

MAINE STATE LEGISLATURE

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House Legislative Sentiments
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just shows the passion that you have here for him. That is the way we want to try to play the game with passion. It is definitely one of those things that everyone has and thanks for having us here.

PASSED in concurrence.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following item appeared on the Consent Calendar for the First Day:

(H.P. 1665) (L.D. 2334) Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1121)**

On motion of Representative **KASPRZAK** of Newport, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ**.

The **SPEAKER**: The Chair recognizes the Representative from Newport, Representative Kasprzak.

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. Could the chair of the Judiciary Committee kindly explain this bill? Thank you.

The **SPEAKER**: The Representative from Newport, Representative Kasprzak has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Naples, Representative Thompson.

Representative **THOMPSON**: Mr. Speaker, Men and Women of the House. In response to the good Representative from Newport, the chair would move that this item be tabled until later in today's session.

On motion of Representative **THOMPSON** of Naples, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

Representative **THOMPSON** of Naples assumed the Chair. The House was called to order by the Speaker Pro Tem.

The following item was taken up out of order by unanimous consent:

ENACTORS
Acts

An Act Concerning Fingerprinting and Background Checks for School Employees

(S.P. 987) (L.D. 2540)
(C. "B" S-692)

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

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. I appreciate the opportunity to stand once again to oppose Committee Amendment "B." After the vote was taken, several people did come up to me and said something very important. Representative McKee, my conscience was tweaked today. I didn't ask them if they wanted to change their vote, but I know exactly what they are saying. Let me talk to you just for a few minutes about something that I didn't talk about before. Fourteen thousand Maine teachers have already submitted to

fingerprinting. Many more are to come. I believe they are part of not a vocal minority, not 40 or 50 people who crowded the Education room, but they are part of what I call the bedrock of the educational community. They are the rank and file. They are the plotters. They are the folks who have accepted learning results, mainstreaming, learning disabilities, technical prep courses, AP courses, design teams, quality of learning, performance portfolios and you name it. These people are here for the long haul. They are here for the long haul because they care about kids more than themselves. There has been no polling of all members and I think that is very important. I don't see our desks besieged with pink slips. I don't see or hear the evidence of those rank and file teachers calling you constantly. They are not outside our doors. Why? Because they are going about the business of Maine education. They are quietly doing what they have always loved to do.

I would equate the institution of teaching to my own marriage, the institution of marriage. When you meet someone and you are attracted to them, infatuated, you get to know them and pretty soon you fall in love. We fall in love with the profession of teaching too. At some point we decide on a serious relationship with teaching. After a while, teaching, like marriage, has a certain saneness to it, a certain predictability and sometimes there are shifts. Sometimes there are changes. Conditions change, we reexamine our initial decisions. Our relationships with teaching, but if that relationship to teaching was founded on a serious commitment and a deep and abiding love, nothing short of something cataclysmic will tear us away from our marriage or tear us away from teaching. I will admit that a small number of teachers have decided that fingerprinting is that cataclysmic condition.

There were many conditions of hire when I started. Would I be willing to teach this many classes and this many students? You know, that changed over time. Five classes became six one year and it became seven another year. Yes, our negotiating team could say you don't really have to teach six or you don't have to teach seven. Folks, I know most teachers say I know I don't have to, but I will because I want to offer that poetry class or that chemistry class or bio-ethics or whatever. Conditions of hire change. Our populations swell in our schools and we have kids in the classroom. Class numbers grow and all the many, many reform changes that we have gone through, those were not part of condition of hire. I am telling you that in teaching, it is a matter of constant change, much like marriage. People change, conditions change, but if you have that deep and abiding love for the profession and you have the serious commitment to it and you care about kids most, you will put kids first and you will stay in the relationship.

The rank and file, I believe, I could be wrong, because I haven't polled them either, but I believe that the rank and file are doing what they have always done. They are looking at it and deciding that kids are more important than they are this time. I used to play a lot of bridge and my favorite expression of late has been, kids safety trumps teacher's civil rights if that is what the problem is. Kids safety and kids themselves trumped teachers. Perhaps an up or down vote on fingerprinting would have had more integrity, but I do believe that this amendment is a flawed compromise. It lacks fairness. It is a concession to a tiny minority of our profession. I would urge you if your conscience has been tweaked, it has been tweaked because something inside of you is saying that maybe she is right. Vote

for the rank and file. Vote for those of us who know that as always we put kids first.

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. I am not going to change any minds. I don't intend to. First of all, again, I will start with a disclaimer. I am a public school teacher. I have always put kids first and I continue to put kids first. I am somewhat insulted that rank and file are not putting kids first and I consider myself rank and file. Yesterday I tried very hard and I will try again to articulate the real concern I have about kids and this law. We are going to go home, pat ourselves on the back and say aren't we good. This will look really good for my reelection because we protected kids. I want you to know that as a rank and file person who has given up a better financial career in sales, we haven't done anything for kids to protect them. Until we change the law that demands that no sweet deals are made when allegations are put forth to students. We move those teachers someplace else and until we have enough people in DHS to investigate the claims that those teachers put forth. We have done nothing. My fear is that once again the Legislature will start to do something and tell everybody out there how great we are and children will continue to suffer.

There is a resolution being put forth by Representative Trahan from the other side of the aisle. I strongly support that, but I haven't seen an outcry here from this body to support his resolution. Let's start a task force. Let's do some other things. Let's not just pass a law and say put it on somebody else. I care about kids. I have put kids first my entire life. What I have seen and one of the reasons why I ran for this office is because too often administrators, lawmakers and everybody else starts a job and leaves it half finished. Regardless of what happens today, A, B or current law, your work has just begun. My fear is from what I have heard that the big thing is how this vote comes out.

My conscience is tweaked a little when we believe we are successful and we haven't even started to look at the problem. I am the one who sees those children come in. I am the one who listens to those children. A child that doesn't have the homework and just as you are about to really rag on them, you see the eyes tear up. You step outside and they tell you about their uncle, their father, their mother and the beatings. Don't tell me I don't care about kids. Don't tell me 24,000 teachers don't care about kids. I implore you to not end this job. There is nothing else on the horizon and all we have done is much like I heard about those protective orders is we have put out a piece of paper and we have demanded a vast majority of absolutely qualified school personnel and we say, there, we have protected our kids. It is a fallacy. The job isn't even half done and we are leaving. Another Legislature sits here and we have hidden the fact that we haven't gotten to the true thing. Won't we look good when we run for reelection? We saved children. The decision is yours. Let's start with new hires. Let's put forth Representative Trahan's order and let's make a commitment to those of you who win election, come back here and to those that don't, work on the outside. I happen to think that children are more important than just one law. I hope you think about it.

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

Representative **QUINT**: Mr. Speaker, Men and Women of the House. When I voted for Committee Amendment "A," I never believed in my mind that this was the answer. I never believed

that by supporting Committee Amendment "A" that we were solving all of the problems of abuse to children in the State of Maine. This bill is not about me. This bill not about getting reelected in November at all. You know what, I don't take great comfort that we have to pass this bill, at all. If it does pass, I still won't feel comfortable because this is not the end of what we need to do. It is true Representative Trahan has put in a resolution to deal with domestic violence and things that happen in homes. We are talking about things that happen in the school and we are talking about things like students that have improper relationships with people who are in positions of power.

We have to be vigilant about protecting the children of the State of Maine. There are lots of solutions. I can tell you that this discussion has not ended with regards to policy. Anybody who votes for this thinking that they can clap their hands and walk away from this, they are sadly mistaken. Because this is such a big broad based issue, we have to attack it a piece at a time. Because it is overwhelming and because it is something that we haven't talked about, we need to move forward because it is a very sensitive issue. I just want to go on record by supporting fingerprinting for teachers is not in any way absolving myself of the responsibility of trying to protect each and every child in the State of Maine. Those are my motives. I also want to say from my own personal experience that this does happen in schools. It happens on school buses. It happens in cafeterias. It happens on the way to school. It happens on the way from school. It happens while you are being tutored. It happens while teachers are giving you a ride home or picking you up. It happens. I know it happens. This is not about teachers. This is not about a single solution. This is about protecting kids. That is it. Those are my motives. I just want to be clear about that.

