

# MAINE STATE LEGISLATURE

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**Legislative Record**  
**House of Representatives**  
**One Hundred and Nineteenth Legislature**  
**State of Maine**

**Volume III**

**Second Regular Session**

March 23, 2000 – May 12, 2000

**Appendix**  
**House Legislative Sentiments**  
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ONE HUNDRED AND NINETEENTH LEGISLATURE  
SECOND REGULAR SESSION  
31st Legislative Day  
Wednesday, April 12, 2000

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

Prayer by Honorable Jay MacDougall, Deacon, Tri City Covenant Church, Somersworth, New Hampshire.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

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### COMMUNICATIONS

The Following Communication: (H.C. 423)

#### STATE OF MAINE

#### ONE HUNDRED AND NINETEENTH LEGISLATURE COMMITTEE ON TAXATION

April 11, 2000

Honorable Mark W. Lawrence, President of the Senate

Honorable G. Steven Rowe, Speaker of the House

119th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 2426 An Act to Institute Current Use Taxation on all  
Agricultural Land

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Richard P. Ruhlin

Senate Chair

S/Rep. Kenneth T. Gagnon

House Chair

**READ and ORDERED PLACED ON FILE.**

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### REPORTS OF COMMITTEE

#### Ought to Pass Pursuant to Joint Order (H.P. 1587)

Representative BRENNAN from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Implement the Recommendations of the Task Force to Review the Educational Program and the Governance System of the Governor Baxter School for the Deaf"

(H.P. 1946) (L.D. 2690)

Reporting **Ought to Pass** pursuant to Joint Order (H.P. 1587).

Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**.

Under suspension of the rules, the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence.

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#### Divided Report

Eleven Members of the Committee on **EDUCATION AND CULTURAL AFFAIRS** report in Report "A" **Ought to Pass as**

**Amended by Committee Amendment "A" (S-691)** on Bill "An Act Concerning Fingerprinting and Background Checks for School Employees"

(S.P. 987) (L.D. 2540)

Signed:

Senators:

BERUBE of Androscoggin

SMALL of Sagadahoc

Representatives:

RICHARD of Madison

WESTON of Montville

WATSON of Farmingdale

STEDMAN of Hartland

DESMOND of Mapleton

BRENNAN of Portland

ANDREWS of York

BAKER of Bangor

BELANGER of Caribou

One Member of the same Committee reports in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (S-692)** on same Bill.

Signed:

Senator:

MURRAY of Penobscot

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "C" (S-693)** on same Bill.

Signed:

Representative:

SKOGLUND of St. George

Came from the Senate with Report "B" **OUGHT TO PASS AS AMENDED READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-692)**.

**READ.**

Representative RICHARD of Madison moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended**.

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Representative TRUE of Fryeburg assumed the Chair.

The House was called to order by the Speaker Pro Tem.

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The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Madison, Representative Richard.

Representative **RICHARD**: Mr. Speaker, Ladies and Gentlemen of the House. Many things said, many letters to the editor, many papers that have come across your desks. Some are factual, many contain information that is not so factual. This is a very serious situation. Whatever you think, however you vote, please do not take this situation as something facetious.

In reality, the original of this law was passed in 1995 and amended in 1997. This bill came to the floor with a unanimous Ought to Pass committee report on both occasions. As you well know, unanimous Ought to Pass committee reports are rarely discussed in this body. However, this law received extensive discussion in committee. The 1995 law contained a proviso that a study commission should be formed to bring back a report to the 118<sup>th</sup> Legislature indicating how this issue should be handled. At our hearing on February 19, 1997 on LD 503, pertaining to applying for and renewing teacher certificates. Nine members of that committee who represented all facets of the

Education Committee, including MEA, Maine School Management, Maine Principals Association, Parent Teachers Association and Maine Employees School Board Association. They testified in favor of background checks, stating that fingerprinting was the only way to do this on a foolproof national level. No one testified against the legislation and three testified neither for nor against, but expressed concerns about who would pay for the fingerprinting.

It has been said it takes away all my civil rights. Let us consider the civil rights of the children, many of whom do not have the option of where they go to school. It has been said that this law is not needed except for new hires. Are civil rights different for new hires than for experienced teachers? Every time I start thinking that maybe that is a good idea, I either read in the paper or hear about a person who has worked in the system for more than five years who has been arrested for committing a crime. A vast majority of reported cases are of those who have been employed in a school system for several years. It has been said that we should not pass a law that affects everyone because a few people are doing something that is wrong. However, that is a precept behind many laws. Have we spent a long time in debate on teenage drivers because the majority of new drivers are reckless and thoughtless? No, but some are, and the results are devastating.

Just last week, this body debated for nearly an hour on an issue based on one court case. The philosophy was presented that sometimes one issue is brought before us that makes us realize that we need to take action. We voted to change the divorce laws based on one case. It has been said that this is not a problem in our schools and on the school buses. The perpetrators are parents, aunts, uncles and neighbors. Child abuse can happen wherever there are children. Do we turn our backs on this issue that has been brought before us? It has been said that this law taints all teacher and school workers and paints them all as criminals.

There are thousands and thousands of excellent, kind and considerate teachers and school employees in our state, some of whom are in this body. I commend them all. I thoroughly understand their daily tasks. I have talked with many of them who have said, if this is good for kids, it's okay for me.

We were told that you did not talk to the teachers. Seven of the 13 members of the current Education Committee and eight of the members of the committee in the 118<sup>th</sup> Legislature are either currently teaching or retired educators. We know the teachers in our communities and also we know teachers all over the state. We have all talked with many of them. The survey that has been distributed to you is based on a sampling of some teachers.

It is asked, why can we not use the National Association of State Directors of Teacher Education and certification Clearinghouse information? Information provided to this clearinghouse is good and has been used by superintendents, but it is on a voluntary basis by states. If a person lets his or her certification lapse for a period of time, the school system has no record of actions during that total lapsed time and also, this clearinghouse includes only information on certified personnel, not on support personnel.

It has been said that this law is unconstitutional. The Attorney General has ruled that this law is constitutional, both for new hires and if implemented after the time of employment.

As I said at the beginning, a lot has been said, a lot has been written, some of it is positive, some of it is very negative. Our committee has, as indicated earlier, spent hours and hours

reviewing all aspects of this piece of legislation, always trying to consider what is the best for the children in our schools. We came to the conclusion that at this time, especially when other states are doing fingerprinting for background check, but there is no other alternative.

Here is an interesting note, when we heard our first report on fingerprinting in 1995, there were only a few states that were doing extensive background checks. Since January, our Department of Education called all state certification departments in the country to learn how many are doing this type of review and learned that 40 states are now doing background checks with 34 doing fingerprinting. States vary on how they do their checks. When you hear that no other state in New England, or no state east of the Mississippi is doing fingerprinting, that is another statement that is not totally factual. There are variations of the way fingerprinting is used. Please remember, the current statute is the result of recommendations of a review committee and I urge you to reread the resolution on page 3 in today's calendar.

I have given this issue more thought than I have given to any other piece of legislation since I have been a member of this body. My conclusion was always the same. As I said from this spot three years ago, "If I, as a teacher, could do anything to protect any child from being abused, I would be willing to do it." Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lebanon, Representative Chick.

Representative CHICK: Mr. Speaker, Ladies and Gentlemen of the House. I would like to say at this time that my concern first will be that each person having paid an amount of money, whatever that might be, for the fingerprinting being reimbursed and secondly, I believe and am concerned that people that are in line to apply for work in our school system in the State of Maine, wherever it may be and whatever that system may be, shall be fingerprinted and a background check performed. I say this with a background of having served many times on school committees from the beginning of one-room schools to serving as chairman of School Administrative District boards. I would ask you, my colleagues, to support providing funding to pay for the people that have been fingerprinted and to require that a background check and fingerprinting be done. My reasoning on the fingerprinting in my own life has been performed to determine if I was eligible to some athletic contest, military employment and I believe that it should be done for all school employees. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Augusta, Representative O'Brien.

Representative O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House. Probably most of you have made up your mind on this issue, but if there are some of you sitting on the fence and not knowing whether you are going to go new hire, repeal or whatever, please listen to me. I really feel that, I know you have heard this before, but I really feel that this is one of the most important issues that we have faced this entire session. I was asked in my first term by the Department of Education to be a cosponsor of this bill, the original bill, which is now a law. I remind you that this is the law. I remain today as strongly committed as I did then. As a matter a fact, it is probably more so after all of the discussion and all the things that have happened in the past four years.

I begin my hopefully brief remarks by saying that in my mind teachers are the most valuable and underpaid professionals in

the country. Only parents play a more important role in shaping the future of this country. I come from a family of truly dedicated and wonderful lifelong educators. Many people believe that because of my work with the Children's Museum that I, too, am an educator. I couldn't do it. I couldn't handle the increasing demands that we put on the profession under increasingly difficult situations. I cannot face the heartache that teacher's see each and every day of children coming to school with bruises, possibly by their families, with improper clothing for the elements, hearing their stories of their home life often wrought with abuse and neglect, again, not by school employees, but at home. I sincerely respect the arduous job that the great majority of educators do and I hold them in the highest regard.

Having said that, I will tell you why I strongly urge your support of the continuation of this law. When asked to be a cosponsor by the Department of Education, I sat down and looked it very closely and I asked several questions. One question was, why do we need this? There were several reasons, but the one that stuck with me the most was that the Department of Education told me that they frequently get calls from out-of-state asking if you are a fingerprinting state? When told no, we are not a fingerprinting state, they said, would you send me an application? That says volumes to me. Now, with the increasing number of states that are doing background checks and fingerprinting, Maine will become a haven. I firmly believe that.

Another question that I asked was, what do the unions feel about this? The answer at the time was finally the unions are supportive of this. The unions were not in support. Obviously they have changed their minds. I am sorry that some, but certainly not most, school employees feel it is an invasion of their privacy and civil rights. I can't help but say, what about the privacy and civil rights of the children? Educators have a huge lobby. It is called their union to advocate on their behalf. They are their voice, but the children don't have a union. We have to be their voice. We have to be their lobby. I am sorry, although somewhat perplexed that some teachers are stating that they will leave the profession before subjecting to themselves to this dehumanizing process. They, I assume, did not get into the profession because of the high pay. They got into the profession for their love of children. That is why I am in this profession. We certainly don't get high paid, but I did it to advocate for children. Why, and I have asked several of them, would they not support this law that I see as a protection of children and they see as an invasion of their civil rights?

If we are all honest with ourselves, and if we can remember back that far, there probably was a teacher who very much inspired you and you will be forever grateful for, if you think back. There was also a teacher or a coach or another school employee that you giggled about or you heard rumors about. If you think about it in your heart, you know this is true. Back then, we really didn't know what the story was. The sexual abuse and abuse of children was an issue that wasn't talked about. We knew that we heard funny stories and then all of a sudden they were gone, which brings up another whole issue that we need to address some time. They were gone to another school system. They were gone to another school, but perhaps in the same district. There have been settlements made. This is another whole issue that is extremely disturbing to me.

In regards to whether this can be new hires, I feel very strongly that we have to keep it to everyone. Before I came here this morning I had to run to two of my children's schools. One

forgot his homework and one I owed money for a basketball camp. I asked three of the teachers and believe me I have heard about this for four years now, one was a teacher, one was a janitor and one was a school secretary. I said I am running over to vote on the fingerprinting issue, what do you say? Each one of those three said, all for it. I asked about new hires as opposed to everyone? They all said, you know, Julie, as well as I do, that they are in this system. There are problems in this system.

I know, personally, since this law has come into effect and I will sit down in just a second, I promise. Again, I feel very strongly about this. I know that since this law has been in effect, I have known of four cases that had this law been in effect before, it would have precluded. Two, I cannot give you details because there is litigation or to save the privacy of the victims. I am not going to go there. I will tell you that one was convicted many years ago of carnal knowledge. We don't call it carnal knowledge anymore, but I think we all know what carnal knowledge is. A person raped a 13 year old babysitter and now many years later we find out that this person is a janitor in a middle school in an area that many of you represent. A call was made and he is no longer there, but I tell you, had this law been in effect, obviously, that is where pedophiles go. They go where the kids are. Again, I am not saying all educators are that, I am saying that if you are a pedophile, you go where the kids are.

The other one has said, the case I am going to mention, I know I only have only one year left and then I am out of here. When asked why, the teacher said because I have a felony conviction. Many of you are going to say that you can't be a teacher if you have a felony conviction. Well, this person lied. She has a felony conviction from another state. When she is fingerprinted next year, when her time comes up, they are going to find this out and she knows she is out.

I am going to close by saying that out of 42 people found with its qualifying convictions during the past 10 years, the department was able to find them without fingerprinting. There were 42. If there are 42 teachers, there are probably 420, at a minimum, victims. Those of you who know what child abuse does to a victim, it haunts them the rest of their lives. I know of many who have been perpetrated by a teacher, who are not dead, because of suicide. I know that for a fact. This is what happens. I ask you very strongly. I hope I don't have to get up again, but I feel very, very strongly that this a very important law. If we save one kid and we know we are going to save many, many more kids from a life of total destruction after having been abused by someone they trusted, then this is worth it to me. I am imploring you to heed my words.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waldoboro, Representative Trahan.

Representative **TRAHAN**: Mr. Speaker, Honorable Members of the House. All I can say is wow. Some of the previous testimony is pretty powerful. I will address that testimony in just a second, but I would like to say something about this body. I believe that the debate today is just an absolute reflection of the commitment by the people in this body to stop child sexual abuse, whether you are on the "A", "B" or "C" report. It is evident that this is a big problem and it concerns all the people in this room. For that, I think that this debate has brought a positive step forward.

I would like to address first the word foolproof that was used in previous testimony. I say to you that this is the most dangerous part of this legislation. It is the idea of foolproof. If

we fingerprint these people, the problem will go away. Well, for three months I have researched this issue. I have dug through the files of past cases. I have talked to people in the public that are experts in child abuse, teachers and support staff. The hours that I have spent on this are absolutely incredible. What I found in that research is simply this. There are problems out there that we aren't addressing that are the real core of the problem. Some of the very groups that support this legislation and have promoted it have been part of the problem in the past.

I will address just a few of those and move on. Child abuse is the black demon of not just our schools, but of our entire nation and of the world. Just the word sexual abuse makes my skin crawl. I am sure it does yours. Often it is the most embarrassing thing to talk about when cases have been brought to school boards and to superintendents. In some cases, those reported cases have been hushed up or quietly swept under the rug and passed on to other school districts where these people have been perpetrated for the same crime again. Does that make the school districts accomplices to future crimes? It does.

