

# MAINE STATE LEGISLATURE

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**House of Representatives**  
**One Hundred and Twentieth Legislature**  
**State of Maine**

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**Second Regular Session**

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Pages 890-1770

Representative **SMITH**: Mr. Speaker, Men and Women of the House. I would like to take a stab at that question. I don't believe that is true and the reason is I believe there are quite a few insurers, far more than the three or five or whatever. There are 10 to 20 insurers for workers' compensation.

The **SPEAKER**: The Chair recognizes the Representative from Carmel, Representative Treadwell.

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to address the point that was made that the comp system is getting bogged down now by controversy from employers and putting the system into a bottleneck. There are three phases that a comp claim goes through. The first phase is trouble shooting. The next phase is mediation, if it hasn't been settled in trouble shooting and then it goes to the formal hearing phase. The comp board gave us a presentation this year, early in the session, and one of the figures they showed us was the time that it takes for a case to proceed through formal hearing. That time now is right around eight months. They can't do it much quicker than that because if they do, the due process for the injured worker may be jeopardized. In other words, he won't have enough time to prepare the things that they need in order to proceed through the formal hearing phase. We compare that to what was happening with the system back before 1993 when it was taking two, three and sometimes even four years to get through into the formal hearing stage because of the involvement of that attorneys in the system. The system right now, there are some problems in the advocate program right now because we have had a turnover of advocates and the board is having a hard time training and keeping the advocates that they have. I would suggest to you that if we pass this bill, we are going to see the attorneys back in the system and we will see it bogged down.

The **SPEAKER**: 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. 368

**YEA** - Ash, Berry RL, Blanchette, Bliss, Brannigan, Brooks, Bull, Bunker, Canavan, Chick, Clark, Colwell, Cote, Cowger, Cummings, Desmond, Dorr, Dudley, Dunlap, Duplessie, Estes, Gerzofsky, Green, Hall, Hatch, Hutton, Jones, Kane, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Mailhot, Marley, Matthews, McDonough, McGlocklin, McKee, Michaud, Mitchell, Muse C, Norbert, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Quint, Richard, Richardson, Rines, Simpson, Skoglund, Smith, Stanley, Tarazewich, Tessier, Thomas, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Mr. Speaker.

**NAY** - Andrews, Annis, Belanger, Berry DP, Bowles, Buck, Bumps, Carr, Chizmar, Clough, Crabtree, Cressey, Daigle, Davis, Dugay, Duprey, Etnier, Fisher, Foster, Fuller, Gagne, Glynn, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Koffman, Labrecque, Landry, Ledwin, Lundeen, MacDougall, Madore, Mayo, McGowan, McKenney, McLaughlin, Mendros, Michael, Murphy T, Muse K, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Povich, Rosen, Savage, Sherman, Shields, Snowe-Mello, Stedman, Sullivan, Tobin D, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor.

**ABSENT** - Bagley, Baker, Bouffard, Bruno, Bryant, Chase, Collins, Duncan, Goodwin, Gooley, Hawes, Jacobs, Lovett, Marrache, McNeil, Morrison, Murphy E, Norton, Schneider, Tobin J, Wheeler GJ, Young.

Yes, 66; No, 63; Absent, 22; Excused, 0.

66 having voted in the affirmative and 63 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-524) 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**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-524)** and sent for concurrence.

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

**SENATE DIVIDED REPORT – Majority (7) Ought to Pass as Amended by Committee Amendment "A" (S-190) – Minority (6) Ought Not to Pass – Committee on LABOR on Bill "An Act to Amend the Laws Governing Wage and Benefit Records Kept by Contractors Working on Public Works Projects"**

(S.P. 137) (L.D. 461)

- In Senate, Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

**TABLED** – May 21, 2001 (Till Later Today) by Representative **BUNKER** of Kossuth Township.

**PENDING** – Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

Subsequently, Representative **BUNKER** of Kossuth Township withdrew his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On motion of the same Representative, the Minority **Ought Not to Pass** Report was **ACCEPTED** in concurrence. **ORDERED SENT FORTHWITH**.

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

#### SENATE PAPERS

##### Non-Concurrent Matter

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)

**PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-553) AS AMENDED BY HOUSE AMENDMENT "A" (H-572)** thereto in the House on May 23, 2001.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-532)** in **NON-CONCURRENCE**.

Representative **RICHARD** of Madison moved that the House **RECEDE AND CONCUR**.

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

Representative **PARADIS**: Mr. Speaker, Men and Women of the House. I would urge everybody to vote against this motion and I would request a roll call.

Representative **PARADIS** of Frenchville **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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 Bristol, Representative Hall.

Representative **HALL**: Mr. Speaker, Ladies and Gentlemen of the House. Teacher fingerprinting is back before us. It is back tonight, but it is not back, I believe, for the last time. Almost three weeks ago now, ladies and gentlemen, this House voted by a decisive 79 votes to 45 votes to take an important stand on principle and say to the other body and to the Chief Executive and to the public in Maine that we are opposed to the continuation of the failed and offensive program of fingerprinting all school employees.

The position we are faced with tonight as a result of actions by the other body is that we are forced to either accept their position of wishing to release selectively information regarding the results of fingerprinting to date or we may vote down this motion and then go on to Adhere to our original position. I ask members of the House to vote against the current motion and then we will debate matters further and we will have further time to resolve outstanding issues with our colleagues elsewhere. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative **PERKINS**: Mr. Speaker, Members of the House. This is what I was hoping would be before us last week and it was briefly and then somebody amended it to kill the whole project, which I voted in favor of, even though I guess we are already two-thirds of the way through the fingerprinting. I have been against the rounding up of people that have been teaching for years out there and fingerprinting them. I have no problem with the new hires, but that is not before us here. This pleases me very much that we can separate those two and get the information. I think if we had the information the other night we wouldn't have had to debate it for two hours. This is what I would like, as many categories as we can get and no districts and no names, of course, but just categories of what they have found after two-thirds have been fingerprinted. I would encourage you to vote for Recede and Concur. Thank you.

