A" was adopted and on further motion of the same gentleman, the Amendment was indefinitely postponed in non-concurrence.

On further motion of the same gentleman, Committee Amendment "A" was indefinitely postponed in non-concurrence.

On motion of the same gentleman, tabled pending passage to be engrossed in non-concurrence and tomorrow assigned.

Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

HOUSE DIVIDED REPORT — Majority (7) "Ought Not to Pass" — Minority (6) "Ought to Pass" as Amended by Committee Amendment "A" (H-88) — Committee on Education on Bill, "An Act to Provide for a Student Member of the Board of Trustees of the University of Maine" (H. P. 155) (L. D. 194)

Tabled—March 13, 1979 by Mr. Tierney of Lisbon.

Pending—Acceptance of either Report.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker, I move the House accept the Minority "Ought to Pass" Report.

The SPEAKER: The gentleman from Portland, Mr. Connolly, moves that the Minority "Ought to Pass" Report be accepted.

The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I oppose the motion that is presently before you. Down through the years, I think that the Legislature has been very reluctant to get involved in the internal affairs of the University of Maine.

The University of Maine was created under Private and Special Legislation in 1865 and for many years there have been very little changes. The only major change was made when the merger was created incorporating the teacher's college and bringing it under the University system. Since then, there has been very little legislation relative to the University of Maine.

I think there is the feeling that there is a board of trustees elected, they are broad based, they are given confirmation and the op-

eration of the university is left to the trustees.

If we take a look at what has gone on in other parts of the country, there are some states that have been very reluctant to get involved in the university business. There are other states that have gotten deeply involved in the operations of the university and eventually the university becomes nothing but a political entity.

I think there was a very excellent article in the Sunday Telegram a couple or three weeks ago written by one of the fine editor/writers of the Portland Sunday Telegram in which he commented on the great university that we have, and we do have an excellent university.

The bill that is presently before us called for the appointment of a member of the student body to the trustees. The Education Committee did not move in that direction; they decided not to do that.

At the public hearing, it was pointed out that there was the opportunity to do that by the Governor. If we appointed a trustee from the student body, the next would be a demand from the faculty for a member and then you would start to develop a board of trustees with special interest.

What is going on at the university as far as the particular issue that we have before us right now? The trustees recognized the need and desire of input from the student body and they have five committees set up. Four of these committees have members of the student body sitting on these committees and participating in the deliberations and having input. The fifth, because of some feelings of conflict of interest between the students and the problems involved, has not put a member on.

I think the language we have in the bill now does actually what the trustees are presently doing, so there really is no basic reason for the passage of this piece of legislation as amended. If at some later date the trustees should change their mind, then the legislature may want to change its mind and take a look at it, and for that reason, I am going to move that this Bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, moves that this Bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker and Members of the House: I would first ask for a roll call on the pending motion.

I would call your attention to House Amendment 88 which now, in effect, is the bill. The title of the bill as it appears on the calendar today may be somewhat misleading to you. The original bill provided that a student member would sit as a member of the board of trustees for the university, but the committee amendment deletes that provision from the bill and states that any standing committee that is created by the board of trustees shall have one student sitting on that committee, except committees that deal with personnel matters.

It is true, as Representative Birt said, that for the past four to five years, of the five standing committees created by the board of trustees, four of those committees do have student representation. That was done, as I understand it, through the good graces of the members of the board of trustees and the Chancellor's Office. However, there is no guarantee that students will be allowed to sit on standing committees of the board of trustees for any time in the future. The fact that it is already being done now, I think just legitimizes the particular amendment we have before us because it would put into law the fact that we believe that student ideas should be represented through the board of trustees process and have input into how the university is run.

At the time of the hearing, there were two people who spoke in opposition to the bill. One was a member of the board of trustees and one

was a student from the student senate. He opposed the bill because he felt that was the bill to pass, the chancellor and the board of trustees would remove the student representation from the standing committees. Throughout his testimony, and he did have prepared testimony and would share that with anyone that would like to read it, he used words like "afraid, fearful." Apparently some people at the university and some members of the committee felt that there was arm twisting going on in a very subtle way from the chancellor's office to try to put pressure on students and eventually on the committee to kill this proposal by arguing that if the bill became law, then students would not be allowed to sit in the committee process. It was for that reason and also for the reason that we felt that the process that exists now, including student representation on the standing committees, should continue that we amend the bill.

The chancellor was referred to at the committee in a somewhat facetious vein as "Aya-tollah McCarthy" for the position that he took as regards this particular bill.

I don't think that there is anything wrong with the bill at all, and I would hope that the amendment would be adopted and I would hope that you would vote against the motion for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Hughes.