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

Representative **DAVIS**: Mr. Speaker, Men and Women of the House. I beg you not to rescind the order. We have a compromise after a long debate. We are going to fingerprint new hires. After all the sound and fury, it seems to me that is a pretty good compromise. I do agree with Representative Trahan that we should look into child abuse. As a teacher and I think I qualify as a rank and file after 36 years in the classroom, there are hundreds of cases of sexual abuse reporting and they don't have enough policemen. They don't have enough Department of Human Services to investigate them. That is where we ought to move into. At least you have the new hires and probably they will come from out-of-state or whatever and that gives you some protection. This thing needs to be calmed down. I disagree with the good Representatives that say a lot of rank and files don't care. I am not sure that is true. I think they are stirred up. They are upset and they are angry. I have got e-mails from all over the state. I beg you not to do this. All it is going to do is stir up a hornet's nest and for what purpose? For nothing. If you really want to do something about child abuse, let's investigate the cases. There are hundreds of them in Portland. I have turned in a couple in myself. They don't have enough Department of Human Services, not enough policemen to investigate. That is where the problem is. Please consider your vote very, very carefully. Thank you Mr. Speaker.

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

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. As I was riding in this morning in my

truck and listening to the radio, I was listening to a talk station and the announcer at the station had asked a question and someone was supposed to call in and give the correct answer and the person that called in was a teacher. They got the answer right and then the conversation continued and come to find out, the teacher was going to be fingerprinted today. The announcer asked him what he thought of the idea. His answer was, I think the teaching profession owes it to the parents of the children in our schools to guarantee as best we can that we are not a threat to those children. He had no problems with being fingerprinted today. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from York, Representative Andrews.

Representative **ANDREWS**: Mr. Speaker, Men and Women of the House. I just would like to respond to a statement that was made a couple of speeches ago. He talked about compromise. This is a compromise. Ladies and gentlemen of the House, when it comes to a child's life, a child's mental well being, I am not willing to compromise. As I have stated before in my other life, I am a registered nurse. I have been nursing a long time. I have to tell you that of all the things that I have dealt with, I have worked on an ambulance. I have worked in an operating room. I ran an emergency room. I worked in critical care. The most horrible and horrendous experiences that I have to deal with that have left severe lasting impressions in my mind, is dealing with cases of child abuse, both physical and sexual. Thank you.

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

Representative **BAKER**: Mr. Speaker, Men and Women of the House. The cases that had piled up in the Department of Human Services, I think there were upwards of 3,000 that have all been investigated. The department found the money. We do not have that pile up that you have heard about. That is not to minimize the enormous problem of sexual abuse cases and child abuse and neglect cases that we have in our state. I welcome Representative Trahan's commission. It will focus anew our energy and our intelligence on this incredibly urgent issue, but I would also not forget the wonderful work of the Can Councils that we have in Maine that have been working for a long time, the Child Abuse and Neglect Councils. They have been at work. It is not as though many good people have not been working on this issue.

My concern about this compromise is that first of all, it is inconsistent. Report "B" imposes a burden only upon new employees seeking a license. It unfairly singles out new hires for suspicion. Report "B" purports to protect the rights of existing employees and union members, but it ignores the rights of nonunion members. Report "B" is inconsistent because it leaves it to each individual school superintendent to decide whether a veteran employee who transfers ought to have a background check. Report "B" is not a worthy compromise because it is incomplete. While it concedes that child safety is important and that adults with felony convictions should not work in our schools, it does nothing to guarantee the safety of existing employees and allows any existing employees with a criminal record to keep working without a background check.

Men and women of the House, in the last 10 years through sheer luck and good fortune, the department has learned about 42 of our people working in the schools who have prior convictions. Twenty-seven, three-quarters of those were guilty of sexual assault. We found out about those cases in this state

through sheer luck. We cannot leave the protection of our children to such a random happenstance. Fingerprinting is the only way to guarantee that we do not have personnel, custodians, bus drivers and all the others along with teachers in our schools who have previously pawed a child and been found out.

We fingerprint bank tellers to be sure that they have not mishandled our money or mishandled any money previously. Surely we need to fingerprint those to whom we have entrusted our most precious possessions or the future of the human race. Our children, our young people, to be sure that those individuals have not previously miss handled children. We require, of course, fingerprints for those who guard our prisoners because they have no choice but to be there. Our students have no choice but to be there. Parents have no choice but to send them there unless they home school. This is not a choice and we must respect that reality.

We have talked a lot about the imprint of the finger and what that means in terms of rights of the individual. I want to say to you that the imprint of sexual assault or inappropriate sexual behavior from a trusted adult has a far longer lasting imprint. I have a daughter who was raped three and a half years ago by a stranger. Her recovery is markedly faster than my 14 year old daughter who was assaulted by a trusted person. It has taken her 10 years and more and she is still recovering. She trusted this person. We have put her in that adult trust. I have to beg you please understand that while fingerprinting might not be wonderful, the imprint of sexual assault is absolutely devastating. 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. I want to make three comments and there are three technical comments about Committee Amendment "B" that I think every member of this body needs to be aware of when we take the vote. The very first one and the most problematic part of Committee Amendment "B" is that it gives superintendents the authority to order fingerprints and background checks on a case-by-case basis. That means under Committee Amendment "B" everybody who is currently a teacher is exempt from fingerprints and background checks. However, if a current teacher were to move from their current position and seek employment in another school district, that superintendent could chose to have that potential employee fingerprinted and a background check. If another person who is a current teacher and went to that same school district and sought employment, that superintendent could decide not to have that potential employee fingerprinted or have a background check. That is clearly discriminatory and we have had, as you saw yesterday, a letter from the Maine State Police that said the FBI will not conduct background checks or allow fingerprinting under those types of circumstances. This is a significant flaw in Committee Amendment "B." I think most people would agree, regardless of what you feel about fingerprinting and background checks, that it is unfair that one employee could be fingerprinted and another one could not. It is a significant flaw.

The second issue, as currently drafted, Committee Amendment "B" says that on application for a job, you have to be fingerprinted and have a background check. Everybody here knows that when you apply for a job, you may have 20, 25 or 100 applications, but only one person gets the job. What sense is it to have 99 other people fingerprinted and have background

checks at the application for a job when only one person will get the job. That clearly does not make any sense.

The last and third flaw in this amendment is that if a superintendent chooses to exercise their discretion to have somebody fingerprinted or do a background check, they have to pay for that. What incentive then is there for a superintendent or a local school board to do that fingerprint or background check if they are going to have to pay for it? I would offer to this body that Committee Amendment "B" has three fundamental flaws as it is currently drafted, one of which is so significant that both the Maine State Police and the FBI have said it is unworkable.

Lastly, I just want to make one other quick point. The Representative from Bangor, Representative Baker, has already made the point. Some people have talked about the fact that there is a backlog in the Department of Human Services of child abuse cases and that number that has been given is 3,000. That is a number from 1997. As of November of last year, there were zero cases of child abuse that had been reported to the Department of Human Services that had not been investigated. Thank you very much.

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

Representative **SKOGLUND**: Mr. Speaker, Ladies and Gentlemen of the House. Yesterday I tried to point out some of the misgivings that I have, not only about this bill, but about other actions we have taken over the past few years that indicate to me that we may be headed in the direction of a police state. I want to take this time now to say that being opposed to a police state does not mean that I am not supportive of the State Police. I do appreciate the State Police and if anyone took offense at my comments, I apologize for that because I am very supportive of the State Police and appreciate a letter I have on my desk expressing their thanks to me for my support of the bill. Do not confuse supporting the State Police with opposing a police state. Another point the good Representative from Portland just brought to our attention that I had planned to mention yesterday, but thought you had heard quite enough from me is the absurdity of thinking that a law somehow becomes more palatable, more acceptable, if everyone has to obey it. A stupid law is a stupid law whether 50 percent are forced to obey it or 100 percent are forced to obey it. There is nothing that corrects a law about making it enforced uniformly. I think that is a poor way of thinking.