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

Representative **MICHAUD**: Mr. Speaker, Ladies and Gentlemen of the House. We, too, would like to have the information that you request, but the law, if you read what this bill intends to do, the only thing that it will give you that hasn't already been released is an aggregate number. They will tell you, for example, that x number of teachers or school personnel have been fingerprinted to date. They will tell you that out of the total that we have fingerprinted, there is this aggregate number of people with records. The other number that you are going to get is this number of people have been denied certification. You are not going to get any classifications. You are not going to receive any crimes that have been committed. You are not going to receive any more than that. That is all you are going to get. Thank you.

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

Representative **RICHARD**: Mr. Speaker, Men and Women of the House. You have a paper that has recently been passed around that explains the different kinds of convictions that certification can be denied if these convictions have been within the past three years. It would seem to me that before you make a decision to totally do away with this, you would want to know how many people are involved. I think the number is going to be greater than you can imagine. Unfortunately when people fill in their forms to get certification not everybody is truthful. Some of these things that you have listed on this white sheet of paper are

there in the backgrounds in the past three years, but they don't mention them. Some of these are pretty strong. That is what this is all about. It would seem to me that you would need to know if this law is doing any good before you would want to eradicate it. I would urge you to vote to Recede and Concur.

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

Representative **TRAHAN**: Mr. Speaker, Ladies and Gentlemen of the House. Again I must rise in protest to the previous speaker's comments when she said there would be an unbelievable amount of offenses. Ladies and gentlemen of the House, it is very clear from day one on this legislation when it passed that this confidentiality of the information was supposed to stay in tact. Those that are pushing for this bill or are in support of this bill have been trying their darndest to release the information. A law was violated. A number was stuck out into the public. That number was so vague, so wrong, in my mind, to release that information that it has placed us in an interesting position, one that I think the other side that released this information, the pro-fingerprinting people, have placed us in. Ladies and gentlemen of the House, I don't think that the people that have followed this from day one, I don't think that they just did this by accident. I think they have been so adamant about bringing doubts upon this profession that they are willing to do anything. I am really a little bit upset to hear somebody say an unbelievable number.

Let me just say what is included in that number that was thrown out to the public, which I will not repeat because I think it is another violation of law. Some of those offenses are unlawful gambling, offenses against public administration, theft, offenses against public order. Ladies and gentlemen, when you have this type of offense, you can blow that number up all you want. We will never get to the individual crimes. We will never get to that. I will tell you this, if we perpetuate this further, continue to release more information, these numbers can be shaped in any way you want and that is exactly what has been going on. Let's not cast more and more damage upon the teaching profession and release more and more information.

What happens when you cut yourself and you begin to bleed, is you stop the bleeding. I say to you, let's stop the bleeding now before this gets any worse. Thank you.

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

Representative **DAVIS**: Mr. Speaker, Ladies and Gentlemen of the House. I know that the people who want fingerprinting are well intentioned. I don't doubt their motives and I don't know what I can say to change your mind except if you review history in the 1950s we know how information was used then. People were fired from their jobs because they were suspected of being a socialist or they were suspected of knowing some Communists and a lot of innocent people were hurt. Their careers were ruined. Their marriages were ruined. We do not have a good record of handing this type of information. I thought that we were trying to find pedophiles. I don't see any pedophiles here that have been found. I would remind you that in the greater Portland area they had an arrest of a gentleman recently and he had a clean record. He was in the Army. He had a clean record and he was guilty of a lot of offenses.

If you could just look back in our history, we do not handle this type of information very well. We are a democratic society, perhaps that is why. I must remind you that in authoritarian societies records are kept on people. That is how Stalin got his start. He was secretary of the Communist Party. He had information on people. That is how Hitler got his start. He collected information on people. If we could rethink this, but at the very least let the local communities handle this. They are the

ones that know the teachers the best. Let them handle any investigation they may want to conduct. Thank you.

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

Representative **WATSON**: Mr. Speaker, Men and Women of the House. I am rising in opposition to the Recede and Concur. I will speak briefly. I think that the good Representative from Madison, Representative Richard, in her earlier comments alluded to information that she may be privy to as a supporter of fingerprinting all school personnel. My argument against the fingerprinting of all school personnel and in particular my argument against releasing of any information still stands today and has been even more reinforced by comments that she made that we will be surprised by the large numbers that will be found.

This release of information, if those large numbers are found, will be an advantage to those who feel that this intrusion in some people's lives on their professional integrity should be continued because it is justified. I think that we have gone far enough in the witch hunting in this particular profession. I have educators in my communities who very willingly, if it would save one student from the agonies of being victimized, have gone through the process and have not complained. We know that there are others who have been true to their professional dedication that have also gone through the fingerprinting process, these are the same people that still care as much as any other educator about those children. They have not only resented having to be put through it, but have felt that their professional integrity has been tarnished by the very process itself.

I heard others speak previously about where do we stop. We are going after one profession that works with children, yet we know that we have tragedies in this state that occur in other professions that deal directly with the care of young ones. Do we next session put in a bill that stipulates from a point forward that all personnel within the Department of Health and Human Services shall be fingerprinted? They shall have a background check, because we know based on the information that we have gathered from one profession, the teachers and school personnel, that every population there will be a certain percentage that have been bad actors and we want to get rid of them. We have found a tool. If it works for those that work in our schools, it can sure work for every other department within the state that has a responsibility for providing services, protection, nurturing and care for children. Where do we stop?

I was a minority on the committee that thought it was reasonable and rational to fingerprint new hires, to not go after those dedicated veteran teachers that are of my generation that are getting close to retirement. Those school personnel that have worked in their school districts and support people are known by their communities and trusted. I didn't support them being scrutinized. New hires seemed to make sense. That is what the other states do. It seems to work for them. Why we needed to go to the extreme that was chosen, I really can't say. It is time for us to stop the process before it causes any more harm to those dedicated professionals that we all know teach in our schools, dedicate their lives to working with our young people. I say find another way, but this is the wrong way.

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

Representative **WESTON**: Mr. Speaker, Ladies and Gentlemen of the House. Who are the victims? Let's take a look at the victims. Is it the teacher who had to wash their hands in a bucket while they are being fingerprinted? Is that the victim? Is it the young woman that I visited at Christmas who sits at Bangor Mental Hospital today who looked at me and said the teacher that she had talked to me about so positively when she was in high school, she had had a sexual affair with and she looked at

me this last December and said, I either want him dead or I want him to say he is sorry. That was over 25 years ago and this woman has never been able to deal with the mental and physical abuse. I ask you, that teacher who had to have his fingerprints taken, is he the victim or is this woman the victim? We do not have a crystal ball. I cannot look at anyone who is in that profession as dedicated as they may appear and tell you if that person is going to commit a crime or not. You know what we can do, we can look back and we can find out. I don't like it, having to be a fingerprint, but it is the only way to do that. We can find out if you are already convicted and if we can, we must or we are going to have more victims like my friend.