Child abuse, we know from fact, occurs in homes, eighty-five percent of the time by a family member or a relative. We know that in fact. It is a shameful fact that people don't want to talk about. That is the problem because child sexual abuse occurs everywhere that children are and everywhere that evil exists. That is in every home and in every school and in every shopping mall and in every arcade. It is everywhere. The danger in this legislation is to make people feel safe and to let their guard down. I say to you that the most powerful tool against child abuse is to expose it where it exists and that is everywhere. To take the people that commit the crimes and put them in jail. My research has shown that the State of Maine and other states in this nation do not punish pedophiles. We put them in jail for 30 days and then we release them. Within a few years, they are forgotten and they disperse back into our society to commit their crimes over and over again. These are the real problems that we need to address.

I can guarantee this body, whether I am reelected or not, that there will be legislation before your body next year to address many of these concerns. I have already submitted them at both the state and federal level.

The next thing I would like to address is the constitutional issue. Many say this is not unconstitutional. I am not an expert. I can't argue that point, but there is one point I want to make with you today and that is that civil rights are not distributed in varying degrees. Civil rights are for everyone in this country that is an American citizen. They are distributed equally. There are no varying degrees. You mark my words, you will get into trouble when you try to give one group more civil rights than the other. We must distribute them equally. If there is a problem in our society, which this is a problem and the courts have very clearly stated, the public good versus the loss of human rights. They weigh those two. If what we receive in return for our new legislation is greater than the loss of rights, then it is ruled constitutional. That is how the system works. That is what is so great about our system. As time and laws evolve, our courts can weigh the public good versus civil rights and the loss of those. In this case, one court case in particular, I would like to speak to and that is the one that most people like to point to when they say this legislation is constitutional, that is the New York Stock Exchange and the fingerprinting of Stock Exchange personnel. It leaves arguments to the amendment "B." This legislation passed in 1969 and I will read to you. "We first turn to the evils, which

gave rise to the statute in means by which the state sought to meet them."

Chapter 1071 was enacted to meet problems that have bedeviled an industry and concerned the state. The year by year increase in the loss of stolen securities lead to this legislation. This is the court case that was tested in federal court. The New York Stock Exchange versus Donald J. Miller. This is the actual statute that was cited in the constitutional ruling. "All persons including partners, officers, directors and salesmen employed by a member or member organization of the National Security Exchange registered with the Federal Securities Commission and any employee or clearing house corporation affiliated with any registered nation security exchange employed on or after September 1, 1969 who are regularly employed within the State of New York shall as a condition of employment be fingerprinted." You see they did new employees and beyond.

The reason they did that was very simple. There are two issues here that have really concerned me. The first being the problem of people coming into the state that is legitimate and we have to address that. The second being, how do we do that? This is where my real concern is and the real danger in this legislation. That is we take a group of people, in this case 48,000, and say until you are fingerprinted and background checked, we will consider you under a cloud of suspicion. I want to show you what the danger in that is.

You heard previous testimony that said we had calls from other states. In some cases I have heard people say 48 calls. Do we want all those pedophiles coming into the State of Maine? Immediately there is a cloud of suspicion on those people. In this country we do not do that. We do not prejudge people. I have heard people say those that are objecting must have something to hide. Now they have a scarlet letter on them. They must have something to hide. What if a person quits in the school system while this is going on? We all know what the rumors are going to be. They must have something to hide. That, my friends, is a scarlet letter. That is the danger in this type of legislation. That is why we must be real careful that we protect the integrity and reputations of these people that are involved in this. When we put a cloud of suspicion, especially of sexual abuse, which we all know is very passionate to all of us, we could be destroying the reputations and lives of the very people that protect our children and who educate our children.

There is a number that is circulating around here. That is 40 people that have been found out in our system, yet you have to ask the question, how many of those would have been found with fingerprinting? One or two, maybe. That is what the figures show. Again, I ask you to weigh, is there a crisis going on in our schools? Is the amount of sexual abuse getting higher and higher? Are we just looking at a group of people and saying let's fingerprint and do background checks on you and see if there are any people there? I haven't seen any evidence of an increase in the problem. If you vote for this legislation to do everyone, then I say to you that you cannot vote against doing any group within this state and this nation. As I spoke to earlier, the evil and the danger is everywhere. If you use that argument, you can line up every group of people in this state and in this nation and fingerprint them under this guise and you will find one pedophile. You will. In every group you will find somebody. I say to you that if we pass this legislation, be prepared to vote to fingerprint every single person in every single profession in the state and nation, because they are everywhere. I say to this body when this is over with, do not forget this issue. Take the

concerns I brought to you. If I am not here or if I am here, I ask you to lead and go forward and root out the problems and go everywhere, not just in our schools, but I am talking everywhere.

I will leave you with this last thought. I talked to this child that was abused. This child said to me that by the time I recognized and understood that this was a problem that shouldn't be occurring and that I was being assaulted, it was too late. I didn't know the difference. I didn't know that this was wrong because I had grown up this way. You know what the most powerful tool for that child could have been, not fingerprinting, not background checks, but knowledge that this was wrong. That is what we need to do people. We need to have education within our school systems and within our society. What these children need to understand is that as they go through life that this is inappropriate and it should never occur. When it does, you need people you can go to and these are the people to go to. I will tell you what, that won't save just one child, that will save thousands of children. When you live in a free society, your most powerful tool is education on issues like this. I say to this body to please lead in the future and move in these directions that I have brought up. They exist. When you talk to professionals, they will verify it. Thank you.

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Under suspension of the rules, members were allowed to remove their jackets.

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The SPEAKER PRO TEM: The Chair recognizes the Representative from Mapleton, Representative Desmond.

Representative **DESMOND**: Mr. Speaker, Colleagues of the House. There have been so many misconceptions around this issue of fingerprinting and background checks. There have been many half-truths and wrong information.

Representative McKEE of Wayne inquired if a quorum was present.

The Chair ordered a quorum call.

More than half of the members responding, the Chair declared a Quorum present.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Mapleton, Representative Desmond.

Representative **DESMOND**: Mr. Speaker, Colleagues of the House. A previous speaker said this bill would stop child abuse. Does that mean that we should do nothing? Fingerprinting is only a partial solution, but is best for our children right now. We must remember this issue should not be about teachers for many. It is about what is best for children. The vast majority of employees in Maine school systems are dedicated and hardworking. However, there are small numbers who are not. We owe parents an obligation to provide a safe environment for the children they are obligated to send to school. When there is improper conduct by a trusted adult, the impact is devastating for the students. This impact lasts a lifetime.

I hope you will read or have read carefully what the Maine PTA has to say. They urge us to make children our top priority. They have listed several organizations that support fingerprinting for all school personnel, veteran and newly hired. They have listed Maine Congress of Parents and Teachers, that is the PTA, Maine Chapter of American Academy of Pediatrics, Cumberland County Can Council and Youth Alternatives, Aroostook Council to prevent child abuse, Maine State Board of Education, Maine School Superintendents Association, Maine Council of School

Board Attorneys, Maine Coalition for Safe Kids, Maine Coalition Against Sexual Assault, Knox County to Prevent Child Abuse and Neglect, Maine Department of Education, Maine Principal's Association, Maine School Board Association and this means there are a lot of parents involved.

The sole intent of this bill is to protect children. Children were once fingerprinted for their safety. Teachers should be willing to be fingerprinted for the same reason, safety for the children. I have heard the comment that teachers are the ones who keep children safe. Sometimes they are their only protection. I believe that is absolutely true. Now is the time to prove the sincerity of that remark and approve fingerprinting for all school personnel. This bill is about preventing harm to children. It is about prevention, not accusation. It is not about accusing all educators of wrongdoing. Fingerprinting and background checks simply give the Department of Education the ability to enforce existing law.

This issue is not new. It has been studied and discussed in committee since 1995. Whether fingerprinting and background checks should be done was never an issue. All parties involved in the study agreed it had to be done. The issue that only new hires should be fingerprinted is flawed. It ignores 90 percent of employees. It has been found that the majority of those who have interacted inappropriately with children have been long-term employees. Confidentiality restrictions, which apply to school employee records must be changed so that children can be protected. There have been concerns about access to background check information. Access to this information is restricted to the certification office and the commissioner of Education. The state will notify a superintendent that a license has been revoked when the individual is notified. Superintendents will not be informed of the reason of denial. Background checks and fingerprinting do not infringe on civil rights. The Attorney General has researched the issue and found that the constitutional precedent clearly permits preventive measures like fingerprinting and background checks as a condition for licensure. Maine's process does not violate the employee's rights to due process, privacy or the protection from unlawful research and seizure.

I am proud of teachers and of school personnel in my area in northern Aroostook. They were ready and willing to go through the process of fingerprinting. They were even ready and willing to pay for it themselves if need be. They felt it was the right thing to do for their students. What a breath of fresh air to have them take this responsibility to heart. I know most of Maine's teachers feel the same way. To quote the PTA, "Maine's children are counting on you." Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waterboro, Representative McAlevey.

Representative **MCALLEVEY**: Mr. Speaker, Men and Women of the House. I think I bring to this debate a unique perspective having been an educator a good part of my life, a school board member, a child abuse investigator, federally certified instructor of investigators of how to look at child abuse and a survivor. I have many friends who are teachers who I admire who entered the profession of education for the same reason I did and this is to help children grow and nurture a climate of learning, lifelong learning and to give them the skills to do that. Unfortunately for a small category of people who are considered predatory pedophiles, they didn't enter the field of education for the same reasons most teachers do. They enter it for one reason, as a cattle farm. That is where the children are.

The first duty of an educator is to provide a safe and nurturing environment with which children can learn from Kindergarten to the twelfth grade. The first duty of a Legislature is to provide our school systems with those tools to provide a safe and nurturing environment.

The issue boils down to do we want to do everyone. To that, I would say that if it is good enough for new hires, it is good enough for everyone. Our children have a right to go to school, to learn, to grow and to blossom without being exposed to real and potential danger from people who they are supposed to admire and whom they learn to trust. That learn to trust is a very important part of the education process. Somewhere along the middle grades children transfer some of the feeling that they have for their parents to their teachers as role models. That is what is supposed to happen.

The first duty of an educator is to keep those children safe. We have playground monitors whose job it is to watch to make sure children don't get hurt or to anticipate potential dangers. Would an educator allow a child to run into a burning classroom to be potentially scarred for life? No. Would an educator allow a child to play too close to the road during recess? No, nor would most educators in this state allow a child to be exposed to another adult and a role model and a position of authority who could pose a threat to that child. I have interviewed over 2,000 children for child abuse. There is nothing a child can't tell me that they have had done to them physically or sexually that I haven't heard. We have it within our power and within our authority collectively with our educators to make our schools safer. It is a small, small price to pay. Yes, it is a price to pay to have your fingerprints taken. If you have never been in the system, it is not comfortable. It is an uncomfortable thing for some people to do.

As an educator who works part time now as an educator, I would gladly give my fingerprints every week if it meant we could separate from our children those few people who are there in our school systems, not to be educators, but to have access to children. The first person I ever arrested and indicted was an educator for child abuse. It cuts across all avenues. I indicted ministers, priests, truck drivers, educator, professionals and unemployed people. You have to understand something about the profile of a pedophile. We are talking about a person who intentionally seeks out and puts themselves in environments where children are. The first thing they do is they gain the child's confidence. Isn't that what teachers are supposed to do in order to facilitate learning? The second thing they do is they learn things about the children to compromise them. Most children don't willingly allow themselves to be victims of sexual abuse. They are coerced, blackmailed into it or in case of very young children, they don't have the wherewithal to put a stop to it.

How many pedophiles, and they are there, are allowable in our school? They are all throughout society, but how many? Two, 100, how many are acceptable? How many more children are going to be exposed to these people before we do something affirmative and separate these pedophiles from these children? The bill is not perfect, but it is a good start. The scarring that occurs to survivors of child abuse is life long. In some cases it causes serious psychological injury. We, nor would an educator, let a child run into a burning building. That is what is going to continue to happen if we don't accept Report "A." I have spoken to a lot of teachers. Some are upset and an awful lot of them are saying it is an inconvenience, but do you really think we can pull out some of these people and separate them from our children?

Yes. Most of the educators I have discussed this with after going through the merits of it, have said, let's try it.

They are there for two reasons. They are there for their love of learning and their love of teaching and their love of children. Submitting your fingerprints as an educator is an act of love, a love of your students.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Falmouth, Representative Davis.

Representative DAVIS: Mr. Speaker, Men and Women of the House. I think that a classroom teacher should express how they feel. I was a classroom teacher for 36 years at Portland High School. I spent one year in Africa as a classroom teacher so a total of 37 years in the classroom. Men and women of the House, I am in no way criticizing the integrity or the good name of anybody who disagrees with me. Obviously we disagree on that issue. I am going to vote against this plan, which we have on the board here. I would like to tell you why. I would like to take a little different perspective. All teachers have files kept on them. In my 37 years of teaching, probably administrators, superintendents and principals came in and wrote down my lesson. They judged it and they analyzed it. That is all well and good, I support that. The problem is other things get in those files. This, perhaps, is why teachers get so uptight when we are going to have an FBI and a background check and so on. They don't trust what is going to happen or what is going to be put in their files.

Let me give you three examples. One, one time I applied for a promotion to be a department chairman. Something was in my file, I had one time started a crime of all crimes, American Federation of Teachers Union. I didn't get the job. It has a happy ending a couple years later. I asked for that to be taken out of my file and it was and I got the job. Second example, I had a friend that in a moment of weakness pushed a student. The student was very provocative and he pushed the student. He apologized to the student, the parents, the principal and the superintendent, but they kept it on his file. We asked several times that it be taken out of his file. This was an excellent teacher who had had a weak moment. The superintendent refused to take it out of his file. He resigned because any criticism in your file can be used to fire you. He now is a successful businessman and that also has a happy ending. Third example, I could go on and on, but this is the last one I will give. I had a close friend who was accused of sexually molesting a girl in his classroom. He went through the torment of hell. He was investigated by the Portland Police and three months later, the police, thank goodness, cleared him and it was taken out of his file. He was left hanging. His teaching also was excellent and had never had a problem with the teaching. I could give you more and more examples. Teachers get very upset with files being kept on them.

