

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 Twentieth Legislature
State of Maine

Volume II

First Regular Session

May 18, 2001 – June 22, 2001

Second Regular Session

January 2, 2002 – March 6, 2002

Pages 890-1770

Trahan, Tuttle, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ.

ABSENT - Ash, Bagley, Brannigan, Bruno, Colwell, Dugay, Gagne, Goodwin, Kane, Landry, Lundeen, Marrache, Morrison, Muse C, Povich, Richardson, Schneider, Stedman, Mr. Speaker.

Yes, 81; No, 51; Absent, 19; Excused, 0.

81 having voted in the affirmative and 51 voted in the negative, with 19 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** and sent for concurrence.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waldoboro, Representative Trahan who wishes to address the House on the record.

Representative **TRAHAN**: Mr. Speaker, Ladies and Gentlemen of the House. I stand to apologize to the body. There was a handout that went out under my name and one of the items on the handout, it was on a tan sheet, at the bottom it says, what is Maine doing about child abuse? The numbers in that paragraph are incorrect and I wish that you would accept my apology for that misinformation. Thank you.

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

CONSENT CALENDAR

First Day

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

(H.P. 13) (L.D. 13) Bill "An Act to Amend the Definition of Agricultural Land for Taxation at its Current Use" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-571)**

(H.P. 963) (L.D. 1276) Bill "An Act to Allow County Corrections Personnel to Participate in the Same Retirement Plan as Other Corrections Personnel" (EMERGENCY) Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-568)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence. **ORDERED SENT FORTHWITH.**

CONSENT CALENDAR

First Day

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

(H.P. 1322) (L.D. 1783) Resolve, Regarding Legislative Review of Chapter 60: New School Siting Approval, a Major Substantive Rule of the Department of Education (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(H.P. 1345) (L.D. 1802) Resolve, Regarding Legislative Review of Chapter 115, Part I, Section 8.5: Targeted Need Certificate, a Major Substantive Rule of the State Board of Education (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(H.P. 601) (L.D. 756) Bill "An Act to Ensure Quality Home Care Coordination Services and Improve Long-term Care Services" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-580)**

(H.P. 902) (L.D. 1194) Bill "An Act to Alleviate the Shortage of Pediatric Dentists in Maine" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-579)**

(H.P. 1160) (L.D. 1560) Bill "An Act Authorizing Patients to Designate Visitors" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-578)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence. **ORDERED SENT FORTHWITH.**

CONSENT CALENDAR

First Day

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

(S.P. 623) (L.D. 1805) Bill "An Act to Amend the Charter of Bates College" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(S.P. 441) (L.D. 1495) Bill "An Act to Establish the Maine Military Authority" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-246)**

(S.P. 612) (L.D. 1792) Resolve, Authorizing Certain Land Transactions by the Bureau of Parks and Lands Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-244)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** in concurrence.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-532)** on Bill "An Act to Authorize Release of Certain Information Pertaining to the Certification, Authorization and Approval of Educational Personnel" (EMERGENCY)

(H.P. 1295) (L.D. 1765)

Signed:

Senators:

MITCHELL of Penobscot
NUTTING of Androscoggin
ROTUNDO of Androscoggin

Representatives:

RICHARD of Madison
DESMOND of Mapleton
ESTES of Kittery
CUMMINGS of Portland
STEDMAN of Hartland
ANDREWS of York

WESTON of Montville
LEDWIN of Holden

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representatives:

WATSON of Farmingdale
SKOGLUND of St. George

READ.

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

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

Representative RICHARD: Mr. Speaker, Men and Women of the House. This bill is merely a bill to provide information regarding the number of people who work in the education field, who were fingerprinted and the number who were denied certification.

Before any other bills are passed it really would be, I think, to your advantage to know what this number is. We can't release it because of the way the law was written last year. We do have on hold, holding over until next year a bill that would address the repeal of the fingerprint law. It would seem to me that you need to know this figure before you take that action. Thank you very much.

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

Representative CUMMINGS: Mr. Speaker, Ladies and Gentlemen of the House. The bill before you is not a good bill, but I am still asking you to vote for it. The reason is that when you put in a bad law you will spend the next two decades either patching it up or having the courage to repeal it.

According to last years bill, we never should have had to have this bill in front of us. What happened in January was the release of all the violations against school personnel, all the violations and that never should have happened. As a result, this bill is now before us and it is a shame.

For those of you who are hungry to find out how many child sexual predators exist in our schools, this bill will assure that you will never find that out, never, because the fingerprinting bill and this piece of legislation will ensure that the total aggregate number will be released, no others. So there will be in there, child sexual predators, people who have committed a felony within the last three years and those who committed misdemeanors in the last three years related to the crime, related to the job in schools.

There are serious weaknesses in this bill, but it does reinforce in law that we will have some security about what will be released to the public and to the press. I believe that our school personnel deserve that security. I know that there are those among us who cannot vote for anything related to what they see as a civil liberties violation and are philosophically opposed to voting for anything that could be connected with the law put in last year.

My hearts are with you. At the right time, my vote will be with you, but until then, I ask you to give this due consideration.

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

Representative BROOKS: Mr. Speaker, Ladies and Gentlemen of the House. I am not sure I understand this bill, perhaps I should pose a question through the Chair and we can go through hours of debate trying to figure it out. The only feeling I am left with is this is information that is collected under the fingerprinting bill, I am not going for it. If it is release of any

information under the fingerprinting bill, I don't know why we can't get that bill back in front of us, this year and last year. I hope I am not violating any of the Rules of the House Mr. Speaker by talking about previous years. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bristol, Representative Hall.

Representative HALL: Mr. Speaker, Ladies and Gentlemen of the House. I too rise as somebody who is a very concerned opponent of all things to do with teacher fingerprinting to urge all of you who are of the same mind as I am to quickly support this main motion so that we can get on to debate the real issues on an amendment afterwards.

Representative THOMAS of Orono **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended Report**.

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 acceptance of the Majority **Ought to Pass as Amended Report**. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 248

YEA - Andrews, Annis, Baker, Belanger, Berry DP, Berry RL, Bliss, Bouffard, Bowles, Brooks, Bryant, Buck, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Clark, Clough, Collins, Cote, Cowger, Crabtree, Cressey, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Duncan, Dunlap, Duplessie, Duprey, Estes, Etnier, Foster, Fuller, Gerzofsky, Glynn, Hall, Haskell, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kasprzak, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lovett, MacDougall, Madore, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Mendros, Michael, Michaud, Mitchell, Murphy E, Murphy T, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Pinkham, Quint, Richard, Rines, Rosen, Savage, Sherman, Shields, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

NAY - Green.

ABSENT - Ash, Bagley, Blanchette, Brannigan, Bruno, Colwell, Dugay, Fisher, Gagne, Goodwin, Gooley, Kane, Landry, Lundeen, Marrache, Morrison, Muse C, Povich, Richardson, Schneider, Stedman, Mr. Speaker.

Yes, 128; No, 1; Absent, 22; Excused, 0.

128 having voted in the affirmative and 1 voted in the negative, with 22 being absent, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-532)** was **READ** by the Clerk and **ADOPTED**.

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

Representative PARADIS of Frenchville **PRESENTED** House **Amendment "A" (H-553)**, which was **READ** by the Clerk.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Frenchville, Representative Paradis.

Representative PARADIS: Mr. Speaker, Men and Women of the House. I wish to thank the Speaker and leadership for allowing me to present this amendment. I had hoped that this matter could have been dealt with through regular channels, that is a report out of the Education and Cultural Services Committee,

however, it was not to be for various reasons, I will not speak to today.

However, I must respect the growing clamor for action on this and I must also respect the constituents whom I represent. My amendment is essentially LD 1090, which I cosponsored with several Representatives and Senators from both parties. I must inform you that I have the blessing of Senator Davis, the sponsor of the bill to proceed in this manner this evening.

Mr. Speaker and distinguished colleagues, we are at a crisis point with present law mandating the fingerprinting of teachers and school personnel. We have turned on their heads. Some of the most revered principals of our democracy, the first has to do with education. Let me remind you that the foundation of American public education is embodied to the Latin phrase in loco parentis, in the place of the parent.

This is a sacred compact that has served this country well over the years. However, the very fabric of public education is threatened by the well intended but ill-conceived fingerprinting law. If you mandate the fingerprinting of teachers who are replacing the parents at school, don't you logically have to fingerprint the parents too? The second threatened principal of our great democracy is the off quoted legal phrase innocent until proven guilty. That basic tenant has now been knocked down to the canvas and might not survive the count.

In the misguided zeal to locate that statistically minute pedophile or sexual deviant. We are now operating under the ominous rule of guilty until proven innocent. Sounds like the former Soviet Union and Nazi Germany, doesn't it? The ever-growing crisis generated by the fingerprinting law also has had the unintended consequence of acerbating the serious teacher shortage.