My husband has been in the public school system for 30 years. He has been in the very same communities and the same school district. They know where we live. They have known our children since they were born. They know what church we go to. They know when we mow our lawn. He was happy to go and have his fingerprint taken. He could then reassure every one of those families who send their kids to his school that he didn't have a record. At least their principal, their former teacher, had not committed a crime. What are these crimes? Look at your sheet. They are crimes of child abuse, exploitation. They are crimes that may be drug trafficking. These are only for the last three years. This could have happened 10 years ago. It is not a reason for you to lose your certificate. I just ask you, are you willing to find out, release this number, are there people in our system that should not be there? If they should not be there, they have got to be removed or if not, are you willing to take responsibility for what might happen?

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

Representative **PARADIS**: Mr. Speaker, Ladies and Gentlemen of the House. There is no teacher worth their salt that would not agree with the Representative Weston. We do care about kids. We are deplored by victims. Let's get that one straight once and for all. There are other victims. I was at a school board meeting in Belfast. There are other victims that have been denied good teachers on this issue. This is a classic case, ladies and gentlemen, of a complete breach of trust. I have done my homework on this, initially this is to weed out pedophiles, sexual related crimes. We have a whole list that keeps changing every day. This version here is 6501. There are many others. What does that say about that department? It is a whole gotcha attitude. It is a classic rift between narrow-minded administration and employees that try to do their best.

The Department of Education, to say the least, has been very disingenuous. They cannot be trusted. I repeat, they cannot be trusted. They have demeaned the whole profession. They have smeared teachers throughout the state and yet we ask teachers to be on the front lines in situations like Columbine. I know I was in the classroom last year and we went through drills and who would get probably the first shot, the teacher. The teachers are expected to do that in the classroom. They don't care about kids, who are we kidding? I have one question if anyone can answer this from the other side. Can you really assure complete safety, this is your goal, even with massive fingerprinting? I welcome an answer to that.

The **SPEAKER**: The Representative from Frenchville, Representative Paradis has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Caribou, Representative Belanger.

Representative **BELANGER**: Mr. Speaker, Men and Women of the House. I think the answer is obvious. No one can ensure safety for anyone 100 percent. Does it move us closer? Absolutely, everyone knows that. Certainly as a 31 or 32-year educator I can appreciate the position of many of the people on

the other side of the issue. Teachers have been treated less than honorably, in my opinion, for a number of years. We took their retirement benefits away. We changed them in the middle of the game. We have done quite a few things. If you read the newspapers, the public has indicted public schools for the last 10 years. The performance never seems to be quite good enough, regardless of how hard and how dedicated people are. Certainly this is very disturbing to teachers.

My wife and I spent our entire career in public education. It seemed like in the early '90s that we added insult after insult to educators. Perhaps we have a chip on our shoulder, but both my wife and I would have no problem with being fingerprinted if we thought and we do believe that it would help. Many other professions are fingerprinted. What we are talking about here tonight is really not fingerprinting. It is about release of information. I can't understand why we don't want the information, regardless of it not telling us what the crime is. We are going to have a pretty general idea of what is going on.

We have seen a lot of flag waving here this year on privacy and various issues. I find it ironic that the people on the other side of this issue from where I happen to be are the same people that wanted people to give their social security numbers on their driver's license so that they could collect a few dollars for child support. There was no problem there. We don't want this information out. We want to protect privacy. I think we need to be rational here. In a democracy it is no unusual for the citizens to willingly give up some of their rights for the overall good of society. I believe that is what this issue is. I hope you will support the pending motion.

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

Representative DUNLAP: Mr. Speaker, Men and Women of the House. Like everyone else, I have heard an awful lot about this issue. I have never spoken on this issue. Maybe I shouldn't tonight either, but nonetheless I think it is something that merits a little bit of reflection as being one who has not participated in the debate, but has paid close attention to it and I have been as tortured and troubled by the issues as anybody else. I think it is important to bear in mind that as long as the debate is whether we are going to save one child or respect teachers, that we will always have this debate and it will always go on for several hours and it will always be bitter. If we could shift the debate to maybe a practical, empirical approach and maybe ask the question, who do we fingerprint and for what purpose? It doesn't make much sense to fingerprint truck drivers and financial advisors, but not daycare workers, if your objective at hand is to protect children.

In this particular instance we are looking at whether or not this information is even relevant. I think it might be very surprisingly relevant. I have not really spoken much about my own personal experiences in life in this chamber. I have made up a lot of good stories and some of them are true and this one is also true. When I was a young man I was engaged in employment by one of my teachers to do some cleanup work around his yard, which is also a red herring because that teacher had other ideas, which were made plain. If you have seen me in action on the floor of the House you may infer that I did not succumb to those advances. It shook me to my very core as a young man. It was a life altering experience for me. I think you might be surprised at the results of this information. That man retired and was never charged with anything, although I heard through the grapevine, as there always is one somewhere, if one touches the vine, one will find a grape, and there were others just like me.

If this personal story has any impact, then that is unfortunate because the issue really is whether or not we should be fingerprinting teachers and for what purpose or truck drivers or

financial advisors. If we could set up broad parameters to understand who it was we were trying to protect from whom, I would offer an amendment and move to table this bill. We have seen earlier today exactly how much freight I carry on the tabling motion. So, in its stead I would ask you to support the pending motion and let's find out exactly what it is we have wrought.

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

Representative SULLIVAN: Mr. Speaker, Men and Women of the House. A couple of things, the very law we created last year, I did not support, but it was the law of this state. The law clearly stated confidentiality and it was broken by the very people we entrust to enforce the law. Not only was it an insult that teachers, in my opinion, were fingerprinted, by law, but the very people, government, it was guaranteed and you might remember that our Attorney General who had a different job a year ago, had to put on a gag order. As teachers went to their rooms and taught about civics and democracy and about the law and in following it, the state couldn't follow it. That is amazing, but we are supposed to trust them. We created the law and in less than one year teachers are supposed to forget about it. I heard earlier, I believe it was a question that was not expecting an answer, who was the victim? I believe the victim is democracy, the very basis of innocent until proven guilty and even when teachers, many of them willingly gave up that, we get the whammy that government couldn't be trusted. It was the first year out of the gate. We demand to know how we are spending our money. We broke the law in order to justify what we were doing. Who paid the price? Teachers.