Mr. HUGHES: Mr. Speaker and Members of the House: Over the past five years, the gentleman from East Millinocket, Mr. Birt, and I have agreed time and again on the need for an independent, vigorous university, free of the meddling of politics which has existed in a number of other states and has frankly been absent from this state. We agree on that kind of philosophy.

There are a number of issues in which the Legislature ought not to involve itself in university affairs, in my opinion; for example, the questions of tenure awards to faculty members, the appointments of deans and administrators, issues of free speech on the campus, all of these are controversial and of interest to legislators, but I think it is wise when legislators keep themselves outside the context of interference in university affairs.

There is an exception to that situation, and that is the structure of the board of trustees which this legislature has set up to administer the university, and unless we have confidence in that structure and in that board of trustees to do the administration for us, then there will be more and more impetus to get involved in the administration of the campus directly.

The structure of the University of Maine and of that board of trustees was set by statutes by this legislature in 1968, and what this bill does, it simply makes a slight alteration to the structure of that board of trustees. I think that is not outside of the legislative purview of what we ought to be doing with the University of Maine.

As the gentleman from East Millinocket pointed out, there is no great change that will take place if this bill is passed. It will simply institutionalize into law what the trustees in 1970 accepted as a desirable procedure, and that is to involve one student on each of the standing committees of the trustees. That procedure has worked well, in my opinion. It was instituted when I was a trustee and I saw it work for about three years and I see no reason to change that. All this bill would do in its present form as amended is simply institutionalize that student involvement. There is some feeling that there will be a move to change that among university trustees, and I think if we are serious about consumer involvement in all of the boards that govern state institutions and state programs and state licensing and all of those kinds of things, then we ought to make sure that at least consumer involvement is not lessened, and that is what this bill would do, simply require that that continuation of student

involvement on these standing committees continue into the future.

I don't think it is an unwise intrusion into the university's affairs, it is simply our duty to continue to have a board of trustee's structure that adequately represents all of the interests of the people of the State of Maine. So I hope this bill does pass and you oppose the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Leighton.

Mr. LEIGHTON: Mr. Speaker, I hope you will support the motion by Representative Birt to indefinitely postpone.

I don't intend to retrace his steps. I think he has made all the valid arguments; however, I would like to deal with the issue raised by Representative Hughes, and that is the contention that somehow the students at the University of Maine are consumers of the product that the university produces. The fact is, the students of the University of Maine are the product of the University of Maine, and the consumers are the citizens of Maine.

The only issue before the House today is whether or not we are to cast into concrete what the trustees have already been informally doing of their own volition for some time, and that is to allow student participation in the subcommittees of their board. To go further would constitute a legislative meddling that is without precedent in the affairs of the university.

I urge you to support the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: The question of a student trustee and student representation on the board of trustees of the University of Maine which, despite the contention of the gentleman from Harrison, I still maintain is a form of consumer representation.

During the days of student restlessness in the last 1960's, Maine was the first state in the nation to appoint a student to the board of trustees of a state university. That student served on the board with distinction, as he now serves with distinction in this body. Since then, the idea of student representation has gained favor, and as you have heard, students now serve on four of the five subcommittees of the board of trustees, the four subcommittees that are appropriate for them to serve on.

The question was raised before our committee during the hearing of a possible threat or inference to remove the students from these committees. I personally don't believe this was done, although it was perceived, the chancellor's words were perceived as a threat by certain students, because he said that if a student was put on the board of trustees, it would be redundant to have students on the committees. I think that is why those of us on the committee who signed the "ought to pass" felt that this was the way to go rather than to dictate that we would have a student on the board of trustees.

I would just add as a final thought that in the late 1960's, if you remember when students were acting recklessly and irresponsibly in many instances, we said that if only students would act responsibly, we would give them more responsibility, and I believe that the students at Maine and throughout the country have acted very responsibly in the last decade and I hope you will pass this bill.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Tarbell.

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I, too, support this measure today and would urge you to vote against the indefinite postponement of the bill.

I would like to take another look at the House Amendment which is pending before you. The amendment would not call for the placement of a student member on the board of trustees. The member would have no voting rights, no participation rights whatsoever at board of trustee

meetings. It would simply codify and place into statute, institutionalize what has transpired and come about over the last few years in the trustees placing student members on their standing committees.

As we know as members of the Legislature, a great bulk of the work actually done by an assembly is actually done in the committee and at the committee level. That is probably the most precious level and most effective level that students can have, an interchange of ideas, can bring to bear and convey and communicate the concerns that exist on the campus level with the trustees and at which the trustees, in a very informal manner, can also convey to the students and the members of the student body, through student representatives, some of the problems that must confront members of the trustees when they are trying to manage on the board the entire University of Maine system.