Mr. Speaker, I would like to pose a question through the chair to anyone who may be able to answer it. I have heard several times that other occupations here go through background checks and fingerprinting, such as bank clerk. I wonder if there is a specific place in Augusta where those files are kept on bank tellers or other occupations, if there is a central file for all these people who are fingerprinted and have background checks? How does one get access to these files if they do, indeed, exist?

The SPEAKER PRO TEM: The Representative from St. George, Representative Skoglund has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Waterboro, Representative McAlevey.

Representative **MCALLEVEY**: Mr. Speaker, Men and Women of the House. I will attempt to answer the good Representative's question, no, there isn't a central repository. In one of my other lives, I used to fingerprint people for industry. People who get fingerprinted are insurance people, people who are selling securities and exchange or selling something that they call

insurance, but really are security exchange banks, obviously law enforcement. What happens when a commercial entity has their employees fingerprinted? Those prints are sent to Washington DC because the FBI won't do a criminal records check, which is different than a criminal background check we heard of yesterday without fingerprints because there are too many John Smiths in this world. The only way they will verify that if someone actually has a history is if those prints match. Those prints come back and are maintained in the employees personnel file. If I am a person selling securities, I move to another business, I can transfer those over as a true and attested copy and have them sent back in. As far as law enforcement is concerned, I am not sure whether they are maintained at the academy or not. I do know that law enforcement fingerprints, just as military fingerprints are maintained by the FBI. There is a central repository there. I hope I was able to answer your questions.

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

Representative **TRAHAN**: Mr. Speaker, Members of the House. I would like to address many of the issues that were brought up today, but first, and I think one of the most important, is what the chair of the committee brought up earlier and that was the flaws in the bill. This flyer has been on our desk all day. When he brought them forward, they were concerns to me as well. I went and I retrieved with the very fine work of one of the aids in our office and all of the policy for every state in the nation that does fingerprinting. What I found was that the other states, they don't do the transfers. What they do is they fingerprint their teachers at the time of hire or at the time of certification. They do it all kinds of different ways. The one that stuck out the most was at the time of certification or if teachers left their state for five years or more, then they would have to be re-fingerprinted. More importantly, I now have all of the information that is necessary to fix all of the flaws in the bill, if they are there as they have been proposed. I have already talked to the other body about fixing those problems. I believe that is a non-issue now that we have all of the information. If need be, I will fix them myself in this body or I would be willing to provide that information to anyone in this body to fix the problem.

I ask you, are those same people that bring up the concerns, do they want to solve these flaws and problems or do they want to derail this bill so we can return to what they want, which is to fingerprint everyone? I say to anyone in this body on the other side of this issue, if you want to solve these problems, come to me and we will do that. I have everything we need right here.

The second thing in that handout, something that when I read it, it jumped at me. I said, Wow! I would like to read the unworkable section of this. "The FBI standards will not permit background checks to be done at the discretion of the employer because of concerns of discrimination between groups." Is the State of Maine employers of teachers? Yes. We are the employers of a lot of people. You could say that about the State of Maine if we just fingerprint teachers, are we not discriminating against one group of people? It says it right here on this paper. The FBI standards will not permit background checks to be done at the discretion of the employer because of concerns about discrimination between groups. That is the danger, again, in this bill. I am telling you if you pick out one group and you say they are more of a danger than another group, you are discriminating. As many people have told you in their testimony, this is going on everywhere and in some places a lot more than in schools.

Parents, relatives, close family members are where the vast majority of abuse is occurring.

Some people spoke and said things like the bill is flawed or we can't do transfers. It is prejudice to do it to just new hires and all kinds of different things about why we can't pass this legislation. I say to you we must pass this legislation that is on the board today because I am now convinced that because of those people out there in other states where this has already passed, I see that as a danger for those people to come here. I say we should pass this legislation of new hires to protect us from these people coming in. I have not been convinced that the teachers that are in our schools and the support staff are any greater risk than anyone else. Again, I am going to agree with Representative Sullivan that this is a problem everywhere. We need to address it everywhere.

Now I am going to tell you that probably in politics this isn't something that most people do, they don't give their legislation away, but I am going to right here and right now because I think that protecting children is far more important than getting credit for legislation. I have already submitted legislation and if I am not elected, God forbid, I ask you and this body to pick this up and go with it. Put a title in or whatever you need to do. When we get information from other states on child sex offenders, that information is delivered to the State of Maine. We don't have in place a way of cross-referencing that person's file with their licenses that they have in the State of Maine. They may have committed a crime in Florida and come back to Maine, but they may still hold a childcare license. I submitted legislation so that when that is delivered to the State of Maine to put in place the department or the resources needed to cross-reference that with people's licenses so that if they are in a high-risk area, we can yank their license. I have also put in legislation that would create lifetime supervision of sex offenders. What that would do is if a person has committed a crime against a child, they would not just be sent out into the public, this came from Oklahoma law, by the way, this study commission that I would propose, I will tell you a little bit about it. It was downloaded and sent to the Oklahoma Governor because they were so impressed with what I was trying to do. When the Oklahoma Governor gets this legislation, his office sends me back an e-mail and says that we have some legislation that might be of importance to you. This is what we are doing with lifetime sex offenders. What this legislation that they have given to me would do is it would not just release these people into our society, but it releases them into our society in little bits with state supervision. It helps them get a job, but more than that, it tracks them every inch of the way. It even includes polygraph tests in time to ensure that they will not commit this crime again. If they do, it will show up on the polygraph. I can tell you then that those people will not live a pleasant evening any night of their life. They will be followed. They will never commit crime again.

It is this type of thing that we need to do. We need to stop this horrible crime everywhere that it exists. We need to educate our children everywhere that they should not be touched in this manner. They should be aware that there are people out there. I will rap up here pretty quickly. I am sorry.

As you know, this is a pretty passionate issue to me. I followed this for a long time. I am very, very close to this issue for my own personal reasons and that is as far as I will go with that. I will guarantee you this in this room, fingerprinting these people randomly or taking a whole group is not going to stop the problem. A lot of people here have said that it won't stop the

problem and it might just save a few. I am sorry, but I am not happy with that. I want legislation that really goes after the problem and saves a lot of people and stops a lot of problems.

Representative BAKER of Bangor 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 Waterboro, Representative McAlevy.

Representative **MCALVEY**: Mr. Speaker, Ladies and Gentlemen of the House. I won't belabor the point, but I would like to make a couple of points. Report "A," which is what we are looking at now is schizophrenic. I think it is schizophrenic because we are trying to do something short of doing what I think is right. If it is good enough to check the backgrounds of new hires, then it is good enough for everyone. This is not a bill about civil rights, invading someone's privacy or a police state. This is a bill about keeping children safe. We have to start somewhere. Let's start here. We have a captive audience. We have a captive audience in our schools because we require these children to go there. If parents won't send their kids to school or provide an authorized sanction alternative education, they are held responsible, criminally or civilly.

Let's talk about some figures. The Department of Public Safety told the committee when we asked them about this, what percentage of background checks for employment come back with a history? They said standardly about 15 percent. Probably half felony and half misdemeanor. Let's just look at the 10 percent figure with 45,000 teachers, 10 percent would be how much? Forty-five hundred. Let's take it down to 1 percent, 450. Let's cut it to half of 1 percent. It would be 225. If we give the professionals the benefit of the doubt, but this group of people the benefit of the doubt, if one-half of one percent of our teachers failed a criminal records check, that is 225 teachers. Let's just say that one-third of them are sex offender convicted. Let's say another one-third are drug trafficking convicted. That is all pure conjecture. That is 150 or 200 people teaching who lied on their certification application that they had no criminal history, which is grounds for removal or are not proper people. I don't think anybody in this room wants a convicted sex offender teaching a child nor does anybody in this room want a convicted drug trafficker teaching a child. Those numbers are real. The purpose of this is to shield our children who are sentenced to a 13 year sentence of education, which we hope they will extend to four more, from a group of people, not the group of people who are dedicated and not the group of people who spend their lives helping children to learn and grow but to a small group of people whose only interest is being near kids for one purpose and you know what that purpose is.

My sister-in-law is a master teacher. She is a state certified master teacher. I went in education early on because I wanted to emulate her. She would come home and spend two hours every night preparing for her second and third grade classes. She was a master gardener. She loved those children as much she loved her gardens and she treated each child in her classroom as many master teachers in this state do, as an individual entity. She fostered them and she helped them grow. She provided them with nutrition. She provided them with goals and allowed them to stretch, but her number one goal was to keep them safe.