I was affected by the retirement. I know what happened in 1993. I read the papers when all of our school budgets are gone and we hear, teachers, how we are overpaid. They aren't there are 10 o'clock at night. They aren't there when we make the calls. We know that .03 percent of all sexual molestations, that is all that comes from schools, not even 1 percent.

The other thing for new hires. I heard on the floor on the last debate and I chose not to debate it this year when it came up, that if you work for the securities, you are fingerprinted. I went back to check to be sure, when they put it in, it was for new hires. The Maine State Police, when they changed their standards, it is for new hires. I do always find it interesting too that teachers showed up to fingerprint on Saturdays or on their vacation time. It didn't make any difference what you had planned, you were given that time. They did it on their own time while the State Police who are funded by our budgets, got overtime, interesting. Let me think, the State Police broke the law. I would also say that this bill as much as we want to do, if you really want to protect children, let's fingerprint all of the volunteers and our schools beg for volunteers. We bring them in and we ask them to work with kindergarten and first and second graders and I believe they are perfectly safe in the schools. What happens during the summer when you build a relationship? We know nothing about those volunteers. There are hundreds of them. They build a relationship with kids and during the summer if they are really a pedophile, we have given them the perfect opportunity. Develop a relationship and then in the summer they are no longer a stranger, no, my fellow colleagues, they are a friend. They are a friend you can trust, you met them in school. We need to fingerprint all volunteers.

We need to remember that this is still a democracy we live in. When teachers take the job of educating our most precious resource, I do not know a teacher who believes they are going to get rich. I do not know a teacher that has not taken out of his or her pocket and bought the food that a child who is diabetic and needs a snack or any of that. I believe the victim here is democracy and the right of a group of people who have chosen a

profession, not only to be fingerprinted, but then the very law that is created to be broken. I find that a travesty of justice and of democracy. Thank you.

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

Representative **O'BRIEN**: Mr. Speaker, Colleagues of the House. Many of you have heard me speak before on this issue. It is one that I feel extremely passionate about. If I repeat myself, I apologize, but please indulge me. For those of you who may be, I know there are still a few you still on the fence about this issue, I would ask that you listen and consider very strongly what I have to say.

I want to tell you a little bit about the history of this from my perspective. In my first term I was asked by the Department of Education to cosponsor this bill. I sat down and I said, why? Why is it needed? The argument or the explanation that was given to me that struck most strongly with me was that they are getting out of state calls asking, are you a fingerprinting state? When they said, no, we are not. They asked to be sent an application. There are those in this chamber that use that in a backwards way. I will get back to that in a second. The other question I asked was where does the union stand on this? The union totally supported it. This was four years ago. The union, I would say again, was behind this and supported this and did participate in writing the bill that then became law.

I cannot for the life of me, and I am trying, understand why some members of the teaching profession supposedly have a strong, strong opposition to this. We, as legislators, did not come to this job for the money. We came because we had passion. Teachers do not enter the teaching profession because of the money. They do it because they love children. If you have that strong love of children, I cannot understand why you would not put your thumb on an inkpad and stand in line for however long it is for the safety of those children. I don't understand it. My family is long-time educators. My in-laws have a total of I don't know many years. They are retired now. My sister, I have said over and over again is a national award winning teacher. She is excellent. This is not, in my view, an anti-teacher, anti-educator bill. I know many of you are offended and feel that you have this "P" on your chest. I cannot, again, for the life of me, understand that. It is not branding educators.

Again, I would reiterate that this is not just educators. This is janitors. This is bus drivers. This is the coaches. The reason we don't need to fingerprint other professions that have been mentioned is because we entrust our children to these people. They see these teachers, bus drivers, school secretaries, many times more than the parents. They are with them for a longer time and that is why this profession was chosen. It is not because this profession has an inordinately high amount of pedophiles or abusers. That is not the case. That is not the point. The point is this is where the children are. That would be where the pedophile goes. Follow the line.

I want to give you just a couple of instances which I know to be true. I know them to be true and I know of several other anecdotes that I cannot totally verify. I will tell you one. It happened in the Portland area. It is somebody I am very, very close to. He was convicted several years ago of statutory rape and served time. He continued to molest children for several years although he was not convicted of those subsequent offenses. Until I found out about this, which was last year, he is a janitor in the Portland School System. He is a janitor in the middle school. Had the fingerprinting been in force, he would obviously not be a janitor in a middle school.

Another situation happened in this area. We had a teacher, long-time teacher, not a new hire, who molested several young boys. The school board as we have discussed in previous

debate did not take it to the courts, for whatever reason. They sealed it up and said that we will send you to another school. They sent him to three other schools. He is no longer teaching, but there have been two suicides of kids that it now has come out that he molested. At the age of 20 and 21 they killed themselves. A lawsuit was brought by several of the other kids, also in the young 20 range and the lawsuit was won. Had there been fingerprinting, he had been convicted previously, this would have stopped.

I have heard it thrown out there kind of lightheartedly that if we could only save one child. Let me tell you that I am convinced that there is more than one child, but if there is one child, would you want that one child to be your child or your grandchild? I am not saying this flittingly and rhetorically. It can happen. Believe me, it can happen. This educator, this teacher, this school secretary that has to lose all their dignity, according to some, and all their respect that we don't have for them, supposedly, in putting their thumb down there, I hope you realize what the crime of sexual abuse does on a child. It is worsened when it is a person that they trust, a trusted teacher. It is not a one-time thing. For each time that they are convicted, you know it is 10 or 15 other times. Those are the statistics. It is lifetime of hell. I don't know if I am allowed to say it, but I said it, because that is exactly what it is. It stays with you over and over and over through the rest of your life and it affects all of your relationships and your judgments.

