

# MAINE STATE LEGISLATURE

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



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

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

**Volume III**

**Second Regular Session**

**March 23, 2000 – May 12, 2000**

**Appendix**  
**House Legislative Sentiments**  
**Index**

one of maybe five or six states in the nation. Do we want to be a leader in cost? My answer is no. I hope your answer is no and you will vote with me against the motion to Indefinitely Postpone. Mr. Speaker, when the vote is taken, I request the yeas and nays.

Representative GLYNN of South Portland **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "E" (H-1166) to Committee Amendment "A" (H-1061)**.

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

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. About two weeks ago we voted on this. We had a long debate. It is a bipartisan report. Most importantly, both chambers having voted in favor of this, this bill went to the Chief Executive's desk. He asked us to make a couple of changes. This is through cooperation, which is where government works best. Cooperation in this chamber and the chamber at the other end of the hall and the second floor. We made those and everyone has said it is a strong bipartisan support. The Chief Executive has sat down and looked at this. I think we need to honor what we originally sent down and honor the request of the second floor to work together and compromise. Good things come from compromise. I believe there has been honest good faith from the committee, from this chamber, from the other chamber and from the second floor. I would ask you to honor that and vote to Indefinitely Postpone. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "E" (H-1166) to Committee Amendment "A" (H-1061). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 667

**YEA** - Ahearne, Andrews, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagnon, Gerry, Goodwin, Green, Hatch, Jacobs, Kane, Labrecque, LaVerdiere, Lemoine, Lemont, Lovett, Mailhot, Martin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McNeil, Mitchell, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rinès, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Skoglund, Stanley, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

**NAY** - Belanger, Berry DP, Bowles, Bruno, Buck, Bumps, Cameron, Carr, Cianchette, Clough, Collins, Cross, Duncan, Foster, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Kasprzak, Kneeland, Lindahl, MacDougall, Mack, Madore, Marvin, McKenney, Mendros, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Pinkham, Richardson E, Rosen, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Winsor.

**ABSENT** - Bragdon, Campbell, Frechette, Gagne, Jabar, Jones, Joy, Plowman, Sirois, Stedman, Stevens.

Yes, 86; No, 54; Absent, 11; Excused, 0.

86 having voted in the affirmative and 54 voted in the negative, with 11 being absent, and accordingly **House**

**Amendment "E" (H-1166) to Committee Amendment "A" (H-1061) was INDEFINITELY POSTPONED.**

Subsequently, **Committee Amendment "A" (H-1061) as Amended by House Amendment "D" (H-1165) thereto was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1061) as Amended by House Amendment "D" (H-1165) thereto in NON-CONCURRENCE** and sent for concurrence.

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

The following items were 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)  
(S. "A" S-735 to C. "B" S-692)

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

On motion of BRENNAN of Portland, was **SET ASIDE.**

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

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

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

Representative **BRENNAN**: Mr. Speaker, Men and Women of the House. I would like to clarify several issues that were debated earlier this morning in regard to this bill. The very first one had to do with the fact that some information that is provided by the good Representative from Waldoboro regarding federal legislation for the National Child Protection Act. So far, since that act has been passed, there has only been one state in the country that has passed state legislation in order to take advantage of this federal legislation. That one state is the State of Florida. They are currently in litigation around the legislation that they passed in relation to this act. There have been 49 other states that have found this federal legislation so problematic that they have not been able to act on it. This federal legislation in no way addresses the issues that we have before us in the State of Maine.

Secondly, if we enact this bill, I know everybody has heard this once before, but I think it bears repeating. If we enact this bill, we will allow individual school districts across this state, their school boards, to decide whether or not new hires are fingerprinted and have background checks. It will be at the discretion of those local school boards. That type of public policy and that type of law in this state would go a long way towards undermining the whole reason for doing background checks and fingerprinting.

