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

Volume III

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Appendix
House Legislative Sentiments
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that if I was dug in on some embattled hillside, I would like to think that he was in the next foxhole. Thank you.

PASSED and sent for concurrence.

Recognizing:

the following members of the Saint Dominic Regional High School "Saints" Hockey Team, of Lewiston: Nickolas Theriault, Brian Langlais, Brian St. Pierre, Steve Roop, Randy Conant, John Forestell, Bobby Nadeau, Greg Moore, Sean Andrews, Joey Dumais, Brian Andrews, Tony Rousseau, Tyler Tyburski, Chris Manson, Darren Carlisle, Travis Jalbert, Bill Healey, Matt Caldwell, Zach Tyburski, Adam Dube, Erik Hagman, Jamie Gilbert, Ben Gray, Manager Andrew Giouard, Head Coach Bob Boucher and Assistant Coaches Dick Robert, John Pleau and Brian Kay, winners of the Class A State Hockey Championship. This is the 24th State Championship for the team. We extend our congratulations to the team on this achievement;

(HLS 1276)

Presented by Representative MENDROS of Lewiston.

Cosponsored by Senator BERUBE of Androscoggin, Senator DOUGLASS of Androscoggin, Senator KIEFFER of Aroostook, Senator HARRIMAN of Cumberland, Senator KONTOS of Cumberland, Senator KILKELLY of Lincoln, Representative BOUFFARD of Lewiston, Representative MAILHOT of Lewiston, Representative O'BRIEN of Lewiston, Representative COTE of Lewiston, Representative SHIELDS of Auburn, Representative GERRY of Auburn, Representative BOLDUC of Auburn, Representative SCHNEIDER of Durham, Representative FOSTER of Gray, Representative MADORE of Augusta, Representative PIEH of Bremen, Representative DUNCAN of Presque Isle, Representative GREEN of Monmouth, Representative JACOBS of Turner, Representative O'BRIEN of Augusta.

On **OBJECTION** of Representative MENDROS of Lewiston, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I stand before you today honored to recognize a great hockey team we had in Lewiston. You can see that Saint Dominics has a proud tradition of hockey dominance. I grew up in Lewiston and went to school there. It is a rivalry between Lewiston and Saint Dominic. We often battled it out and one of us would always come out on top. In the past two years it has always been Saint Doms. I am very proud of my city and we had a saying, if you were born in Lewiston, you were born with skates on. Maybe that is why my mother was so grumpy with me. You can see this is their second straight year. It is not written on there, but it is their second straight year that they successfully defended, which is more difficult, than winning. Everyone is gunning for you, but they did it and I am proud of the great job they did. I congratulate them.

PASSED and sent for concurrence.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

Bill "An Act Concerning Fingerprinting and Background Checks for School Employees"

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

Which was **TABLED** by Representative SAXL of Portland pending the motion of Representative TRAHAN of Waldoboro to **RECEDE AND CONCUR**. (Roll Call Ordered)

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

Representative **RICHARD**: Mr. Speaker, Men and Women of the House. I would like to respond to some things that had been said earlier and once again, the people who said them are no longer here, but I will respond anyway. We had quite a strong speech made about the National Child Protection Act. That act is a federal law. There is no state that is using it because it is so complicated. Florida has attempted to use it with a waiver, but that is in a court case right now. Under that particular act, any group that wants to use it can set up their own standards. Therefore, if the State Police were going to try to implement it, they would have to implement the standards of every particular group that put it into their option. That would be very difficult to do. No state is using that.

Much reference to those who fought in World War II, my late husband fought in World War II and nearly lost his life and one of the things that he fought for was the things that we have not discussed very much and that is values for innocent children. It is the innocent children that are the reason why this law was put into effect. It was first introduced in 1995. It was said, again, and he is not here, that we did not talk to teachers. Many of us talked to teachers while we were working on this law from 1995 through the time that it was passed. During this past week, I am sure many of you talked to people about this particular law. I talked to many teachers. I know we have had the number 27 cases that have been thrown around. Just in the conversations that I had this past week, I had numerous other cases that were cited to me by teachers who knew about this.

This is not the first time that the state has demanded or required teachers to do something. Once upon a time many long years ago, all of us teachers had to have TB tests, whether we wanted to or not. If we didn't have them, we lost our job. We had to have our arms scraped and skin was taken off and we had TB tests. What was the reason for that? The same reason for this law and this is to protect the children. I don't know if they found any teachers who had TB, but we were all tested and we submitted and we had it done.

You have another fact sheet that I have discussed once before and that says that you can access Nasdaq Clearing House. As I said before, Nasdaq information is voluntary. Only those who want to submit information to Nasdaq do. This is not something that every single state does for every single teacher. It only includes teachers, it does not include support staff.

Unfortunately the majority of the cases that have been uncovered in the past are by experienced personnel. They are not by the people who have just come into this system new. They are by experienced personnel.

Lastly, you have another sheet on your desk that says keep a fair and sensible law that keeps Maine schools safe and before you vote to Recede and Concur, be sure that you read the last item on that. It imposes the cost of liability on local school districts. If a local school board decides to do testing of those who are coming into their system from another school, then that school board will have to pay for it. Think about that. I would urge you to vote against Recede and Concur. Thank you Mr. Speaker.