I would ask you again to say who is the victim? The victim is not democracy. The victim is not the educators. The victim is the children. It is the child. They have a massive voice in these halls. It is called the union. They speak very, very loudly when it comes to this issue. They realize they made a mistake. The members didn't like it. They have come back. They are speaking. We have to speak for the kids. I hate to say it so lightly, but that is the truth. We are the union of the kids. If we are not, then no one is.

I just want to end it by saying that I do hold the education community in the very highest regard. I would pay them \$65,000 or \$70,000 if Appropriations would let us as long as we have these safeguards that the teachers that are there are the teachers that should be there. Again, it is not branding the education community by any means, in my view. I think it is a sorry time when we would sacrifice a small amount of time to take away years and years of just one child's life. Thank you.

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

Representative **TRACY**: Mr. Speaker, Ladies and Gentlemen of the House. This, as you know, and I said it in past debates, that this was in the 118<sup>th</sup> Legislature and it did go under the hammer. If I am wrong, someone can correct me. It went down to the Governor's Office. Here we are last year, in the 119<sup>th</sup> Legislature, we tried to resolve the same issue that we are trying to resolve now. We are right back into it in the 120<sup>th</sup> Legislature. For those of you that don't really know, I do hold a teacher's certificate. Last June 19<sup>th</sup>, I did go to the Augusta Civic Center and I did stand in line and I did have my fingerprints taken and just because I had that done, I still believe in the privacy of the individual. I would like to comment to the good Representative from Caribou, Representative Belanger, that I have opposed security numbers on driver's licenses and supported every privacy issue. I am probably one of the only individuals who have truly been consistently supporting privacy issues in these chambers ever since I have been elected down here. If I am wrong there, I would stand to be corrected.

While I am up here, I would like to ask the good Representative from Augusta if she has had her fingerprints taken and if she has, I am glad she has, but if she hasn't, I would



like to know that? I would say that I would not Recede and Concur here. This is a major problem and it is not just the dignity of the teachers, it is the staff. We forget to mention the staff in the kitchen and at schools. My wife happens to work at Belgrade Central School and she has been there for years and years and years along with her coworkers. Yes, they did go down and have their prints done along with my sister-in-law's husband, who works for SAD 47. They both had that done out there. One works in the Sidney and one works at the Junior High and the other one works at Belgrade Central School. They felt the same way that it was an intrusion upon their privacy and the gentleman that did have it done is a veteran. He had his fingerprints taken in the service and he served in Vietnam. He was very upset to know that he had to go have this done.

I don't know what else can be said on this. I guess we are browbeating it right into the ground. I would like to have the good Representative answer my question. Thank you.

The SPEAKER: The Representative from Rome, Representative Tracy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Augusta, Representative O'Brien.

Representative O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House. No, I have not. I am not an educator. I don't have a teaching certificate, but I would do it in a second. I have nothing to hide and I don't see the problem. Thank you.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Estes.

Representative ESTES: Mr. Speaker, Ladies and Gentlemen of the House. I did not rise to speak on this when it came before us the last time. I did want to say a couple of things. I am a career teacher of 29 years. I have not been fingerprinted yet and regardless of what happens with this bill tonight if I have to be fingerprinted when my re-certification comes up, I certainly will do it.

There are a couple of things that bother me. First of all, I don't think that we have separated the chaff from the stock. The chaff was the original bill. The original bill was to correct what had been a mistake back in early February when the aggregate number was released. The Attorney General ruled that the current statute did not permit dissemination of any statistical data about educator fingerprinting and the results of the fingerprint based criminal history record check. What happened was members of the Criminal Justice and Education Committees, personnel from the Department of Public Safety and the Department of Education, the Assistant Attorney General assigned to these two departments and representatives of the Maine Education Association and the Maine School Management Association met to draft emergency legislation to address in a way that satisfied all parties how we would release certain information pertaining to the certification, authorization and approval of educational personnel. What happened in this body was an amendment was attached that would have repealed fingerprinting. There is another vehicle if you look on Page 2 of today's calendar, there is another vehicle that can deal with that and deal with it specifically. I think that any further debate tonight is probably not going to change anyone's opinion. I am not foolish enough to think that there will be anything different in terms of what the vote will be. We know what the result will be when that vote is taken. I think we need to go on from here because what I am afraid is that we will debate well into the wee hours tonight this and then we will have something come before us possibly later that we will end up debating the subject again and again and again. I think that it would be proper for us to really move on and make decisions, which I think people have already made their mind up on. Thank you.

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

Representative DESMOND: Mr. Speaker, Colleagues of the House. We need to know how effective the fingerprinting has been. Because of the defeat of the bill that would allow lawmakers to review data generated by background checks, the effectiveness of fingerprinting cannot be divulged. Nearly three-fourths of the school personnel have been fingerprinted and we know that there have been notifications of abuse. If this law is rejected, what happens to these people? Do they retain their jobs and have their fingerprints and record checks sent back to them? Do we want these people working in our schools with our most vulnerable people, our children? Parents are only now responding to this issue. Those that have written and called me just assumed that something so important for their children would automatically take place. They want fingerprinting and record checks. Licenses are removed only for serious convictions. Professions handling money or property have to be fingerprinted. Shouldn't we have a law that places at least the same value on our children? It is shameful how children are devalued. School personnel should be generous in spirit and more than willing to protect our children from all harm that could devastate their lives.

LD 1765 permits the release of how many cannot be licensed out of the 46,000 school personnel affected by this law. Contrary to what we have been hearing, this law is not about teachers or school personnel in general. This law is about children. Let's not forget that fact. I must add that the best and the brightest teachers that we keep hearing about are still in the classrooms. They have decided that there are people more important than they are who need them, the children. I have a high regard for those teachers who have their priorities straight.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Lessard.

Representative LESSARD: Mr. Speaker, Colleagues of the House. I wish we were debating starting salaries for teachers, \$50,000 to \$60,000. I think a lot of teachers are worth their weight in gold. I just can't sit here and listen when we talk about identification. I guess I am repeating myself from the last time that I spoke. You have your own personal identification, your digits that you have. I have worked with this for the past 12 years in my career. It is the only thing that you have that is personally yours and nobody can duplicate it. When we get into the criminal history information that once your status and life changes by a criminal action, your status in society changes. Your fingerprints are there to identify you and you only and nobody else. People have tried many things to change that.