Student members on the committee would simply have a voting right and a participatory right on the committee. It would be only one voice and only one vote in a distinct minority, and it seems to me that students over the past few years have responsibly upheld their duties and obligations as members. It also seems to me that many of the trustees feel that the students have brought to them a great deal of information and insight as to the particular problems and needs at the student and faculty level at the university campuses throughout our state. I don't think this is an irresponsible matter. I don't think it is a radical intrusion into university affairs, it is simply a statutory codification of what has come to pass, and it seems to me it would be appropriate for us to vote against the motion to indefinitely postpone and pass this amendment on to the bill.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I don't like to take issue with my good leader. He has aptly pointed out that the students presently have access to the committee structure of the university, and that, we all know, is where the action is.

I guess I would like to warn this legislature, as a matter of principle and policy, that we ought to be wary of meddling into committee work that takes place in any agency or board in this state government.

If, indeed, as the good gentleman from Auburn and the good gentleman from East Millicent agree, we want to give the board of trustees of the university their full autonomy and independence, if, indeed, we do not want to meddle with their responsibilities, I think we should stay away from meddling with their decisions with regard to their committee structure. I think we should give them the flexibility to make those decisions for themselves.

As a member of the select committee which studied the VTI's here in the state and as a member who was particularly involved with governance and the governing structure of the VTI's, I will tell you that we have had to keep ourselves, every step of the way, from interfering in the internal affairs of the VTI's. You give a board the power and you watch that it doesn't abuse that power, and you let that board run the internal affairs. They are accountable, they are visible and that is what they are there for.

I urge you to support the motion to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker and Members of the House: I think there has been some confusion that has developed during the debate on this matter, and I would like to clear it up before we take a vote on it.

We have had the word 'meddling' thrown around a couple of times, and I don't think it is an appropriate term for what is taking place. The amendment, which becomes the bill, H-88,

will not put students on committees that they don't already serve on. It will not create any new positions. All it will do is it will place into the statutes what is already being done by the board of trustees. There are already students on board committees that have voting membership on those committees, so we are not doing something that the university isn't already allowing. All we are doing is, we are assuring to the student members who are serving in a very important capacity and doing a very good job at it that they cannot be subject to the politics that are sometimes inherent in the university. We are only assuring them that they have the opportunity to work in conjunction with the board of trustees to see to it the board operates in a beneficial manner to all those people who utilize university services.

I think that this amendment, which has become the bill, does only that. It says to those students that they can be assured that they can carry out their work without any fear in the future that an action by the board of trustees can terminate their right to participate, to vote and to work on policies that make the university better.

I hope you will consider this matter before you vote on this, and I hope you will join us in opposing the move to indefinitely postpone the bill and then pass the amendment to the bill.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, I would pose a question through the Chair to anyone who may care to answer on either side of this debate, but if, and the university is autonomous, they have the power now and they do have these students on these committees, what is the necessity of this bill? If the university is completely autonomous and they are doing this at the present time, what is the need for this bill? Is this, indeed, meddling after the fact or is it necessary for them to continue to do it?

The SPEAKER: The gentleman from Brewer, Mr. Norris, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker and Members of the House: Just as no man is an island, no institution is totally autonomous. The university certainly is not autonomous of the legislature or the state government. We put limitations on it because we believe very strongly in the intellectual freedom that is inherent in the university structure. However, we fund the university, we set up the policies on how it is going to be governed, we created the super university system, we have done a number of things legislatively as are necessary for the proper operation of the university.

It has been determined over the last ten years that the students have a very important role to play in the university system. We have incorporated them into a number of the operations of governance in the university but it has been done not by act of law, but it has been done by one-sided decision, by the governing body of the university, whether it happens to be one of the campuses, one of the administrative committees or whether it is by the board of trustees in the university system level.

All we are trying to do now is to assure that that process will continue to work without any threat or any intimidation or any suggestion of these things so the people who are participating in that process now already, who have the voting memberships and have an opportunity to participate, will not be threatened with the loss of this for any other actions they might take that are perfectly legitimate.

The question was raised as to whether the chancellor was involved in trying to persuade, in some manner, students from supporting the idea of a student trustee. It was published in campus newspapers that he said that this would be a redundant idea and that if it were

passed that he would like to see the removal of student members. This has been taken to heart by a lot of the students in the system who feel that this possibility does exist, the chancellor has voiced it, although he hasn't said that he was going to do it, he has just suggested it as a possibility, and to avoid this kind of intimidation or suggestion of intimidation, we felt that it was appropriate for this legislature to say, we want the students to be involved in the process, we don't want them to feel intimidated or threatened and we don't want them to lose that opportunity by a one-sided decision of some group within the university structure.