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

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. Three minutes, if you can't do it in three minutes, you shouldn't stand up. The TB test, having your arm scraped, it quite different than having the FBI come into your lives every five years and go through your life. It is just not the same. That is comparing apples and oranges. In the name of children, that is all we hear. We are using children for this loss of freedom. If we really care about children, we should support gun safety locks. If we really care about children, let us lower the speed limit on the superhighways because God knows we lose more children in accidents on the superhighway. If we really care about children, let us support single-payer health care. If we really care about children, let us support a living wage for their parents. If we really care about children, let us support stronger child labor laws. Values, Representative Skoglund, ditto, ditto, ditto. No one can say it better than he did. We said it is not about numbers. We heard about the Education Committees hard work time and time again. Representative Brennan saying if it wasn't about money, it wouldn't be here. A wise old woman once told me that everything happens for a reason and there must have been a reason, maybe time to reflect. Why, as politicians, can't we admit sometimes when we make mistakes? We heard about stories of the fingerprinting coming into the schools and a teacher who was blind and had to have her license in another state was given a very difficult time. Is that what we want for our teachers? In the name of children, they are there for the children. Numbers don't matter. The numbers say it is not the teachers that are the pedophiles, it is the parent, family members, neighbors or people they know. Putting their fingers on an ink pad and having a background check if somebody is perverted, you will not stop it and save that one child. You cannot protect that child from the time he leaves his home until the time he goes to school to the cub scout leaders to the church leaders. It is not a perfect world. This is bad policy and I want to be on record stating that. Thank you.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative **DAIGLE**: Mr. Speaker, Men and Women of the House. When this debate began, my good friend the Representative from Harpswell, Representative Etnier, spoke very eloquently and basically summarized all the feelings I had in this matter. I have been sitting back the last hour and a half or so looking for some point to shift me from the position I had taken. I have heard two major points today and they were the following. First, this issue of a special file, the idea that records are being kept. I don't think people realize to what extent records are already required of all of us by things our government does today. There is already a file on every single teacher, every single worker in our school system, and that is a very thick file. It contains other documents, their tax records, anything that has to do with disciplinary measures, even attendance and not only the fact whether they were there or not, but also why they weren't there under the Family Medical Leave Act. We already require a tremendous amount of information. If it is a privacy issue, it is not whether or not there will be a file, it is whether or not there will be another file. This file, at least, is going to be protected a little bit better than a file drawer somewhere there in the school office. It will be under a police organization with greater responsibilities and greater protocols for taking care of that type of data.

The second issue I have heard today really comes down to this idea of the actual act of being fingerprinted. Is it so offensive

to put ink on your hands and touch a piece of paper? What we are really trying to do here is to say, positively identify yourself. Tell me who you are in a way that cannot be argued with. In today's society, not 20 years ago or 50 or 100 years ago, it is very, very easy to change your name. I get e-mails on the Internet offering me how to do that. You can pick up a classified ad in the local paper and it will give you a hint on how to do that. Anybody can change their name if they want to. Certainly anybody who had a history like we are trying to bear it out, would want to. The only way we can say we want to know who is in our schools, the only way to do that is with fingerprinting. Nobody has another way to do that. If the act of ink on your fingertips is offensive, it is a regrettable way, the only tool left that society has to reach that objective. Now we are left in the last days with an attempt to carve out new teachers and I totally with the statement that if it is a civil rights issue for all teachers, then it is a civil rights issue for new teachers also.

I am in favor of keeping Committee Amendment "A" as the policy. I am opposed to Recede and Concur and I absolutely agree with the Representative from Portland, Representative Brennan, who said that this process was dealt with in committee very, very well. I know how I feel when my committee gets a bill and deals with it for months at a time and comes out with an answer, explore it to a great degree that can never be done and an individual not on the committee with a floor amendment cannot hope to duplicate that. If there was a flaw unbeknownst to the committee that was being dealt with in an amendment, that is a different matter. All the issues attempted with this amendment that was before the other body were discussed in committee at length. It went through the entire review process and were rejected by the committee at length. That is a different matter than an error amendment. For that reason, I hope that you will oppose the pending motion to Recede and Concur.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative **O'NEIL**: Mr. Speaker, Men and Women of the House. Even as this debate goes on, I get a yellow slip here about fingerprinting, ASAP call. All in all, I think I have had a pretty good session this year. I have only been pinched for speeding twice. In my rush to come and go and be well informed, I have been very well informed on the subject matter contained on this bill, sometimes I either go a little fast or I skip over something, but this one issue has been very well covered. As I sit here and listen, again, I hear some of the wonderful eloquent arguments be made. I hear, as I said last week, or I hear I want to repeat. It has been a long and insufferable debate. I, for one, just like all of my good colleagues, Mr. Speaker, have taken a position and made commitments on that position. As we all know, when we make commitments here, we have to stick with them. The good Representative from St. George, Representative Skoglund, talked about values. At 4 p.m. today I would find it very valuable if I could get to the first Little League game that I was supposed to coach this year. It is a team of kids down there. My employer is becoming very impatient with my stretching the limits of the legislative session. My wife is away on business. We have a first communion rehearsal tonight. It is little things that make me want to speed up debate. That brings me to Dennis Harper and Peter Fonda. My favorite movie of all time is *Easy Rider*. I have seen it several times, but I can't watch it twice in one day or twice in one week. It is a rather obscure and abstract movie with a strange ending, but about once a year I like to go and rent it. It is spread