We hold our public service people to the highest degree. I am talking about our teaching profession and I am talking about police officers and this is what my background is, as a police officer, road trooper, supervisor and administrator. I have a hard time realizing that there are other vocations in the teaching profession that cannot reach to the level that police officers have. I want to qualify that. For example, we have all heard of the Miranda warning. Have you heard of the Gerrity warning? The Gerrity warning can be used in police service and this is the warning an administrator or a Chief of Police can use with a police employee to inquire about the duties and conduct and everything to do with that job and if it is misconduct. Failure to answer is cause for dismissal. It is clear. That cannot be used in a criminal prosecution. This is in place and it has been satisfied by the different courts because we are held to a higher standard. There is no question about it. You wear a gun and you wear a badge and people depend on you, from the little kid to the elderly that need your help. We will clean up a profession.



Let me tell you as an administrator that I was very disturbed in the hiring process of full-time officers applying to my department when they were told you would take a polygraph exam as well as psychological. They never bothered to come back. Those that did come in could not clear themselves on a polygraph. Do you think I would hire them? No, I did not.

In 1958 when I enlisted in the Maine State Police, I took a polygraph. I knew I would be held to a higher standard. I want people to know that there is a guy that I can depend on. Does a polygraph serve a purpose? Yes, it does. I will tell you right now. Qualified individuals that have polygraph experience will tell you the same thing. I challenge every teacher, everyone employed in the school system, would you be willing to take a polygraph if the administrator in that school had any question about your conduct or your work? That is the highest standard and I would question if that would ever happen. Every vote that you have seen here with personal rights and all the things that we talk about that we hold dear, our civil liberties. I have voted for, the opt in, the information to be released. No, I have always voted in that respect. Here we are, we are talking about a set of fingerprints and all of a sudden this other profession is held on a pedestal. We trust them all. I don't. I have been involved in police work. I was so naive as a young police trooper with things that have been told to me until I could prove that it was otherwise and then I started realizing as veteran that face value is one thing, but let's dig down a little deeper and see what happens. Let's pass this and let's get started on some of the numbers that we can deal with and see if we are in the right direction. This is your identification. It is yours. It is nothing to be ashamed of. Just because you associate fingerprints with the criminal aspect, that is wrong. Don't think of it that way. I never have. If you want to do it to yourself, do it amongst yourself and blow the thing out of proportion, so be it. I am sorry for that. I have families and I have mothers and fathers that want me to pursue this thing. That administration in the school takes a different slant. I would urge you to vote for this. Thank you Mr. Speaker.

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The Chair declared a quorum was not present.

The Chair ordered a quorum call.

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

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

Representative GREEN: Mr. Speaker, Ladies and Gentlemen of the House. I have heard a great deal about the protection of children. I have heard a great deal about how one child's life is important. I don't disagree with that. I never have. The issue before us is how we as a society deal with sexual predators. We had a large group of people out here just this evening who have dealt quite directly with predators. They know what it is like. What we know is that less than 1 percent of predators take place in our schools and close to 90 percent of predators takes place in the home by a family members or a close relative or friend of the family. We have \$900,000 tied up in going after people who often are the children's first line of defense when we don't have enough child defense workers to go out there and help them in their homes. What is wrong with that picture? We have heard story after story about children who have been preyed upon by teachers. One was 25 years ago. One may have been 25 minutes ago. My question to you is, were these people convicted before that predation? If they were not, you could take a print of their whole body and it wouldn't

make any difference and if they had been, then who hired them? When someone comes to ask me for a position, who is going to be a room with 15 or 20 or in my case 35 students, alone, I want to know as much as I can and I call up people who know this person and I ask one question, would you hire this person? When I get the answer, then I know what I am going to do. I am not asking for revealing of any kind of information, I can ask that question as a person who is doing an interview.

We all know the stories. There was a sensational story about a year and a half ago about a very famous coach at a private school in Portland who had been a teacher for a long, long time and who was, as it turns out, was a sexual predator. Again, you could have printed his whole body. It would not have made a difference. The most revealing part of that story and I read it all was his words. When the information began to come out about his behavior he said, "My expectations were that I would just retire." Ladies and gentlemen, the sad story about sexual predation in schools, although it is less than 1 percent, is, and we all know it, it is not talked about. But we know that the predator, when discovered, would be called into an administration office and handed two pieces of paper. One would be a resignation and the other would be a recommendation and that person would be sent on to some other school district. Why is that my fault? I have been fingerprinted and it only took about 10 minutes and no, it did not scar me for life as a sexual predation would. I will tell you something, you are barking up the wrong tree. We are going to spend \$900,000 and if you catch one or two, well fine, but there is a whole bunch of people out there who are going to be laughing up their sleeve because the administrators and the other people who know this is a problem and they know they have hidden it for all these years think they are going to get away with hiding it by doing this. It is not going to work, ladies and gentlemen, and more children are going to get hurt and then what are we going to do then?

The SPEAKER: The Chair recognizes the Representative from Frenchville, Representative Paradis. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative PARADIS: Mr. Speaker, Men and Women of the House. I will be brief. The smearing goes on. The innuendo goes on and I will quote from one of the attorneys of the Maine School Management Association. You have that copy in two colors in front of you. "The vast majority of employees that I have come into contact with who have interacted inappropriately with kids have been long-term employees. While I can't give you statistics, although I now wish I had maintained them over the years, I can tell you unequivocally that I have been involved in cases where the ability to do out-of-state criminal record checks would have made all the difference in the world." Number one, if it is was so important, why did he not keep records? Number two, maybe he is not leveling with us. Number three, maybe he is at this point fabricating a plausible scenario. You choose, A, B or C. Also, I have first-hand knowledge that this law firm that has represented school boards over the years, my wife, a lot of you know her very well, fought a landmark case from 1976 to 1983. We ran into some of these tactics. Thank God there was a very enlightened and fair judge in Houlton, Maine, that turned this around and she finally won. It took its toll out of my wife. It took its toll out of me. When I see this law firm, this individual purport, speak for kids, I can almost puke. Thank you.

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

Representative **HALL**: Mr. Speaker, Ladies and Gentlemen of the House. Those of us on my side of this debate suffer, I believe, from two disadvantages in debating this tonight. The first disadvantage is the parliamentary one, because I am not in any position to discuss what might take place should the current motion fall. I am not in any position to discuss what might happen were a Committee of Conference to take place, for example. I am only in a position to say that the bill as it presently stands will release aggregate data in a way which, I believe, can only do damage. I will say that I am not standing to oppose the release of data.