We are asking this legislature to go on record supporting students, students who have been responsible, who have participated in the process as we have urged them to do and who have done a very good job of it, just to assure them that they are going to continue to have the opportunity to do just that.

The SPEAKER: The Chair recognizes the gentlewoman from Augusta, Ms. Lund.

Ms. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I think the issue here is an issue of trust. I have heard a lot of discussion of intimidation, discussion of meddling—I think we need not decide this on emotional words.

What we need to do is to trust the University of Maine to arrange its subcommittees in the way that governs itself the best. I submit that is by passing no legislation at the present time but by allowing them to continue the way that they are doing.

We heard yesterday from the gentleman from Lisbon Falls, Mr. Tierney, when he talked about an educational issue that had arisen in his community and the value to his community of the people in that community fighting out their own issue. I submit to you that in the educational interests of the University of Maine students, it is better for them to go to the trustees and ask for what they want, to argue for what they want, to sit on the committees and work it through and do it without the legislature telling them how many and where they shall be. They also need to learn to abide with unpleasant decisions or things that they think takes rights away from them, to appeal those and to work it through.

I submit that we should stay out of the battle of the University of Maine trustees and students, and I would urge you to indefinitely postpone this measure.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: Briefly, in response to the gentlewoman's arguments, I would just like to read to you one paragraph from the testimony of Eric Schaff, who is a member of the Student Senate, who spoke at the hearing in opposition to having a student trustee but not in opposition to having members on the standing committees.

"While we are dealing with the issue of student representation on the committee, we might add that we are somewhat concerned about the likelihood of continuing student involvement at that level. We sense that some of the trustees would like to do away with all student representation" and, indeed, that was corroborated by the gentleman, Mr. Weatherbee, from the trustees, who spoke after him, who said he felt students were immature, that students couldn't contribute, and if he had his way, that students shouldn't be involved in the process at all.

I think if we don't put something into the law to guarantee that there is student representation, indeed, a year or two years from now, a change in administration, a change in the members of the trustees, students may not be on the standing committees. It is not a bad thing to have students allowed to participate and have a voice in the decisions that are made about how their education is going to be delivered.

The SPEAKER: The Chair recognizes the gentleman from Danforth, Mr. Fenlason.

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: As I understand it, we now have student members on these subcommittees. It seems to be going along pretty well. They have their change for input and I fail to see why we have to pass another law because somebody thinks that sometime in the far future there might be a change in the needs, thoughts or procedures or something of that sort. I think we are yelling down a rain barrel, and I urge that we vote for the indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I was one of the committee members who fought her heart out to try to get a member on the board of trustees. Now, if I was willing to take a step backwards and agree to this kind of compromise, which I feel is important, I think all of us should consider it carefully.

I ask you not to vote to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentlewoman from Augusta, Ms. Lund.

Ms. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to make one comment in reply to the gentleman from Portland, Mr. Connolly.

He sits on the Committee on Education, the Committee on Education hears the appointments for the trustees of the University of Maine, and I submit that this is one question that he could ask any new trustee—do you favor student representation, and that is where the action should be.

I urge you to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to clear up a few of the comments that have been made during this discussion.

A member of the trustees spoke and indicated at the time that while he was a trustee, he was speaking in his individual capacity as a citizen and in no way reflected the views of the trustees. I think somebody asked him another question and he said, probably my biggest problem in this world is that I have been very blunt about speaking my own ideas. So, I don't think in any way that he reflects the thinking of the trustees.

I have discussed this briefly with the trustees as to their feelings on this, the one or two that I have come in contact with. At the present time, there is no desire and they are perfectly happy with the operation the way it is. There is no thinking of removing students from the trustees.

Relative to the comments made in the student paper, it is pretty hard to tell exactly, and I tried to probe this at the time the comments were made in the committee as to what the background of it was, whether it was an interview, whether it was a press release or exactly what it was, and nobody seemed to know even how the information got into the paper or what the background of it was.

As far as I can determine, the only thing that the chancellor indicated was that they might have to follow somewhat the same procedure. At one time, there was a member of the faculty on each one of the boards with the exception of the one that involved personnel. It was felt that once they went into collective bargaining, they had people on both sides of the bargaining table, that they had them on the one side from management and they also had them participating as members on the other side, and this caused a creation of having to remove the faculty members from the committees. This was part of an understanding that they had when they got involved with collective bargaining. I think there was some feeling indicated that this possibility could happen if there was a situation

in which you had them serving on both sides of the table, so to speak, because then one of the trustees could be serving on the committees.

As I understand the whole operation of the way the trustees operate right now, and I think the one trustee that did speak was the one who probably was the most vocal against the method of the trustees, he believes that the major efforts should be made—the major discussion and the major amount of the business should be done at the trustee meetings. As he indicated, the trustee meetings today last about an hour or an hour and a half out of a two-day session, but most of the work is being done by the subcommittees and all the trustees who had formalized the committees' actions.