I am not going to prolong this. I have a lot of other things I can say. I wrote this speech in January. I think it is the only long speech I was going to give, but I know we are tired at the end of session so I am just going to wrap this up. I will leave you with this one thought. Again, I am not criticizing the integrity of those that disagree with me. That is fine. In the Jewish religion they have Yon Kipper. They ask themselves in that religion, have I diminished the humanity of anybody in the last year? This is also a deep religion in the Protestant and Catholic religions. I think we have challenged and diminished the dignity of the classroom teacher, because you are asking them to prove they are not a pedophile. I am also for getting people who commit



crimes out of the schools, but I think the time to do it is when you hire them. You also have two years to give them a continuing contract or not give them a continuing contract. I have seen over and over again, I also was a school board member for six years. I was in on some firings. I was a department chairman for 13 years and I can see how carelessly sometimes people are hired and how reluctant school systems are to fire. When they do find sexual abuse, they cover it up. Until that is stopped, you are not going to do what the law intends it to do. I want to get them out of the school just like you do.

I want to ask you to look at this and examine your conscious and so on. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Caribou, Representative Belanger.

Representative **BELANGER**: Mr. Speaker, Men and Women of the House. I would like to address a few of the statements that have been made here on the floor. One being, where do we stop? We will be fingerprinting everybody and doing background checks on everybody. I would say to you that there is one major difference. By law, we require our children to go to school. There is a principle of law that is called in local par antis, which means that the school acts in place of the parents while the children are in their care. I would say that that separates the school from all other groups.

With regard to the statement made about how somehow this is hushed up and hidden and people are shuffled from one system to another, ladies and gentlemen, there is Maine law that requires any school person to report any incidence of abuse in a school to the local District Attorney. To fail to do so, puts these people in a position of being prosecuted by the courts. These are just arguments that are being made to distract you. I ask you to focus on what is before us today and not what we can do in the future and not what we should have done in the past. We have an opportunity today to enact this legislation that, which will help protect our children as they are required to go into our public schools.

The Majority Report is the only report that gives you the opportunity to provide the most protection that is available. Will it be 100 percent foolproof? Absolutely not. No one has ever made that claim, but it will be better than what we have today. With regard to the statistics that were given here where there were 40 cases cited, you should know that out of those 40 cases, they were discovered without fingerprinting or without background checks and 27 of them had previous convictions, not the two or three that were said on the floor. That is 70 percent. I think that is a significant number. I think if you look at this and you try to be objective, there is only one report that you can accept and the bipartisan report of 11 members on the Education Committee that have been looking at this for several years.

The civil rights arguments are, in my judgment, when the same people that make the civil rights argument turn around and say, but it is okay to do new hires only. Where are their civil rights? It is a ridiculous argument. I ask you to support the Majority Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Buxton, Representative Savage.

Representative **SAVAGE**: Mr. Speaker, Men and Women of the House. First I will start off with an on the record disclosure that I have been fingerprinted. I worked for a company that was regulated by the Securities and Exchange Commission and they felt that if people were going to trust me with their money, then I should be fingerprinted.

This is a sad day for me because I have a lot of people who I respect greatly in my community who speak to me on both sides of this issue. Many people in this body that I respect greatly who speak to me on both sides of this issue. I recognize that there is a certain element of unfairness in any option available to us today. It is unfair to long-time teachers. It is unfair to new hires. It is unfair to parents who must entrust their children, by law, as a practical matter, home schooling is a hard job and not available to all of us who need to make a living or don't have the resources to do so. It is unfair to children who deserve to know that everything within our control is being done to protect them from the devastation of abuse. I guess if everything is unfair and whatever we do is going to be somewhat of an error, I would rather err on the side of children. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Naples, Representative Thompson.

Representative **THOMPSON**: Mr. Speaker, Men and Women of the House. I have already joined with those that are in support of Report "A." I want to give you my reasons for doing so. It is interesting. I think back a number of years ago and when drug testing for pilots was coming in and the same type of debate took place. It really isn't fair and it penalizing the pilots and you are assuming they are using drugs. Then there was a crash when they proved that the pilot had been under the influence and that argument went away. Personally, I wouldn't want to fly on a commercial airline if there weren't some controls over whether or not my pilot was under the influence of drugs or alcohol or whatever. I think that can be carried forward to the present situation.

I have had the privilege of serving with the Representative from Waterboro, Representative McAlevey, on the Criminal Justice Committee and then I have served the last term on the Judiciary Committee. In both committees we have dealt extensively with the issues of sexual abuse. I keep hearing things about what other things we could do. I often wonder how that excludes doing the right thing in this area. We have been trying to do other things. We keep trying to teach children that the right thing to do is to come forward and to try to educate them that they are okay and it is not their fault. That is the most important thing we can do. That doesn't solve it all, because not every child will come forward. In fact, the statistics and the testimony that I have heard always indicates that very few of those children come forward, at least while they are still children.

On the Judiciary Committee I have heard testimony from real live people who have come to me and to our committee and testified how they have been sexually abused by people in the schools and the Baxter School. I have had people come and testify before us of being abused by a coach and without exception, each of these people that have forward and testified have said that this abuse was not just a terrible incident, but ruined their lives. It ruined their mental health. It made them go through their lives feeling shame and feeling like they were the ones that had done something wrong.

We have heard differing statistics on what the effects of this bill will be. We have heard that maybe it will only find one or two people in the system. This is not just teachers. I can remember back not too many years ago when there was a custodian in a school system that was involved in a situation like this. One or two, well, if you read much literature on the issue of pedophiles, you could read on how many possible victims one or two pedophiles could have. It would be very, very unusual for a pedophile to have one victim. It would be very, very unusual for

them to have only two or three victims. Most likely then have tens or up to 100 or more victims. The way they operate is to gain the confidence of the children to put them in a position where the children feel they have no remedy because of the position of the person doing the abusing and the fact that the person beats into them that you have no where to go. No one will believe you.

I have heard personally from people who have been abused in schools and with this bill there is a possibility that we may prevent some others from being abused in the schools or outside the schools by people that they come in contact with in the schools.

I have heard discussion of constitutional issues. The civil rights I am concerned of are the civil rights of that child. The child who is a totally helpless victim, not the civil rights of someone who chooses to make a stand on this issue as a teacher. I respect their right to do that and they may not think it is right. As people who are being imposed upon and clearly we are imposing something on the teachers and the other school personnel, there is going to be resistance. From some, there is going to be loudly vocal resistance, but we have to hear the voices of the children who can't come to us. Those are the voices that should be screaming in your ear today. I hope you will support Report "A" and ensure that everything we can do to protect our children is being done. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and Women of the House. There is a very positive aspect of this debate because everyone is speaking to the care of children and the love of children. I think first of all for a disclosure, I am a teacher. When I am asked what my profession or what my job is, I respond I am a teacher. Also, regardless of whatever happens with this bill, I will be writing a check for \$49 to the state treasury. Also, I do not belong to the teacher's union.

It is not too often that we have an opportunity as a body to correct a mistake. I think as this law began to go into affect, many of us received calls and if I remember correctly coming before the Legislative Council, there were at least eight or nine bills. Some dealt with the support staff, the custodians, the cafeteria, the bus drivers and others dealt with new hires and others dealt with changes in the law. The policy of the council was to take whatever bill was earliest and the earliest dealt only with the issue of reimbursement.

As I got the calls, I began to say that I never remember voting for this. I don't think I could have voted for it. I pulled the record from the 118<sup>th</sup> and I was here. Every vote was under the hammer and there was no debate in either body. I was here and I made a mistake. I placed an order before this body and it has been parked on the Unfinished Business Table since January 24<sup>th</sup> to re-examine this issue. Another vehicle was found. I have no problem with that and I really want to compliment the Education Committee for the reinvestment of time in this very important issue.

This issue strikes at the core of who teachers are. I look at you and I see foresters, mill workers, B & B owners, insurance salesmen, lawyers and carpenters. I see you and I see the person. You look at me and you see teacher, but you see a sub-caption on my chest that says, suspected pedophile. I think that is what hurts so much about this law. We have passions as teachers about our job and our profession. I think the only analogy that I can possible draw is that 19<sup>th</sup> century calling that

clergymen had. As teachers, that is what drives us. We want out students to share our joy of learning and to develop self-confidence and to have a future that allows them to reach their full potential.

We work every single minute of the day to create a safe and secure environment. For too many of those Maine youngsters, our classrooms are the only safe sanctuary, the only place they can turn to for help and we, the teachers, put them on the road to support and protection. We are role models not only in the classroom, but we are also role models in our communities. I would say that 90 percent of Maine teachers live in small towns. We live their all our lives. Every person in that community knows us. We realize we are role models not only for the 16 year old in the classroom, but our former students when they are 30 and 40 continue to look to see who we are and what we do outside of school and the weekends. The only other analogy in terms of role models 24 hours a day, I think, in Maine society are Maine judges.

If we can go back to that suspected pedophile that is on my chest, Maine should be consistent with all the other states in the northeast and that is why I have never supported the outright repeal of this law. My arguments are different from the Majority Report and it has to do with the fingerprinting and background requirement of current staff. Those teachers are your front line troops in the war against child abuse. We give them sanctuary. We protect them. We find the professionals that can help them. We pull them out of that abusive environment. Every statistic shows we are not the enemy. If we were talking about military terms, the Majority Report to be called friendly fire. You are hitting the teachers who are on the side of the kids. We have an opportunity to correct that mistake. I am urging you defeat Report "A" and vote for Report "B," which deals with new hires.

I attended all eight or nine hours of that hearing. I have been to every work session on this bill and it is clear we have a problem. It is called sweeping it under the rug. An administrator, whether he or she is a principal or superintendent and it comes time to prosecute, to often a decision is made to let a pedophile walk and not to be prosecuted, not to be sent to jail. They are allowed to resign and walk. They are allowed to apply elsewhere and there is no red flag from the previous employer. The pedophile is brought back into a pool of children. If an administrator has done this, and as we hear the conflicting statistics, what is reported and then we hear the informal numbers, the only reason there can be a difference in those numbers is because an administrator has done that. They have let a pedophile walk and they have allowed them to continue to teach. If an administrator has done that, I do not know how they can sleep at night. They have removed the problem for their district and they have dropped it into another. If an administrator has done that, they should lose their certification and they ought to spend time in that jail cell with a pedophile.

If a problem exists legally that an administrator cannot warn another district, then we need to address that. We need to correct that so that when the call comes that administrator can say that your children are at risk if you let that person into a classroom. The silence is deafening. If a county attorney wants to plea bargain or quietly accept a resignation, we need to fire that county prosecutor. We can't forget that we teachers are your front line troops. I ask you not to turn your friendly fire on those teachers back home today in your district. My fear is that we will reconfirm this law, lulling ourselves into thinking we did something to prevent child abuse. I ask you to reject Report "A."

Do I leave this chamber today with an SP, suspected pedophile on my chest? Does that sound far-fetched? Three of you in the last three months, bipartisan, as we have talked about this bill and I have indicated my opposition, you have looked me in the eye and said, what are you hiding? Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wayne, Representative McKee.

Representative MCKEE: Mr. Speaker, Men and Women of the House. There are some folks who probably wish that I would not speak. I have decided that I would. It may surprise you what I am going to say. First of all, as you know, I am a teacher. I am an active teacher. I teach every morning before I come. My husband is a teacher. My son is a teacher. My daughter-in-law is a teacher. All of them have been fingerprinted. I am a strong union member. I am a member of MEA and always have been. It brings me great sadness to have to go against my union. It is no small statement. I come from a very poor family of cotton mill workers who never had the benefit of a union and consequently suffered greatly. When I had an opportunity to join a union, I was delighted. It was a group of people with whom I shared this great calling called teaching. Every issue that this group brings before the representative assembly I look at closely and always think, boy I agree with them on that. It has brought me great sadness after three months to have to say that I don't agree with my union and I am going to take a stand against my union. We have just heard from someone who is not a member of the union and who has taken a stand with the union. You see, this is a personal matter.

I was told before I came here that there would be matters that would have to do with conscience. This is one of them. I have always known and my parents always told me there is no pillow so soft as a clear conscience. I think one of the reasons that I kept going out to my lobbyist friends and talking to them was that deep inside of me something was telling me it wasn't quite right and what was it? I have always told my students to go to their writing because sometimes you don't know what you are thinking until you see what you have said. In the past three months I have wrote about this. I have been hounded by our lobbyist friends. I have talked to people on the far right and the far left and have sat beside a member of the Education Committee. I have looked through the files of everything that came before that committee. I have read the letters from folks who would get out of this and from folks who would stay. I have polled people. I have hoped for a poll of all MEA members, which did not come. After a long period of writing, talking, thinking and questioning and that included talking to parents, my students, administrators, school board members and, by the way, they are just as important as we are. I have heard such wonderful things about teachers. It just does my heart good to hear that. I know that you appreciate them. I appreciate you too. I was with you on school boards. I appreciate my principal. I appreciate my superintendent. I appreciate all my parents and all my kids. They are important too. What they have to say though you today in these conversations is important and I hope everyone is listening. It is an important day.

My three priorities are children, fairness and finally, money. The process has been difficult and my conscience has been a part of that process. I even went down to the Revisor's Office. Shucks, if it took \$3 million to ferry out the problem, let's do it. There is a backlog in DHS. Put an amendment on every single one of those bills. We have plenty of money, folks, let's do it. When I had to call DHS to find out just exactly how much money

we would need to do it. The deputy director, Peter Walsh, says, "Representative McKee, we have taken care of that problem. To my knowledge, we have no backlog and here is how we did it. We took our low-risk cases and we parceled them out to local agencies like youth alternative and camp agencies. If it wasn't a low-risk and it turned into a high-risk, it was bounced back to us. If the person couldn't get into the home, the case is bounced back to us. Since November, we have worked on the backlog." He could say as late as last week that we have no backlog. We know it is problem and we are taking care of it. Furthermore, they said they had gotten the money. I didn't have to even put that amendment in.

Your fingerprint is very important and mine is too. I used to think it was really cool when my father, who couldn't write his name in cursive would put his fingerprint down on a check or a loan. I started doing that too before I could write. It was kind of strange later on when he didn't need it. You know I think that my father would give up his thumb, not just his thumbprint, not just his fingerprint, he would give that up if he thought that it would do anything to help a child. Let's not kid ourselves. We have widespread invasions of privacy and we have widespread fingerprinting. Many of you have already been fingerprinted. Folks who are in the medical field, my brother is a doctor and folks who work for him, bus drivers. I thought yesterday maybe a child is safer on some bus lines than they are in some classrooms.