out enough and I can revisit it and I actually might get something new out of each time. While I respect and I accept the folks who are for the "A" Report, the folks who are for the "B" Report and the folks who are for the "C" Report, I am on the "B" Report, by the way and I am going to stay there even with this simple technical amendment that has been added. I kind of hoped this would end the way *Easy Rider* ends. If you remember, the two were riding down the road on their bikes, gunshots ring out and the bike hit the ditch and the credits run. Whether my good colleagues are here to vote for the "A" Report or to vote for the "B" Report or even to vote for the "C" Report, I just hope that we would vote soon.

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

Representative MUSE: Mr. Speaker, Men and Women of the House. I would like to address a few of the things I have heard here this morning. First of all, my friend, Representative Twomey, who talked about how intrusive it is to have the FBI come into your lives every five years and didn't see the comparison between TB tests and fingerprinting. I don't either. I don't see the comparison. One is far more intrusive than the other. Certainly to have your skin scraped from your body is far more intrusive than pressing your finger on an inkpad and then onto a piece of paper. It is far more intrusive, yet we did it for the well being and the benefit of the children. Representative Skoglund asked, what freedoms would you not give up for a child? I would certainly say none. I would give up any freedom that I have for my daughter. I would lay my life down and give it freely and willingly right now for my daughter as I am sure any parent would. I would hope that they would. Representative Matthews spoke as eloquently as usual and said that this is a mistake. He said that the vast majority of these people are good people. The vast majority of them are good people. I would say 99.999 percent are good people, but last week when we debated this, I asked for anybody to show me the number zero. Show me that by doing this we will not find even one person who has a criminal record. If you can show me that, I will work with anybody to get rid of this law. I don't believe you can do that. Nobody has. The State of California has been fingerprinting teachers, everyone in their school system for 40 plus years. They are all good people too. Teachers are good people by virtue of what they do.

We don't have to look back too, too far, I look back at my own alma mater and see a guy named Charlie Melia. He was a schoolteacher. I don't have to go into what has gone on at Chevriss High School. We all know. We hear about teachers giving up their rights. They are not giving up their rights. When an individual becomes a teacher, they sign a paper when they apply for their teacher certification, they sign a piece of paper saying that they don't have any criminal records or nothing. It also says on that paper that that may be verified. This is all we are doing is verifying. We are verifying. Is there another way to do it? Is there another way to do it with proof positive that these people have no criminal background whatsoever that could be detrimental to a child? Show me that number. Show me the way to do that.

This has been a long debate. I would just close, Mr. Speaker, with thoughts of Abraham Lincoln who once said "A politician thinks of the next election. A statesman thinks of the next generation." I would ask all of you to think of the next generation and vote against the pending motion. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative True.

Representative TRUE: Mr. Speaker, Ladies and Gentlemen of the House. It is said that nothing should be feared, but rather it should be understood. Hopefully, after all these debates are over that we will understand it. I believe there is a reason for this. To my good friend from St. George, I believe strongly in values. My dad said that part of values is standing up to be counted. I am proud to say that I have stood up to be counted always in the best interest of children, even one. It has absolutely nothing to do with trust, this law. It certainly has to do with statistical measurement. They show or it has been said by the unions and some teachers because I am very proud to have gone while those in my district were fingerprinted and not a one said anything. I am sure they knew which way I voted. Statistics, as we know, can be juggled to do whatever the person wants to do with them. In this case, they only show those cases listed. How many of them have been asked to leave? There was something passed out the last time that we had this before us where one of the learned attorneys who probably are hired by more schools in this state than any other, he said in his time there were at least 20 and probably more who were just let go. Isn't it ironic that today we are taking up actually, if we go along with something from the other body, we are taking up an amendment that says, let the superintendents decide. Yet, the superintendents have already voted to say that they favor it. Isn't that odd. I don't know if the commissioner is in the audience today, but I want to certainly publicly state that he stood up to be counted. I applaud him for it.

We are talking about teachers and we are talking about children. We are not talking about taxi drivers. We are not talking about Kittery where people might want to come to Maine. Many of the things that we have talked about in the transportation of our children if you don't go by the regular methods, that is a parent's decision. I sometimes wonder as I listen whether or not we would be hearing different things if this wasn't a political year. You can say he don't have to worry because he is being termed out. I do worry about it. My good friend, from St. George and others said about Constitution and whether we believe in the Constitution. Well, I am one of those veterans, not once, but twice. I believe in the Constitution as three of my brothers did. We all returned and two of my best friends didn't. Yes, I know what they fought for and what they wanted. I wonder, ladies and gentlemen, what we would find if we, as we have many other things that have bothered us, put it out for referendum. I can tell you most of the people that I have talked to, I think would say that it is a good idea. I applaud all of the Education Committee and what they have tried to do. You know if you walked into your living room tonight and found a crack in the ceiling, I think most of us would try to put something in to stop that crack. That is all we are trying to do here. In contrary and this, I am being repetitive of what I said before, pedophiles are not born. It can happen.