Who speaks for the children today? The Parent Teacher Association, Maine Superintendents Association, Maine Principals Association, Sex Abuse Council throughout the state and at least half this Legislature. I would hope the whole Legislature would speak to the children today. We are not after teachers. We are trying to protect and shield children from a very, very small class of despicable people who, not anybody in this chamber, I believe, would allow them to teach or be near children if it was in your power. It is within our power tonight to remove them from those trusted positions. It is not a witch hunt. It is a safety check. It is a fire drill. It is a fire drill to keep our children safe. Anything short of that, I don't believe is fair to those children.

Representative SAXL of Portland **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 PRO TEM**: The Chair recognizes the Representative from Hodgdon, Representative Sherman.

Representative **SHERMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I did not participate in this debate yesterday. I thought that Representative Davis from Falmouth who was a 36-year teacher said part of what I wanted to say. The Representative from Kennebunk said the other part, but maybe it needs restating. Before I do that, I would like to attempt to answer the three questions posed by Representative Brennan of Portland in regard to the flaws in Committee Report "B." The first one he mentioned was that the superintendents would now choose. If they had a new hire, they are going to choose who they are going to fingerprint. To me, that sounds like local control. Superintendents can make that choice. On the other hand, I don't think they will make the choice. Any superintendent would be a fool not to fingerprint because if someone comes and they weren't fingerprinted, a new hire, and then something happened in those classrooms or elsewhere, his head is in a big noose. I don't believe that choice is really going to be a choice. I think it is not going to be may, but shall. I think that will be done.

I think they also understand the reason, may, was in there was it was part of the compromise because on new hires, if you had shall fingerprint, then you have a mandate and the dollar signs turn up and you will have to pay for that. The second point that was made about the flaw on this bill said that all applicants would have to be fingerprinted. We had a bill here about lie detector tests and one of the things the State Police said was maybe it wasn't a good test, but what it did was people thought it was and it didn't apply. I would suspect that fingerprinting is probably a better test than a lie detector test. I don't believe that if someone has criminal background of some sort that they are going to walk in, new applicant or not, and say that they will be fingerprinted. I think that is a fallacious argument. They aren't going to apply. Why would I apply?

The third issue is a little bit weaker, but as I understand it, the superintendents have to pay. I believe that was the comment. That could be written is as part of doing business. I guess the other comment I would like to make and I have seen old newsreels of things that have happened in the past with hysteria in the country and I am sure you all have too. The language sounds strangely familiar to me. I am sure it does to you. I am not old enough to remember some of this, but I have seen the newsreels. The language of the debates, you listen to it. People know school systems sweep things under the rugs, deals are

made, we know. Teacher firings, we sweep it under the rug. They move on. Representative Murphy used that language saying that if that is being done at the superintendent and principals level and school committee level, then they are not doing their job. You come to the state to do their jobs. That language bothers me. It bothers me when I hear teachers quoted and say that we know there was something funny about that person. If they knew there was something funny about that person, where were they? Did they stand up? Are they not an accessory to a crime if they knew? I have heard it said many times that a teacher would be happy to rid the classroom of child abusers. We can all agree to that. I get upset when people are talking in that language, as if someone in here would be in favor of child abuse. I know we counter that no one wouldn't, but you are throwing the mud out there. To me, that is sad.

I have heard this figure thing again. I like numbers. We had a figure given of 15 percent of 45,000 or whatever it was. Ten percent of that is 4,500, by the way, the number of people who had felonies and misdemeanors. Who knows that? Is that the teachers or is that a block of people that live someplace else? I have a great deal of trouble with that data.

Yesterday I had some questions that I jotted down as we went through this. Before I come to the questions, some of which may not be pertinent anymore. I would like to say that as a practicing teacher for 30 years, at the end of my career, the last 10 or 15 years, schools were very aware of what was going on in society, if you will. I have heard it said here. Teachers were reporting child abuse, but also in the schools that I taught in, we were never to be alone with a child. Representative Skoglund talked about how things have changed. We kept the child for detention and the doors were always open. I coached a sport. We made sure there was always backup, if you will, for that individual. When you live in northern Maine, parents pick up late at night. We were never alone with children. I think you will find that, at least in our schools, that was a backup. You were never alone with a child. You never touched a child. Representative Skoglund referenced that too and I think it is very, very sad. My comments from yesterday, it is a sad day and people said that. This is a sad day when you cast aspersions on whole group of people. I have heard people testify as to how hard teachers work. They do.

I did this yesterday and I think I might as well put it on the record. The basic premise, I think we all understand is that, they want a suspect, but we don't say that. We know there are only a few in there. They are mostly males, I guess, whether you are age 21 or 61, a first year teacher or a 21 year teacher, a proven teacher, it means nothing. He has the work experience, but it means nothing. Church membership in the community means nothing. Volunteer firefighters means nothing. Working in town government means nothing. Military service means nothing. That is what you are talking about, these individuals who are teaching and teach our kids and I have known many of them.

The question I had, I think "B" is a good compromise. The question I had and I guess one of them is a technical question, what happens to prints of retired teachers if this went through? I had a question of are people taught to recognize pedophiles in the schools? You are taught to recognize everything else. You are taught to recognize child abuse. Shouldn't that be part of the training for teachers if we are trying to combat this thing. The other question I had and I am actually repeating myself, I have heard it said that teachers would be happy to get rid of classroom child abusers, which, if you will excuse me, are you

still beating your wife and please don't throw things at me. That is an old saying, it is probably not politically correct anymore. Do they have a specific person in mind when they are saying those things or is it gossip in the classroom? I propose we stay with the "B" as the best compromise that can do something good.

I might add one other thing, five years ago I heard it said that over half of the people of the State of Maine were within five years retirement. Five years have gone by. I don't know what the average age of the teaching force is now, but I would say it is rather high. I think you are going to be scrambling to get new teachers in and this bill talks about new hires. Thank you Mr. Speaker.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House. The debate yesterday focused on three areas. I think areas that we need to address. The confidentiality laws, we heard an official set of figures and then we heard members talking about an unofficial set, which tells me that we heard comments made about the deal or sweeping under the rug that under the confidentiality laws, too many people aren't being prosecuted. Too many people are being allowed to walk and we hear that the previous employer can't say anything about it. That is a problem, not just for education, but for nursing homes and group homes. That problem of confidentiality isn't limited just here. I think it reaches all across our economy and that we have people at risk because of that.

I think the other item that we really didn't spend a lot of time with, but Representative Sherman has addressed that is the training. We talk about fingerprinting, but we don't talk about additional money for the training of the front line troops in the war against child abuse for earlier identification. What are the signs? We know they are being abused at home and other places. All of the studies say and the school setting is statistically insignificant is the official word used. What is in this bill that is going to help that classroom teacher identify that youngster that much earlier and be able to bring that needed help.

Many of you realize that when I speak I try to draw analogies and I guess that is my experience as a teacher. I guess a lot of times my love of movies, classic and modern, come in as well. I see this as a movie. I call it the usual suspects. There is a lineup that everyone in that lineup, Representative O'Brien, Berry, Green, Murphy, Sullivan, Skoglund, almost sounds like they could play in the backfield for Notre Dame. They are in the lineup. They are the ones you go and ask. They are the usual suspects. These are the teachers who are teaching in trailers. Twenty-five percent of those teachers in the state teach in trailers or in leased space. They teach with outdated textbooks. They have seen budgets because of the 1990s that they haven't seen raises that give them the salaries that should be afforded them for their profession. We are making dramatic changes in school construction, investment in GPA so we are starting to catch up. It is those veteran teachers that have continued to carry education in the State of Maine and every time the results come in, we brag and pat ourselves on the back about the results they achieve. We looked to enact legislation that went into those classrooms and said you need to fingerprint them and background check them.