I believe we are also under a disadvantage because many of us on this side of the House started from a position not of great passion, simply from concern that we have not appropriately balanced the rights of people in our schools. We knew that we would be up against the intense passion, the passionate feelings of a small number of members of this House who will leave no stone unturned and who will pay any price to safeguard that one child who may be out there.

I have become very passionate myself in the course of this saga. My passion is driven from a somewhat different motive. It is driven by my astonishment at the tactics that have been used by the Department of Education. The scare tactics that we have heard referred to earlier have troubled me greatly. I have taken some steps to try to find out the truth of some the suggestions that have been made.

I will try to limit myself to responding to three points in particular that have been made earlier in the debate. One point that was made that I thought fell under the category of scare tactics, but raised as a point of fact relating to this motion was the statement that telephone operators in the Department of Education regularly receive telephone calls from out of state inquiring whether fingerprinting is performed on teachers in Maine and on receiving an affirmative answer, those calls are terminated. I made the simple step of calling the switchboard at the Department of Education. I understand that there are two ladies who alternate in covering that switchboard. The one I spoke to had covered it for approximately four years and had never received such a call.

A second point that has been made in the course of this debate is that the number that will be released if we pass the motion to Recede and Concur and this bill passes to Engrossment, the number is a surprisingly large number and another member in this debate alluded to the number that was inadvertently released in January by, I believe, an employee of the Department of Public Safety.

I have done my best to identify what that number might contain. It is my understanding as follows that that number includes all of the people identified through the fingerprinting process who have been shown to have a record of committing any crime or misdemeanor in categories A through E in any of 18 categories of substantive offense under the Maine Criminal Code. If I can give you an example of what a category E misdemeanor under Chapter 31, Offenses Against the Public Administration might be, that would include such wicked crimes as a late or incomplete filing of a campaign finance report. I would submit that there is some information in that aggregate number that we do not want to have released. We do not wish it to be released because, quite frankly, it is designed in the way the information is formatted to make the case that there is a plague of pedophiles in our schools.

A final point and this too relates to comments that have been made earlier on in this debate and that relates to the newspaper

clippings and other information that has been circulated prior to this debate by members who have been requested to do so by the department. The information that we have received in the form of at least three sets of newspaper clippings is referred to people who have been discharged from employment for sexual crimes against children. One interesting common thread runs through those three reports. It is that the people who were identified and discharged were discovered in mid life and mid career after many years employment in the State of Maine and that they had no previous convictions. I believe that that information supports the case of those who say that fingerprinting is ineffective and wrong, not that it supports the case of the Department of Education.

I hope, Mr. Speaker, that you will on reflection allow me that I have tried to confine my remarks to points that have arisen in debate and I do ask honorable members to give us a chance to vote now not to Recede and Concur and allow this debate to continue. Thank you.

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

Representative **BELANGER**: Mr. Speaker, Men and Women of the House. I will be brief. I just want to address a couple of comments that were made by a previous speaker regarding smearing and insinuation. I think there has been a good deal of that on this floor. I would point out to the good Representative from Monmouth that if administrators knowingly do not report to the local district attorney any violation in this arena, they are punishable by a very severe penalty. If, in fact, administrators are bringing employees into an office and giving them two pieces of paper to sign, they are breaking the law and the punishment is rather severe. If we know of any of these alleged cases that have happened, we should report them to the local district attorney so that they can be investigated. That is not allowed under the law and it should be dealt with if that is, in fact, going on.

What we should be talking about this evening is the release of information. I realize the amendments that have been added or removed open this up for this entire discussion and I have no problem with that, but I think there are other pieces of legislation that may come forward that will give people an opportunity to vote up and down on this issue. I think it is very germane, very important that we have this information and we are all sophisticated enough to interpret it. There are enough different people in this chamber with the expertise that I am sure we will be debating the data if and when we ever get it. I think we owe ourselves the opportunity to look at it. Therefore, I hope that you will support the current motion.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I rise to respond to a few points that have been made. From the good Representative from Topsham, that talks about police officers needing to be not only fingerprinted but take lie detector tests. We need to hold police officers to a much higher standard. A police officer can get a gun and carry it. They have that power. They could walk into your house, shoot you and your whole family and then write up a report that you were guilty. That is why you need a very, very high standard at who you allow to be a police officer. Teachers have some power over your children's life, but they don't have the power to come into your home and eradicate everyone there. They don't have the power to carry a gun into the classroom, shoot someone with no witnesses and have the power to write a report on what happened. There is a big difference between giving someone a gun and letting someone teach your children.

We heard that the union has power. The teacher's union has been attacked. I can tell you that I am certain that I will never be supported by the teacher's union, but that doesn't mean that I should trample on them for that reason. I am certainly not kowtow to them. It is not about that union or the children's union. As far as children go, I care a lot about children. I volunteer my time. I coach basketball. I coach Little League. I volunteer at the Salvation Army with their groups and I volunteer at my church with the groups. I personally do what I can and go above and beyond what I can do to volunteer for kids. I don't tell somebody else you have to do this for kids.

What this bill has done is it has diminished us as a state. We have done damage to our state and our reputation through this law. We have created an animosity, a distrust between parents and teachers that I believe will never be repaired. Parents will always think that the people that are teaching their kids may be child molesters. We have already done that. Repealing this law may help to undo that, but we have done that. That will always be in the parent's mind. They won't think that this teacher is there. They will think this teacher may be a child molester.

As far as protecting kids, I think we should have stricter laws if we really want to protect kids. We could make child molestation a life imprisonment. We could make it a capital offense. There are many in here that support capital punishment. I don't, but I would certainly envision having a very difficult time voting against capital punishment in that instance. We need to make it a much more harsh crime than it is for people to molest 17 children under the age of 10 and get 60 days in jail. It tells me that we are not serious about going after child molesters, but it is a nice panacea to fingerprint every teacher and make it look like we are.

What we have done with this law is to let the criminals who set our public policy, we are unwilling to go after the criminals and put them away and punish them and set a deterrent and instead we will fingerprint every teacher to pretend that we are solving a problem. We have heard that teachers have access to kids that have to be there. Health care professionals have access to kids that have to be there. Are they next? When your child is sick you have to put that child in the hospital, not only for their own good, but if you don't, our Department of Human Services will and has come and taken that child from you for not putting them in the hospital.