As the enlightened school committees in Belfast and I was at that meeting, along with four of my colleagues from the House, the school committees in Belfast, Skowhegan and more recently in MSAD 40 and you have a hand out on that. Those people have recognized that we cannot afford to lose high quality teachers such as history teacher Stephen Smith whose only crime was to refuse to circum to the dictates of the Department of Education. For teachers like Smith, our Constitution is still very important and it's time proven principles need to be protected. Call him a rebel, a malcontent or whatever, he follows in the footsteps of Patrick Henry, John Adams and George Washington. Thank God for those patriots of old and Stephen Smith and the others who will insist on preservation of constitutional rights, even at the cost of losing a job he loved so much and are so good at.

I was at the Belfast School Board Meeting and I had the opportunity to talk with many so-called malcontents. Let me tell you that school committee and Stephen Smith's students do not think that they are malcontents. At latest count, Maine has now lost or is on the verge of losing over 70 quality teachers with a combined total of over 2,000 years of distinguished service to this state and its children. There is an ominous wave of criminalization that well intended, but misguided zealous are riding right now. I thought McCarthyism had died 45 years ago after our great Senator Margaret Chase Smith exposed this crusade for what it was in her famous declaration of conscience speech.

In presenting my amendment, Mr. Speaker, I appeal to your fairness, common sense and respect for our constitutional rights to emulate Senator Smith and utter a very firm collective declaration of conscience and return this state to sanity, respect and respect for our constitutional rights and gratitude to the 99.98 percent of teachers who faithfully educate and nurture our children in loco parentis, in the place of the parent. Please vote

for the total repeal of the law that has brought the education profession to its knees. Please vote green. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Farmingdale, Representative Watson.

Representative WATSON: Mr. Speaker, Men and Women of the House. I rise tonight in support of the amendment that is before you that was presented by Representative Paradis from Frenchville. I have the utmost respect for my colleague, who has just spoken, having been an educator here in the State of Maine for many years.

As a member of the Education Committee, now in my third term, I was there at the very beginning of this initiative. I am not going to go into the details of how this began and how we arrived at where we are today. All I want the members of this body to know is that at this point in time given all of the information that we have and additional information that has been requested by the previous bill from the committee that we were asked to support. I want to let members of this body know that I feel enough is enough.

Last Saturday I voluntarily went to Monticello School in Lewiston and joined the other school personnel that were invited by appointment to be there to line up and to be fingerprinted so they could continue to be employed in the State of Maine. For me, it is optional. I substitute taught last fall and I would like to do it again this fall. I told the State Trooper who was registering people that I did not have an invitation, but I would like to go through the process. I wanted to be there and experience what others had to experience since this has been passed into law. Even though I have been fingerprinted before for employment, voluntarily, because I wanted the job, this felt very different to me. I was there in that school cafeteria with people who work in our school systems who I have always espoused to support to the best of my ability and had aspired to the Education Committee to do just that. I went through the process and I joined other educators and school staff people. I talked with some of them. I was confronted by a constituent who knew in July she was no longer going to be teaching in one of my schools in the alternative ed program. She asked, how can you do this to us, who only want to be the very best teachers that we can be for the students that we teach? I had answers. I had explanations. I had justification and we all do since this has passed.

We have all had good reasons why we supported the initial request for new hires only. We know that 38 states do new hires. That felt justifiable, but until each and every one of us stand in the line with the rest of the people that we all come here to say that we support wholeheartedly because we entrust to them every day the lives of our children until every one in this room can say that I have been here and I have walked in their shoes even though I didn't have to. Can you honestly say it is justifiable? I can't and I won't and will support the amendment that is before us. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bristol, Representative Hall.

Representative HALL: Mr. Speaker, Ladies and Gentlemen of the House. Many of us ran for election last year with the specific commitment to try to repeal teacher fingerprinting. As you can see, Mr. Speaker, many of us won. We ran on that commitment for many reasons, though I believe all of us did so in the hope that it is in the power of this body to right a considerable wrong.

Ladies and gentlemen, all too often people given a specific responsibility cannot see the wood for the trees. They go to extremes to protect against the specific danger or threat that they are paid to worry about without understanding a bigger picture. Many of us can fall into the trap. Mr. Speaker, if I were the State

Fire Marshall, we would never be meeting in this room. One hundred fifty or more people in a room that exits in only one direction, that is an unthinkable, intolerable danger. Mr. Speaker, if I were a Coast Guard inspector of vessel safety, I doubt that any cruise ship would ever sail from Portland. Think of the Titanic disasters that I might be made to blame for. Mr. Speaker, if I were the Commissioner of Education, perhaps I could end all possibility of child molestation in the schools by erecting glass barriers to separate teachers and their pupils or if that were too expensive, perhaps I could solve the problem by hiring only eunuchs. If these comparisons sound absurd, they are, of course, intended to be. I bring them out to illustrate one key point. We need a sense of balance here. In our job as legislators we are often called to balance the possibility, however remote, of great harm to a few with the certainty of a small harm or even an inconvenience to many. When we do that, we need to be very, very careful about the facts concerning the supposed great harm we are asked to move against.

We also need to look carefully at the unintended consequences of our actions. In this debate we need to weigh very carefully those three issues, the possible great harm, the certain lesser harm and the unintended consequences. I am convinced, Mr. Speaker, by all the weight of evidence that fingerprinting has prevented no great harm. It has caused pain or inconvenience to very many and it has done much unintended damage in the form of pushing good teachers out of teaching. I believe we may be in for a long debate tonight and I believe that others are going to talk about why fingerprinting is a failure, why it is irrelevant to protecting school children? Others will speak of the unintended consequences of fingerprinting, of losing good teachers we cannot afford to lose.

I just want to end briefly by talking about the hardest of my three criteria, the relatively small harm that is certainly done to all teachers whom we have required to be fingerprinted. Fingerprinting itself, Mr. Speaker, is a small, but it is a sorted and disrespectful act. Objectively it may not seem harmful, but in our culture it means only one thing. It means suspicion of criminal activity. Think about this logically, please. If you are not a suspect, however remote the suspicion may be, you do not need to be fingerprinted and your guilt or innocence proven. If you are a suspect, however remote the suspicion, then fingerprinting is clearly appropriate. What we have said to every teacher in Maine is that you are suspected of being a child molester. That is not the way, Mr. Speaker, that we should treat dedicated professionals. In our society fingerprinting is quite simply and properly the way we keep track of criminals. If we go beyond this and make it the way we track every person, we have taken a small step towards tyranny.

Concerns about privacy have colored many of debates in this session. Nobody should be surprised at this. We are in an era, thanks to technology, all of our non-cash purchases become part of commercial databases, all our e-mails and internet use can be tracked, recorded and sold and indeed when all of our long distance phone calls can be monitored, recorded and screened. These are not paranoid fantasies. We all know the reality of the databases that drive, for example, our great growth industry, telemarketing. This is an opportunity tonight to redress the balance with one small, but very proper step. It is time for us, for many reasons, to do the right thing and repeal fingerprinting. I urge you, ladies and gentlemen of the House, to vote to adopt this amendment. I thank you.

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

Representative SAVAGE: Mr. Speaker, Men and Women of the House. I hear the words of the good Representative from Frenchville and the good Representative from Farmingdale and I

just want to point out that I agree that we are placing the schools in loco parentis by law. Parents who have very little choice if they don't have the resources to home school, must, by law, place their children in the trust of the school.

Before I decided to live the life of poverty, I mean work in the Legislature, I worked for a mutual fund company. That, like every other securities and exchange commission regulated industry business, requires fingerprinting of all of its employees. As the good Representative from Farmingdale talked about, I have walked in the shoes. I sat there and I thought about it for a good number of moments before I put my finger to that pad. I will tell you that when I hear this debate, it really kind of strikes me with a great deal of irony that we would spend all of this time arguing about whether we should fingerprint people to protect children when every single day we do it to protect people's money. Thank you.

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

Representative WESTON: Mr. Speaker, Ladies and Gentlemen of the House. I agree with several things that have been spoken tonight. I believe in constitutional rights and I believe in balance. I believe those rights can best be balanced by taking our responsibilities. As has been said, parents send their children to school because we mandate it. We are asking them to place their children in the control of people with assurance that those people are going to take good care of them. We are saying to them at the same time, you have no right to know if that person who is taking care of your child has been convicted of harming a child. I teach. I do a lot of long-term substituting. I have spent literally years in the classroom. When the parent brings their child to my door, especially because I am there just for probably three months at a time, I look at them and I am more than willing to tell them that I cannot promise that your child is going to be absolutely safe today, but I can and am willing to tell you that I have not been convicted of harming a child. That is the very least that you should expect from me.

We can talk about our rights to our privacy and freedom, but when we ask people by law to entrust their children to us, we have some responsibilities. I would just ask for you to explain what we talked about so far tonight and I know what is coming. If you can explain these very same reasons to this young girl who found in Maine, just recently, that someone in the school district had been hired as a janitor had molested her 20 years earlier as a student out of state. She found out that he is being hired by a district here in Maine. You explain to her why if he had been fingerprinted, he would not be in a school today.