The one student who did speak against putting a member of the student body on the board of trustees and, by the way, that was the problem, the question that we were addressing at the public hearing, not the amendment that is before us—said that he preferred to leave the system as it is with them serving on the committees rather than being a member on the board of trustees because of the feeling that if they made the change over, they would actually have less input than they would more input. The trustees meetings lasting about an hour and a half formalizing the actions of the committees, would mean that the committee action has the most value.

I guess I completely fail to see any reason why we should at this time put an action into the law which is already being carried out.

I think the question that was asked by the gentleman from Brewer, Mr. Norris, was a very sound question—why do we need to formalize something by writing it into statutes when it is already being done? We meet on a regular annual basis. If there is any change in the university structure whereby we are not satisfied that the students are given representation, I think we can correct the thing at that time. I think it is the wrong time to do it now and I do hope you will go along with the indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Paul.

Mr. PAUL: Mr. Speaker, Members of the House: The argument has been made here this morning that this bill is not necessary, that the state university system is presently operating under a policy that allows for membership on the board. But I submit to you, let's look at this argument on the other side of the coin. If that be the case, what is the harm in it? Why are the university people afraid of establishing in concrete, as somebody mentioned, this policy?

I think it is a good bill, I think it is worthy of support, and I hope you will vote against the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: The young gentleman who just spoke used the words "What is the harm in it?" I think perhaps I would like to speak to that because it addresses some points I have been thinking of as the debate progressed.

I think we have to recognize that the operation of the university is an evolutionary thing, it is ongoing process, it has been ongoing for well over 100 years now and that trustees are appointed and they serve out their terms and they are either reappointed possibly or replaced. Their terms are seven years long. They are appointed by many different Governors of many different persuasions and the complexion of the board changes constantly. It is obvious to me, and I am sure it is obvious to the members of this House this morning, that the trustees have recognized the need for student input and have implemented it in a manner which is probably much more conducive to getting information into the board than it was to even have a member on the board, and the committee has recognized this and has not re-

ported out the idea of having a student member on the board.

After all, we must remember that students represent, on any of these committees or on the board, a vast number of students from all over the university system. There are several campuses of the university and one of the things that concerns me a great deal about the structure of this amendment is the fact that it puts into the statutes a so-called University of Maine organization of student government. I submit that that is not necessarily an ongoing thing. It may very well change from time to time. I submit that to put that particular organization into statute and give it this responsibility may well not be valid five or ten years from now for the simple reason that it may not exist. We may have to go back in and find some other method of getting these students onto the board of trustee subcommittees.

But that isn't what really concerns me. What really concerns me is the fact that the trustees have existed, continue to exist, working in an evolutionary situation over the years for the development of the university. At this point in time, they have recognized the need for student participation in this manner and I am not sure that it will always be the best way for student participation in the affairs of the university.

Last year, I know for a fact, the university trustees instituted a program of campus visitation where they had a large number of the trustees at each one of the campuses spending a whole day or more meeting with faculty, meeting with the classified people, meeting with the students and getting information from a large number of students, not one individual chosen perhaps from some other campus who goes in there with his parochial concerns from that campus because there aren't that many committees anyway. You can't represent all the campuses even, you certainly can't represent all the disciplines that are on the university campuses across the state, so I submit that even this system may well be only a transitional system. We certainly should not put it in concrete in the statutes as to exactly what will take place.

I think the trustees have demonstrated that they are responsible in this area. I think they have demonstrated a concern for student input at this time, and I would certainly point out to you that there are 15 trustees and one of them, fairly recently appointed, in the previous four years, representing a point of view vis-a-vis the university, which many of us here in the legislature don't necessarily agree with or didn't necessarily agree with when it was ongoing, so I think it would be most unwise this morning to put in concrete something which is perhaps only an ongoing evolutionary process in the governance of the university, and I certainly recommend very strongly that you follow the lead of the gentleman from East Millinocket and accept the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Call.

Mr. CALL: Mr. Speaker, Ladies and Gentlemen of the House: I should like to insert a little thought here. In my opinion, to name a member of the student body to the board of trustees of the University of Maine would be similar to appointing a rookie policeman, a member of the police department in a municipality, to the police commission. I feel that would be very unrealistic and I feel also that it would not be realistic to appoint a member of the student body to the University of Maine Board of Trustees.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I have listened to this debate this morning and I do take this as a landmark piece of legislation.

I guess I get up to tell you that the reason that I am going to vote for indefinite postponement is that if this bill were exactly reversed,

if this were a bill to prohibit the board of trustees at the University of Maine from putting students on subcommittees, I would be just as unalterably opposed to it.