Thirdly, Senate Amendment "A" to Committee Amendment "B" would require the local school district to pay for the fingerprinting and the background checks. As I mentioned before, one of the reasons that we are here is because many of us believe that it is a state obligation to pay for the fingerprinting and the background check. To now pass a law that would then

say that the local school districts would have to pay, I think, goes against what a lot of us wanted to accomplish. If we were to pass Committee Amendment "A", we would simply have a vehicle to pay for fingerprinting and background checks. It would clarify the language in terms of what information the department can use in making a determination as to whether or not somebody continues to get certification. It is a very sound well thought out bill. I urge you not to pass this bill into law because it attempts to fix the flaws that were in the bill last week. All it does is create number of new flaws that future legislators will have to deal with. Thank you.

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

Representative **TRAHAN**: Mr. Speaker, Colleagues of the House. I would not drag this out any longer, but since I was mentioned in the previous testimony, I feel I must rise and answer that testimony. I would like to begin first with a little history. We had a fingerprinting law in this state where we fingerprinted our children. That fingerprinting law was repealed. I would like to read from the BDN why that was repealed. First I will read how it came about. From the BDN, March 1944, "Fingerprinting of Bangor pupils to begin Monday." BDN, 1969, "According to Captain Jordon, Maine is the only state in the union, which fingerprints all of its schoolchildren. He stressed the school files are not used for investigation of criminal cases. The program originated in 1941. The fingerprints are a requirement of graduation. He said that new civil rights legislation apparently makes it impossible for any other state to adopt a similar mandatory fingerprinting system comparable to Maine's." Should I repeat that? " He said that new civil rights legislation apparently makes it impossible for any other state to adopt a similar mandatory fingerprinting system comparable to Maine's." From BDN, February 9, 1973, "The Maine Legislature completed its sixth work week Thursday with the Senate enacting a bill to end the practice of fingerprinting school children. Representative Ted Curtis, Jr., R-Orono, sponsored the bill to end the program, saying it is costly and some parents object to the prints being taken. State Police, who maintain the files, agreed with Curtis. In addition, they said the program tied up troopers who would otherwise be on highway patrol." Then we get to the document just spoken of. It is the enabling legislation for the fingerprinting. Whether people are in court or not, does not mean that this isn't the origin of fingerprinting because it is. It is the enabling legislation that counters the civil rights legislation that was passed that got rid of fingerprinting in the State of Maine. I will try to clear that up a little bit.

Maine could not fingerprint. We were the only one in the nation because of civil rights legislation. Along comes the Volunteers for Children Act, that does allow the fingerprinting. It is policy for all the states, whether you want to adopt it or not is up to the states. What happened was the states didn't develop this legislation so the federal government amended the original law. I know I am getting confusing here, but what happened was this children's act was amended so that it would put into place so all states could adopt the fingerprinting to protect children in certain areas. That is how it came about. Whether only one state or not enacted it, is irrelevant. Any case of fingerprinting in the past has been challenged in court and so will this one. Does it change the fact that the man who wrote this told me that Senator Murray's amendment was okay? It was fine. Until someone tells me that that man who wrote this has changed his position, then I will continue to stay where I am. Thank you.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. Consider this please, part of the ongoing errors and omissions part of the debate. In the discussion this morning there was a statement that college transcripts would be a way to determine what the person's original name was. During the lunch hour today, I took it upon myself to call the University of Maine and discuss with the group that handles student records and learned that they will change the name of any of their student records upon request of the former student with as little documentation as a driver's license. If I were to change my name to Joe Smith and I walk into the University of Maine at Orono, they will change my transcript to read Joe Smith. My employer receiving a transcript, will think that my name was Joe Smith forever. If you believe that there is any relevant need to positively identify who is working with our children, you cannot do that with records such as driver's licenses and college transcripts. Even though they may have occurred much younger in that person's life. You can only do it through fingerprinting. I would just convey this to you now from recent research so that if it affects your decision in this matter, you will have that clarity. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rome, Representative Tracy.

Representative **TRACY**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to comment on the good Representative's statements about changing your driver's license. I would dare say that you don't just go in and change your name on your driver's license today, when, in essence, most people today have their social security number in that file. If you can, I would like to know how with your social security number in there, you can just change your name because there is no correlation? Thank you.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. Just a point of clarification on errors and emissions. The committee chairman had used the phrase new hires and new hires would be only at local control or local school board decision, that gets confusing because there is actually two classifications of new hires. The new hires that transferred to the state, remember, that is the hanging up of the phone that we heard about, or those making the decision to enter the profession. They are both covered by this law. The reference that was made about new hires being left up to local control would be for someone currently employed in a Maine school unit who, while actively employed, is applying for a job in another school unit, a known person in a known job with local references, in many cases, a local call. That would be a policy making decision made by the local school board for the final hire. The person that you are taking a name to the board on whether their policy is to pursue it. When you hear new hires would only be done by local decision, there are two groups of new hires. For people currently employed here in Maine going from job to job, then that would be a local policy decision. New hires, transferring to the state, which we heard was the problem, or just entering the profession, this law applies to them.