There are four stories here from Mr. Pringle who gave his testimony before our Education Committee last year. One story was an employee who in 1986 had a felony conviction for smuggling contraband into a penitentiary. He has also been convicted for possession of a firearm by a felon. He moved to Maine and got a job in our school. You explain to the victims of these situations that you and I have a right not to be fingerprinted, not to reveal any kind of conviction in our past. Those are the people that we should be protecting. Thank you.

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

Representative MENDROS: Mr. Speaker, Ladies and Gentlemen of the House. I will begin with a quote that I began this debate with last year from Benjamin Franklin. "Anyone who would sacrifice freedom for security deserves neither." Think about that.

I have heard a few points I would like to respond to. I, too, sold mutual funds and insurance when I first graduated from college and I had to be fingerprinted as well. However, I chose

to be going into that field and being fingerprinted. If I am not mistaken, this amendment includes new hires, which I was at the time. It allows the continuation of new hires being fingerprinted. We heard about parents have to send their kids to school. It sent up a little red flag for me, a personal issue. The state will go in and take a child and put that child in a foster home against your will, yet, to my knowledge, there is no requirement that foster parents have to be fingerprinted.

I passed around an article last year when we debated this about a person from Bath who had molested 17 children under the age of 10. That person got 60 days in jail. If we want to deal with child molesters, I have said it and I will continue to say it, put them in jail for a long period of time. Let's not fingerprint every teacher because we don't want to go after the real criminals. If that person had been in jail for 10 years, then they wouldn't be able to lie about their record and sneak through the cracks because it would be hard to explain a 10-year gap in their resume.

I am going to my high school reunion this year. It makes me think of back to school and my sister who just got elected president of her PTO. I see a lot of the teachers from my elementary school all the time now. I volunteer. I get roped into volunteering for things. I see them and I think of all the great things they taught me and how important they are. I see many of them when I am campaigning. They razz me for my political party, but they support me. They know me. They helped me grow up and become who I am and I thank them for it and I thank the teachers. I look in their eyes and I feel guilty that we see them as criminals. I look them in the eyes and I think when they are looking back at me, they think that I think that they are pedophiles. That is what this law tells every teacher in Maine. I think you are a pedophile, you had better prove to me you are not. That is not right. We should not, regardless of how you feel, I know the teacher's lobby is a powerful lobby and it causes some frustration for different groups, but regardless of how you feel, these people work very hard to educate our children. They are professionals. They deserve some respect. I can't look at them. I feel guilty looking at them and I fought this bill as hard as I could, but I failed them, because we didn't get rid of the law.

I want to leave you with another quote. Our Executive downstairs, the last three speeches I have heard him give, he said the same thing. He quotes the last line of the Star Spangled Banner. "Oh say does that star spangled banner yet wave over the land of the free and the home of the brave." He loves to quote that. Well, are we the land of the free? Are we the home of the brave? Are we brave and we trust people? Are we free? Do we believe in freedom or are we willing to take away the rights of every teacher because we are afraid of something that we are not even going to catch? I guess my answer to our Executive would be, if he vetoes this bill, he has answered his own question. No.

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

Representative GREEN: Mr. Speaker, Ladies and Gentlemen of the House. In all the time that I have addressed this body, there have been two occasions upon which it has been difficult for me to speak. The first time was when we debated this bill in the 119th Legislature and the second time is right now. I have a speech prepared and I am going to try to get it out.

I like to call this bill, the bill of unforeseen consequences. I would like to tell you a story to illustrate my reason. Teacher Julie was fingerprinted last spring and applied for re-certification before August 1 of the year 2000. By October her certification was set to go, but she did not have clearance. She said that 15 years ago she exhibited her constitutional rights to protest against government action in El Salvador. We do have the right,

as far as I know, still, to protest and petition our government, although who knows? She did that in front of the Bangor Post Office and as we all know, that is a federal building. She, along with the others, was, in fact, arrested and convicted of trespassing. That is misdemeanor. By February her certification was sitting on the desk of the people in charge of re-certification, whoever they may be, waiting for further FBI information. By March her application was on the way to the deputy commissioner. By mid April, close to a year after her humiliating experience, Julie asked for the policy and the timeline of the Department of Education for exactly when she would, in fact, receive the re-certification that she had paid so dearly for. She received no clear answers. The policy guidelines sent by the commissioner stated that there would be a five-year limit on convictions, unless a felony or a crime having to do with child welfare was uncovered. She then informed the Department of Education that her next call would be from her attorney. Amazingly, two weeks later, she had her certification. What a miracle.

Let's quote from a statement made by the commissioner on February 9, 2000. "Background checks will be used only to examine serious relevant crimes that could affect children and are within a specific time frame." Some opponents, whoever they may be, have created an atmosphere of fear and paranoia by raising the spectra that minor crimes from long ago, a Vietnam protest perhaps, will be used to keep people from teaching.

Let's return to teacher Julie. Her conviction was 15 years old and had nothing to do with children in any way. It had everything to do with her rights as an American citizen. I now would like to share with you a quotation from our same commissioner written in a letter dated May 14, 2001. "The background check requirement is applied in a balanced and appropriate manner. Convictions for child abuse or exploitation are disqualifying. There are guidelines for considering other felonies and misdemeanors." Ladies and gentlemen, I remember a person I went to college with and because of where he lived and the problems that he had with getting back and forth to school, he daily got parking tickets. When you get a certain number of parking tickets, you get misdemeanors and maybe even felonies. I don't think they harm children.

I have just provided you with one example of application of the background check, which is neither balanced nor appropriate. Had teacher Julie not threatened legal action, might she still be waiting? There is no answer to that question. There is no answer. Is the department holding other certificates? Are they being used to develop an aggregate number to publish, which has nothing to do with the safety of children and everything to do with another agenda?

Ladies and gentlemen of the House, this abrogation of constitutional rights promulgated on a class of citizens without cause has already proven to be ill advised and poorly administered. The original promise of confidentiality has been breached. What other promises shall be broken? There are mentions of people who have committed terrible crimes who are working in our schools and I would like to ask, who hired those people? Anyone who hires me to teach their children should absolutely do a background check. We know that there was a person just recently in Long Island, New York, who in the space of 18 months was in three different school systems. Who hired that person? Not the teachers in the classroom. The problem of sexual predators in our society is much larger than simply taking a group of people, lining them up, herding them up and saying you are suspect we will take care of. We will watch when all they have done is given their heart and their sole to children.

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

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

Representative **DAVIS**: Mr. Speaker, Ladies and Gentlemen of the House. I will make this very brief. Would the Representative defer?

The SPEAKER: The Chair recognizes the Representative from Farmingdale, Representative Watson.

Representative **WATSON**: Thank you Mr. Speaker. Is a quorum present?

Representative **WATSON** of Farmingdale 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: The Chair recognizes the Representative from Falmouth, Representative Davis.

Representative **DAVIS**: Mr. Speaker, Ladies and Gentlemen of the House. I will make this very brief. I know the hour is late. First, I do not question the motives of the people that passed this bill in the first place. I know their motives were good. They were trying to make the school system a better place to be. Now that we are into this policy, surely we can see this policy is not working. One of the best teachers at Falmouth High School, who happens to be a good friend of mine, and a former student, is resigning. He is 49 years old and he doesn't have a job. He will not be fingerprinted. I even tried to talk him out of it, but I could not. There are a lot of consequences to this bill that we didn't foresee. It also costs \$900,000. My fellow legislators, we are in a crisis. We need money for our programs and we don't have them. We all know that. We pass bills and they are sitting on the Appropriations Table and they probably will be killed because we have no money. Sometimes school systems, I was on a school board for six years and I was department chairman for 13 years and taught at Portland High School for 36 years and sometimes teachers are hired carelessly. Sometimes somebody dies in August and two days later they have somebody there. It is a mistake and 20 years later they retire. They are not a good teacher. We need a little more local discipline back in the school systems, but that is up to the local government. I don't think the state can impose that. In fact, the more mandates we have passed, perhaps the less discipline there will be in the school system.

Finally, why don't we repeal this? I would love to work with the people who thought this idea up in the first place to bring some discipline back into the public school system. When we started every morning we said the Lord's Prayer, saying the Star Spangled Banner and had a bible reading. Don't tell me that didn't do some good, because it did. I am not advocating that we do that and go back to that age, but we must bring some moral order back into the public school system. Fingerprinting teachers has not worked. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Fort Kent, Representative Michaud.

