

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

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.