If you move this foot in the door, then we open up a whole can of worms. We start to infringe on the autonomy of the university, this legislation could be just exactly opposite and the, of course, the people who are for this legislation would be against it and some of the people who are against it would be for it, so you are establishing a very, very dangerous precedent, very dangerous, if you allow this bill to live this morning.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, may I address a question to the chair?

The SPEAKER: The gentleman may.

Mrs. MASTERTON: Mr. Speaker, could you give us in round numbers approximately the number of bills that we are dealing with this session?

The SPEAKER: The gentleman is trying to put me on the spot. That is not a problem. Eighteen hundred!

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: Around eighteen hundred. If we can reduce that number by even one, we are doing well. I note we have 59 legislative days until statutory adjournment as of today. Last year, we had a lot of fun at the end of the session, those of you who were here will remember, about nit picking. I suggest that this is a nit we do not need to pick.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Simon.

Mr. SIMON: Mr. Speaker, Members of the House: As someone who has seen this issue from both sides, as a person who was a student during the period in which students came to be represented on college and university committees and as someone who now works full-time as a college professor, I would feel remiss in my duty to this body if I were to allow the remarks of my good friend and colleague from Lewiston, Mr. Call, to go without response.

Students in the university are not like privates or rookies in a para-military organization. This view of students is probably not a bad characterization of students in elementary school, junior high or perhaps high school, but a college or university is not a situation in which knowledge flows like milk from a baby bottle to a dumb receptacle. A college or university is an institution in which cooperation and understanding are necessary between students and faculty and administration.

My good friend from Augusta, Ms. Lund, has suggested that this matter be left between the students and the administration and that if, as has been clearly threatened, students at the University of Maine are denied the pittance of representation they now have, if we are to follow her advice and allow them to fight it out, then we won't be just generating a few more pages in the Legislative Record, then we will have a real problem to deal with and, believe me, I have seen the blue lights on the campuses and I don't want that to happen in the State of Maine.

I urge you to vote against the motion to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. L. Dutremble.

Mr. L. DUTREMBLE: Mr. Speaker, Members of the House: I will support Mr. Simon a hundred percent. I think that we do need more young people on any boards.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Brown.

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I am afraid I am going to have to disagree with my good friend from Lewiston, Mr. Simon.

I, too, was a student during those turbulent

times in the last 60's and I, too, was an instructor on a full-time basis at a college, again, during those times.

I don't think anybody in this body is questioning the ability or the judgment or questioning the trust of today's college students. I don't think that that is the question here at all.

I think in our developmental process, and that developmental process is an ongoing process from the day of our birth until our death, we find that there is a time to listen and there is a time to govern and occasionally the transition between those two takes a little bit of time.

I strongly urge you to vote for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, Members of the House: I want to say that I was pleased to hear Mr. L. Dutremble speak for this bill. I was beginning to feel I was the only person over 40 here speaking in behalf of it, because most who are speaking in behalf of it are younger members and those against are the older members.

As for Mrs. Masterton's concern about taking time—you know, it takes five minutes to get into something and sometimes 25 years to get out of it.

We have, I would guess, 10,000 students in our universities. I have heard members of this legislature stand up time and time again screaming for more consumer involvement in boards at all levels of government.

I stood up once before and told you that I had to step backwards because I felt there should be a member on the board of trustees never mind participation at committee level. So I ask you one more time, and hopefully for the final time, to give some credibility to the kind of input the students can present. It is their educational program.

Although the Committee on Education does, indeed, interview prospective members of the board of trustees, sometimes what they do once they get there is a little bit different than what they tell us they hope to accomplish.

Is it in order, Mr. Speaker, to call for the question?

The SPEAKER: The Chair would answer in the negative since the gentleman has debated the question.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, Ladies and gentlemen of the House: I think we are all going to be over 40 and the students all graduated if we don't end this discussion. This isn't the first session we have debated this and I will move the question.

The SPEAKER: The Chair would advise the gentleman the same thing he advised the gentleman from Portland, Mrs. Beaulieu, that "he" had debated the question.

The Chair recognizes the gentleman from Portland, Mr. Joyce.

Mr. JOYCE: Mr. Speaker and Ladies and Gentlemen of the House: I feel someone else should get up from the City of Portland after hearing the gentlelady from Portland—by the way of Eagle Lake. Sometimes as I listen here to that wonderful lady from Portland by the way of Eagle Lake, I realize that she gets confused and doesn't quite understand if she is representing Portland or Eagle Lake and I must from time to time rise to remind her that Portland is the one with street lights and inside plumbing.