As others that are here, I have stood in the trenches. People are talking about civil liberties. I remember a job where the superintendent said that you shall come with your suit and tie on every day. You shall do this duty and another catchy phrase that was always on my contract, and other duties to be assigned. I had a choice, as other people do, and I believe that most people will make the right choice. The school should be a safe place. That is what we guarantee each child. This lawyer that I spoke about mentioned the fact that he had to interview three. He said

that if any of you ever looked in the eyes of a six year old girl who was going to be traumatized for the rest of her life, how would you vote? I have been in the trenches when I had to take action and I did. Even if I stood on tiptoes, I couldn't go 5'7" and I had to face two gentlemen one morning and say, put your books on the steps, you no longer work here. The only thing I thought about was, what was right? What is right, ladies and gentlemen, is this law that will protect our children and our children's children. I certainly do not plan to change my vote. I am not worried about anybody accosting me because of it. I don't think any of you have to worry about it because, as I have said, I believe that if it were put out to referendum, it would come back in favor of doing this. I thank you for listening.

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

Representative O'BRIEN: Mr. Speaker, Colleagues of the House. I will be very brief and I will try not to speak with passion today. I will just give the facts. Basically because I want the good Representative from Saco, Representative O'Neil, to be able to go home and do his Little League game. There is not much that is more important than that.

I just would like to comment on a few comments that have been made previously. First, I do want to say that I have tremendous respect for teachers. I think I said that enough last week and I won't go into that. I have tremendous respect for teachers and all those that deal with our children. I would like us to treat this rationally and figure out what has happened here. As a cosponsor of the original law, again, it is a law that was passed in the 118th, there was no outcry. There was very little debate. It was open, but the MEA and others supported it. We have heard that before, but it needs to be repeated, I feel. Actually, from what I understand, the union helped write this bill. Yes, we do make mistakes and we can correct those mistakes. That has happened before and it will continue to happen. As we gather this session and I heard it on radio and I heard it on the news and I could see the complexion of this whole thing changing. Originally, it was pay. The issue was pay. We solved the issue of pay, or dealt with the issue of pay, and then all of a sudden the whole tenure of this whole thing started changing and it became a civil rights issue. I am not really sure how that happened, but something or somebody stirred up that issue of civil rights. I honestly can't understand it. As someone very eloquently said when we had this debate last, he originally thought that it was a teacher's issue and then after thinking about it, he realized it was not a teacher's issue, it was not a school employee issue, it was a children's issue.

Perhaps my district is different, but I can honestly tell you that I do not recall one person, remember that I go home every day. I am very fortunate and, unlike many of you, I am in my district every day. I am everywhere with all of my children. I hear a lot from my district. Not one person has said to me, except a few teachers that were out here in the hall last week, I have asked. People have come up to me and said that they hope you are for the fingerprinting in the grocery store, the Y or everywhere that I gather. They have said that they hope you are for it. I don't understand this outcry as long as the state pays. I am honestly telling you that. There may have been one, but I honestly don't recall it. I have asked superintendents. I have asked the principals. I have asked the school secretaries. I have asked the maintenance people. I have asked the teachers. I have heard no one, no one, say that this wasn't a good idea as long as we were paying for it.

I have heard others say differently, perhaps this really is a very diverse state and maybe you have. I have had some e-mail, but not from my district. There has been very, very little. As I say this, I want to correct myself. I did get an e-mail from my district. I do have to say that. It was against it. I just remembered that.

I just want to end because I really want Representative O'Neil to be going home. I was offended by the veteran's issue, that the veterans went to war. I am so indebted and I think we all need to be so indebted to our veterans that have fought for our freedoms, our privacy and our rights throughout the years. They fought for everybody's rights. Is there an age level that they fight for? I always thought that they fought for everybody's rights. This is the civil rights of everybody, not for only those that have a union and a lobby, it is for everybody's rights. I hope that you will follow Representative Brennan's light, because this is becoming a very complicated issue and I want to thank you for your time.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Gooley.