Representative **MICHAUD**: Mr. Speaker, Men and Women of the House. I have taken your advice. I have not risen since I have been here. The reason why I elected to do so was because I decided that I would do it on an issue that I felt very strongly on, something that made a difference to me. This issue certainly does. It is quite difficult for me to get up and try to discredit the motives that some people might have had when this law was first passed. I think it was honorable. I know that in the

short time that I have been in this body I have learned to respect a lot of you, because I think that when you make a decision, you make it because you intend to do what is right. You intend to do what is best for the people that you represent. I know that when we make a decision, we make it on the information that we have at the time.

I don't fault you if you happen to have voted for this particular law. I would encourage you to listen and maybe learn of some of the problems that are associated with it so that as new information is provided, that you may exercise a change in your judgment and try to correct something that possibly was a mistake.

I need to tell you that I am a retired teacher of 35 years in the classroom. Already some of you are probably saying he has vested interest. Of course I do. I have vested interest in something I gave my life to. I don't think that is wrong. If someone were to ask who are the best parents in the world, we would all say ours. That is a vested interest. It isn't wrong. I know that an awful lot of you have said that you have been reluctant to resurrect this issue. It has been talked about before. Let me make an observation. I haven't really found too many issues that have been discussed here this year that have not been brought up before. The reason why this happens is because we make laws and we make laws based on a certain time and a certain point with certain available information. For those of us that think that this law served the purpose that it was intended to serve, you are wrong. The bill, as it was presented initially, was full of holes. It was rushed through. The very association that I belonged to, the very union that was supposed to represent my interest, did not. They failed me. They failed a lot of us. Today, I am not sure they are willing to correct it.

LD 1765, as amended, would have done only one thing different than what has already happened, nothing else. The only thing that it would have done is it would have released an aggregate number of people whose certification has been revoked or suspended, that is all. You would never have known any of the violations. You would not have known the category that the offenses reside in. You would know absolutely nothing else than that which has already been given to the public, leaked to the public.

I have looked at some research. In the process of doing research on this particular issue I discovered that when I first applied for certification, the question on the application was, have you ever been found guilty of a felony? Not being able to pin down exactly when the question was changed, a spokesperson from the Education Department said within the last 10 years that that question was still on the application. That is no longer the case. The question that is now on the application is, have you been found guilty of a crime other than a minor traffic violation? You might say, why is that germane to the discussion? You see, your certificate could last for as long as 10 years if you were under a professional system. If you are not, it is at least five years. If you were applying to certification during that window under which the questions had been changed, you would actually appear to be distrustful, dishonest because you have responded to the original question, which was, have you ever been found guilty of a felony? To which you would answer no if you hadn't. Your subsequent application, there are a universe of people that fall into the category where you honestly answered it under your first certification renewal, under the new law, you would now appear to have lied.

I broached this question to both the Attorney General and his staff and to the commissioner and designee and I was reassured that recently anyone that would fall in that category would automatically be advised that the department had information to

the contrary and that they could correct their application if they so desired.

I have also, finally, uncovered the part that I think is most troubling. All of you are probably quite familiar with what was in the original law and then again, maybe you are not. Do you know, for example, that this particular law is based on Title 4, Chapter 341, which is the law that covers all licenses of all boards that exist and all certifications that exist in the State of Maine? In addition to that, there is a reference to rules that were promulgated by the department that specifically apply to teachers and school personnel. In all of those instances, the references seem to be consistent with what the original intent of the law was, which was to keep people with violations of a sexual abuse nature away from the children in our schools.

However, what you might not know is that the certification requirement also fall under Title 17A, which is the Maine Criminal Code. Here is where part of the major problem starts. This particular title describes the crimes that are classified as Class A, B and C crimes. We know those generally as felonies. They require a period of incarceration that is generally longer than three years. In addition, it also includes the Class D and E crimes. These are the ones that are subject to a period of incarceration of up to three years. We generally classify these as misdemeanors. In addition to that, there is a Part II and it refers to substantive offenses. Under this category the following chapters apply, Chapter 11, Sex Offenses; Chapter 13, Kidnapping and Criminal Restraint; Chapter 15, Theft; Chapter 17, Burglary and Criminal Trespass; Chapter 19, Falsification in Official Matters; Chapter 21, Offenses against Public Order; Chapter 23, Offenses against the Family; Chapter 25, Bribery and Corrupt Practices; Chapter 27, Robbery; Chapter 29, Forgery and Related Offenses; Chapter 31, Offenses Against Public Administration; Chapter 33, Arson and other Property Destruction; Chapter 35, Prostitution and Public Indecency; Chapter 37, Fraud; Chapter 39, Unlawful Gambling; Chapter 41, Criminal Use of Explosives and Related Crimes; Chapter 43, Weapons; Chapter 45, Drugs.

It appears as though the original intent was to keep individuals from our children that had a prior record of sexual offenses. Ladies and gentlemen of the House, this is not what it has become. In addition to that, this body enacted laws that governed collective bargaining and under those laws you say, by law, that people have a right to discuss and bargain conditions of employment. That is a new one. You haven't heard this one. You failed to recognize that. If you are telling me that withholding my certification is not a condition of employment, I need to go back to school. Proponents of the law had said if this will save but one child, you will never know this. You will never know that it did. There is one thing that you do know. You do know that 60 people have virtually had the profession that they have worked hard at, they have had their right to practice their lifelong dream taken away.

If I were to hold in my hand a symmetrical object and as I showed it to you, you would see that it is white and if I were to ask you, is it safe to assume that it is all white? Most of you would say, white, of course. If I proceeded to turn it around and show you that the backside was really black, then, in a sense, you would say to me that I couldn't see all the way around. I didn't have the right angle. Men and women of the House, I think it is time for you to realize that the fingerprinting law was, in fact, such a container. At its face value it appeared to be white and it appeared to do what you thought it would do. It hasn't. It has, in fact, a dark side. For that reason, I would urge you to support this amendment and defeat this bill. Thank you.

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

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. This is an honor. Suzanne Malice Anderson, Bernie Heidner and the Maine Educators Against Fingerprinting. This is about not just teachers, but cafeteria workers, bus drivers and many people who called me in the 119th Legislature when I came up here thinking that single-payor was going to be my number one issue. Many days have passed since we took this up in the 119th and many things have happened and many good teachers are now refusing to be fingerprinted and are no longer teaching. I did cosponsor with Senator Davis the repeal of the fingerprinting bill and for whatever reason, it is going to be held over. In the meantime, I think we have to get on with this. We have to send a message. Not to repeat myself, but in the 119th, I did my homework. My homework said the numbers weren't there. The pedophiles were not teachers. The statistics proved that it was parents, neighbors, people that children knew, not the teachers.

I asked a lot of questions and I went to a lot of hearings. It was not fun to go to the Civic Center and watch the teacher as they played music and came up and signed that black board, making an oath that they would not be treated like second-class citizens. Innocent until proven guilty, teachers who taught history and the Constitution who are now having to be forced to be fingerprinted. It was a somber occasion and there were many mistakes that were made. I remember having the commissioner of Education who came to our caucus and we got to ask questions. I was not satisfied with the answers he was giving us. I remember calling people and asking more questions. The bottom line was, I have to be sure. I have grandchildren. They are going to be in the school system. You better make sure you got your facts. You better not go up there and say you want to repeal this and then something would happen. Then, I got struck by lightning. We can't protect those children of every single second of every day. Can you protect them from cub scout leaders and priests and every other activity that they may join? That is when I got my facts and decided that I would stand up. It wasn't easy in the 119th, but it sure is nice to have a new freshman class who also supports this because it makes you feel like you are not alone in the fight.

So for Suzanne Malice Anderson who dared to say no. She was the first teacher who refused to be fingerprinted. She was the first teacher who stood up and said, something is wrong with this. For the cafeteria workers, little memeres, who have been working in the cafeteria for years called me and said, "Joanne, they are going to fingerprint me. I have been working in the school system for years. I love my job. I haven't done anything wrong, but I don't like the idea of having a background check." The little memeres who now want to quit the school system because they didn't want to work in the cafeteria, because they just didn't like the idea of the FBI doing a background check even though they had done nothing wrong. These are the people, the teachers, who protect your children, who are there to educate them. I wish you could have been in Belfast with Representatives Paradis, Skoglund, Michaud and myself to hear testimony from students. A young man got up. He was so eloquent in saying that this teacher had changed his life. This teacher was now resigning. We need to listen. We need to stand up because teachers first, cafeteria workers, bus driver, who is next? Line up and get your fingerprints, but it is not just your fingerprints, it is the integrity. It is everything it does. It destroys your moral being to be accused of something that you have not done. Not any one of us would want to go through that. Thank you.

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

Representative **DESMOND**: Mr. Speaker, Colleagues of the House. I was an educator for 44 years. At one time or another I have taught Kindergarten through college. At one time in teaching fifth grade, we were fingerprinted. My fifth grade was fingerprinted and I was fingerprinted. If I had said, my civil rights have been violated, I think I might have traumatized those children into thinking that it was something very wrong. We all found it to be a wonderful experience. I have seen nothing wrong with fingerprinting. I choose to be unselfish and think about the children. Regardless of what is being broadcast, there is no presumption of guilt about record checks. Conducting school personnel record checks based on fingerprinting is not a Fourth Amendment violation. Based on our Constitution, the ultimate decision on constitutional rights is with the courts, not with individual perceptions or individual interpretations of the law. Maine's Attorney General has confirmed the constitutionality of background checks.