The question that is before this body is certainly not one that has been debated at any great length in Congress Square. As I sat here this morning, the debate really hasn't warmed the cockles of my heart, but I have talked to students at the university, and I get over there quite frequently, both at Portland and at Farmington, and I feel that chancellor Patrick McCarthy is highly respected both on and off the campus. I only wish for Patrick's sake that this

was St. Patrick's Day, because I would urge you, as I will now, to vote for the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one-fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from East Millinocket, Mr. Birt, that L. D. 194 and all its accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Poland, Mr. Torrey.

Mr. TORREY: Mr. Speaker, I would like to pair my vote with the gentleman from Lewiston, Mr. Jalbert. If Mr. Jalbert were here, he would be voting no and I would be voting yes.

ROLL CALL

YEA — Aloupis, Austin, Berry, Birt, Blodgett, Bordeaux, Bowden, Brown, D.; Brown, K.L.; Brown, K.C.; Bunker, Call, Carrier, Carter, D.; Carter, F.; Cunningham, Curtis, Damren, Dellert, Drinkwater, Dudley, Fenlason, Fillmore, Garsoe, Gillis, Gould, Gray, Hanson, Hunter, Hutchings, Jackson, Joyce, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, MacEachern, Martin, A.; Masterman, Masterton, Matthews, McPherson, McSweeney, Norton, Nelson, A.; Nelson, N.; Norris, Payne, Peltier, Peterson, Reeves, J.; Roope, Sewall, Sherburne, Silsby, Small, Smith, Soulas, Stover, Strout, Studley, Tozier, Vose, Wentworth, Whittemore

NAY — Bachrach, Baker, Barry, Beaulieu, Benoit, Boudreau, Brannigan, Brennerman, Brodeur, Brown, A.; Carroll, Chonko, Cloutier, Conary, Connolly, Cox, Davies, Davis, Dexter, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Elias, Fowle, Gavett, Gowen, Gwadosky, Hall, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Jacques, E.; Jacques, P.; Kany, Kelleher, Laffin, LaPlante, Lizotte, Locke, Mahany, Marshall, Maxwell, McHenry, McKean, Michael, Mitchell, Nadeau, Nelson, M.; Paradis, Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Rollins, Simon, Sprowl, Stetson, Tarbell, Theriault, Tierney, Tuttle, Twitchell, Vincent, Violette, Wood, Wyman, The Speaker

ABSENT — Berube, Churchill, Immonen, Kane, McMahon,

PAIRED — Jalbert; Torrey

Yes, 70; No, 74; Absent, 5; Paired, 2.

The SPEAKER: Seventy having voted in the affirmative and seventy-four in the negative, with five being absent and two paired, the motion does not prevail.

Thereupon, the Minority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-88) was read by the Clerk and adopted and the bill assigned for second reading tomorrow.

The Chair laid before the House the second item of Unfinished Business.

Bill, "An Act to Establish more Convenient Hours to Permit Easier Access to Small Claims Court" (H. P. 302) (L. D. 397) (C. "B" H-86)

Tabled — March 14, 1979 (Till Later Today) by Mr. Tarbell of Bangor.

Pending — Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Tarbell.

Mr. TARBELL: Mr. Speaker, I move we reconsider our action whereby we adopted Committee Amendment "B" to the bill.

The SPEAKER: The Chair understands the gentleman from Bangor, Mr. Tarbell, moves that the rules be suspended for the purpose of reconsideration. Is there objection?

Whereupon, Mr. Hobbins of Saco objected.

The SPEAKER: The Chair will order a vote. All those in favor of the rules being suspended will vote yes; those opposed will vote no. This requires a two-thirds vote of all the members present and voting.

A vote of the House was taken.

74 having voted in the affirmative and 50 having voted in the negative, the rules were not suspended.

Thereupon, the Bill was passed to be engrossed as amended and sent up for concurrence.

The Chair laid before the House the first tabled and today assigned matter:

JOINT ORDER — Relative to Recalling from the Legislative Files to the Senate, Bill "An Act Relating to the Reporting of Illegal Use and Trafficking of Drugs in Maine Schools" S. P. 182, L. D. 412 — (S. P. 343)

Tabled—March 14, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Passage.

The SPEAKER: Yesterday, the Chair researched the question as to where the bill has been. The Chair would make note of the fact that this bill was introduced in the Senate on February 8 and referred to the Committee on Judiciary. In the House it was referred on February 13 to the Committee on Education in non-concurrence. On February 14, the Senate voted to insist. On February 15, the House voted to insist and from that time on, there is no record as to where the bill was, except the pending joint order which we have before us.