What are other states doing? We heard reference to a teacher shortage that occurs now and is going to accelerate. I teach at Kennebunk High School. In the next three to four years, 20 or 25 percent of that staff is retiring. I think you saw in July or

August in the newspaper stories about superintendents talking about shortages. Not just like it always was in math and science, but in every single discipline. What are the other states doing to attract teachers? They buy back all your debt, your college debt, that burden you put on yourself because you had a dream to be a teacher and you wanted to work with kids. They buy your debt. You are debt free if you come to their state. They offer you lower mortgages at half or one third the current mortgage rate to encourage you. They give cash bonuses of up to \$50,000 sign up. It is not quite the Yankees, but you are being treated as a professional and people are saying that you are a value.

I started teaching in 1968, almost 32 years ago. The only thing that has rubbed me in a similar way is as a first year teacher, a Marine Corp veteran having to sign a loyalty oath. I swore an oath to the Constitution. I had no problems as somebody in the military because I was acknowledging civilian control of the military. That is a key stone. As a young Marine having to sign a loyalty oath that I was loyal to the State of Massachusetts and loyal to my country, this feels the same way.

Report "B," that is what is before you. It creates a united Northeast barrier against pedophiles. That is not just New England, but New Jersey, Pennsylvania and New York. They are saying pedophiles, we don't want you. We are going to screen for you. The chief argument for this bill is since last fall was we get phone calls and people hang up. That was the justification for this bill. We now with Report "B" in the northeast region will have a united front saying pedophiles, don't apply. Actually here in Maine, as you look at that northeast region, we probably have one of the toughest barriers to repel those pedophiles.

I guess I have to say that I see this as a referendum on what you think of teachers who are currently working in your classrooms, veteran teachers. Thank you.

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 know the hour is late. A lot of people have wandered out of the room. Personally I am looking forward to coming back here the week after next to continue our work so I don't mind putting my 10 cents worth in about this bill. I am rather upset about some of the comments that I have heard. People who have insinuated that this is just a feel good bill and we will all go home and use this as campaign literature and we will pat ourselves on the back. I won't pat myself on the back. This is a first step. I don't know of many pieces of legislation that can be put in that are the catch all and do all for any topic. We come back here next year and we will end up tweaking 90 percent, 99 percent or 100 percent of the bills that we dealt with this year. We are still tweaking bills that we dealt with last year. Some of us will be back next year and we will tweak these bills. It is a constant that goes on always.

Representative Murphy talked about that we need studies. Where are the studies to teach teachers how to recognize signs of abuse in the homes? We have teachers teaching without books. We have teachers teaching in trailers. It has nothing to do with this bill. I put forth one bill and cosigned a couple of others this year that dealt with the dreaded g word, guns. Boy, what a dilemma that caused. There was one thing that I heard consistently with each one of those arguments while we were arguing those bills. People looked at me and said and people looked at those of us who were supporting those bills and said, show us the numbers. Show us the numbers and then we will go

forward with this. I would like to put a little topspin lob on that and knock it right back into somebody else's court and I would like any of the teachers in this room or the people who have said, shame on you for doing this. I would like to drop that argument right back on your side of the net and say, show me the numbers. I want to see one number. The number I want to see is zero. Can one person in this body tell me with 100 percent certainty that by doing this, we won't find one bad apple in the lot?

I have the utmost respect for every teacher in the State of Maine, but now to suddenly say I support Plan "B," let's just do the new guys coming in. Representative Murphy just announced to us that there is a plan. We are going to put a wall around New England and it is going to stop people. Pedophiles aren't something new. It isn't something people decided to just start doing. Do you think that there weren't people who called here five years ago and said, you don't fingerprint, great. I am on my way. Surely there are.

Again, I would like to ask a question that I asked last night. Once again, can somebody tell me how many other professions in the State of Maine are required to have fingerprints? I know that police are. I know that people who handle commodities, ironic that we call it that, are. My wife is a nurse. She is fingerprinted. How many others? I don't hear those people clambering and making this argument. I would like to know how many others, Mr. Speaker? 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. Unless there is someone and I didn't see anyone who could answer that question, I apologize in advance. My remarks are going to be very disjointed and perhaps they usually are, but they will be particularly tonight. I had a few remarks to say and I was going to keep it very brief and hopefully I still will. At times I felt like I was in a church service and I wanted to jump up and say amen. At other times I wanted to stand up and say no, you don't get it. This has become so passionate for so many of us on both sides of the aisle and on both sides of the issue.

I would like to begin by saying that I wish Representative Sullivan were here. I would like to answer a few of her concerns. I agree with her on several of her issues. I agree with her wholeheartedly. As I said last night, I could not do her job. I applaud teachers. I could not do it. I could not face what she has to face every day. Those faces that she talked about of the kids who didn't have their homework and when you really get behind the scenes it was because they were beaten last night or saw their parents beaten. I couldn't face that. That is why I chose this profession so I could somehow help kids this way rather than on the front lines because I don't have the fortitude that the Representative from Biddeford has and others in this hall. I couldn't do it and I thank her for doing it and I thank all the teachers for doing it.

This is not a referendum against teachers. I am sorry if certain members feel offended by that and feel that that is that way, but I am offended that it is being referred to as a referendum against teachers. Also, that it is a feel good re-election bid. I don't quite get that one because teacher's unions and unions have a voice and a vote and a lobby, but as I said last night, the kids aren't voting. The abused and the potentially abused kids aren't voting, so I don't get that one.

I agree with what has been said by the opponents of this measure that this is a very small step. This is only doing some of the job. Many of you have been here a lot longer than I have and are a lot more politically astute than I am and you know far better than I do, and even I get it, that you have to start with small victories. We get this one now. We talk about the fact that school boards are not doing their jobs. Superintendents are not doing their jobs. The big problem is they are passing them off and pushing them under the rug. Well, I know for a fact that it has happened in my system and I wish you could hear arguments that I have with my husband who is the chairman of the school board. His hands are tied. Until we change the laws, which we will, I will lead the fight to do it, should I become reelected to change those laws because we did in our system put a pedophile from one school to the other. That is a fact. That is not a rumor.

This obviously is a very impassioned issue on both sides, but think about what has happened over the past four or six years. The Education Committee has heard hours and hours and hours, far more than the seven hours that we have spent on this, and they have come out almost unanimously both years on this. Doesn't that account for anything? They have heard this over and over.

Representative O'BRIEN of Augusta 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 Augusta, Representative O'Brien.

Representative O'BRIEN: Mr. Speaker, Men and Women of the House. That gave me time to calm down a little bit. I want to start where I ended off. I want to say, and I will be brief, for those who weren't here the one part of this is that the Education Committee has looked at this over and over again. Many, many more hours than we have. They have heard both sides. They have come out nearly unanimous both times. It is the men, the women, the Republicans, the Democrats, teachers and non-teachers, they have all come on this side. Doesn't that account for anything? I think it says volumes.

Yesterday we heard a very impassioned speech from the Representative from Wayne, Representative McKee. We are not together on a lot of issues. I applaud her. She is a very strong union supporter and she stood up and spoke against her union's endorsement of this bill. I applaud her for that.

I just have to respond to a couple things that were said regarding a teacher shortage. That holds no weight with me. We can work to get better teachers. I am all for paying teachers much, much more than they are paid now, if I am guaranteed that they are not in it for the wrong reasons. That just does not hold weight. The other thing that was said is we are casting aspersions on a group of people, the teachers. I am not casting aspersions on a group of people, I am casting aspersions on a group of people, those that would hurt children. There is a very distinct difference. I applaud Representative McAlevy who gave the figures. I am sorry for those of you who weren't here when he gave those figures, I am going to repeat them because I think they are very much worth repeating. I am sorry for those who did hear them. It was the first time I heard them and they are very, very interesting. The Department of Public Safety, we have asked them when they do background checks on other employers for other jobs, what is the percentage that come back

and they found has been convicted of a crime, either a misdemeanor or a felony? It was 15 percent. That means of 45,000 teachers, 4,500. He cut it down for those of you who weren't here to one-half of 1 percent, which means 250 teachers, not all pedophiles, some drug convictions and some others. Let's say half of those, 100, that means if there is 100 pedophiles, child abusers, in our system, then there is guaranteed to be 1,000 kids that are hurt. They are hurt not just once, but they are hurt over and over and over again. They are hurt for the rest of their lives.