My daughter-in-law runs a preschool. She has to undergo background checks along with everyone else in her house, my son, my grandsons, all must go through background checks and they don't mind this at all because they know the intent of the law is to protect the children. This law places a high value on children. The sole intent of the law is to protect children.

Before you vote, I hope you think about the impact. Be sure you have accurate information. One child scarred for life because he or she has been molested is one too many. Does it matter that we won't know this? I don't think so. It probably will mean that fingerprinting is working. Statistics show that long-time personnel are often identified as the perpetrators. Therefore, it is necessary to do checks on all. I want to be unselfish and think of our children. I would be willing to be fingerprinted again because I know the law covers all school personnel and it might uncover just one predator of children. This issue is about school personnel, not just teachers. I really do not like to hear just teachers. I was a teacher, so this law is not just about teachers. It is school personnel. Thank you.

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

Representative **FISHER**: Mr. Speaker, Men and Women of the House. It has been quite a night. I have listened to the Representatives from Frenchville, Falmouth, Fort Kent, Monmouth and Mapleton. There are a good number of others in here, my teaching colleague from Brewer, the gentlewoman from Turner where my grandfather got his start in education, an excellent administrator from Caribou. There is not one of us in here who would, as educators, have anything go wrong with our kids in school. We all have different approaches to it. I am glad I rose after the gentlewoman from Mapleton so she had an opportunity to speak on her side on the issue. Schools are second homes. I can't tell you how much being in Brewer High School meant to me over the years. I am quite passionate about it.

I want to start off by asking a rhetorical question. The janitor who is a felon that has molested somebody earlier and the other gentleman who was mentioned in the beginning of this debate, were they checked on when they were hired? The good Representative from Monmouth, Representative Green, mentioned somebody who had three jobs in Long Island in an 18 month period. Who wrote the positive recommendations to shuffle them from one school to another so they wouldn't have to face the issues themselves? The root of all these problems is in people not doing their jobs in the school. There is not a one of us that have taught school for any length of time who doesn't

know of a case where somebody was shuffled out of a school with a good recommendation so they didn't have to deal with the situation.

My wife is a teacher. I think the only reason she tolerates me down here is because it gives her an opportunity to devote more time to school and to her kids. Within the last year, I had to drive her over to have her fingerprints done. She had them done because she didn't want to do without her kids. It was a very hard thing for her to do. She still has a passion for her kids, but her passion for the school is gone. Let's do away with this.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. The beauty of the Legislature is that every two years you start anew and in many cases old chestnuts, even insurance bills, come back and sometimes become law and sometimes you take a fresh look at laws that have already been passed and the only thing that is etched in granite is the Maine Constitution. This is an emotional roller coaster for many of us from the last session. As interesting as this began to bubble underneath the surface about a week or a week and a half ago a new member had come up and asked me if I had taken a position yet, if I had a position on fingerprinting? I think I still carry scars of that last session.

I left the last session, I don't know if I can find the right word, hurt, angry. You have to understand that as a Republican in the minority, you usually have that feeling when you leave the Maine Legislature when it finishes, but this was different. This was much different. When I expressed to colleagues my concerns about fingerprinting, I had members of that last Legislature ask me, what are you hiding? What do you have to hide? They were colleagues and people I respected. I think in those debates I talked about that you would look at me or they would look at me and they would see a letter, not a scarlet one, but there was a giant P that they looked and saw me as a predator or as a potential predator. I had a label put on me and I think that is where the hurt and the concern came from.

As we look back at that last Legislature, this chamber repeatedly rejected the original bill and focused on a compromise area. The reason that compromise didn't take place is because of an action on the part of the Chief Executive. In the afternoon prior to that veto message coming up, Senator Murray, whose spouse is a teacher and myself, had met with the Governor and our goal was to try and convey to the Governor what it means to be a teacher. What goes into doing that? As you work with children, protecting them, opening up doors of opportunity, introducing them to the excitement of learning. If you are a long-time teacher, to see those youngsters succeed and then send their children to you. Every long-term teacher who is in this body has had the enjoyment of seeing a youngster come up and say that I signed up for your class because my mother or my father said that I need to be in your class. That is what we do with children.

I informed the Governor, if you do this action, in all likelihood it will probably be the end of my teaching career. I had told him that up front. I felt it is real important when you pass a law, even if you disagree with the law, that you go and observe the law. My certification was up shortly after the legislative session and I went and I had my fingerprinting done. I really have to compliment the State Police. They understood very clearly that there were a lot of people there that really were uncomfortable or that it was stressful. The sergeant had taken my hand and immediately he saw that my fingers and my palms were just sweat covered. There is always that story about the African Tribe, they always find the thief by putting a hot knife on their tongue because of the nervousness. It is an early lie detector

and I all I could think of was my sweaty palm and he was thinking, I got one of them. Instead of treating me that way, he went along. He set up a procedure to wipe and spray every single finger. It probably took me about 10 times longer than anyone else.

Three of my former students were there as teachers. They came up and talked to me afterwards. One of them said, "I am not sure who I am most embarrassed for today, you, as my former teacher, who inspired me to go into teacher or for myself, a young teacher who has dreams and aspirations of the differences I can make." I saw her about four months later and she was still extremely upset. I have been fingerprinted. I have been fingerprinted repeatedly. As a 17 year old, I wanted to go off to the Marine Corp., boot camp. As a 22 year old, so I could go to officer candidate school. In 1985, the FBI, White House appointment, which was not only the fingerprinting, but I had to give them two people working backwards every five years of my life. You can imagine getting called by your ex-neighbor when you were nine years old saying the FBI was here today. I knew you were going to turn out wrong. What have you done now? I have been through more extensive background checks, but that was one of the hardest ones that I had to go through.

What teaching means to me. This isn't a long essay. My father, like many of your parents, was depression era, who worked five jobs and scholarships to go to college. He carried that philosophy that all five of his children would pay their own way. We paid every single dollar of our college education. I made it through one year selling my blood. The problem though was I sold it to three hospitals. I remember that I wanted that teaching so badly that when I would sell that blood and I got the \$25, they allowed me every other day to cook a pound of hamburger and the other day was two packages of jello with a can of pears in it. My family still laughs about that and I still eat hamburger and I still eat jello, but I was willing to be a teacher to sell my blood. I ended up in the hospital because I did that. My family laughs. They said you never ever check to see what your teacher contract salary is, because you would do it for free. All my life I have lived to teach. I think in the previous Legislature, the middle ground that we moved toward, which maybe could have brought people together and dealt only with the new hires, got shanghaied by the bureaucracy and the leadership of the Department of Education. When Senator Murray and I met with the Chief Executive, I think without that pressure and some of those threats, that we would have come to a common ground. This crisis of teachers leaving the profession, school boards sending resolutions about a shortage and they are having to let go good teachers, I think came from that bureaucratic pressure and I hold them accountable for what has happened.

I don't know how many times I have addressed this Legislature with a great deal of pride of being a teacher. I have held a lot of offices. People have asked me what do you do for a living? What is your profession? I respond I am a teacher. I take a great deal of pride in that. To be looked at as a potential pedophile or predator flies in the face of what every one of us has aspired for and what we have tried to do in our communities all through our lives. Tonight I address you as retired teacher. It was one of the factors and terms of retiring December 31. I didn't think we would be able to address this, but it is a new Legislature and we have the opportunity to right wrongs. What happened because of bureaucratic pride, I think is a tragedy and has set back education. This is a brand new Legislature. We have an opportunity to make it right and to respect the men and women in our schools who give their life's blood and every energy they have for your children and my children. Let's make this right.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. I just spent a few minutes in the past hour looking back through the record from last year and looking back at some of the old speeches that we all gave. They are as relevant tonight as they were then. I want to say at the outset though, although I am a veteran teacher of 22 years, that I respectfully disagree with many of the people who have spoken tonight. I started off feeling just the way they did and I went along with my union. I am a long-standing union member. My parents were mill workers and didn't have the advantage of a union so I grew up really appreciating the union and I can tell you that I am a fierce union supporter. I wanted to go along with my union last year, but as I learned more about why the department wanted to do this and why states across the United States are doing this and what the facts were and who supported this, I gradually came of the mind that it was time that we teachers also submitted to fingerprinting. I am a teacher and I am just as devoted to the profession as everyone else who has spoken is. I would never leave it. There is nothing so cataclysmic that I can think of at this point, other than tragedy, that I would leave teaching. It certainly would not be fingerprinting. Some of the most highly respected people I know have been printed. The Chief Executive in order to keep the children that he so desperately wanted to adopt submitted to fingerprinting. I am sure that he did not question whether or not it was more important for him to protect his privacy.