The question before us, then, is on whether or not this joint order is proper, and in light of House Rule 52 and Senate Rule 37, dealing with interpretation of rules and in the interpretation of Reed's Rules, the Chair would read from Reed, Page 188, Section 252, "The motion to insist may be coupled with a motion to ask for a conference and always leaves open the question of future action between the two bodies." In light of that, the Chair would have to rule that the order before us is not proper and will be returned to the Senate for proper installation of the motion and the bill on the calendar.

Thereupon, the Joint Order was returned to the Senate.

Mr. Connolly of Portland was granted unanimous consent to address the House.

Mr. CONNOLLY: Mr. Speaker and Members of the House: I would just point out to the members of this body and members of the press, to anyone who may be interested in that previous bill, that this afternoon the Education Committee is hearing two bills that deal with essentially the same subject matter as is addressed in this particular bill, and it would be my hope that anyone who has concern about this particular item might speak to one of the two pieces of legislation that are before the Education Committee this afternoon so that the issues in this particular piece of legislation can be heard by the Education Committee.

(Off Record Remarks)

The Chair laid before the House the following matter:

Bill "An Act to Regulate Odors" (H. P. 888) (L. D. 1078) which was tabled earlier in the day and later today assigned pending further consideration. (In House: Referred to the Committee on Natural Resources) (In Senate: Referred to the Committee on Agriculture)

The SPEAKER: The Chair recognizes the gentleman from Waldoboro, Mr. Blodgett.

Mr. BLODGETT: Mr. Speaker, I move that we adhere.

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, I move that we recede and concur.

The SPEAKER: The Chair recognizes the

gentleman from South Portland, Mr. Howe.

Mr. HOWE: Mr. Speaker, this bill to regulate odors is my bill and I think somebody was playing games with it at the other end of the hall, and I think that 'stinks.'

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, I think it is a shame we can't refer this directly to the P. U. Commission.

The SPEAKER: The Chair recognizes the gentleman from Easton, Mr. Mahany.

Mr. MAHANY: Mr. Speaker and Members of the House: I have talked with Mr. Blodgett about this bill and I concur with him.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Dixfield, Mr. Rollins, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

41 having voted in the affirmative and 72 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Blodgett of Waldoboro, the House voted to adhere.

(Off Record Remarks)

Mr. Gould of Old Town was granted unanimous consent to address the House.

Mr. GOULD: Mr. Speaker, Ladies and Gentlemen of the House: A lot of us go along on our daily routines and we don't think about what is happening, but today, if you don't realize it, this is the 159th birthday of the State of Maine and there are very few of us here that were here then. I will say that for me it is the best place in all the 50 states to live. In fact, it is the best place in all the world to live. If anyone says anything against it, that is fighting talk in my town. And I will tell you this much, if anybody says anything against it today, I won't fight because I am not in my town.

On motion of Mr. Hobbins of Saco, the House reconsidered its action of earlier in the day whereby Bill "An Act to Establish more Convenient Hours to Permit Easier Access to Small Claims Court," House Paper 302, L. D. 397, was passed to be engrossed.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "B" (H-86) was adopted.

Mr. Tarbell of Bangor offered House Amendment "A" to Committee Amendment "B" and moved its adoption.

House Amendment "A" to Committee Amendment "B" (H-94) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Tarbell.

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "A" that I am offering would make one technical change in the Committee Amendment that we adopted the other day, and that is that each district court throughout the State of Maine, and there are 33, would be required, if my House Amendment is adopted, to hold at least one night a month a three-hour session for small claims cases. There is a problem in the State of Maine in getting the dockets cleared and getting our small claims cases through.

Small claims, as you know, is the court for our citizens who can petition and bring their cases before the judges in the district court without having to have the aid of legal counsel. Our courts are backlogged and there is a serious problem. It is taking months now for our citizens to get to our district courts. If we are going to have one district court within a division, which might include two or three other district courts, to stay open for three hours to provide easier access, it seems to me it is only reasonable that we require all of the district courts to stay open.

I might also point out to the members of the

House that this will increase the fiscal note of this bill from \$7,000 to \$17,000, and it is my feeling that if the bill has a chance, if we can't get \$17,000, I doubt we can get \$7,000. I would think we could get \$17,000 to pass this bill, for both bodies concur that it is a good measure.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, I would pose a question. What would be the situation when you have one judge for two district courts?

The SPEAKER: The gentleman from Farmington, Mr. Morton, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Bangor, Mr. Tarbell.

Mr. TARBELL: Mr. Speaker, if you have one judge covering two or more district courts, the judge would, as the judge now travels from district court to district court to ride the circuit, and the judge would have to sit in each of the district courts to handle these small claims cases, just as the judge now does.

Thereupon, House Amendment "A" to Committee Amendment "B" was adopted.

Committee Amendment "B" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended and sent up for concurrence.

On motion of Mr. Roope of Presque Isle, adjourned until twelve o'clock noon tomorrow.