Representative GOOLEY: Mr. Speaker, Men and Women of the House. I am one of those legislators who is on e-mail and I have had quite a few e-mails in the past few months on this particular issue. I will just read parts of one that I think summarizes how I feel about this whole issue, which has probably been the biggest issue, intense issue, as far as my six years in the Legislature has gone. Part of this e-mail goes like this. "I have been married for 30 years to a teacher who is willing to lose her job unless the law is repealed." The person goes on to say, "How would you feel if you were in the same position? The Governor and the Commission on Governmental Ethics has decreed that before you can take your oath of office, you and every other legislator, veteran and freshman will have to undergo fingerprinting and a criminal background check to determine whether you are convicted felons?" I don't mind having my fingerprints taken. It doesn't bother me in the least. Let's do it. The person goes on to talk about injustice and disrespect. It says that because of dedicated service this teacher's word and honor aren't good enough. "The love and respect of her students and her community aren't good enough. Her record, which is there for everyone to see is not good enough. This law will not enhance her integrity and public perception and has already damaged it. She has had to read those awful remarks in the papers about her work as a teacher. She is being accused by the state of being a convicted pedophile. Unless she can prove otherwise, she will not be allowed to teach." You know, this e-mail it is an example of what I have received over the last few months as I have said. I don't see it in this fingerprinting program. I don't see that. I am sorry that some teachers can't get beyond the intent of the legislation. The students have rights also. Please vote against the Recede and Concur.

Representative KNEELAND of Easton assumed the Chair.
The House was called to order by the Speaker Pro Tem.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Gray, Representative Foster.

Representative FOSTER: Mr. Speaker, Ladies and Gentlemen of the House. I am one of those millions of

individuals who have been fingerprinted. However, outside of a little wear and tear, I still have all of my fingers. I think it is well that it has been said here that this piece of legislation affects more than just teachers, although you would hardly know it sometimes by the comments. I would just like to say something about rights of individuals. I think in this country, both at the federal level and at the state level, we have a tendency to treat symptoms and not problems. I think mostly that is because we don't like to tromp on people's rights. This case here may be another one of treating symptoms. However, I think it does have the potential of firing a shot across somebody's brow to say that there is a problem. If it does nothing more than that, then it would have been a success. I would also like for you to remember that people's rights have been chipped away at for the benefit of the rest of the population in many areas. If you look at your local zoning ordinances while the state's zoning ordinances or federal legislation, which has essentially taken the rights away from many landowners, some without their consent. I see this as no different than that. Yet, we are still able to get along. I would hope that you would vote against the pending motion.

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

Representative MENDROS: Mr. Speaker, Ladies and Gentlemen of the House. We heard earlier that this is referendum on kids or a referendum on teachers. I will tell you, in my opinion, it is a referendum on criminals. We are telling them, you win, we live in fear of you constantly. We are going to take away everybody's rights. We don't want to deal with you. You win. I circulated an article where a child molester molested a seven year old girl and 15 other counts and he was ruled to be a violent predator of children under the age of 10 and he was put in jail for 60 days. If we put the criminals in jail, we wouldn't have to do background checks on them because they would be in jail. You are not going to find anybody with a background check unless they have a criminal record and if they have a criminal record, they should be sitting in jail. That is how we solve that problem.

I have to dispel another thing that was said about how easy it is to change your name. Yes, it is easy to change your name, but it is pretty hard to change your name on your college degree, which you have to show to get a job or at least your transcript. Any superintendent, I would hope, would at least look at your transcript and make sure it is the same name as on the application as you are applying for. If there isn't, it should be a red flag that maybe you changed your name.

The last point I want to make, is very different than many others about this "A" Report. Where does it end? You spend a couple million dollars to pay for everyone to be fingerprinted that works in schools, but what about kids in daycare? Don't we care about them? That is the fourth largest occupation in the State of Maine, well, maybe another \$5 million there, we will fingerprint them. Well what about health care? I don't want somebody taking care of my parents, grandparents or aunts that might have a record. That might sound far fetched to you, but we had a bill before the Health and Human Services Committee to do exactly that. Well, let's fingerprint all them and keep them safe. There is another \$5 million. Now we are spending \$12 million. Where else can we be safe by fingerprinting? I have better places that I think our tax dollars should be spent than fingerprinting and doing background checks on everyone to make sure we can keep our streets safe to the utmost degree. We heard that it is a waste of money to do this and then stop. It is worse than a

waste of money to continue to do it. It is using our money, state money, to take away the right to people and that is more than just throwing it out the window.

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

Representative MCKEE: Mr. Speaker, Men and Women of the House. We are here at the privilege of our constituents. A diverse body of interests, not just teachers and while I appreciate all of the comments that have been made about teachers, teachers do not constitute the 8,000 people that I represents in its entirety. I am also the teacher at the privilege of my community and that means the community of citizens parents, students and my colleagues. Many people told me teachers fit in really well in the Legislature because they are used to looking at a diverse constituency in dealing with the classroom. This is not unlike a classroom. This is not unlike a classroom for sure, but I want to tell you today and I want to emphasize that I am interested, as a teacher and a member of MEA, in safe schools. I am interested in public trust and confidence in public schools.

I promise I will only be passionate about those words, public schools. It is time that we tried to shed the cloud of mistrust and lack of confidence in public schools. Perhaps this will help to erase some of that mistrust. I am interested also in equity among, I say it carefully, the rank and file. That large body of people who have willingly consented to being fingerprinted, that large body of people in my constituency, not one of whom teach in that area who have called or received e-mails from several other districts, although not many e-mails. I have heard none from my own colleagues. I am interested in moving onto the great business of our calling and to get this out of the way. Equity is very important among those of us who teach. We don't like merit pay. Most of you and others will say, boy, I would like to get merit pay in the schools. We will pay the good Representative Sullivan more than we will pay Representative McKee. That doesn't sit very well in the ranks. We are a very egalitarian group. It is one of the first words I teach my students. Egalitarian, what does that mean? All of you march into this room, equal in my eyes, just as I did in 1947. A very heterogeneously grouped body of students, rich and poor and disenfranchised and unhappy and on we go. Among the ranks, egalitarianism means something. We will all be treated equally. That is why new hires only stick in the craw with me.