We have lawyers sitting here who because they deal with documents regarding properties and land transactions have to be fingerprinted. My son is a lawyer and had to be fingerprinted and he is a fine young man. My son is a teacher. My daughter in law is a teacher. They have both been fingerprinted. When they left Foxcroft Academy because they made so very little money and moved out west where the salaries were much better, the immediately got jobs because they had been fingerprinted. Most of the states, in which they inquired, required fingerprinting. My brother is a doctor and had to be fingerprinted.

All of these people love what they do and value what they do more than they do, perhaps, their privacy. Maybe I have a unique perspective on fingerprinting. My father, who couldn't read or write, left his fingerprint on a piece of paper that my mother signed for him every time a transaction had to be made. As a child, I often asked, why doesn't daddy sign like you mom? She never told me. It took me until I was a sophomore in high school that my father could neither read nor write. My mother had read the newspaper to him every single day of my childhood and I thought he was just lazy. I can tell you that my father would not only have given up his fingerprint, but my father would have given up his finger, his thumb, if the thought that it would have saved children. We say that the figures aren't there. The figures are there. In the past five years some 20 odd cases of child abuse involving teachers have been discovered.

This was not rushed through. It was the longest most deliberate debate that we had in the 119th Legislature. Yes, some teachers decided to resign over this and certainly I respect that. I am also troubled because teachers are resigning for other reasons. In my own school, young teachers are leaving just as my son and his wife did, because they can't make a living on the salaries of a first or second year teacher. Other people are resigning, veterans, because teaching is getting to be tougher and tougher. We have higher expectations, unfunded learning results, education reform, mainstreaming of almost all students with diverse abilities, new technologies and long, long hours. It is a tough job and many people are resigning.

I support fingerprinting also for another reason and it is because I represent more than the teachers in my school, although the teachers in my school were more concerned about who was going to pay for it, than being fingerprinted. Most of them said to me that if we can win back the confidence of the people of the State of Maine, we will be fingerprinted and let's get on to the really important conversations that we need to be having about education. My constituents told me over and over, what is the problem? Why can't you succumb to this just as people at Bath Iron Works and as I listed before, many, many other people who have had to be fingerprinted. I was also persuaded by the fact that the Maine PTA, the Maine State Board of Education, the Maine School Boards Association, the Superintendent's Association, the Maine Principal's Association and a half a dozen other groups from across the state supported this. My principal said it will make my job easier and I can sleep better at night if I am allowed to know this. My superintendent said the same thing. We cannot ignore our constituents. I have great respect for every teacher who is here and I know they have to be devoted in order to continue to teach and to do this job. I don't think that we are sacrificing something that does not have great benefits. Weighing the risk and the benefits, the benefits outweigh the risk for me.

I would also reject any sort of compromise regarding new hires because for me, folks, it is an up or down vote. You would either want to repeal it or you would want to stay with it. If it is good for a new hire, it is good for me. I will be fingerprinted along with new hires on June 16, because it isn't right to only look at new hires.

Mr. Speaker, before I sit down, I would like to pose a question to anyone who can answer it.

The SPEAKER: The Representative may pose her question.

Representative **MCKEE**: Mr. Speaker, Ladies and Gentlemen of the House. The question is, how many teachers have been fingerprinted as of May 2001?

The SPEAKER: The Representative from Wayne, Representative McKee has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Topsham, Representative Lessard.

Representative **LESSARD**: Mr. Speaker, Members of the House. I truly respect the teaching profession. Those individuals that teach our children deserve more than they are given credit to, especially in the salary bracket. There is no question about that. If I was here to debate law enforcement and the people that serve in law enforcement, everything you have heard interchanges with police officers. We don't have to go through this debate with police officers. Fingerprinting is required. Why? Psychological examination of a certified psychologist is required. Why? A polygraph is required. Why? The community expects those that serve in law enforcement to be the best that we have and are confronted with the serious problems that we encounter on the streets and the homes and everywhere in this country. I hold the law enforcement profession as high in esteem as I do the teaching profession. That is a survey that has come out. Yes, we were fingerprinted, long before, I think, most of you were here, I was fingerprinted. I can hold my head up high and indicate that the people that expected me to be what they want, I am. Make no mistake about it. When we require a background investigation on individuals, whether it be police officers or any other kind of profession, including the educational field, if you don't have a set of fingerprints, they cannot tell you that individual's background. The record will come back and say, unable to verify this information. I have worked in the State Bureau of Identification for many years and that is what happens. I can show you how

these predators and these criminals, I have more contact with them than you can imagine, can lie, deceive you and come out with information that is almost believable and they will find ways to get at those kids. Make no mistake about it. Yes, I will be fingerprinted anytime and I have been. Now I am retired. I sit back and I hear this debate and the teaching profession is at risk here because of the fingerprinting. It is the background. If you are looking for backgrounds, you need a set of fingerprints to verify what you are doing. Give the administration of schools and the departments that has that responsibility, give them the tools to work with to find this information out. If you don't, somebody is going to slip through the cracks and when it happens, I am not going to be on record to show, as a member of this Legislature, I could have done something and probably voted not to have this information or the tools at hand. I will not be on record to show that. I will be on record to show that a positive background investigation was made with those fingerprints. It is the background. It is not the fingerprints. We have held this fingerprint issue up to the point where it is getting ridiculous. It is the background. Those are your personal identification, your hands. Those digits are unique in themselves. I worked with them many years. I am a certified fingerprint examiner. Nobody is going to change them. That is your personal identification. You sign things everyday with your signature. You give away a little bit of yourself because you identify yourself through your signature. That signature can be forged and I can show a lot of ways how these deviant people can get around a lot of issues that we have talked about here tonight. It just bothers me when we just talk about fingerprinting when it is the background information that people have to work with. I apologize to the House for being a little lengthy, but I feel very strongly about this. More people have come to me, mothers and fathers, how can we ensure the protection for our kids? Isn't this one way? Yes, it is. I will fight for that. The teaching profession, I respect. Fingerprinting is nothing. That is your personal identification. Live with it. I live with it. Everybody else who has been fingerprinted here lives with it. You have doctors, lawyers and everybody else that is in a profession that the public and the people that you are going to serve expect you to have a higher standard and not be part of the criminal nature that some of our people are. With that, I will sit down Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Bristol, Representative Hall.

Representative **HALL**: Mr. Speaker, Ladies and Gentlemen of the House. We are at the end, or very close to the end, I hope, of a long debate. When the vote is taken, I respectfully request the yeas and nays.

Representative **HALL** of Bristol **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-553)**.

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 Augusta, Representative O'Brien.

Representative **O'BRIEN**: Mr. Speaker, Ladies and Gentlemen of the House. I am starting to slur, because I am starting to get very tired. I am very tempted to ask for a show of hands, I won't do so, but if there is anyone who is undecided. Just in case there is anyone undecided, I want to make a very few brief comments. Those of you who have been here in the past two legislative sessions know that this has been an issue that I have been very, very passionate about. I feel very strongly. I was a cosponsor of the original legislation and I haven't backed down from that and I don't intend to do so. Tonight, I have felt a different feel for the debate. I want to say up front that I have great respect for those who, obviously, feel very strongly, as strongly as I do. They feel very strongly that this is an

infringement of their privacy rights. I have to say that I don't understand that. I respect it. I understand that you feel that way, but I cannot make the step from choosing not to be fingerprinted, leaving a profession that you have gone into, not for the money, but for the very love of children. To go from doing that to saying I don't want to do it anymore and it is all for the safety of the children.

A couple hours ago I heard some very eloquent speeches about the line ups and the atmosphere and the Gestapo like atmosphere and how we are all speaking on behalf of our constituents, the teachers, the janitors and the school personnel. I have heard very few mention of the other group, the other constituency that we are here to represent and that is the children. I don't care to know how many. I need to know it we are capturing, I don't mean physically capturing, some people that shouldn't be in our school system. Even one, it sounds so tripe, but if we find one, I think I would do that.

I also wanted to say, those of you who have heard me say it before, I feel that the teaching profession is the most important profession that we have in this entire country. When I speak to school children, I do often, they seem to feel that it is the legislators who are important people. I assure them that, no, we are not important people. We have great responsibility, but we are not necessarily important people. I tell them their parents and their family are the most important and then their teachers are just as important. I have great regard and hold the teaching profession in the highest esteem. My in-laws, I believe, 50 years combined experience. I have a sister, you have heard me speak of, that is a national award winner in teaching. With five children I have seen and gone through a lot of teaching. The other point has been made though, it is not just the teachers. It is the janitors, the bus drivers and those others. I won't go into this evening. I did last year, but I won't. I have cited cases where I know for a fact that had this been in effect, there were two cases that would have prevented, not just two victims, but many, many more victims. They live with it a long, long, long time.