We teachers even insisted in 1997 that if a child was coming into our classroom and that child had been expelled or suspended from another school or was coming from the Youth Center and that child was violent, we said we want to know it. We do not want violent students in our classroom. Why? For safety. It is safety not just for the children, but for ourselves. That is in statute. That is a protection for us in the classroom. I can't talk out of both sides of my mouth. I know I refer to the great American novel many times here and it is still the great American novel, the Adventures of Huckleberry Finn. He said, "You can't pray a lie." He tried. He tried to do what society and other people wanted him to do, but his conscience just wouldn't let him. He tore up that letter to Miss Watson and he said, "I will heck for it."

It is not my intent to be passionate about this issue. It is my intent to be passionate about the problem. I will admit for the first two months of this discussion, I struggled with my union's stance on this. I can't speak out of both sides of my mouth. I can't stand up before a classroom and say, on the one hand, you know me, I have been here 20 years. I hope I have been a good teacher. I hope I have been respectful. I hope you respect me. I hope I am honorable. This is egregious evasion of my privacy. I can't say this on one side and then turn to my students who are going to be teachers in four or five years and say, but as a condition of hire, don't get clouded up with the words I just said about ethics and philosophy and privacy. As a condition of hire, you are going to be fingerprinted.

Men and women of this House, if this doesn't pass and the for hires only passes, I will step up with the new hires, some of my former students and some folks from away and I will be fingerprinted too. Would I leave my job over this, a student asked me this morning. Absolutely not. This is a calling. Teaching is a privilege. I would not have a job without your children. I have to tell myself that every now and then when I get exasperated. I would not have a job without your children. It is not a right to be there. The needs of those children are far more

important than any civil right that we could ever speak about. Let's not sweep fairness under the rug. Twelve thousand people have already been fingerprinted. I urge you to accept the Majority Ought to Pass Report. I say that without any disparaging of any other comment that has been made. Everyone here cares about kids and wants to do the right thing. You are doing the right thing in your heart today. I honor your opinion and your vote just as much as I know you are honoring mine. I urge you to accept the Majority Ought to Pass Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Mendros.

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I want to begin with a quote. "Anyone who would sacrifice freedom for security deserves neither." It was said by Benjamin Franklin one of our founding fathers. I want you to think about that. If I begin to ramble and I lose you in the rest of my speech, think about that. What is a teacher? We hear teachers are the people who are asking for more money, driving up our property taxes, causing these problems and we hear negatives. Who are they? We hear they are suspected pedophiles. When I think of a teacher, I think of the person who taught me how to spell. They are the people who taught me how to put commas in sentences and where to put them, which I struggled with and how to do algebra. I think of individuals who taught me that worked in the schools, not just the teachers, the custodians that were there when I was locked out and it was raining and my parents were late picking me up. The lunch lady that we knew we could count on if we forgot to bring money for lunch. She would loan money out of her pocket. I am sure she didn't get most of that back. That is whom I think of. I know these people. They are friends of mine. They taught me. I see them. I talk to them. They are a little chagrined about my party affiliation, but we get along. Now they teach my nephews. I look them in the eyes. I thank them for what they have done for me. Thank you for teaching me algebra. Thank you for teaching me how to spell. Thank you for taking care of my life. You are a great teacher. By the way, I think you are a pedophile and I want you to get fingerprinted. Even though you have done all this for me, you have done all this for my nephew and other kids, all of a sudden I don't trust you anymore. That is what we are saying.

That hurts me to say that. I can't say that. Do I care about children and protecting them? Absolutely. I passed around a piece of paper that says, "Former Firefighter Branded a Predator." I underlined some parts of it, violent sexual predator Harold Doffin. I will say his name. He did it. It deserves to be on the record. Unlawful sexual contact with a 7 year old and one count of visual sexual aggression against two 7 year olds. It has included inappropriate touching and witnessing the two girls undress and play with each other. This person is going to jail for 60 days. We care about children and we put convicted child molesters in jail for 60 days. If we really want to help children, let's go after the criminals, the ones who are doing it. Put them in jail for longer periods of time, 10 years, 20 years. I can tell you I don't have a daughter, but I can tell you if I did or if this were my niece, I would be going to jail for a lot longer than 60 days for murder if somebody had done that to a member of my family. We need to put these people in jail and away and then we don't need to fingerprint everybody else because we are letting them slip through.

I go back to what I said in the beginning. Anyone who would sacrifice freedom for security deserves neither. That is what we are potentially doing. We are protecting the criminals. We are

letting them out with 60 days in jail and then we are painting every single educator as a criminal and doing the broad brush and we are going to fingerprint all of you to make sure you don't have a criminal record, make sure you haven't done this, instead of putting the ones in jail. We are allowing the pedophiles to run our public policy because we are not willing to go after them. We are allowing them to take away the rights of all the good teachers that are doing a good job. Therefore, we are sacrificing our freedom and we are not gaining any security. As Benjamin Franklin said, "We will get neither."

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brooklin, Representative Volenik.

Representative **VOLENIK**: Mr. Speaker, Men and Women of the House. All of you have on your desk these statistics, but I will repeat them anyway. According to the US Department of Health and Human Services, 85 percent of child abuse is committed by parents or other relatives and less than one half of one percent of abuse is at the hands of school personnel. Teachers and school staff are the first line of defense against child abuse, having made 850 referrals to DHS in one year concerning possible child abuse. Teachers and school staff, including some of the best, will be quitting or retiring early because of this law and because of poor pay, longer hours, increased duties, inadequate retirement and the degrading of the value of this profession. If the problem lies principally in the home and school personnel are the first line of defense, school personnel are quitting because of this law. Isn't fingerprinting actually reducing our ability to combat child abuse rather than improving it? Child abuse is symptom of deeper problems in our society. We live with an economic system that requires ever growing productivity, even though our productivity is the highest in the world. It is a system that requires two parents to work at low wages, yet does not provide child care. It maintains high cost for health care so that we will work harder and longer hours. It subsists on endless advertising for things we don't need and self-images we can never attain. It encourages self-reliance and property rights and me first over community. It values economy over ecology. It melds us into the great machine of unlimited growth in a finite world and degrades us in the process.

Until we value and reward good citizenship, paying your fair share instead of taking all you can get, reward good parenting and spending time with your family and your children and until we reward our people and not our corporations, we will not solve the problem of child abuse. This issue is a smoke screen. It is a feel good attempt to avoid solving the real problems of our society. Please reject the Majority Report and support Report "C," the repeal of fingerprinting. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Union, Representative Savage.

Representative **SAVAGE**: Mr. Speaker, Ladies and Gentlemen of the House. A prior speaker, the good Representative from Naples, Representative Thompson, referred to a custodian who had molested several children. That situation happened in my school within less than a mile of my house. The situation devastated many families in town. It divided families. The gentleman is behind bars. I believe he is still there. I think they should have thrown away the key. I will quote Paul Harvey and say, "And now for the rest of the story." The gentleman had no criminal background. He had never been charged with any crime. Fingerprinting and a background check would never have prevented this tragic happening at the Union Elementary School. He now has a record. He will be a new hire if he attempts to

work in a school system. Report "B" would then protect our children from a new hire. This gentleman devastated many families in my town. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Biddeford, Representative Sullivan.

Representative SULLIVAN: Mr. Speaker, Men and Women of the House. First of all, you are fortunate, because it will probably be very short because I am going to run out of my voice so somebody is watching over you. Second of all, I want to make a disclaimer. I am a teacher. I am supposed to be in my classroom two weeks from yesterday. I am a little concerned that I am not going to make that obligation. I was told when I ran for this that probably I wouldn't want to tell a lot of people I was in education. I chose not to follow that and I very proudly put everyplace that I am a public school teacher. I earned my degree teaching when I raise by son. I went back as he started to get involved in schoolwork. I chose twice to entered the teaching field. I chose for two and a half months to stay quiet on this issue. I didn't want to be self-serving.

About two weeks ago a piece of information came across my desk and, quite frankly, I was very angry it showed up on my desk and that it was allowed to be printed. It was the worst piece of yellow journalism that I had ever seen and that it was going to be used to help influence people. They took the side that I had known I was going to support, but had been quiet and not lobbying people about, other than my two seatmates, they were very understanding. They took that side and they said to screen new hires had been changed to screen new criminals. Think of that coming across my desk as a future lawmaker to screen new criminals. Young people in college, many of whom you are probably supporting right now out of your family income and going on to earn a BS in education and hopefully influence our public school system. The Maine lawmakers are looking at information that says we are going to screen new criminals. What an insult. I could no longer stay quiet. I would not allow it into my classroom.

I try really hard in my classroom to teach people that we don't label and we stand up for what we believe. Some of my best friends in this chamber are on the other side of the aisle. They have an R after their name. I have a D. They are wonderful people. Some of my best friends are gay, straight, male or female. When new hires are labeled as new criminals, I am offended. Everything I try to do to enlighten, because I believe education is the enlightening force for a free world, went up in smoke the day that came across my desk.

This is a feel good piece of legislation. You can all go home and say, I have done something to stop child abuse. As a member of the teaching profession, I am obligated to report any sexual or physical abuse, even an indication, if the child who comes in with a bruised whatever. I am required by law and if I don't, I have broken the law. The real shame is that many of those cases never get looked into by the DHS. You see, parents know more and I am just a teacher and I only see that child six hours a day, 176 days. That is a real shame. We need to provide more people in DHS and we need to put more money behind this to follow up on every single allegation that professional educators make when they say we suspect there is a problem here. Money should not be a reason we fail to look into those things.

Yes, superintendents, some, have made sweetheart deals and allowed people to leave their district because you know it is bad press. You have to fight for a budget. People don't like to

spend tax money. We just hush things up. That is the real problem. We can do things that really will stop child abuse, but you have to put money where the mouth is. We have to put the law in that says to superintendents, if you fail to report to your local police an allegation, you are liable. We can make a difference. Enacting this and going home and all of us putting our little halos on and saying we are great is not going to help. The real danger is from ignorance.

Just last week I stood on this floor and on another piece of educational legislation in front of us, I said we had lowered our standards. Remember we had voted to change the certification that you could get a license in a shortage area for math and science because young people didn't seem to be going into teaching. Why should they? We are going to screen new criminals. We are going to lower those standards for anybody that does come in. Talk about talking out of two sides of our mouths. I also see that we have a report on asking us to see how to promote and retain teachers. Let's give them some dignity. Let's treat them as professionals. When a performing and practicing teacher says, I suspect something, let's believe them and let's follow that up through DHS. Let's put real laws in that protect our children. I am not the only teacher, a D, that went into teaching knowing that we weren't going to make the big bucks, but hoping that we would make a difference. For some people they said I was the best teacher they ever had and others have certainly said I was the worst teacher they ever had. I suspect I fly somewhere in the middle. There is something wrong when we put forth a law in the name of protecting children and we decide to call our number on defense new criminals. Please defeat this and go on to support, at the very least, Report "B." Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bath, Representative Mayo.

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House. I rise this morning as did the former speaker to urge defeat of Report "A" and support of Report "B." I will admit there is a problem, but I am not sure that Report "A" really will get to the heart of that problem. I come from a household of educators that have grown up around education and worked in education and higher education. I know there is a problem. It is how do we approach that problem? I think the former speaker, the good Representative from Biddeford, made an excellent point with regard to what we do with those people that are caught. I have received numerous comments from constituents on this. To date, it is split about 50/50 between Report "A" and Report "B." Since this debate started this morning, I have had two phone calls. One for Report "A" and one for Report "B."

I have two constituents in my district who are split on this particular issue. A constituent of mine is the State President of the PTA. We have received on our desk this morning material from that group and we have received material earlier. They are strongly supportive of Report "A." I also have as a friend and fraternity brother at Orono a teacher at the high school in my district who has been on television and I am sure that many in this chamber have seen that individual and others like him who have indicated that in no way will they accept what is being required in Report "A" and they will give up their right to teach in Maine public schools.

I am torn between those two situations. As a former school board member and the four years that I was serving on the school board in my district, we had two situations. Neither situation would have been prevented by Report "A." In fact, it

would have done absolutely nothing. These were long-time school employees. One was even a graduate of the institution where the situation took place. I, like the good Representative from Camden, have wrestled with this issue for the past three months. I think today I am going to follow my conscience. I am not going to take the tact that she took, but I respect the position that she has taken. I am going to vote against Report "A" today and support Report "B," which deals with new hires. I pray that it will do some good, but I would also hope that in the 120<sup>th</sup> Legislature that this body will do what it can to improve the funding at DHS so that the child abuse that we know is taking place out there is responded to much quicker. I would also hope that the Criminal Justice Committee will take a long hard look at this entire issue as to the penalties involved. Thank you for listening to me. I hope that when the vote is taken, you will support, Report "A."

The SPEAKER PRO TEM: The Chair recognizes the Representative from South Portland, Representative Muse.

Representative MUSE: Mr. Speaker, Men and Women of the House. I have always as long as I have been a part of this body supported our teachers. I think that they do and provide a wonderful, wonderful service to our state, our community and to our children. I don't think we do enough for our teachers. I don't think we pay them well enough. I think there is a great deal of things we could do for them. There was for quite some time that I debated this myself. I tossed it back and forth, where I stood on it. I finally asked myself and answered the following question and it made it very simple for me. If we pass this bill, Report "A," could it save one child? Very simply put, yes it could. That was a very simple question. Yes, it could. That made up my mind for me.

I have heard previous speakers say that we need to give teachers respect. I do give teachers a great deal of respect. I also give stockbrokers and commodities dealers respect. They deal with stocks and bonds. We fingerprint them. I give police a great deal of respect and we fingerprint them. My wife is a nurse so I have more respect for her than anybody and she was fingerprinted. I don't see what harm there is in this. I have a very strong feeling that if this body had had the foresight a year ago to include paying for this service, we wouldn't be having this debate today.

Mr. Speaker, I would like to close by asking a question through the chair. To any member of the body, either present in this room or hopefully listening in another room, I would like to know exactly how many other occupations we do fingerprint? Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Representative from South Portland, Representative Muse has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Winslow, Representative Matthews.

Representative MATTHEWS: Mr. Speaker, Men and Women of the House. In response to the good question since I had a similar question in mind, I will answer it at least partially and then I will tell you my dilemma on this bill and why I am going to vote against Report "A." We do not currently in Maine require fingerprinting for those that work with the youngest and most vulnerable population of our children. That is childcare workers. We don't require it. It is an interesting bit of information for the body to think about. We don't require it for family therapists. We don't require it for adolescent councilors. We don't require it for a lot of folks out there that spend a lot of time with a lot of little

kids. I guess that would be my answer to the good gentleman from South Portland, but I will pose one also. I, for the life of me, do not understand why this bill is here and why we are doing this? I also tossed it around and I haven't come to answer, because it doesn't make any sense.