I will close now and I am sure you are happy to hear that by telling you that I was physically feeling ill after yesterday's vote. I was very, very distressed. I don't judge. I want to make that clear. I am not judging anyone for the way they voted. I won't judge anybody the way they vote today. I know of the situations. I have mentioned a couple yesterday. There are a few now that I can't mention because of confidentiality. I can't say it. I can't use it. I know they are there. As we debate this, there is a child in this state that is getting hurt. I am sick about this. I agree with the previous Representative who said some have expressed, did they do the right thing? I would implore you, if you have a question, err on the side of the child because someone is getting hurt. Thank you.

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

Representative **BELANGER**: Mr. Speaker, Men and Women of the House. I am saddened to hear that this has been turned into a referendum on teachers. This is not just about teachers. Included in this bill are principals, superintendents, bus drivers, coaches, custodians, everyone that works in our public schools. I began teaching in 1965 and I worked in public schools until 1997. My wife began teaching in 1966, but she would love it if I said 1990, because that would make her quite young, and worked until 1996. Neither one of us can understand why anyone objects to being fingerprinted. Most of our friends in the same age group that we started teaching with, if you asked them what do you think about this, they will tell you some of the things you have heard today, like they are underpaid and underappreciated. If you ask them specifically, if you think this is a good idea, they will say yes. They will say that what is insulting to us is that you passed this law and then you didn't pay for it. That is what is bothering them.

This is not about putting a label on anyone. Fingerprinting is not triggered by any kind of a guilt accusation or by a criminal investigation. It is simply a uniformly applicable precaution at the time of licensing. Many states require many different groups to be fingerprinted. I believe, for example, in some states lawyers have to be fingerprinted. If ever there was a group that we could feel would have some kind of a sign on them, it might be them. I don't think they feel that way. If people want to work on confidentiality laws on providing training, bring that legislation before us. I will support it.

We have said that Report "B" is a compromise. It is not a compromise. It is another option, an incomplete one, I would say. If we built a barrier around New England, I would say it is a fishing net and the holes are very, very big. I ask you to reject the pending motion. Thank you.

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

Representative **STANWOOD**: Mr. Speaker, Men and Women of the House. It has been said many times that

Committee Report "B" is consistent, incomplete, unclear, unworkable and wasteful. The wasteful part is indeed there, but can be corrected as the rest of the flaws that are reported. I won't go into those because one of the earlier speakers covered the area. Many people have to be fingerprinted. All the military people in the United States have to be fingerprinted. Other industries require it. Background checks are done on many people. On Mt. Desert Island we have a Restorative Justice Program going and if you want to be a panelist on that program, you will have a background check done before you can even serve.

I would like to suggest that those flaws that have been reported in "B" be amended so that they are corrected. I would also suggest, again, that we should not waste these \$35,000 that has already been spent on the \$14,000 sets of fingerprints, but indeed require that those fingerprints be used and a background check be initiated. They say they have to do them batches of 5,000. I would have to question that. I would certainly hope that if it is so important for people to use this Committee Amendment "A" because we need it so badly, then why throw all this work away? We should go forward with what we do have in hand, no pun intended, and get these background checks done so that we can weed out anybody that is, indeed, a pedophile.

As an EMT, we are trained to look for physical abuse as well as sexual abuse. We are required by law to report it. I would certainly hope that anybody from a bus driver, custodian, cafeteria worker and certainly a teacher, should have to report and would report any suspected child abuse in any way shape or form. It is only the right thing to do.

In talking with my elementary principal yesterday on the phone, he suggests and has heard from his teachers, that fingerprinting would be more palatable to everybody if it was paid for and it was for new hires because he has a very tenured staff, the largest on the island in percentage. I called the superintendent of School Union 98 and they just had a very large group of teachers fingerprinted in March. They all agreed to do it with the exception of one who is willing now to turn in their credentials. Again, they feel they ought to be paid for by the state if it going to be a state mandate. There is very little resistance on the non-teaching staff, comments wise. The teachers and the professional staff are more apt to make the argument that it is a slap in the face and this type of thing where they were insulted by this. I think it is worthwhile doing it. I think it is a compromise and Committee Amendment "B" is the way to go. Thank you for your attention.

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

Representative **RICHARD**: Mr. Speaker, Men and Women of the House. I know you don't want to hear any more of this, but remember we, on the Education Committee, listened for five years. I would like to make some responses, but I won't make them, because the people I would like to respond to spoke and left the room. Two things I would like to say. You have heard comments made about the unworkability of "B." One thing that has happened is people have talked about the unworkability and they have read the second sentence. I urge you to read the first sentence, which says, "According to the State Police and senior FBI officials, only mandatory state backgrounds can be performed by the FBI." Many people have referred to the second sentence, but they have not included the first. I also would like to refer to a letter on light yellow paper that came across your desk today from a Joanne Bushey from Oakland that was sent to

the Governor. You really ought to read that letter before you make you vote. May I ask a question, Mr. Speaker? What we are voting on that is on the board, is that Committee Amendment "B?" I would urge you to vote against it. 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. Very briefly, the Representative from Kennebunk, Representative Murphy and the Representative from Hodgdon, Representative Sherman, quoted sources that education leaders are aware of inappropriate behavior, but are sweeping it under the rug. The admission of such a situation exists gives testimony that there are offenders within the education community and suggests to me that some other means need to be made available to solve the problem. I would suggest that that other means is fingerprinting. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Saco, Representative Kane.

Representative **KANE**: Mr. Speaker, Ladies and Gentlemen of the House. During nearly all this debate we have been talking about teachers. Yesterday, as I framed my mental structure on deciding on this bill, I thought about it around teachers and what was fair and what was unfair. The Representative from Augusta, Representative O'Brien, had it right. This is not about teachers. This is about children. When I realized what this debate was really about, then a lot of my own experiences in the mental health field, of over 40 years, as both an administrator and a clinician. It began to open up and enlighten me.

As my years as a clinician, I have provided therapeutic services to many adults, many adults who were abused as children. I have witnesses, I have seen and I have attempted to treat many of these scars. Scars, that particularly with women, had completely destroyed the capacity to relate as an adult. I have seen it scar marriages and other relationships. Men and women, as we talk about this, let's not think about it in terms of what is fair and reasonable for teachers. If we really look at children and what is our responsibility to our children, then I think we have to support Committee Amendment "A." Yesterday I voted for what seemed at the time to be the most comfortable. Searching out a comfort level, I voted for "B." Today as I look at this issue from the perspective of children and protecting children, I intend to vote for Report "A." Thank you Mr. Speaker.

The SPEAKER PRO TEM: 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. 632

YEA - Berry DP, Bolduc, Bryant, Carr, Chizmar, Clark, Collins, Colwell, Cowger, Davis, Dugay, Duplessie, Fisher, Gagnon, Gillis, Goodwin, Green, Hatch, Jacobs, Kasprzak, Lindahl, Lovett, MacDougall, Madore, Matthews, Mayo, McDonough, McKenney, McNeil, Mendros, Murphy T, Nass, O'Brien LL, O'Neil, Peavey, Perkins, Perry, Pinkham, Povich, Powers, Richardson E, Richardson J, Rines, Samson, Sanborn, Savage C, Saxl JW, Sherman, Shiah, Shorey, Skoglund, Snowe-Mello, Stanley, Stanwood, Sullivan, Tessier, Tobin J, Tracy, Trahan, Treadwell, Twomey, Volenik, Waterhouse, Wheeler EM, Williams, Winsor.

NAY - Ahearne, Andrews, Bagley, Baker, Belanger, Bouffard, Bowles, Bragdon, Brennan, Bruno, Buck, Bull, Bumps, Cameron, Campbell, Chick, Cianchette, Clough, Cote, Cross, Daigle, Davidson, Desmond, Dudley, Duncan, Dunlap, Etnier, Foster, Fuller, Gagne, Gerry, Glynn, Gooley, Heidrich, Honey, Jabar,

Jodrey, Jones, Joy, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Mack, Martin, Marvin, McAlevey, McGlocklin, McKee, Mitchell, Murphy E, Muse, Norbert, Nutting, O'Brien JA, Pieh, Quint, Richard, Rosen, Savage W, Saxl MV, Schneider, Shields, Stedman, Stevens, Thompson, Tobin D, Townsend, Tripp, Tuttle, Watson, Weston, Wheeler GJ, Mr. Speaker.