I am going to stop there. I just ask you, if you are undecided, to please think about that. We are not, as has been mentioned, this profession is not the only one being asked to fingerprint. I couldn't have said it better than Representative Savage. He hit the nail on the head. Why is it such an issue? We are putting more importance on the people that have our money than those who must, by state law, have our children for the most part of the day. Thank you.

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

Representative **RICHARD**: Mr. Speaker, Men and Women of the House. I just wanted to correct an error. Somebody said this bill was rushed through. This particular bill was started in the 117th Legislature. It was worked all through the 118th Legislature and it was finally passed in the second year of the 119th Legislature. It wasn't rushed through. A lot of legislators worked on it. In response to a question, how many people have been fingerprinted? You know from the orange sheet that has been passed around there are 46,000 school personnel affected. We cannot tell you how many have fingerprinted unless we have LD 1765.

Mr. Speaker, may I pose a question to the Chair?

The SPEAKER: The Representative may pose her question.

Representative **RICHARD**: Thank you Mr. Speaker. If this amendment is adopted, will it be amended to LD 1765 or will it erase LD 1765?

The SPEAKER: The Chair would answer that the amendment would replace the bill and, in fact, the Committee Amendment "A" would then need to be Indefinitely Postponed because it would be in conflict of the amendment.

Representative **RICHARD**: Thank you Mr. Speaker. You are saying Mr. Speaker that if the amendment passes, LD 1765 will no longer exist as it was originally written.

The SPEAKER: That is correct.

The Chair recognizes the Representative from Bangor, Representative Norton.

Representative **NORTON**: Mr. Speaker, Ladies and Gentlemen of the House. A little over a year ago I came to many education hearings on this issue. At one point I heard the head of the Maine State Troopers answer some questions that were posed to him. One of those questions was about how the fingerprints would be held and with what other fingerprints would they be held, that would be the database with all of those people with prior convictions. He was asked if any other fingerprints would be in that database? He responded no. Teachers will be held with people with prior convictions. I have this horrible reoccurring nightmare that sometime 100 years from now my great grandchildren for some reason will be doing some genealogy checking or some other kind of checking and they will find that my fingerprints are on file in a database with people with prior convictions. That bothers me a great deal. When asked then what about people that have to get fingerprinted for other jobs, all of the other people that I have heard spoken about tonight, I believe his response was, once the investigation is completed, those fingerprints are no longer kept on file.

I, too, have been fingerprinted three times in my life. As a child, believing it to be for identification purposes and things of that sort is certainly different from the fingerprinting that I went through to keep my teaching certificate.

I also have had the privilege of serving my superintendent internship for a year in the superintendent office. The gentlemen with whom I did my superintendence did a very thorough background check of the people he hired. It was possible for him to do that without fingerprints. It is also possible to get all kinds of recommendations from highly skilled people. I think that can be done and, in fact, should be done. My final comment is, of the 20 people that I heard the good Representative from Wayne respond about, I wonder how many of those 20 people would have been picked up with fingerprinting, since most of the people that I have known of in my life around schools who are pedophiles, don't have any prior convictions?

The SPEAKER: The Chair recognizes the Representative from Holden, Representative Ledwin.

Representative **LEDWIN**: Mr. Speaker, Men and Women of the House. I, too, am a former teacher and I am a member of the Education Committee. I came to this esteemed Legislature with some preconceived notions and probably the many questions I have regarding fingerprinting of school personnel could be considered on the top of my list. The need to have some answers and the numbers before we move forward, there is a need to have some answers on numbers before we move forward. Let's see if a change should be made. Help us to move ahead and begin to put this controversy aside. It is my understanding that the Department of Education receives many calls asking if the State of Maine requires teachers to be fingerprinted. When an affirmative answer is given, there is a click on the other end of the phone. Laws should be black and white. If we pass this amendment this evening, the State of Maine will always have a gray mark. It will never know if the law worked. Thank you Mr. Speaker.

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

Representative **BAKER**: Mr. Speaker, Men and Women of the House. First of all, I hope to clear up a point that has been raised. This comes from the Department of Education that Maine educator fingerprints are not co-mingled with criminal

databases and are not stored in any national database. I think there has been some confusion about that.

First of all, to express my sort of interest in a curious reverence that I have heard expressed for teachers. Mind you, being a teacher myself, I don't think that is a bad thing. I find it puzzling in light of the fact that this very Legislature has not seen fit to improve the salaries of teachers. We have still and currently on our books a \$15,500 starting salary for new teachers in the State of Maine. That does not express reverence for teachers. We are in a state where we don't allow our teachers to draw social security upon retirement. They are required to pay exorbitant rates for their health insurance. I want us to revere teachers, but I want us to start putting our money where our mouths are and I hope that is one positive thing that will come out of this discussion.

I want to express even more curiosity at the absence of focus on children. The Representatives from Mapleton and Wayne have begun to talk about the children, but this is really who this legislation is for. In the past five years we know of 27 child abuse convictions. Those 27 convictions were found through pure luck. We didn't have fingerprinting. We found those anyway, but it is a mistake to think that those 27 convictions represent 27 children. Those convictions represent scores of children. Did each person only perpetrate only one child or two or four or six or eight? It is not only the children who could be the hundreds just from these convictions found through sheer accident, but the families and we are talking about thousands of people because if you live in a family where a child has been assaulted, you know that that family is never the same again, nor is anyone in that family. We are talking just from 27 convictions, hundreds and thousands of human lives affected.

For some strange reason the Maine Educators Against Fingerprinting find this number an acceptable risk. Frankly, I am shocked. I am shocked that 27 convictions in the past five years is an acceptable risk. I am angry. I would gladly be fingerprinted if it meant one child would be spared the awful imprint of sexual assault. Teaching is a noble profession, but that does not mean that every teacher is a saint. That does not mean that profession is absent people with convictions, anymore than it means the profession of clergy are saints or the profession of scoutmasters or parents. We cannot stop sexual assaults in this society, but we have to try. This is one place that we can make a difference.

Teachers work too hard for too little pay and too little societal respect, but that does not make them saints beyond reproach and we need start understanding that and stop the sentimentality that surrounds this idea that we revere teachers, but we don't have to pay them. We don't have to give them adequate retirement, but we can somehow do something about fingerprinting that is going to make it okay. That is not okay.

To repeal this law is to protect individuals with serious convictions allowing them to work with children in Maine schools since they are barred from a majority of states. These are the states that require fingerprinting of all certificate holders, Alabama, Alaska, Arizona, Arkansas, California, Colorado, Kentucky, Maine, Minnesota, Nevada, New Mexico, New York City, North Dakota, Ohio, Oregon, South Dakota, Texas, Utah, Washington, Washington DC, Wisconsin and Wyoming. This bill that we passed last year brings us up to the licensure required in other states. Since that time, the number of states requiring fingerprinting has not lessened. It has grown and for good reason.

There have been many thoughts expressed tonight about the teachers and their feelings, the indignity of the process, the thought that one is suspect, if one is fingerprinted, the tyranny of control. I have heard little thought for the child and little concern for the feelings of the child. I want to focus instead on the stolen

dignity of a child who is molested. The lifelong suspicion that a victim feels that somehow he or she has caused this. The tyranny exerted over a child caught in a power imbalance of sexual abuse at the hands of a trusted adult, there is nothing worse. We cannot stop all sexual abuse, as I said, but we must not fail to try. Children are required by law to attend school, not scouts, not church. It is our responsibility as legislators, as elected Representatives of the people, to ensure that those in whose care our children are placed are in the hands of those with clean records. Thank you.

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

Representative **TRACY**: Mr. Speaker, Ladies and Gentlemen of the House. I will be very brief. This was not passed in the 119th. What we did in the 119th was just the funding. We had another bill that went down to the Chief Executive that was vetoed for new hires. This was passed in the 118th Legislature, as a matter a fact, with no debate. It went under the hammer in both chambers and went down to the Governor's Office.

The SPEAKER: The Chair recognizes the Representative from Levant, Representative Chase.

Representative **CHASE**: Mr. Speaker, parliamentary question.

The SPEAKER: The Representative may state his point of order.

Representative **CHASE**: Thank you Mr. Speaker. The main bill is an emergency bill. Amendment (H-553), does that also require a two-thirds vote for a simple majority?

The SPEAKER: In answer to the Representative from Levant's question, our understanding of House Amendment "A" is that it strikes everything following the title, which would, in fact, strike the emergency. As a point of clarification, regardless, for the adoption of House Amendment "A" would require a 50 percent majority vote and for enactment then a 50 percent majority vote as well.

The Chair recognizes the Representative from Madison, Representative Richard.

Representative **RICHARD**: Mr. Speaker, Men and Women of the House. I don't want to delay this any longer, but two things have been said that do need to be clarified. We made many changes in this bill in the 119th Legislature. This was not the same thing that was passed in the 118th Legislature. There were changes made right up until the last minute. One of them was that there was a separate educator fingerprint file. The file is sealed from criminal investigations. When fingerprints are found at the scene of the crime, investigators cannot compare them to educator fingerprint files. Educator fingerprints are in a separate file and they are not in with all of the other criminal files. Thank you Mr. Speaker.