My son just became a teacher. His wife just became a teacher. They came from good homes and folks, they are good kids, just as I hope people regard me and my community. New hires, who are your children and people you know, who are going to be fingerprinted. I can't sit there or stand there in my classroom as a veteran teacher and say it is not okay for me, you know me. I have been here a long time. I have served you well. It would be an egregious invasion of my privacy, but I want your son to be fingerprinted. No. We are an egalitarian group. We don't even feel good when one is more recognized than the other. It is very hard for us to accept recognition even on our faculty because we consider this not a right to teach, but a privilege to teach. It is a calling and I don't mean to sound modeling when I say that. It is a calling to be a doctor. It is a calling to whatever we do if we really want to do that. So, the new hires only takes away the rights of one group. Some of you have talked about rights. It takes away the rights of that group. That doesn't sit well with teachers. Many of you have said that we have background checks, but would you not want to have

background checks for people coming from other parts of the country?

I have heard some remarks that sounded to me somewhat of a hyperbole. This is no time for hyperbole. We are not going to be herded into soccer stadiums. To even draw that comparison because we know what soccer stadiums mean. We know that means apartheid. What a vast difference between apartheid and the loss of this so-called civil rights here. I want to ask you the question, if you were entering teaching today or the military today or MBNA today or whatever you wanted to do and your employer said you would have to be fingerprinted, would you say no to something you have wanted to do all your life? I asked myself that question. Would you say no to fingerprinting? Absolutely not. There are far more important imprints than that print that goes on that piece of paper or celluloid. The imprint of abuse goes on forever, on past one generation.

Before coming here this morning I had the opportunity to work with a student whose home burned and her six month effort at a biography of an aging citizen burned in that house. I had the opportunity to deal with a boy who had gotten into a fight and who had injured an artery and was behind. I had an opportunity to talk about the driving laws for 15 minutes to a class before my own started and finally, I sat in a circle and talked about the Holocaust. I talked about meeting Eli Vistel. I talked about civil rights in a big, big way. That is what education is all about. Great literature instructs us how to live and I wouldn't be away from that profession any longer than I ever had to.

I do not believe people will abandon our profession because of fingerprinting. We are here as a privilege of a diverse group of constituents, not just teachers, but school boards, parents and even students. I will repeat that I am interested in safe schools, public trust and confidence, equity among all teachers and moving on to the great business of our calling.

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

Representative **DESMOND**: Mr. Speaker, Colleagues of the House. I think everything that needs to be said about fingerprinting has probably been already said. Having been a teacher for over 40 years, myself, looking into those beautiful faces of the children, I knew that they depended on me and I knew they trusted me. I agree with the statements concerning the impact teachers have on students. We always hoped that it is going to be good. If this bill is not about trying to prove all teachers as unfit, it is to keep children safe from any individuals employed by the school who have inappropriate motives for being in that school. We haven't heard from the many other educational personnel besides teachers and there are many. This bill isn't about teachers or any of those other personnel, it is about children. It is about thinking unselfishly about what is good for children. It takes only one bad apple and when that incident occurs, it is already too late.

In the *Portland Press Herald* flyer that you have on your desk, there is a very good article. I hope you have read it. I would like you to look at the last paragraph. This tells us what we really should be thinking about for teachers. "It is unfortunate, but child abusers trade on the trust and respect that dedicated professionals have earned. Lawmakers would be wrong to repeal the fingerprinting requirement because it would make it easier for abusers to evade detection and with the next incident further erode the trust we have in good employees."

I would also like to make just one last comment. It has been said that some employees will be out of jobs if we vote for

fingerprinting. These are grownup people. If they want to risk their jobs by not complying, that is their decision. It isn't the fault of the Education Committee or the Education Commissioner or the school superintendent or the school board. It is their decision, pure and simple. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Montville, Representative Weston.

Representative **WESTON**: Mr. Speaker, Ladies and Gentlemen of the House. Our colleague from Lewiston raised a question and although he is not in the House to hear the answer, I would like to reiterate what was spoken in our last debate. We are focusing on public school teachers because that is the scope of our responsibility. We mandate education. These children and their parents have no choice who supervises their children all day long. All of the other things mentioned, parents have a choice. It is not within our scope of responsibility. Public schools are and that is where we are asking that those who are supervising our children do not have a criminal record. We are asking for verification of that. Thank you.