When I was here in 1992, we did drug testing. For the body and for a point of information for the membership, when we grappled in the early '90s and late '80s with drug testing, let me tell you it was not an easy spit. Many people lost their civil liberties over drug testing. Many people were called on the carpet because of unionizing and drug tested unfairly. Many employers used that as a whipping post to get at those troublesome kinds of workers. Ladies and gentlemen, drug testing ended up deterring more people from treatment than it did in getting anybody to go to treatment. It drove a lot of people underground. There was a lot of bad feeling. I was here in the middle of that debate and I voted for drug testing. I made some mistakes in the past. Civil liberties is not something you can just wear once and a while. The Constitution is not something that we can just read once in a while. It is there for a reason. I am going to vote against Report "A" and I would love to know why we are doing this today in light of the fact that we don't do it to others who work a lot more with young children? Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Representative from Winslow, Representative Matthews has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Montville, Representative Weston.

Representative WESTON: Mr. Speaker, Ladies and Gentlemen of the House. We happen to mandate education. Parents, unless they can afford a private school or choose to home school, they send their children to public school. There they have very little, if any choice, of who is the teacher for their child. I do a lot of long-term substitute teaching. I have spent many years walking in and staying for three months in a classroom. When I do, I tell the children that my first job is to keep them safe. Safe emotionally, so we have rules about what we can and cannot say to each other. We have rules to keep them safe physically so there is not hitting or attacking another child. When that parent brings the child to my classroom, what I say to them is I am doing the best I can to keep your child as safe as possible. That promise cannot be all encompassing. There is no way we can promise that nothing will happen to those children. You know what we can do, we can promise that the person supervising your child has not already been convicted of harming children. I don't believe I wear an SP across my chest. I would rather wear an NBC, never been convicted. I am proud and happy to reassure that parent and to give them the confidence that when I am in your children's classroom, I can at least tell you I have never been convicted. I can't promise you the world, but I can do that quite simply and I believe we should. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Brennan.

Representative BRENNAN: Mr. Speaker, Men and Women of the House. In court proceedings there is a process called stipulation. Stipulation is at the front end where you say that this is what we agree to. This is not something that we need to debate or we need to argue about. These are facts that we agreed to. I think in this debate there are several issues that we can easily put in stipulation. One, states should pay for



mandates. I think everybody agrees to that. Secondly, will this bill or the current law that we have stamp out child abuse or catch every potential child abuser? No. I think we can all agree to that. Thirdly, are there constitutional issues involved here? No. We have an opinion from the Attorney General of State of Maine after extensively reviewing this issue and he said there are not constitutional issues involved. This is not an invasion of civil liberties.

So, to answer the good Representative from Winslow's question, why are we here? I want to answer that question as easily as I possibly can as to why we are here. This issue, as everybody knows, came to the Education Committee in 1995 and then again in 1996 and we passed it in 1997. The very first issue considered by the Education Committee was is it reasonable in hiring teachers and school administrators and public school personnel, is it reasonable to do background checks. I ask every one of you here today, do you believe it is reasonable when we hire teachers and people to work in public school system that we do public background checks? I dare say, having not polled everyone here, but I dare say that the overwhelming majority of you would agree that doing background checks is a reasonable thing to do and a prudent thing to do and we have heard from a number of other speakers that they think that superintendents and administrators should do a better job of conducting background checks. If we are agreed that background checks are a reasonable and prudent thing to do, the next question that we asked was what is the way to make sure that we have accuracy in those background checks and that we are not falsely identifying or accusing people in the background check process.

I will tell all of you here that if you will do what the Education Committee did and ask that question and then say, how do we have background checks, that everybody will come to the conclusion that we came to, that fingerprinting is the only way to assure that you have accurate background checks, not only in the State of Maine, but in other states in the country. In fact, the legal council for the MEA testified to that affect. If you want to have accurate background checks, the way that you do it is through fingerprinting. Did the Education Committee start out to say that we believe that teachers are child abusers? Do we believe that teachers are criminals and because of that we should fingerprint all teachers and school personnel? No, we did not start from that premise. We started simply from the premise that it is good personnel policy and good hiring practice and you should do background checks. How do we make sure that those background checks are accurate? The only way is fingerprinting.

We looked at number of other options, names, date of birth and social security numbers. People had a number of different suggestions about how we might do background checks other than fingerprinting. Nothing worked. We either ended up with false positives meaning that people would be wrongly accused of a criminal activity or we ended up with false negatives. Fingerprinting became the way that we felt we could assure accurate background checks. The bill before us today, amendment "A," attempt to address issues that were made during the public hearing that we held. Many people said that they were afraid or concerned that criminal activities that they may have been involved in early in their life, insignificant activities, would have affected their ability to teach. Amendment "A" makes sure that is not the case. Amendment "A" clearly defines what the Department of Education can look at in terms of criminal activity and making a decision about whether somebody will be certified or not certified. It is very clear. We want to make

sure the Department of Education could not take into consideration irrelevant activities for sometime earlier in their life when making these decisions. Amendment "A" clarifies that.

There has also been some suggestion and other proposal, doing only new hires, is workable. I will pass out a letter from the Maine State Police that clearly points out that the proposals that have been put forward to allow superintendents the discretion to fingerprint is not workable and not feasible. What we have is amendment "A" before us and it is the only workable and feasible proposal that is before this body. I hope that when we take the vote people will realize that, see that and support the pending motion.

I want to make one last point because I think I am in a unique situation. In fact, my situation is so unique, I don't think anybody else in this chamber is in the situation that I am in. I have an undergraduate degree in education and I have certificates in two states that allow me to teach. I did teach for a short amount of time in the State of Maine. I value teaching. I am by education a teacher. I also hold a master's degree in social work. I am licensed by the State of Maine as a licensed clinical social worker. For the last seven years I have worked in an outpatient family therapy program working with adolescents who have substance abuse problems or have been physically abused, sexually abused or emotionally abused. I sit in the public hearings on this issue and I sit with this bill. I say to myself as a teacher, what should I do? Out of the respect for the profession of the teacher, what should I do? I sit with my training as a social worker and the experience I have had with 14 and 15 year old boys and girls who have been sexually abused and the shattering experience that has had on their lives. It is so shattering that they may not ever get to a point in their life that they overcome that experience. Has this been a difficult issue for me weighing by background as a teacher and my background as a social worker, I assure you, men and women of the House, it has been a very difficult decision.

I think and as I have listened to other people talk, they have had a similar difficult decision weighing the effects that this may have on teachers versus everybody's desire to protect children. I came down in support of Committee Amendment "A" because I do think this is a necessary step to protect children. Sometimes we, as adults, have to make difficult decisions because children don't have the same voice and the same opportunity to say what they need and how they should be protected. I ask every one of you today when you take this vote to think as an adult, even though it is a difficult decision and even though it has been a difficult debate. Please make that decision keeping in mind the fact that this is a reasonable way to protect children. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hartland, Representative Stedman.

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to respond to some of the comments that have been made on the floor already. First of all, Report "A" also tests new hires. Secondly, in the debate against background checks through fingerprinting, the arguments seem to have shifted from the rights of children to the rights of teachers. I would suggest that the Representative from Waldoboro, Representative Trahan, gave the best reason for not supporting amendment "B," new hires only. The suggestion was made that this is a civil rights issue for current employees, but for new hires their civil rights can be compromised. That is what is being said. Representative Trahan said we must protect the civil

rights of all people. As was suggested in his statement, civil rights for new hires do not count.

To one of the speakers that talked about being labeled with a sign on their chest. Why would one not want to dispel any suspicion of being a threat to the well being of children in one's charge any labeling by getting the fingerprint on record to show that you care enough to prove you were not a problem.

One interesting aspect of the whole fingerprinting issue is the role of the Maine Education Association, as has been eluded to before. When the bill was being debated prior to enactment, the MEA was one the side of children by wholeheartedly supporting the concept, even to the extend of suggesting that it would be appropriate for teachers to pay \$30 towards the cost. Today, the position is on the side of the teachers. Children's safety has taken a back seat to the interest of protecting the civil rights of the professionals. It appears though that the civil rights of new hires do not matter, because they should be tested. What an interesting philosophical repositioning.

To sum up, I would just like to remind you of an article that I put in the paper a month ago. I just want to read a little bit of that article to put this in perspective. "For every adult in the education community, there are upwards of 10 to 12 underage citizens of Maine who also have civil rights and constitutional protections over which they have very little control until they reach adulthood. In the meantime, they are entrusted in the care of a cadre of adults who must assure that that span of time in the lives of these youths is a time of safe and healthy transition. When one weighs the civil rights of the adult against that scenario, whose rights are more vulnerable? Which group, staff or students, has to have a higher priority for educational decision makers when it comes to protection? Teachers and other education workers do have the freedom of choice as to where they apply their trade, but children have little or no choice as to whom they will be exposed on a daily basis. They are assigned to a room and to teachers and support staff with a perceived assurance that the administration is providing a safe climate in which to live and breathe, to work and play, to associate with adults who will do nothing to violate that assurance." I would urge you to support Report "A."

Representative STEDMAN of Hartland **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass as Amended**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Monmouth, Representative Green.

Representative **GREEN**: Mr. Speaker, Ladies and Gentlemen of the House. I rise today to speak to you about the proposal to fingerprint all educational personnel. I rise as a veteran of 22 years in the classroom.

During some of those years I was invited to apply for certain honors and titles. I never did because I didn't feel the need for special recognition, and I had other uses for my time, like taking classes to improve my teaching methods. It occurs to me now, that perhaps if I have been named the World's Greatest English Teacher, you might pay more attention to what I have to say. Perhaps an award or a medal would add to my credibility. Perhaps if I were someone famous, instead of one of the thousands of educators who have spent millions of hours planning, working and reworking lessons, struggling with, and sometimes crying over the children whose paths have crossed mine, maybe then you would reconsider the plan of action that is

being recommended today. My pleas to you is to listen, because all those people spent all of those hours, days, weeks and years working as hard as they have because they care deeply about their students and the quality of their lives. As we have seen in certain tragedies, teachers have even been sacrificed their lives for their students.

To label educators who are opposed to being fingerprinted as persons who care more about some fuzzy principle than they do about children is even more insulting and painful than you can could possibly know.

The educational personnel I have worked with during my 22 years have given time to students over and over again. They have gone on four day camping trips year after year with incoming freshmen to teach, geology, biology, history, botany and how important it is to trust and care for one another and workings as a team and almost anything is possible. Teachers have left pregnant wives. Teachers leave small children of their own to coach students, to open doors of opportunity for students that would be almost impossible for them to open on their own. They have given and given and given.

All public education personnel should be dedicated to the protection and welfare of the children entrusted to them. No teacher I know disagrees with that. I don't believe fingerprinting will help us identify those in education who do not have the best interests of children in mind. Crime suspects are routinely fingerprinted after they are arrested, after there is evidence that a crime has been committed. I do believe a major step in ensuring that adults working with children are dedicated to their care is to enact legislation that guarantees that all school districts do a thorough background check on the persons they intend to hire. It may surprise many to know that there are places where such checks are not always done or are superficial. If an applicant appears with a letter from a district/administrator that the new district is familiar with, perhaps no more questions may be asked. So and so says he or she is okay, so it must be so. Well, the dirty little secret is that when there have been problems in the past, in too many cases, the person involved would be called into an office and presented with two pieces of paper. One was a resignation and the other was a recommendation. As long as the problem went somewhere else, the district did not have to deal with the thorny issue of who's responsible. No district wants to be held liable for injuries to either the student or the employee. This situation, ladies and gentlemen, has contributed to the problem of inappropriate access to children. Gathering the fingerprints of all the teachers and school personnel in Maine won't ever stop someone determined to inflict harm if he or she has never been charged with a crime, if he or she has simply been moved from one district to another, all of the fingerprints of everyone in the state won't make any difference. The *OPED* piece of the March 7, *Bangor Daily* stated, "True, fingerprinting will only catch convicted felons."

In a recent, explosive case at a private school in Maine, a respected, long-time employee admitted criminal behavior. What was his reaction when the allegations were made? After an initial denial, he expected to resign, and no more would be said. Why, did he expect that? Because that was what he knew had happened to others. This was a veteran, someone who had been all over the state, and as many of you know, there is a network of athletic connections. People meet at meets and games year after year and people talk. Would having this person's fingerprints have made any difference? Would having



my fingerprints have stopped this person? No, for two reasons. First, he had never even been charged with anything before so there would have been nothing to find. Second, adults who work in private settings do not always need the state certification, therefore, the law would not apply to him.

Let's get to the heart of the matter. We all know there are persons who abuse children. It is in all our best interests to do all we can as individuals and as a state to prevent and or stop such abuse from happening. Is there a way we can guarantee that if we take certain actions, no abuse will ever happen again? Unfortunately, the answer to the question is, No. What can we do to prevent our children?

We can require that all school districts adopt practices, which include, but are not limited to routine checks for criminal convictions of any prospective employees; local policies applicable to all school employees which center on the safety of children, but are not used to identify or regulate, personal, private or legal behavior by employees: when employees resign an no criminal proceedings occur, records should reflect the resignations and the circumstances surrounding it. Ask the State Department of Education to become a member of a national Teacher Identification Clearinghouse maintained by a national organization such as the Association of Directors of Teacher Education and Certification or similar organizations. The department will make access to clearinghouse information available to all districts.

Can persons determined to inflict harm change their names and social security numbers? Of course. Should every administrator make personal phone calls to districts to ask questions about prospective employees? Of course. Will we catch every abuser through this method? No. Will having fingerprints make a difference in the answer to the previous question? No. Will badgering, inflicting guilt and taking names of so-called rude educational personnel increase the number of well trained, innovative, caring individuals who choose to forego most professional rewards to devote their lives to children? No. Will ensuring that all hires, on all levels, in public education be research thoroughly to make it more possible to identify persons who should not be in schools? Yes.

Ladies and gentlemen of the House, this matter has gone way beyond the specifics of this legislation. Many see it as a referendum on educators themselves. Yes, they are taking this matter personally, because it puts into question what they have devoted most of their lives being, often, the most caring person in a child's life.