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

Representative **TRAHAN**: Mr. Speaker, Men and Women of the House. I will also be brief. I won't address any of the previous testimony because it was so eloquently said, but there is something that really wasn't addressed. That was my concern from day one. For those of you that remember the debate from last year, I said on the floor that I was concerned that through history government has not kept its word in that under the guise that this bill was promoted was that information was not going to be released and that this would not damage the teaching profession. Ironically within less than a year, against state statue, information was released. I heard people say things like there were phone calls to people in this state and when we said we were a fingerprinting state, they hung up. That is to imply that there was a child molester on the other side of the line. That

is to strike fear in you, ladies and gentlemen, that these teachers are pedophiles. I think that is unfair. This bill, ladies and gentlemen, I said to you on the floor a year ago that this was going to damage the teaching profession to the point where I thought it might be irreparable. I am afraid, ladies and gentlemen, the people that support this bill are going to extreme lengths to save fingerprinting and they are doing at the expense of the teaching profession. That is why I rise today to tell you that sometimes the solution is worse than the problem.

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

Representative **CUMMINGS**: Mr. Speaker, Ladies and Gentlemen of the House. Tonight we are wrestling with the most difficult issue to face a democracy, the commitment to our basic civil rights. We tonight, as was asked of Representative Murphy, what do you have to hide? I submit to you that Representative Murphy has nothing to hide, but everything to lose. There is one hallmark of the greatness of our society that has given us a rise above all other nations and that is the ability to protect those civil rights even when it hurts. There may be disagreements in this chamber about what freedom is. I might say freedom from and someone else might say freedom to, but there is no disagreement in the American democracy about the importance of liberty. If we let that go, it is greater than any damage we will do to children by not doing so. Unfortunately those who have said I am fearful that one child will be hurt and that justifies this. Let me say that every day in our judicial system we let individuals go and it is painful, but we let them go because we know there is something greater at stake than the way we get criminals and getting the criminals. Tonight we have before us an opportunity not to affront the people in the 119th who passed this law, to say that wise men and wise women do make mistakes, but tonight we have to wrestle with the most difficult issue that a democracy will ever present you. Will you actually pay the price for our greatness? Tonight and now is your chance.

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

Representative **WESTON**: Mr. Speaker, Ladies and Gentlemen of the House. We do have rights, but we have a right and a responsibility to help the most vulnerable. If giving my fingerprint is taking away my rights as a person, I have to admit I cannot understand that. I cannot understand how someone who is working in a classroom and sees these children every day can say to themselves, my right if I want to hide something or at least not reveal that I am not hiding something, that is my right and that right should come before the rights of these parents who entrust their children to me and the rights of the children to come and know that their teacher or the cook in their school or their bus driver has not already been convicted. I cannot understand that.

The SPEAKER: A roll call has been ordered. The pending question before the House is adoption of House Amendment "A" (H-553). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 249

YEA - Annis, Berry DP, Blanchette, Bliss, Brooks, Bryant, Buck, Canavan, Carr, Chase, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Cressey, Cummings, Davis, Dorr, Duplessie, Duprey, Fisher, Fuller, Gerzofsky, Gooley, Green, Hall, Haskell, Hatch, Heidrich, Hutton, Jacobs, Jones, Kasprzak, Koffman, LaVerdiere, Laverriere-Boucher, MacDougall, Marley, Matthews, McDonough, McGlocklin, McGowan, McLaughlin, McNeil, Mendros, Michael, Michaud, Mitchell, Murphy T, Nass, Norton, O'Brien LL, Paradis, Patrick, Peavey, Perkins, Pineau, Pinkham, Rines, Sherman, Simpson, Skoglund, Smith, Snowe-

Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin J, Tracy, Trahan, Twomey, Volenik, Waterhouse, Watson.

NAY - Baker, Belanger, Bowles, Bruno, Bumps, Bull, Bumps, Bunker, Clough, Desmond, Dudley, Dunlap, Estes, Etnier, Foster, Glynn, Hawes, Honey, Jodrey, Labrecque, Ledwin, Lemoine, Lessard, Mailhot, Mayo, McKee, McKenney, Murphy E, Muse K, Norbert, Nutting, O'Brien JA, O'Neil, Quint, Richard, Rosen, Savage, Schneider, Shields, Tuttle, Usher, Weston, Winsor, Young, Mr. Speaker.

ABSENT - Andrews, Ash, Bagley, Bouffard, Brannigan, Crabtree, Daigle, Dugay, Duncan, Gagne, Goodwin, Kane, Landry, Lovett, Lundeen, Madore, Marrache, Morrison, Muse C, Perry, Povich, Richardson, Stedman, Tobin D, Treadwell, Wheeler EM, Wheeler GJ.

Yes, 79; No, 45; Absent, 27; Excused, 0.

79 having voted in the affirmative and 45 voted in the negative, with 27 being absent, and accordingly **House Amendment "A" (H-553) was ADOPTED.**

On motion of Representative PARADIS of Frenchville, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-532) was ADOPTED.**

On further motion on the same Representative, **Committee Amendment "A" (H-532) was INDEFINITELY POSTPONED.**

On motion of Representative SKOGLUND of St. George, the House **RECONSIDERED** its action whereby **House Amendment "A" (H-553) was ADOPTED.**

The same Representative presented **House Amendment "A" (H-572) to House Amendment "A" (H-553) which was READ by the Clerk.**

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

Representative **SKOGLUND**: Mr. Speaker, Ladies and Gentlemen of the House. It is with great pleasure I present this amendment, which would return the files and fingerprints already taken to their owners or if the owner should have passed away, to the next of kin. These files will be back and not kicking around somewhere. There is a slight fiscal note of \$30,000, but that is a mere pittance compared to what will be saved by the elimination of fingerprinting. Thank you.

Representative GLYNN of South Portland **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-572) to House Amendment "A" (H-553).**

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

The SPEAKER: A roll call has been ordered. The pending question before the House is adoption of House Amendment "A" (H-572) to House Amendment "A" (H-553). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 250

YEA - Annis, Berry DP, Berry RL, Blanchette, Bliss, Brooks, Bryant, Buck, Bull, Canavan, Carr, Chase, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Cressey, Cummings, Davis, Dorr, Dudley, Dunlap, Duplessie, Duprey, Fisher, Fuller, Gerzofsky, Gooley, Green, Hall, Haskell, Hatch, Hawes, Hutton, Jacobs, Jones, Kasprzak, Koffman, Laverriere-Boucher, MacDougall, Marley, Matthews, McDonough, McGlocklin, McGowan, McLaughlin, Mendros, Michael, Michaud, Mitchell, Murphy T, Nass, Norbert, Norton, Nutting, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Pineau, Pinkham, Quint, Rines, Sherman, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin J, Tracy, Trahan, Twomey, Volenik, Waterhouse, Watson.

NAY - Baker, Belanger, Bowles, Bruno, Bumps, Bunker, Clough, Collins, Desmond, Estes, Etnier, Foster, Glynn, Heidrich, Honey, Jodrey, Labrecque, LaVerdiere, Ledwin, Lemoine,

Lessard, Mailhot, Mayo, McKee, McKenney, McNeil, Murphy E, Muse K, O'Brien JA, Perkins, Richard, Rosen, Savage, Schneider, Shields, Tuttle, Usher, Weston, Winsor, Young, Mr. Speaker.

ABSENT - Andrews, Ash, Bagley, Bouffard, Brannigan, Crabtree, Daigle, Dugay, Duncan, Gagne, Goodwin, Kane, Landry, Lovett, Lundeen, Madore, Marrache, Morrison, Muse C, Perry, Povich, Richardson, Stedman, Tobin D, Treadwell, Wheeler EM, Wheeler GJ.

Yes, 83; No, 41; Absent, 27; Excused, 0.

83 having voted in the affirmative and 41 voted in the negative, with 27 being absent, and accordingly **House Amendment "A" (H-572) to House Amendment "A" (H-553) was ADOPTED.**

House Amendment "A" (H-553) as Amended by House Amendment "A" (H-572) thereto was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-553) as Amended by House**

Amendment "A" (H-572) thereto and sent for concurrence. ORDERED SENT FORTHWITH.

Reference was made to Bill "An Act to Enhance the Observance of Veterans' Holidays"

(H.P. 937) (L.D. 1251)

In reference to the action of the House on May 22, 2001, whereby it Insisted and Asked for a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative BOUFFARD of Lewiston
Representative MICHAUD of Fort Kent
Representative TOBIN of Windham

On motion of Representative JACOBS of Turner, the House adjourned at 10:37 p.m., until 10:00 a.m., Thursday, May 24, 2001.