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

Representative **DAVIS**: Mr. Speaker, Men and Women of the House. I am going to make this very brief. I agree with Representative Murphy, McKee, Trahan and Skoglund. I won't belabor this, but I think there is a better way to get rid of pedophiles in the public school system like constant vigilance, more parental involvement and also perhaps a law to force superintendents when they fire somebody to put it in writing as to why they are firing that person. Maybe that is the route we should be going. I also feel that if we really go through this, I am going to vote for Recede and Concur. I agree with what the Senate Amendment did. I think if we don't do this, I think we are going to damage the public school system further. I plead with you not to do this. I don't impinge on anybody's motives. My seatmate is one of the nicest seatmates that anybody could have, I just disagree with her and she disagrees with me. I have been lucky that she sits next to me. She is very helpful. We disagree on the issue. Look at this in depth and what is it you are going to do. Are you going to tell a 20 year veteran that they must prove they are not a pedophile? I think that is a very, very harsh way to go at it. I would ask that you vote for Recede and Concur.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

Representative **BAKER**: Mr. Speaker, Men and Women of the House. I will say it again. This bill is not just about teachers. Teachers are not being singled out. Custodians are not being singled out. Coaches are not being singled out. Bus drivers are not being singled out, but all of these school employees are being asked to verify that they do not have a prior conviction. I received a poignant e-mail this week from a teacher who said, you don't pay us enough and now you are asking us to be fingerprinted. I fear supporting the MEA on this issue is a substitute for actually giving teachers what they deserve, which is better pay. Something is wrong in a state where a teacher in Harmony, at the top of the profession makes \$2,000 less than a

teacher in Cumberland at the beginning of the profession. We need to address that issue, but one issue is not the other. These are separate issues. It is a question of values. The good Representative from St. George talks about the right of people to feel free. For others, it is a question of the right of our children to feel safe. If we are not safe and our children are not safe, we are not free.

Twenty-two states have instituted fingerprinting. For 49 years California has had this law. We on the Education Committee have heard from superintendents about the calls that have come in asking if you have a fingerprinting law in Maine? When the answer is yes, as it has been for the past three years. The caller hangs up. How many are already here because until three years ago because Maine had no such law? Freedom in a complex issue. It is never simple. Freedom to privacy for perpetrators condemns the victims to a life that is not free. The chains of sexual abuse bind fiercely and permanently. To be sexually assaulted by someone you trust, a custodian, a coach, a bus driver or a teacher is a life sentence. When the policemen stop us, we have to produce a driver's license to verify that we are driving legally. This law today simply verifies what school employees have already been asked. Do you have a criminal record? Only with fingerprinting can that verification occur. Three separate Education Committees have crafted and supported this legislation, the 117th, 118th and the 119th. All Education Committee members have been thinking long and hard for these many years. We need to stick to the course and keep faith with our children and our young people. I urge you today to Adhere to the prior position of this House and vote no on the pending motion.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Brooks.

Representative **BROOKS**: Mr. Speaker, Ladies and Gentlemen of the House. Far be it for me to recommend that you read anything that was clipped out of a newspaper. However, one of the speakers prior to me referenced a Portland newspaper. I would reference a Bangor newspaper, but I know I had absolutely nothing to do with the editorial that is referenced there. However, it does give you an option of dealing with this in the amendment that we currently have before us. The speaker just before me, my dear friend, the Representative from Bangor, Representative Baker, talked about when you are stopped by a police officer there is an expectation that you give them your license. That is implied consent. I agree with that. If I apply for a driver's license, there are certain expectations that I should have. I am wondering why teachers who have been teaching for 10, 15, 20, 25, 30 or 35, whatever the years, if it is appropriate to change the standards now? They came to work, applied for a job, knew they had to have a teaching certificate and now here it is all these many years later and we are changing the standard and saying you now must be fingerprinted. That is one of my real concerns about this. I don't have a lot of concerns about fingerprinting and background checking the new hires or the transfers if they come from out of state or other school districts. I do have a concern about blanket policies that will cover all of the people who have been teaching in these institutions for many years.

A lot has been said about civil rights. What about the expectations of my rights? Whenever you change the standards that bring in blanket policies for any institution or for any grade level for anybody, you are now changing the playing field. I don't think that is appropriate.

I commend the committee for all of its diligent work. I certainly do support all of their efforts that are aimed at child safety or student safety. It is a very emotional issue. I hadn't really decided what I was going to do, for certain, about this amendment until yesterday when I received a letter from a teacher. It points out, I think, very well how we could be using this money more effectively to protect the children in school and not compulsorily fingerprinting for teachers who are veterans. Either way this comes from a teacher at Bangor High School, outside my district, but in other people's district.

A couple of years ago, five years ago, I had a friend who had won an overnight stay in a bed and breakfast and he gave it to me. He said, why don't you use it? It happened to be in a community called Salem, Massachusetts. I think you all know the historical background of Salem, Massachusetts and the witch hunt. I think you have all read about McCarthyism. This scares me. I know of a teacher in Bangor who is no longer a teacher in Bangor. This happened many years ago when that person left the job because of suspicions. He was discredited. I think, frankly, that his lifestyle caused this to happen. He was put under suspicion because there were accusations that he was found with child pornography. There were never any charges, never any indictments, but because of the circle that surrounded him, he was encouraged to leave the job and the profession. He now lives elsewhere.