I ask you to take a step back. I ask you to consider well what you will do here today. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative **POVICH**: Mr. Speaker, Men and Women of the House. What this Legislature does well, I think, is to legislate by anecdote. I have a few myself. I called some of the education professionals in my district, the supers and the principals, and polled, unscientifically, their expression of sentiment regarding LD 2540. Basically they all said you opened up a can of worms here. It is a very complex issue they stated. They weren't surprised that we went down this road. A thumbnail response was, if we do the check and the fingerprinting, we should do it for new hires only. This way will go as far as we really need to go to protect our children. They say they have their own way of knowing the profiles of their school personnel. They know. They communicate with their teachers, parents, kids

and they are pretty forthright and willing to squeal or tell the tale. That is the way it ought to be. They are quick to tell you that the truth emerges from this system. They quickly add that they can't tell you the last time there was a hint of that proclivity in their anecdotal experience. I regard this response as an example of local control. I think the issue of local control is important in this body. We are here in Augusta and I am 103 miles from my district. I hear from the people, leave us alone. We can make some decisions here. We don't need Augusta to tell us what to do.

My professional educational managers tell me they are going to mourn the loss of those professionals who will leave if Report "A" passes. They will go. When the rubber meets the road, will they go? They think some will go and it is hard to find good teachers. You don't replace a 30 year old professional with a new hire. There is some value in old age. I am coming to believe that more and more. They also say, the money. Look at what you are doing to GPA. They are shuttering at this moment. You know, \$25 million, \$44 million and you are going to spend millions and millions in fingerprinting. When the rubber meets the road, why don't you take that money and hold us harmless. Think about the kind of money you are spending and the results that you will getting from this money. I hate to be practical and I am not compromising or diminishing the need to protect our children. I think in our committee, the Criminal Justice Committee, we have gone a very long way to recognize the needs to protect our children. I don't dismiss that at all. I want our children to be safe.

That is the word from Hancock County, for whatever it is worth. I will end my comments by saying, please, don't support the current motion. Thank you.

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The Speaker resumed the Chair.

The House was called to order by the Speaker.

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The SPEAKER: The Chair recognizes the Representative from Portland, Representative Saxl.

Representative **SAXL**: Mr. Speaker, Men and Women of the House. This is a very difficult issue for each and every one of us in this chamber. There are Democrats disagreeing with democrats, Republicans disagreeing with Republicans, schoolteachers disagreeing with school teachers, mothers disagreeing with sons. People are quite torn up because it is because of the seriousness of this issue and of the deep felt emotions. I was moved by many of the comments I have heard before us today. The perseverance of my friend from Kennebunk who sat through all of the public hearings and worked as a schoolteacher and is not a union member, but supports the union and my friends who are union members who don't support the union. I feel the anguish between people. I will add only this. My friend from Ellsworth, who I almost always agree with on Criminal Justice matters, said this is as far as we need to go. We understand the proclivities of these people who are in the school system. Ladies and gentlemen of the House, tomorrow in the Blaine House I invite you all to join me. We are honoring over in the Blaine House a family of adult survivors of child sexual abuse who didn't know that their siblings, their cousins, their nieces and nephews were survivors until recent years. We are honoring them because they have been able to only now stand up together and talk about what happened to

them and talk about what happened to them in relation to our current law, which we have changed in this last session dealing with the statute of limitations for child sexual abuse.

As far as we need to go, we understand the proclivities of these people, that is not the way child sexual abuse works. I understand their very deep feelings. There is a lot of resentment on both sides of this issue. I just ask you to think about the victims of child sexual abuse and do whatever we can in this chamber to protect them. Thank you.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Twomey.

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. What more can be bring to the debate? You have already decided. What can I say? What words will change your minds? There are probably none. We have heard teachers. Representative Murphy, you eloquent words rang true. What can I bring to this debate? I am not an educator. I can bring to this debate my grandchildren who are the most precious jewels in my life. Since the passing of my husband in December, these three children are my life. Brady, three years old, Zachary, six months old and Casey, three years old. They are three boys whom I adore. When I started this quest, I need to get my facts because these children are going to be influenced by my decision and I better darn well do my homework. The facts, as I discovered them to be, were not teachers who are doing the sexual abuse. The highest percentage of pedophiles are parents and friends and relatives. If I were standing up to speak for that legislation, on fingerprinting and background checks of parents, how would that play out politically? I won't stop there and I will continue and get my facts. I will talk to DHS and find out what the problem is. We go through debates. We go to caucuses. We find out that we need money and we need to do that. What is your wish list? What would you like to cut from the budget?

We are spending money on fingerprinting that I truly believe, because the statistics don't support it, are spending money where we could direct it on really solving the solutions of child abuse. That, for me, is my conscience. That, for me, is why I got involved. I, too, went to all the public hearings. I, too, have gotten hundreds of e-mails from teachers throughout the state when I put in my bill to repeal. I had to get through Legislative Council. I went to that meeting and made a deal. I withdrew my bill of repeal if we could have another public hearing. Representative Richardson spoke eloquently about how many hours they have put into this, yet, at the committee meetings, there were still questions being asked. I am not questioning their work, but there were still questions at this late date.

The MEA was involved and we heard about the teacher's union. The teacher's union way back when sat at the table. I heard that the members of the committee have teachers, for God's sake, why are you questioning it? There are teachers on that committee. What was the biggest failure of all was that they didn't go back, MEA didn't go back, and ask the teachers who they represent. The teachers who they worked for. They didn't poll them. They didn't ask how they felt about fingerprinting. If you really think it is just about fingerprinting and putting your little fingers on a pad of ink, it is bigger than that. It is FBI background checks every five years. We hear only about teachers and this becomes a teacher issue. Back home I have cafeteria workers. I have women who have been the cafeteria program for 30 years who now have to face FBI background checks. Do they have anything to fear? They don't so why bother. Roll over, you have nothing to fear. They don't like the

fact that the FBI is going to be checking their lives when they feel that they haven't done anything. Can we protect our children from everyone from the time they walk to school to back to school to Cub Scout meetings or to church meetings? We can't. We hear the argument, if you can save just one. There are no guarantees. I would jump on board. I would support this.

We talk about the Constitution and it is not against anyone's civil rights. It starts here. It is teachers now and it is somebody else tomorrow and it is somebody else after that. If that doesn't scare you, it scares me. I don't want to live in a police state.

The commissioner of Education came to our caucus and the deputy commission, they gave us fact sheets and they gave us number. We could take those numbers and we can argue the numbers, which is what is going on. For me, the Constitution and the fact that Susan Mallis Anderson and Birney Heibner and many other teachers who came to that public hearing are willing to put their career on the line because they feel as passionately as Representative McKee's statements that she made. They signed this pact that if this would pass, they would leave their career. Susan Mallis Anderson says to her students, "How can I teach you about the Constitution and not stand up for what I truly believe. That is innocent until proven guilty." Representative Savage has stood up here and defended that position for as long as I can remember and today, I don't question his vote, but it doesn't coincide with what we have done in the past. Who will be next? It is politically incorrect to stand up and say, oh my God, we have to protect ourselves. We can't look like we are not protecting children. Of course we want to protect children, but is this the best way to do it? I think not.

Those teachers didn't come lightly to this decision. I don't know how many were there are those meetings. They played the flute in the background and it was like a funeral procession. One by one they came and they signed their names on that board. there was over 70 years of education that they are willing to stand up for the next generation and the next generation to say this is wrong. Rosa Parks all over again. I dare to stand up. This is wrong. I have tried to help them. They say, "Boy you look so tired Joanne." I am tired. I am tired because you want to do the right thing. We can agree to disagree. This is just not the right way to solve child abuse. Take that money. These teachers are the first ones to see these cases in their schools. They are there to help them. We are sending this message to the teachers, you are a pedophile. I came down to the Hall of Flags and there was an awards ceremony for the principals of the State of Maine. It was well attended and the Governor was there. I walked down the stairs and I couldn't help but think, what a way to reward these teachers. We are going to be doing background checks and fingerprints. The statistics aren't there. It is parents, friends and neighbors, not teachers. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Glynn.

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. For your information, I had a handout prepared and circulated last evening, which is a reprint of a newspaper article from the *American Journal* our weekly paper down in Cumberland County. The title of the article is *Fingerprints, it is the Money Not the Principle*. As part of this debate, I have heard many impassioned speeches by a number of legislators and also by teachers while roaming the halls of the House over the past few months concerning this issue. I felt as though there was a disconnect between what I was hearing in

Augusta and what I was hearing back home. I prepared a questionnaire to all school employees in my school district, which is South Portland, 570 employees. The survey was sent to everyone from our wonderful custodial staff right up to the superintendent of schools. Out of the 570 by the time the survey was completed with a postage free return envelope, I got about 190 responses. Roughly 95 percent of the respondents from the South Portland School System, I can't speak to any other district because I didn't survey them, came back that the school employees did not have a problem with the fingerprinting, but, in fact, had a problem with being forced to pay the money. What I did was I took the survey, just as they were completed and I brought them to our local newspaper and I asked them to print to comments that were contained on it so that people in the community could read what the teaching staff felt and so that I could distribute it to all of you in a format that observes the confidentiality when a constituent communicates with their legislator, but still allowing the point to get across to all of you.

I think probably the most representative comment was on the second column. The quotation from that survey was, "I agree the bill is a good thing for our kids, but as mandated by the state, the full cost should be paid for by the state from the surplus funds. Part-time and spare workers called into work half a day once a year would be working for nothing after paying the costs themselves." It is pretty representative of what I found from the South Portland School district. I think that many of you would find as you begin to talk more and more with the actual teachers that are on the line.

My feeling is with politics and I think we all see it on a number of issues, the people that appear at our public hearings tend to be the most polarized people that feel impassioned one way or another and they don't necessarily represent main stream views, but represent a particular position or a particular interest on an issue. When you look at the whole situation as a whole, we didn't hear a lot in Augusta about the fingerprinting issue until the Legislature didn't pay for it. Once the Legislature made the decision not to pay for it, we heard all kinds of things. Now, we are looking at a variety of different proposals. My feeling is that Report "A" keeps the philosophy of what the folks back home would like to see and at the same time, I believe, represents the school employees and my school district and that is why I will be voting the way that I am going to vote.

Secondly, I would like to tell you that in my family my wife works in the financial industry and I have had an opportunity to speak with a number of the people there. We brought up the issue about fingerprinting. As most of you know, people in the financial industry as a regular course of action, when they change position, are, in fact, fingerprinted and have a background check. An observation made to me, which was very interesting, is that we, as a society, have taken it upon ourselves to fingerprint those that deal with money and we don't with those that deal with children. I don't know if I agree with that societal statement. In fact, I believe that children's lives and children's futures are more valuable than money. I will vote so accordingly.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative O'Brien.

Representative O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House. I will be brief this time. I started out as one of the earlier speakers and I hope I am one of the last speakers. I appreciate everyone's indulgence. This has been a very long morning, but having been here two terms we have spend as much time on other issues such as license plates and

other issues. To, me, as I said before, this is probably one of the most important things that we will do. I really felt compelled to stand and answer a few questions and respond to few comments that were made earlier. I am very sorry that the good Representative from Kennebunk, Representative Murphy, feels that he has an SP on his chest. When people look at him they are going to see an SP. When I look at Representative Murphy, I see him not only as a wonderful legislator, but I see him as a teacher who brings his students here, who teaches government, who teaches history and who has such a profound knowledge that he imparts to his children. I see Representative McKee, not only as a wonderful legislator, I don't agree with her usually, but a wonderful legislator nonetheless who I don't see an SP, I see a teacher who is so dedicated that I would have loved to be in her class who instills the love of the classics, the literature and poetry. I see that in her. I don't see the SP. When I think of my sister who is a national award winning teacher who won an award for excellence in science to elementary school kids. I don't see an SP on her. I see her teaching first graders about gases and teaching them to spell the words like leprechaun and fuchsia and things that many of us do not know. I see her, again, not with an SP, but someone who comes to her adults who had her as children when they have no one else in their lives. She was the only adult in their lives who would listen to them. They were being abused at home and came to her. They still come to her. I see teachers, again, those who provide mittens, when mittens are needed. Those who provide book money when the school book fair comes and there are a couple of kids in the class who can't afford books. That is what I see teachers as. I don't see the SP and I am so sorry that some of the people feel that way.

The argument has been made by those who would vote against this report, I feel they have made a very strong argument to vote for it. They have talked about, and I could not agree more, those in the system that are shuffled off. There is a problem. There is a problem with settlements. On the one hand your resignation and on the other hand a recommendation. There is a problem. That indicates that they are in our system. They are not new hires. There are problems in our system. We all, if we think about it and we have been involved in school system, we know that. This debate has brought up a lot of issues. That is one of them. The other issue is we need to have stronger penalties. These are issues that we will deal with in future Legislatures. That has been a good thing.

I want to close by saying that this has been a great debate. It has been an impassioned debate. It is one obviously many of us feel very, very strongly about on both sides. I want to say that I will respect everyone in the morning however they vote. I will feel very disheartened and I will feel very sad, but I will respect their vote because I would not be petty enough to say that someone who votes against this is not an advocate for children. I know everyone has children in their minds. I want to close with that, but I also want to urge you very strongly to vote for Report "A." I know in my heart we are going to save some kids a life of total destruction. I know that with all my being. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Bucksport, Representative Rosen.

Representative ROSEN: Mr. Speaker, Men and Women of the House. In my opinion, this is not a personal issue, it is a personnel issue. In my opinion, this is not about the individual, it is about the position, the job. In my opinion, it is not about

whether you have been in the school system for two years or 22 years, the fact that the school itself is the most important institution in most local communities and that the teachers and the administrators and the other folks involved are the most important professional positions in the community. It is not about trusting teachers, it is about the trust that we place in teacher's hands each and every day. I encourage you to support Committee Amendment "A." Thank you.

The SPEAKER: The Chair recognizes the Representative from Hartland, Representative Stedman.

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to put a little different spin on this whole discussion. It was mentioned earlier by the Representative from Monmouth, Representative Green, that there is the availability of the National Clearinghouse for checking backgrounds. The issue with the National Clearinghouse though is that they use names and social security numbers. I wouldn't assume that those names and social security numbers belong to the people who are registered there. I wouldn't be opposed to mandating fingerprinting for everyone in the State of Maine. It used to be that every fourth grader in the state was fingerprinted when they reached that grade level. I think it was fourth or fifth grade or whatever. I would suggest a mandatory fingerprinting for everyone would be done for their own protection. If you have ever had your identify stolen, you know that without fingerprints to prove who you are and who you are not, you have a most difficult time proving that you did not perform acts, which may have performed by a criminal using your name, your social security number, your driver's license number and your credit cards and so on. The same holds true for teachers. It provides protection for their own good name. The only true identifying feature, which is readily available is the fingerprints. If yours is on record, you can prove that you are not the one who has been charged with crimes using your other identification. Think about it.