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

Representative **CHICK**: Mr. Speaker, Ladies and Gentlemen of the House. I listened to the debate this morning and I am

listening here this afternoon. I would share with you my thoughts about the matter of fingerprinting. I have served a number of terms on school committees over a number of years. My only concern as a school board member, the reason that I thought it was really there was the education of our children in our schools in Maine. I hear comments made about where we stand in Maine compared to somewhere else. I will assure you that when I think about this subject, I am thinking about the students in the State of Maine. I believe we have all the expertise we need to decide how we are going to protect these students. I would say to you also that in the beginning I had two things in mind. First, the people that have paid to be fingerprinted will be compensated. I thought some about new hires. I have realized that in protecting the students, I believe we need to look at all of the people, whether they be the superintendent, the bus drivers and all people connected with our school systems. I would ask you to consider protecting our children by doing this check in our schools. Thank you.

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

#### ROLL CALL NO. 668

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

NAY - Ahearne, Andrews, Bagley, Baker, Belanger, 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, Jodrey, Labrecque, LaVerdiere, Lemoine, Lemont, Mack, Mailhot, Martin, Marvin, McAlevey, McGlocklin, McKee, McKenney, Murphy E, Muse, Norbert, Nutting, O'Brien JA, O'Neal, Pieh, Quint, Richard, Rines, Rosen, Savage W, Saxl MV, Schneider, Shields, Stanley, Thompson, Townsend, Tripp, True, Tuttle, Usher, Watson, Weston, Wheeler GJ, Mr. Speaker.

ABSENT - Bragdon, Campbell, Frechette, Jabar, Jones, Joy, Plowman, Sirois, Stedman, Stevens.

Yes, 72; No, 69; Absent, 10; Excused, 0.

72 having voted in the affirmative and 69 voted in the negative, with 10 being absent, 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 Appropriations and Allocations for the Expenditures of State Government 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. 1790) (L.D. 2510)  
(C. "A" H-1140)

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

Representative WATERHOUSE of Bridgton **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.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

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

#### ROLL CALL NO. 669

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Carr, Chick, Chizmar, Clark, Clough, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Desmond, Dudley, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Fuller, Gagne, Gagnon, Glynn, Gooley, Green, Hatch, Heidrich, Honey, Jacobs, Jodrey, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lovett, Madore, Mailhot, Martin, Matthews, Mayo, McDonough, McGlocklin, McKee, McKenney, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shields, Stanley, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tracy, Treadwell, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Bowles, Buck, Cianchette, Collins, Davis, Dugay, Gerry, Gillis, Goodwin, Kasprzak, Lindahl, MacDougall, Mack, Marvin, McAlevey, McNeil, Mendros, Perkins, Pinkham, Sherman, Shorey, Skoglund, Snowe-Mello, Stanwood, Tobin J, Trahan, Waterhouse.

ABSENT - Bragdon, Campbell, Frechette, Jabar, Jones, Joy, Plowman, Sirois, Stedman, Stevens.

Yes, 114; No, 27; Absent, 10; Excused, 0.

114 having voted in the affirmative and 27 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

#### ORDERS

On motion of Representative TUTTLE of Sanford, the following Joint Order: (H.P. 1954)

ORDERED, the Senate concurring, that Bill, "An Act to Create a New Category of Liquor License and to Exempt Pool Halls, Bowling Alleys and Off-track Betting Facilities from the Prohibition Against Smoking," H.P. 1807, L.D. 2533, and all its accompanying papers, be recalled from the Governor's desk to the House.

**READ and PASSED.**

Sent for concurrence. **ORDERED SENT FORTHWITH.**

#### SENATE PAPERS