Suspicious, there was a *Readers Digest* article this morning that talks about that same kind of a case. Where are we going with this bill? Why are we changing the standards in midstream? I can't support that. I can support if we want to begin today by protecting the children and fingerprinting the new hires or the transfers. That is what I can support. I have gotten all kinds of letters as I am sure we all have. I have them here on my desk. They are stapled all together. I have e-mails. Most of them, I will admit to you, came from teachers. When I traveled around my district, I asked people in the stores, where are you guys? You want to know where I am. Where are you? Many of the responses when I opened the topic myself, many of the people said that it was my job and to go do it. We don't have kids and we are not teachers. Those who did have kids said, yes, absolutely, we want the safest environment possible for our children and we want the state to pay for it. They did say that. They said to compromise. Most of them said to compromise.

My mother used to be a hot lunch employee at the middle school in Winterport. She no longer is. She is 75 and she can't do it anymore, but when the bill came in last year, she said to me, "Would I have been covered?" I said, "Yup." She said, "They know that I only worked two or three days a week and got about \$11, but I would have had to pay \$49." I said, "Yup." This bill would have reimbursed her had she been there, but she couldn't understand, a woman 75 years old whose character is being questioned. There is nothing back there. She has been fingerprinted before. She was somewhat insulted. I think there are many teachers who are insulted by this. At least that is the ones that I hear from. I do hear from parents who say do what you think is right. Go ahead and fingerprint the new hires to make sure that we don't have folks like that teaching our children. I can't support legislation that will throw a blanket policy over every school in the State of Maine that will insist that 10, 15, 20, 25, 30, 35, 40 year veterans are required to go through the same process. I intend to support the Recede and Concur. Thank you Mr. Speaker.

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

ROLL CALL NO. 666

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

NAY - Ahearn, Andrews, Bagley, Baker, Belanger, Bouffard, Bowles, Bragdon, Brennan, Bruno, Buck, Bull, Bumps, Cameron, Cianchette, Clough, Cote, Cross, Daigle, Davidson, Desmond, Dudley, Dunlap, Etnier, Foster, Gerry, Glynn, Gooley, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, LaVerdiere, Lemoine, Lemont, Mack, Mailhot, Martin, Marvin, McAlevey, McGlocklin, McKee, McKenney, Murphy E, Muse, Norbert, Nutting, O'Brien JA, O'Neal, Perry, Pieh, Quint, Richard, Rosen, Savage W, Saxl MV, Schneider, Shields, Thompson, Tobin J, Townsend, Tripp, True, Tuttle, Usher, Waterhouse, Watson, Weston, Wheeler GJ, Mr. Speaker.

ABSENT - Frechette, Jabar, Jones, Plowman, Sirois, Stedman, Stevens.

Yes, 73; No, 71; Absent, 7; Excused, 0.

73 having voted in the affirmative and 71 voted in the negative, with 7 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

The following items were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

HOUSE JOINT ORDER - Relative to Establishing the Joint Select Committee on School-based Health Care Services (H.P. 1864)

PASSED in the House on March 3, 2000.

Came from the Senate **PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-721)** in NON-CONCURRENCE.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

HOUSE JOINT ORDER - Relative to Establishing the Commission to Study Child Abuse (H.P. 1930)

PASSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1135) in the House on April 14, 2000.

Came from the Senate **PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-723)** in NON-CONCURRENCE.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

HOUSE JOINT ORDER - Relative to Establishing a Committee on Gasoline and Fuel Prices

(H.P. 1774)

House **ADHERED** to its former action whereby the Joint Order was **PASSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-957)** in the House on April 6, 2000.

Came from the Senate **PASSED AS AMENDED BY SENATE AMENDMENT "B" (S-719)** in NON-CONCURRENCE.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

HOUSE JOINT ORDER - Relative to Studying Bomb Threats in Maine Schools (H.P. 1938)

PASSED in the House on April 7, 2000.

Came from the Senate **PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-724)** in NON-CONCURRENCE.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

HOUSE JOINT ORDER - Relative to Studying the Creation of a Public/Private Purchasing Alliance to Ensure Access to Health Care for all Maine Citizens (H.P. 1857)

PASSED in the House on February 29, 2000.

Came from the Senate **PASSED AS AMENDED BY SENATE AMENDMENT "C" (S-720)** in NON-CONCURRENCE.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

HOUSE JOINT ORDER - Relative to Creating a Committee to Study Further Decriminalization of the Criminal Laws of Maine (H.P. 1914)

PASSED in the House on March 31, 2000.

Came from the Senate **PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-722)** in NON-CONCURRENCE.

The House voted to **RECEDE AND CONCUR**.

ENACTORS

Emergency Measure

An Act to Amend the Laws Governing the Designation of a Beneficiary of Maine State Retirement System Benefits (S.P. 625) (L.D. 1790)

(S. "A" S-715 to C. "A" S-684)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 134 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Make Supplemental Allocations for the Expenditures of State Government, Highway Fund, and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001 (H.P. 1808) (L.D. 2534)

(C. "A" H-1139)