The SPEAKER: The Chair recognizes the Representative from St. George, Representative Skoglund.

Representative **SKOGLUND**: Mr. Speaker, Ladies and Gentlemen of the House. I am speaking for the record. Usually when I hear someone say I am speaking for the record, I think they are merely speaking for the record so they can say later, I told you so. I think the record of this morning's proceedings will be studied in the future as an indication of where we are as a society in the year 2000. A couple months ago one of my friends brought me some old newspapers to deposit in the Historical Society. Among the newspapers was an article about the State Legislature's proceedings. At that time the State Legislature was enacting work on the Fugitive Slave Act. I thought how interesting that is that here in the State Legislative Records and in the newspapers that have covered the records, we have for 180 years the social trends, the economic beliefs, the philosophical changes that have come along. The record is a real and valuable thing and today we are discussing something that will be studied by historians in years to come. We are not studying and discussing child abuse here, because there is no doubt that every person here is much opposed to child abuse.

What we have hit upon today is a significant change in society's values. A significant change in values that shows up among and between the members of the House. My good friend from Mapleton, Representative Desmond, has a different view on this. I am not torn and I am not pained by making a decision opposite from Representative Desmond and my other cohorts on

the Education Committee, because I realize that this is merely a difference in fundamental values. Sometimes I think that if a person finds himself as the lone opponent or the lone proponent on these bills, as I did on this one, perhaps I am espousing values that are no longer commonly held. Times have changed and my values have stayed the same. Without being perceptive, without showing society's values are changing.

I wonder if those people who were discussing the Fugitive Slave Act were aware of the magnitude in the change that was occurring leading up to the Civil War. I think it is important that we be aware today of the tremendous change that is taking place in society. There are three things that I want to mention that I don't think really have been said clearly so that in years to come people will know that, yes, they were aware of what was going on as a whole. They were not looking at this merely as one fingerprinting background check bill. It is part of an overall pattern.

One thing that the good Representative from Lewiston, Representative Mendros, came close to mentioning was that we are permitting the wrong people to set the tone in education. If you will bear with me just a little bit, an insecure teacher insists upon absolute control. A teacher who is secure in his or her position is able to give those children quite a latitude of freedom. A teacher who insists upon absolute 100 percent control often does something like this. The children are going to engage in some pleasant activity or outing. One child does something out of turn and the teacher says, "Henry, now you have spoiled it for everyone. We are not going." There are two things that have happened here. The teacher has maintained the absolute control he thinks, but who really is setting the agenda? Who determines what is or isn't going to happen? Henry has set the agenda, the bad child. The second thing that has happened is the teacher has given permission to the rest of the class to hate Henry, because the teacher says that now Henry, see what you have made me do. I think in this case what we are doing is we are allowing these perverts, predators, pedophiles and perpetrators to set a tone of suspicion, anxiety and a feeling of danger into our classroom. Our classrooms are not unsafe places. Our children are not in great risk from perverts, predators and the other "p" words. They are relatively safe. We would like to have 100 percent perfection, but it is unrealistic to expect we can do it by enacting laws.

I think we have done great damage in one respect by bringing this so much to the floor. I think we have convinced a lot of parents that our schools are run by perverts, predators, pedophiles and perpetrators. I think we have given that impression. Therefore, I think we have let the wrong people set the tone and the atmosphere.

Secondly, I think what we are doing should be put in the context of what else we have discussed recently and what else has transpired in the Legislature. In education we have disempowered all our authority figures. The teacher no longer has authority to truly act in place of the parent. When most of us went to school, the teacher was expected to do anything to maintain order that a reasonable parent would do under those circumstances. That included laying on of hands if that is what worked with that particular child. Realistically that is the only thing that works with some children. Acting in place of the parent also included that natural inclination for the teacher to put the arm around the child for encouragement, comfort and just to show friendliness. It would be a foolish teacher today that would lay hands on a child to correct him and it would be an equally

foolish teacher who made it a habit to show physical affection to his students.

We have done that. We have deprived children of having a real parent figure in the classroom. The damage has already been done. When I taught I very frequently, always, would pick out a boy in the seventh or eighth grade that I thought could use a little extra money and creative time and I would have him help me on the farm. I had a small farm in addition to teaching. I would always take one of the boys home with me to help me with fencing, a little bit of milking and things that were most enjoyable for a seventh or eighth grade boy. I enjoyed it immensely too. Would I do that today? Not on your life if I were teaching would I take a child home alone. We have done that to our children by creating this atmosphere of fear and suspicion. Because we have disempowered our teachers and our principals the only thing left are the police. We have brought police into the schools. I thought there would be resistance, but the police were welcomed into our schools. I have been told in some schools if a child is caught with a cigarette, the teacher calls the police. The children are taught they are under complete surveillance at all times.

Last year in the Legislature we stopped the police from using children as secret police. Remember we would hire children for \$6 or \$7 an hour to go around to stores and try to buy cigarettes. We stopped that. We were using children as secret police. We are still using secret police in society for entrapment. That is considered perfectly legitimate.

This doesn't include just the fingerprints, as others said, it includes the file kept on individuals. The notorious files that the government possesses that we always heard were kept in totalitarian states in the last century. The most horrible thing we could imagine would be to have a totalitarian government that kept files on us and kept us under complete surveillance. Younger people, I think, have forgotten that. They have forgotten the terrors of totalitarian states. The biggest expense we have accepted in the state in this last term was the creation of a prison colony at Warren. Not just an addition to the prison, it is what amounts to a prison colony. If we take this bill that we have before us today, the fingerprinting, the background checks, the files and put it in the context of what else we have done, the use of secret police, the expansion of our prison system, the desire to completely eliminate any chance for predators, perverts or pedophiles to engage in their activities. It worries me and I hope when historians look back upon what was happening today, they will say, yes, the Legislature was aware that a significant change had taken place in values. The change is that we value security over freedom.

I would like to have seen the fingerprint and background check and files completely repealed, done away with. That doesn't seem possible. Therefore, I hope that you will vote against the Majority Report and vote for proposal "B," which would be to fingerprint new hires only. Thank you for your patience.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative McAlevee.

Representative MCALEVEY: Mr. Speaker, Ladies and Gentlemen of the House. Since coming to Augusta, I have learned a lot of new phrases. I have learned that a plea bargain is no long a plea bargain. It is called a plea arrangement. I have learned that there is no such thing as minimum mandatory sentences. It is called enhancement. One of the best phrases that I have learned that I really like is, what is right, what is wrong

and what is real. What is right is Report "A." What is wrong is our children are being abused and we do have the ability to stop to a small portion of it. What is real is if we don't support Report "A," more children could potentially be abused. There has been a lot of discussion with various groups, parents, teachers, unions and constituents. If you are in doubt, I would ask you to take and support Report "A" and err on the side of children. If you are a proponent of Report "B," I would challenge you to this, in your discussions and doing your background, did you talk to a child who has been sexually abused yet? If you haven't, you should. It gives you a very unique perspective on how damaging this is. We have within our grasp the ability to shield some children. One, two, 100 or 1,000, who knows? We have within our grasp the ability to protect a group of children who are mandated to be in rooms to receive education and for the most part receive a darn good education from some very, very dedicated people. What you have to do is separate the dedicated people from that handful of people who aren't there because they are dedicated. They are there looking for children to have sex with.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative O'Brien.

Representative O'BRIEN: Mr. Speaker, Men and Women of the House. What this bill is asking is for us to enforce the policy on fingerprinting and background checks on all school employees. That means we are questioning the integrity of every single employee that receives a check from their school system. This is wrong. People who are hired to serve us, their communities and the children have gained and earned our trust. Remember when people go into the teaching profession, there is a lot of checks and balances along the way. I know after graduating from teacher's college and going to teach in Alabama, there was a background check on me. When I went to work for the Department of Human Services, there was a background check on me. When I ran for the school board in Lewiston, the newspaper asked for my background and I gave it so there was a background check on me. Are we saying that people who are now working hard and who have, in fact, dedicated their lives for our children, whether they are in the cafeteria line smiling as those children come though or welcoming them on the school bus in the morning. They are, in fact, there because they feel they can best serve in that capacity. Let us not diminish what they are presently doing. I think we can absolutely ask for new hires, which would be amendment "B" to be put into force. That means we have to first get rid of amendment "A."

Think about what we are saying to people, who like ourselves, are sitting here today as good people, the ones who are working now in the schools that we question every single one of them why they are there. They are there because they want to do that job. I know and you know that people who intend to harm children are going to put that invisible cloak around them. They are the ones that are going to find, hopefully not our children or grandchildren or friends of our children, to hurt. We as a society have other laws and we have other ways of finding them. Don't go and condemn everybody who is working in all the school systems in the State of Maine because we are looking for the few bad ones. The few bad ones are there, but not in our schools. Not necessarily everybody who works in a school is a bad one. I think this is really, really wrong to ask all of the present employees of our school system to be fingerprinted and background checks to be done on them. They have already gone through many, many times being found as okay and right to be in that school system. If we are going to go through with

amendment "A," then let's lock up the building. Don't run the school bus and say, first, we want to check every one of you out. We are going to keep all of the children home because we don't trust any one of you. Remember, we can, as legislators, enact amendment "B," serve the purpose of what we are trying to do and not be people who are pointing the finger and saying all the other ones are questionable. I don't think we can do that here today. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Baker.

Representative **BAKER**: Mr. Speaker, Men and Women of the House. I believe that we are today here talking about values. I believe we are talking about a shift in values. We have been part of four exciting decades, which have watched a shift in values. I grew up in a time when the phrase battered spouse did not exist. We have learned about domestic abuse. I grew up in a time without civil rights. We now know about civil rights for blacks, Native Americans, for the aged, for those who are differently able. We are a society of changing values. Today, we are here talking about the rights of children, not the rights of children to grow up too fast, not the rights of children to be treated as adults, when, in fact, they are not adults, they are children. We are talking about the rights of children to be protected. We are the grownups and we must protect them. We are parents. We are teachers. We are businesspeople. We are not just one category. I am a teacher who is a parent or a parent who happens to be a teacher. I am a lot of those things. I think we have to avoid the false dichotomies.

The question has been raised today, is to fingerprint, to condemn teachers? I think we have to ask if to fingerprint the bank teller, to condemn that person? Is the military personnel who is fingerprinted as suspected felon or the State Trooper? Is the future NBNA employee who is fingerprinted, a convicted felon? I think not. I think these are safeguards. I think these are means of protection.

Some say that the numbers are statistically insignificant. I believe that it is in the last 10 years that 42 cases have been found. Of those, 27 have been shown to be those who have committed sexual assaults. Some have worked out a percentage of something like 5.8 cases a year. I have to ask you, how many children are too many? Would it be six, eight or 10 a year that would move us to protect these children? Others have said that school related cases of sexual abuse seem small, only if we gloss over the horrific trauma and tragedy of the life. You have heard much about this today. I hope we will not minimize this problem.

Some say that fingerprinting takes away civil rights and it is egregious. If fingerprinting is egregious, it is egregious for new hires. Let us not demonstrate the hypocrisy that says it is okay for new hires, but it is not okay for people who have been the system. Some have said that school personnel are the ones who do the most reporting. I think that was 850 cases. That is wonderful, but what that tells us is that reporting is right. This is a good thing to do. It would follow if those same school personnel would welcome an opportunity to protect the children by ferreting out any in their midst who have previous convictions.

This law is on the books, but the law, which says no convicted felons may teach in our schools has been on the books for a very, very long time. Background checks and fingerprinting simply give us a tool to enforce this very reasonable law. Who among us would want an individual employed in school who has a known criminal history? Criminal

background checks is but one step, but it is an important one. No, it will not solve the entire problem. It will create one safety net and we need to create safety nets in every area of society where this kind of abuse can happen.

I have valued my endorsement as a legislator by the MEA. Today, I have to say I think the MEA is dead wrong on this one. I think of two cases that I know about personally. The high school daughter of my friend, who was raped by the custodian in the basement of our school, but who was too afraid and too embarrassed to come forward. She was not raped just once, but repeatedly. I think of the beloved teacher who had been in the system for many, many years who had positively affected many lives, but who was found to have molested a number of young male students who was quietly let go. How many others did those two, alone, impact?

I ask you today to think about this from the standpoint of values. As a teacher, I would be happy to have all my fingers and all of my toes fingerprinted if it would save not one, but many children who will be safeguarded by this law. I hope that you will vote for amendment "A." Thank you.

The SPEAKER: The Chair recognizes the Representative from Belmont, Representative Berry.

Representative **BERRY**: Mr. Speaker, Men and Women of the House. For 36 years I walked through the halls of education and for 36 years there has hung on the stockroom door of my room a sign that said, "To touch a child." To touch a child with what, hands? No, to touch a child with knowledge. That knowledge is my child. It was my job. For those of us who have walked the walk handing knowledge to students, we have done our job. When I closed that door for the last time, I left that sign hanging and hoping that the person that followed me would also touch a child. As I look at the problem that has faced us over all of this study, I see one catalyst in this problem. That catalyst was \$49. I honestly do not believe we would be here today dealing with this situation if we had paid the \$49. I think that is the catalyst of this whole system. It is the problem that is here. I, today, walked these halls with students that I had taught. Some of my students work here. I think that this problem as we see it today does not allow us in any way to identify the pre-abuser of a student. I taught with an individual for well over 20 years and then one day walked to my classroom to find that that teacher was gone from his classroom. That person had committed an act on another student. That person deserves to be eliminated from my profession and from any other school any place else in this country or as far as that, the world where that could continue. It scares me because that person for a while was one of my assistant coaches in track. I know of no other case prior to this involving that individual. I also know of cases where people were handed off from one school to another to cure a problem. That is not right either. We have a responsibility and I still come back to the fact that I do not believe here in any way, shape or manner that we would stand here and sit here and talk here today for hours if we had paid the \$49. I honestly believe that.

Ladies and gentlemen, there was another sign that hung in the classroom over my board. That sign said, "June is tomorrow." Ladies and gentlemen, let's move forward. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wayne, Representative McKee.