ABSENT - Berry RL, Brooks, Frechette, Mailhot, O'Neal, Plowman, Sirois, True, Usher.

Yes, 66; No, 76; Absent, 9; Excused, 0.

66 having voted in the affirmative and 76 voted in the negative, with 9 being absent, and accordingly the Bill **FAILED** of **PASSAGE TO BE ENACTED**.

On motion of Representative BRENNAN of Portland, the House **RECONSIDERED** its action whereby the Bill **FAILED** of **PASSAGE TO BE ENACTED**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED as Amended**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "B" (S-692)** was **ADOPTED**.

On further motion of the same Representative **Committee Amendment "B" (S-692)** was **INDEFINITELY POSTPONED**.

The same Representative moved that **Committee Amendment "A" (S-691)** be **ADOPTED**.

Committee Amendment "A" (S-691) was read by the Clerk.

Representative MURPHY of Kennebunk **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "A" (S-691)**.

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 Kennebunk, Representative Murphy.

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. We are back to where we were, I think, if I can sort out the days, yesterday. What you have before you now is a continuance, basically, of the present law. What we have before us now is a vote where you would make a decision. A yes vote would be that you want to fingerprint every teacher and every staff member, including those currently in the classroom.

CLARK of Millinocket moved that **Committee Amendment "A" (S-691)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on his motion to **INDEFINITELY POSTPONE Committee Amendment "A" (S-691)**.

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

Representative MACK of Standish **PRESENTED House Amendment "B" (H-1120)** to **Committee Amendment "A" (S-691)**, which was **READ** by the Clerk.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Standish, Representative Mack.

Representative **MACK**: Mr. Speaker, Right Honorable Men and Women of the House. What my amendment does is it will amend Committee Amendment "A" and we will leave it where existing employees would be fingerprinted and the state will pay for the fingerprinting and background checks of existing employees, but when new hires go to get their fingerprint and background check, they would have to pay their own way for the new hires for their fingerprinting and background check.

Representative CAMERON of Rumford moved that **House Amendment "B" (H-1120) to Committee Amendment "A" (S-691) be INDEFINITELY POSTPONED.**

Representative MACK of Standish **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-1120) to Committee Amendment "A" (S-691).**

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

The **SPEAKER PRO TEM:** A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-1120) to Committee Amendment "A" (S-691). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 633

YEA - Ahearne, Bagley, Baker, Bolduc, Bouffard, Brennan, Bruno, Bryant, Bull, Cameron, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Cross, Davidson, Desmond, Dudley, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gerry, Gillis, Glynn, Goodwin, Green, Jabar, Jacobs, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Martin, Marvin, Matthews, Mayo, McDonough, McGlocklin, McKee, Mitchell, Murphy E, Muse, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neil, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shorey, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tracy, Trahan, Tripp, Tuttle, Twomey, Volenik, Watson, Weston, Wheeler GJ, Williams, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bowles, Bragdon, Buck, Bumps, Campbell, Carr, Cianchette, Clough, Collins, Daigle, Davis, Dugay, Duncan, Foster, Gagnon, Gooley, Hatch, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Lindahl, Lovett, MacDougall, Mack, Madore, McAlevey, McKenney, McNeil, Mendros, Murphy T, Nass, Peavey, Pinkham, Savage C, Sherman, Shields, Snowe-Mello, Stanwood, Stedman, Sullivan, Tobin D, Tobin J, Treadwell, Waterhouse, Wheeler EM, Winsor.

ABSENT - Berry RL, Brooks, Frechette, Mailhot, O'Neal, Plowman, Sirois, True, Usher.

Yes, 90; No, 52; Absent, 9; Excused, 0.

90 having voted in the affirmative and 52 voted in the negative, with 9 being absent, and accordingly **House Amendment "B" (H-1120) to Committee Amendment "A" (S-691) was INDEFINITELY POSTPONED.**

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

Representative **MENDROS:** Mr. Speaker, Ladies and Gentlemen of the House. I tried to save you all from having to listen to my voice during the last debate, but there were a few points that were said that I need to respond to. First of all, we heard the good Representative from Waterboro, Representative McAlevey, tell us that 15 percent of people when background checks are done on them, something comes up. That was basically what the department came back with. That was close to a concrete number. After that, we said, let's say it is 10 percent, let's say it is 1 percent, let's say it is one-half percent and we got to the number 225. He said what about a third of those being drug dealers and a third of those being pedophiles. He said in his own testimony that that was conjecture. That is all it is. I can see no hard evidence that says one-third of all criminals be they misdemeanors or felons are pedophiles. These numbers did a great job scaring us. They had no basis in fact. We are protecting children. I want to protect children. We

all want to protect children. There are lots of ways to protect children. As I said yesterday, put the people who commit the crimes in jail. Don't allow them to get away with it. Don't allow them to go to jail for 60 days. We have a witch hunt here against teachers because it seems like it will solve a problem, but it won't.

Another thing that I have to set the record straight on is that we were told that we can't do new hires only. Eleven states currently do new hires only. The FBI doesn't tell them they can't do it. I was hoping that I wouldn't have to respond to these points, but clearly they made a difference and they need to be responded to. Thank you.

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

Representative **MCALLEVEY:** Mr. Speaker, Men and Women of the House. In throwing out those figures previously, my intent was not to confuse or to scare anybody. I made it very clear that it was conjecture. I thank the good Representative for reiterating that fact. Let's throw out a figure that you can chew on. It is a real figure. Forty-five teachers have been decertified in the last 10 years for felony convictions. That is half of 1 percent.

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

Representative **SKOGLUND:** Mr. Speaker, Ladies and Gentlemen of the House. I hope you will vote down the item now before us. When it is defeated, I will move Committee Amendment "C," which repeals fingerprinting outright.

The **SPEAKER PRO TEM:** The Chair recognizes the Representative from Brewer, Representative Fisher.

Representative **FISHER:** Mr. Speaker, Men and Women of the House. I stayed out of the fray yesterday and I stayed out of the fray this afternoon. There are a couple of things I did want to bring up because they have been mentioned several times. First of all, the teachers who have gone to have their fingerprints done this year. I almost feel it has been implied that they do so willingly with smiles on their faces. I am in the schools every day I am at home. I would like to get back there. These teachers that I have talked to, the vast numbers of them that had to go get their fingerprints done were doing so because they wanted to be teachers and they had to do it. They were very unhappy about the shadow that hung over their heads. They felt, as I do, that much of this is a result of somebody running around yelling the sky is falling in, like in that children's story. You say it enough times, people start to believe it.

The second thing I want to comment on is the figure that has been thrown out many times in the last two days and that is the number of 40 something that have been removed from the schools. How did they get there? Who didn't do their job? Is their a superintendent or an administrator in the State of Maine that doesn't have a telephone to make a call to check on references given by applicant to a job? Is there a superintendent or administrator that doesn't have the ability to write a letter to check on the person's credentials?

I have been involved in the process and I can tell you that of the six or seven people I was involved in hiring, I actually only made one phone call. The superintendent actually made a phone call about the same person. We ended up hiring him. It was a good hire. I give myself as an example, I was offered jobs by three different school systems and some of you may question the sensibility in that, but I came off the street with no resume. There was no advanced warning with one exception. I won't tell you that story because that is more bizarre than anything. All

three jobs were offered to me with no background checks, nothing. Asking around, I have only heard of one system in talking to my colleagues here, that does a good check. Don't superintendents have the right to ask new hires today for fingerprints? They certainly may. They can't force them, but they may ask.

The root problem was what wasn't done in the past. There is a serious shadow hanging over our head. My wife was supposed to have had her fingerprints done on March 30. She found out at the last minute that she didn't have to be recertified until next year so she had a year of grace. She was really upset that week when I left to come down here for my five days in Augusta. I was kind of glad I didn't have to be at home, not only because she had to have it done on the 30, but it was a nice birthday present. That was her birthday.