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. Just one short final comment. I really appreciated



the last speaker's words because it is a segway into what I wanted to say. These fingerprints, these unique digits, are both tremendously significant and tremendously insignificant. There are 4 billion of them now and there are many, many more out there that once existed. They are at once tremendously important and tremendously unimportant. I will suggest to you today, in closing, that that imprint on that piece of paper or that celluloid will soon disappear as time goes. There is a much more important print that is being imprinted everyday. It is the print of teachers like my good colleague from Belfast, an indelible print that the great Henry Adams talked about in the education of Henry Adams the influence of a teacher goes on forever. The imprint of that teacher far exceeds that physical fingerprint. I would suggest to you sadly also that there is another imprint that is being made. It is indelible. It is lasting and it is never to be forgotten by the children who suffer at the hands of anyone in our society who abuses them.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of Report "A" Ought to Pass as Amended. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 619**

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Bolduc, Bouffard, Bowles, Brennan, Bruno, Bull, Bumps, Cameron, Chick, Cianchette, Clough, Cross, Daigle, Davidson, Desmond, Dudley, Duncan, Etnier, Foster, Frechette, Gagne, Glynn, Heidrich, Honey, Jabar, Jodrey, Jones, Labrecque, LaVerdiere, Lemoine, Mack, Mailhot, Martin, Marvin, McAlevey, McKee, McKenney, Murphy E, Muse, Norbert, Nutting, O'Brien JA, Quint, Richard, Richardson J, Rosen, Savage W, Saxl MV, Schneider, Shields, Stedman, Tessier, Thompson, Tobin D, Townsend, True, Tuttle, Usher, Watson, Weston, Mr. Speaker.

NAY - Berry DP, Berry RL, Bragdon, Brooks, Bryant, Buck, Campbell, Carr, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Davis, Dugay, Dunlap, Duplessie, Fisher, Fuller, Gagnon, Gerry, Gillis, Goodwin, Gooley, Green, Hatch, Jacobs, Joy, Kane, Kasprzak, Kneeland, Lemont, Lindahl, Lovett, MacDougall, Madore, Matthews, Mayo, McDonough, McGlocklin, McNeil, Mendros, Mitchell, Murphy T, Nass, O'Brien LL, O'Neil, Peavey, Perkins, Perry, Pinkham, Povich, Powers, Richardson E, Rines, Samson, Sanborn, Savage C, Saxl JW, Sherman, Shiah, Shorey, Skoglund, Snowe-Mello, Stanley, Stanwood, Stevens, Sullivan, Tobin J, Tracy, Trahan, Treadwell, Tripp, Twomey, Volenik, Waterhouse, Wheeler EM, Wheeler GJ, Williams, Winsor.

ABSENT - O'Neal, Pieh, Plowman, Sirois.

Yes, 66; No, 81; Absent, 4; Excused, 0.

66 having voted in the affirmative and 81 voted in the negative, with 4 being absent, and accordingly Report "A" Ought to Pass as Amended was NOT ACCEPTED.

Representative MURPHY of Kennebunk moved that the House ACCEPT Report "B" Ought to Pass as Amended.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Brennan.

Representative BRENNAN: Mr. Speaker, Men and Women of the House. I would ask you to vote against the pending motion for three reasons. One, earlier today a letter addressed to me from the Department of Public Safety was passed out in this body that shows there are significant flaws with amendment "B" and that the Maine State Department of Public Safety does not believe they will be able to implement amendment "B" as proposed. The FBI said that they are unable to implement a law

that allows for discretionary fingerprinting and what amendment "B" would do is to allow a superintendent at his or her own discretion to decide who is fingerprinted or not fingerprinted. The FBI said they would not allow for that type of policy. Secondly, amendment "B" with just fingerprinting new hires would take somewhere between 20 and 30 years to fully implement. That is roughly how long the Department of Education estimates there will be a full turnover of staff in order to implement Committee Report "B." Lastly, what Committee Report "B" would do is allow current people who are currently employed not to be fingerprinted or have background checks. I would submit to members of this body that if Committee Report "B" is passed, before the year is over, we find at least one school employee that will be identified as having a conviction related to child abuse or some type of inappropriate behavior that would have been caught if we had done appropriate fingerprinting and background checks. Thank you.

Representative BRENNAN of Portland REQUESTED a roll call on the motion to ACCEPT Report "B" Ought to Pass as Amended.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

**ROLL CALL NO. 620**

YEA - Berry DP, Berry RL, Brooks, Bryant, Buck, Carr, Chizmar, Cianchette, Clark, Collins, Colwell, Cote, Cowger, Davis, Dugay, Duplessie, Fisher, Foster, Fuller, Gagnon, Gerry, Gillis, Gooley, Green, Hatch, Heidrich, Kane, Kasprzak, Kneeland, LaVerdiere, Lemont, Lindahl, Lovett, MacDougall, Madore, Matthews, Mayo, McDonough, McKenney, McNeil, Mendros, Mitchell, Murphy E, Murphy T, Nass, O'Brien LL, O'Neil, Peavey, Perkins, Perry, Pinkham, Povich, Powers, Richardson E, Richardson J, Samson, Sanborn, Savage C, Saxl JW, Sherman, Shiah, Shorey, Skoglund, Snowe-Mello, Stanley, Stanwood, Sullivan, Tessier, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Wheeler EM, Wheeler GJ, Williams, Winsor.

NAY - Ahearne, Andrews, Bagley, Baker, Belanger, Bouffard, Bowles, Bragdon, Brennan, Bruno, Bull, Bumps, Cameron, Campbell, Chick, Clough, Cross, Daigle, Davidson, Desmond, Dudley, Duncan, Dunlap, Etnier, Frechette, Gagne, Glynn, Goodwin, Honey, Jabar, Jacobs, Jodrey, Jones, Joy, Labrecque, Lemoine, Mack, Mailhot, Martin, Marvin, McAlevey, McGlocklin, McKee, Muse, Norbert, Nutting, O'Brien JA, Pieh, Quint, Richard, Rines, Rosen, Savage W, Saxl MV, Schneider, Shields, Sirois, Stedman, Stevens, Thompson, Tobin D, Townsend, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Mr. Speaker.

ABSENT - Bolduc, O'Neal, Plowman.

Yes, 77; No, 71; Absent, 3; Excused, 0.

77 having voted in the affirmative and 71 voted in the negative, with 3 being absent, and accordingly Report "B" Ought to Pass as Amended was ACCEPTED.

The Bill was READ ONCE. Committee Amendment "B" (S-692) was READ by the Clerk.

Representative TWOMEY of Biddeford PRESENTED House Amendment "B" (H-1118) to Committee Amendment "B" (S-692), which was READ by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Twomey.

Representative TWOMEY: Mr. Speaker, Men and Women of the House. I have put in this amendment for repeal in honor of all the teachers who have worked so hard and in the values that Representative Skoglund spoke about. I just want to be on

record. I don't know how much support there is for repeal. I know there might be some concerns about now who will pay for the fingerprinting, but there is a bill from Senator Mitchell and just addresses paying for fingerprinting. Voting for repeal will not do away with having your towns have the fingerprinting paid for. Thank you very much.

The Chair ordered a division on the motion to **ADOPT House Amendment "B" (H-1118) to Committee Amendment "B" (S-692)**.

Representative TWOMEY of Biddeford **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-1118) to Committee Amendment "B" (S-692)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is adoption of House Amendment "B" (H-1118) to Committee Amendment "B" (S-692). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 621**

YEA - Campbell, Davis, Dugay, Dunlap, Fuller, Gillis, Goodwin, Green, Hatch, Jacobs, Kasprzak, McGlocklin, Mendros, Pieh, Pinkham, Skoglund, Snowe-Mello, Tracy, Trahan, Tripp, Twomey, Volenik, Waterhouse.

NAY - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Desmond, Dudley, Duncan, Duplessie, Etnier, Fisher, Foster, Frechette, Gagne, Gagnon, Gerry, Glynn, Gooley, Heidrich, Honey, Jabar, Jodrey, Jones, Joy, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Martin, Marvin, Matthews, Mayo, McDonough, McKee, McKenney, McNeil, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neil, Peavey, Perkins, Perry, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Sirois, Stanley, Stanwood, Stedman, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Treadwell, True, Tuttle, Usher, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

ABSENT - Bolduc, McAlevey, O'Neal, Plowman.

Yes, 23; No, 124; Absent, 4; Excused, 0.

23 having voted in the affirmative and 124 voted in the negative, with 4 being absent, and accordingly the motion to **ADOPT House Amendment "B" (H-1118) to Committee Amendment "B" (S-692) FAILED**.

Representative STANWOOD of Southwest Harbor **PRESENTED House Amendment "A" (H-1116) to Committee Amendment "B" (S-692)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Southwest Harbor, Representative Stanwood.

Representative **STANWOOD**: Mr. Speaker, Men and Women of the House. This amendment strikes the provision of the Committee Amendment "B" and requires the fingerprints taken from educational personnel, which there are nearly 14,000 to be removed from the files of the State Bureau of Identification. I do this because I am being frugal in we will be paying for those fingerprints of nearly 14,000 people. They agreed to having those prints taken, by the mere fact that indeed they have been done. Therefore, I think they should stay in the files as would be

if we have voted for Committee Amendment "A." I think it is the right thing to do. I would hope that you would support the amendment. Thank you.

Representative DUNLAP of Old Town moved that **House Amendment "A" (H-1116) to Committee Amendment "B" (S-692) be INDEFINITELY POSTPONED**.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Trahan.

Representative **TRAHAN**: Mr. Speaker, Honorable Members of the House. The good Representative brought forward an amendment that I thought was a concern as well. When I spoke with individuals involved closely with this issue, they assured me that those prints have no accompanying papers, meaning the prints were taken, but the background checks were not followed through with. There is actually no file there under than a fingerprint. I kind of wonder why we would need this amendment other than to keep that fingerprint on record? Is there someone here that could stand and answer that question? Thank you.

The Chair ordered a division on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-1116) to Committee Amendment "B" (S-692)**.

Representative STANWOOD of Southwest Harbor **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-1116) to Committee Amendment "B" (S-692)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Southwest Harbor, Representative Stanwood.

Representative **STANWOOD**: Mr. Speaker, Men and Women of the House. I believe the fingerprints having been taken should be retained in the event that a future Legislature would want a fingerprint bill brought forward again. We wouldn't have to duplicate and spend the money over again. Remember, this is \$40 times 14,000, which equates to many, many dollars and we should be saving that if at all possible. There may be future use for these by future legislators. Thank you.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. Before we vote, I would like to explain my rationale for making the Indefinite Postponement motion. I think having listened to several hours of debate, it sort of boils down to people's fears of intrusion into their lives. I think when you look at the basic concern about safety of children it is the interesting side affect of that is you always want to build more prisons and get the bad guys and we want those bad guys to find somebody other than us. That having been said, I think if you are going to be doing fingerprinting and background checks in determining who those people are that you would like to have weeded out of the system. If you have cleared someone of a background check and they are not found to be a threat, why would you want to keep that information on file? I think that makes people in the general public, it certainly makes me uncomfortable, having a database of information about people, which could be used for something other than that purpose for which it was gathered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-1116) to Committee Amendment "B" (S-692). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 622**



YEA - Ahearne, Andrews, Bagley, Belanger, Berry DP, Berry RL, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Campbell, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Goodwin, Gooley, Green, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Kane, Kasprzak, Kneeland, LaVerdiere, Lemoine, Lemont, Lovett, MacDougall, Madore, Mailhot, Martin, Matthews, Mayo, McDonough, McGlocklin, McKenney, McNeil, Mendros, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien LL, O'Neil, Peavey, Perkins, Perry, Pieh, Pinkham, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stedman, Stevens, Sullivan, Thompson, Tobin D, Townsend, Tracy, Trahan, Treadwell, Tripp, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Baker, Bowles, Buck, Bumps, Carr, Cianchette, Clough, Cross, Jones, Joy, Labrecque, Lindahl, Mack, Marvin, McKee, O'Brien JA, Shields, Stanwood, Tessier, Tobin J, True.

ABSENT - Bolduc, McAleve, O'Neal, Plowman.

Yes, 126; No, 21; Absent, 4; Excused, 0.

126 having voted in the affirmative and 21 voted in the negative, with 4 being absent, and accordingly **House Amendment "A" (H-1116) to Committee Amendment "B" (S-692) was INDEFINITELY POSTPONED.**

Subsequently, **Committee Amendment "B" (S-692) was ADOPTED.**

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading.**

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (S-692) in concurrence.**

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

The **SPEAKER:** The Chair recognizes the Representative from Caribou, Representative Sirois who wishes to address the House on the record.

Representative **SIROIS:** Mr. Speaker, Men and Women of the House. Thank you all for the nice beautiful welcome. It is quite an experience I just had for five days now and I don't wish that anybody, but the prognosis is not very good. I have a tumor in the pancreas. The doctor said I am going to have to take chemo and we will see the outcome. Here I am. I feel good. It is a beautiful sickness in a sense because I have no pain, as of yet anyway. I thank you and I thank you for the nice welcome.

**ENACTORS**  
**Resolves**

Resolve, to Create a Commission to Study and Establish Moral Policies Regarding Foreign Investments and Foreign Purchasing by the State

(H.P. 1755) (L.D. 2461)

(H. "A" H-954 and S. "C" S-690 to C. "A" H-870)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

An Act to Establish Fairer Pricing for Prescription Drugs

(S.P. 1026) (L.D. 2599)

(C. "A" S-686)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative TOWNSEND of Portland, was **SET ASIDE.**

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

**ENACTORS**

**Acts**

An Act to Expand a Judge's Powers for Contemptuous Failure to Pay

(S.P. 523) (L.D. 1557)

(C. "A" S-668)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act to Improve Oversight and Accountability of Student Loan Programs Funded with an Allocation of the State Ceiling on Private Activity Tax-exempt Bonds

(S.P. 1079) (L.D. 2684)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative STEDMAN of Hartland, was **SET ASIDE.**

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED.**

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER:** A roll call has been ordered. The pending question before the House is Enactment. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 623**

YEA - Ahearne, Andrews, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Carr, Chick, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Dudley, Duncan, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Goodwin, Green, Hatch, Jabar, Jacobs, LaVerdiere, Lemoine, Mack, Mailhot, Martin, Mayo, McDonough, McGlocklin, McKee, Mitchell, Muse, Norbert, O'Brien LL, O'Neil, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Rosen, Samson, Sanborn, Savage W, Saxl MV, Shiah, Shields, Sirois, Skoglund, Snowe-Mello, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Belanger, Berry DP, Bowles, Bragdon, Bruno, Buck, Bumps, Campbell, Cianchette, Clough, Cross, Daigle, Davis, Dugay, Foster, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Kasprzak, Kneeland, Labrecque, Lindahl, MacDougall,