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

Representative **TRAHAN**: Mr. Speaker, Men and Women of the House. I would just like to address a previous statement. One of the speakers, the Representative from Waterboro said there were 45 cases where the certifications were suspended. I remind this body that they were suspended without fingerprints. If you would review those numbers, you would find that only one out of those 45 would be found with fingerprints. Since I have been here, I have stood in my seat and I have never dishonored my seat once. I have never given misinformation and I have never given mistestimony.

On **POINT OF ORDER**, Representative McALEVEY of Waterboro asked the Chair if the remarks of Representative TRAHAN of Waldoboro were germane to the issue.

The Chair asked that Representative TRAHAN of Waldoboro keep his remarks as close as possible to the issue.

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

Representative **TRAHAN**: Mr. Speaker, Ladies and Gentlemen of the House. I will restate my previous statement. It upsets me greatly when as a member of this body I, as a legislator, hear things that I believe are not true, not just today, but in the last week. I have heard things that were great stretches of the truth. I would ask this body when they make statements, both here and in the hall, that we stick to the facts. We sit in a very honorable seat and because I believe so greatly in that seat, I cannot stand and listen to that without speaking up. Thank you.

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

Representative **McALEVEY**: Mr. Speaker, Ladies and Gentlemen of the House. I thank the good Representative for clarifying his previous remarks.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Indefinite Postponement of Committee Amendment "A" (S-691). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 634

YEA - Berry DP, Berry RL, Bryant, Campbell, Carr, Chizmar, Clark, Collins, Colwell, Cowger, Davis, Dugay, Duplessie, Fisher, Gagnon, Gillis, Goodwin, Green, Hatch, Jacobs, Kasprzak, Lindahl, Lovett, MacDougall, Madore, Matthews, Mayo, McDonough, McGlocklin, McNeil, Mendros, Murphy T, Nass, O'Brien LL, O'Neil, Peavey, Perkins, Pieh, Pinkham, Povich, Powers, Richardson E, Samson, Sanborn, Savage C, Saxl JW, Sherman, Shiah, Shorey, Skoglund, Snowe-Mello, Stanwood,

Stevens, Sullivan, Tessier, Tobin J, Tracy, Trahan, Treadwell, Tripp, Twomey, Volenik, Waterhouse, Wheeler EM, Winsor.

NAY - Ahearne, Andrews, Bagley, Baker, Belanger, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Bruno, Buck, Bull, Bumps, Cameron, Chick, Cianchette, Clough, Cote, Cross, Daigle, Davidson, Desmond, Dudley, Duncan, Dunlap, Etnier, Foster, Gagne, Gerry, Glynn, Gooley, Heidrich, Honey, Jabar, Jodrey, Jones, Joy, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Mack, Mailhot, Martin, Marvin, McAlevey, McKee, McKenney, Mitchell, Murphy E, Muse, Norbert, Nutting, O'Brien JA, Perry, Quint, Richard, Richardson J, Rines, Rosen, Savage W, Saxl MV, Schneider, Shields, Stanley, Stedman, Thompson, Tobin D, Townsend, Tuttle, Watson, Weston, Wheeler GJ, Williams, Mr. Speaker.

ABSENT - Brooks, Frechette, Fuller, O'Neal, Plowman, Sirois, True, Usher.

Yes, 65; No, 78; Absent, 8; Excused, 0.

65 having voted in the affirmative and 78 voted in the negative, with 8 being absent, and accordingly the motion to **INDEFINITELY POSTPONE Committee Amendment "A" (S-691) FAILED.**

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. We have just taken a lap around the parliamentary track and we are back to where we were about 10 or 15 minutes ago. What we have before us is Report "A," which boiled down says that if you vote for this report, Report "A," you are voting to fingerprint current staff and you are voting to fingerprint teachers in the classrooms who are already there.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Adoption of Committee Amendment "A" (S-691). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 635

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Bolduc, Bouffard, Bowles, Brennan, Bruno, Buck, Bull, Bumps, Cameron, Chick, Cianchette, Clough, Cote, Cross, Daigle, Davidson, Desmond, Dudley, Duncan, Dunlap, Etnier, Foster, Gagne, Gerry, Glynn, Gooley, Heidrich, Honey, Jabar, Jodrey, Jones, Joy, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Mack, Mailhot, Martin, Marvin, McAlevey, McKee, McKenney, Mitchell, Murphy E, Muse, Norbert, Nutting, O'Brien JA, O'Neil, Perry, Quint, Richard, Richardson J, Rosen, Savage W, Saxl MV, Schneider, Shields, Stedman, Thompson, Tobin D, Tuttle, Watson, Weston, Wheeler GJ, Mr. Speaker.

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

ABSENT - Brooks, Frechette, Fuller, O'Neal, Plowman, Sirois, Townsend, True, Usher.

Yes, 74; No, 68; Absent, 9; Excused, 0.

74 having voted in the affirmative and 68 voted in the negative, with 9 being absent, and accordingly **Committee Amendment "A" (S-691)** was **ADOPTED**.

Representative TRACY of Rome **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (S-691)**.

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

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "A" (S-691). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 636

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

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

ABSENT - Brooks, Frechette, Fuller, O'Neal, Plowman, Sirois, True, Usher.

Yes, 73; No, 70; Absent, 8; Excused, 0.

73 having voted in the affirmative and 70 voted in the negative, with 8 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-691) in NON-CONCURRENCE** and sent for concurrence.

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

The Speaker resumed the Chair.
The House was called to order by the Speaker.

BILLS IN THE SECOND READING
Senate As Amended

Bill "An Act to Establish a Method of Determining Employer Contributions to the Unemployment Compensation Trust Fund"
(S.P. 1019) (L.D. 2588)
(S. "B" S-696 to C. "A" S-650)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative MCKENNEY of Cumberland, was **SET ASIDE**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-650) as Amended by Senate Amendment "B" (S-696)** thereto was **ADOPTED**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Senate Amendment "B" (S-696) to Committee Amendment "A" (S-650)** was **ADOPTED**.

On further motion of the same Representative **Senate Amendment "B" (S-696) to Committee Amendment "A" (S-650)** was **INDEFINITELY POSTPONED**.

The same Representative presented **House Amendment "A" (H-1128) to Committee Amendment "A" (S-650)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Cumberland, Representative McKenney.

Representative **MCKENNEY**: Mr. Speaker, Ladies and Gentlemen of the House. I hope you are ready for another scintillating labor item debate tonight. This amendment will give some of you another chance to do what I know you want to do. I know some of you, deep in your heart, want to give small business some tax consideration. That amendment will cap the Unemployment Insurance Fund at 18 months. That is more than enough money to ensure solvency for this fund for years to come.

The small business colleagues that I speak to all want to make sure that that fund stays solvent. They have no desire to return to the bad old days. Those of you who have served in previous Legislatures know the history of the Unemployment Fund. It was patched together for years and always on the brink of insolvency. Sometimes we had to borrow to have enough in it. Finally in the last session we bit the bullet and fixed the fund for good. Some rates went up and a few went down, by the business community was happy and supportive that it was finally fixed. Now we want to go beyond solvency. We are being asked to go to two times solvency. That is way more than we need. This amendment will cap the fund at 18 months. That is one and a half times solvency. That is more than enough for even the most severe downturn.

We keep hearing around here what a bad deal **BETR** is. There are people in this body that would do away with **BETR**. One of the complaints about **BETR** and I would share that complaint is that it does nothing for the tiniest or smallest businesses. It only helps the big guys, LL Bean, Bath Iron Works, Wal-Marts. Voting for this amendment will finally mean some tax relief for the little guys. When we fill up the unemployment fund, small business will find their payroll taxes reduced. I call your attention to the amendment, look at the fiscal note. There is \$10.6 million of tax relief and the best part of it is it doesn't come out of the General Fund. It comes out of the Unemployment Fund where it just sits and does nothing. This is tax relief for the businesses on Main Street. This is something you can campaign on. When you call your business constituents, you can look them in the eye and let them know you provided real tax relief for them, finally. Please join me in accepting this amendment.

Representative **HATCH** of Skowhegan moved that **House Amendment "A" (H-1128) to Committee Amendment "A" (S-650)** be **INDEFINITELY POSTPONED**.