Speaking of the Department of Human Services, they will take a child and put that child in a home with a foster parent that there is no requirement to fingerprint. This is a double standard. I am not advocating fingerprinting foster parents. I am not advocating fingerprinting every health care professional. You think teachers are upset about this, imagine telling every doctor if you want to work in the State of Maine that you have to be fingerprinted. Of course we could do the same thing to the doctors that we have done to the teachers. We could exploit them. We could say, what are you hiding? You don't care about kids. You don't like our children. You are an evil person and beat them up in the press until they cave in like many teachers have, but you know what, it is still fundamentally wrong to bully a group and browbeat them into sacrificing their rights. That is what this boils down to.

I tell you this law is not about protecting kids. This law is about protecting pedophiles. It is not even against the law to apply for a job as a teacher if you are a pedophile. If you are a teacher and you go to reapply, you just aren't rehired. Why not put somewhere in here that if you reapply and you get fingerprinted that you are thrown in jail for even trying to do it. That is not in this law. You are just let go. Let's stop letting the

criminals set our public policy. Let's go after them and leave the teachers alone.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Hutton.

Representative **HUTTON**: Mr. Speaker, Ladies and Gentlemen of the House. In the Labor Committee the good Representative from Kossuth Township always says it is really nice to hear from the folks back home. On that note, I just wanted to read to you part of a letter from my school administrative district, SAD 75, which encompasses the towns of Bowdoin, Bowdoinham, Topsham and Harpswell. After the last vote they sent me a letter. I would just like read you part of it. "The board understands that its first duty is to create a safe environment within which to provide a sound education for our children. We find that contrary to its intent, the fingerprinting law is an obstacle to our efforts to fulfill our duty. There are two reasons for this. The law is not an effective means of providing a safe environment for our students. In a time of scarce dollars we believe that the money spent on the fingerprinting program would be better spent on other school based efforts to protect our children from abuse. Second, experience and highly qualified teachers are leaving the profession in our district based solely on their principled objection to this requirement. During a time of serious shortages and qualified teachers, we cannot afford to lose our best." Mind you they are losing one of the teachers of year. To them, it is a very serious thing. "We also feel that the law will also discourage new entrants into the teaching profession. For these reasons, we respectfully request your assistance to the repeal of this program. We also suggest that the dollars allocated to this program be reallocated to other more effective programs to protect children from abuse. These could include training for school employees to recognize the signs of child abuse and programs for children to provide them with a safe and supportive channel to report abuse. We are eager to work with you to develop these and other effective alternatives." To me, men and women of the House, they have said it all for me. I am going to vote no on Recede and Concur and I urge you to do the same.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Buck.

Representative **BUCK**: Mr. Speaker, Ladies and Gentlemen of the House. I have 90 minutes of remarks prepared for this discussion and most of this admittedly is redundant. I will make a deal with you. I will spare you that hour and half of redundancy if you will do the same for me.

The SPEAKER: The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and Gentlemen of the House. I have been sitting here very patiently listening to testimony that is not relevant to the bill before us. Let me give you the other side of the rest of the story as Paul Harvey would often say. The beginning started in the Criminal Justice Committee when we were reviewing the budget. We came to one item in our budget that had to do with the \$900,000 that had to do with the fingerprinting law. We asked for facts. We asked for figures. We wanted to know how this money was being spent. We knew there were very few funds available this year so we thought we were being wise and we were being accountable for that money. Lo and behold we found out that in the law we could not release this information. Our hands were tied. We were a little appalled because we want to be responsible people, responsible legislators. We couldn't see the releasing close to \$1 million to go towards any program. Let me tell you that. I voted against the fingerprinting law. I don't agree with it, but as long as it is in force I believe we have to be accountable.

I honestly and personally wanted to know things like how was the program being administrated? How many personnel did they use to do it? How many officers were there at the site where the fingerprints were being taken? I also wanted to know the aggregate number of people fingerprinted. I think this is very important to have this information. Do you think it is good government just to say to the department, go ahead and have this \$1 million? I don't think so. Please vote to Recede and Concur and then you can go on to the rest of the story. Thank you.

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

Representative **MICHAUD**: Mr. Speaker, Ladies and Gentlemen of the House. I don't think any one of us can't feel anything but the sorrow and the pain that the good Representative from Montville and the good Representative from Augusta feel when they relate those stories that they provided to us. We are not saying anything different than you are. We are not necessarily saying that those things are good things. What we are saying is that this particular bill that is in front of you has some very serious flaws. The good Representative from Caribou asked, what is the problem with this information? I think that is extremely important. I will address this. The problem with the information is, one, who controls it? Two, who releases it? Three, who can verify that the information that is released is, in fact, what occurred? Up until now there has been absolutely no inclination on my part to believe that what has been released inadvertently by people who are entrusted with the highest of standards and you ask me what the problem is with the information. If the very people who collected the information are held to this standard that is so high, why are where we are today?

I think what we need to do is we need to take a good hard look at how we got here. We got here because we didn't do what we are doing now. We didn't talk it over. We didn't look at all the angles. We didn't study the information. As I speak to you right now, the rules that are applying to this law that was passed a year ago are just now being put in place. The chart of offenses that are going to deny someone a certification was released as late as the fifth of June.

I have been asking for information. I wanted to know something. You want to know that what you are doing is doing exactly what it is you intended. When someone releases the figures and says this is Memorial Day weekend and we are going to be on our highways kill 250 people. If you take that in isolation, that is not the true picture. What you need to say is how many more are we going to kill this weekend because it is Memorial Day over a typical weekend. I said, why not ask. How many certificates have you denied since 1990 on a yearly basis? I am not interested in knowing the offenses. I am not interested in knowing what kind of crimes of what kind of reasons, just a simple number. It is not being kept. It is not being recorded. You can't get it. We can get those numbers now, because we have fingerprinting or can we? Do you think this is going to make it able for you to know? Sorry, read the law. It will not give you that. That is why we must defeat this motion to Recede and Concur. Thank you.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. I didn't intend to speak and I am not going to speak for very long, but I want to say that I do support the Recede and Concur, but I fear that the information will be meaningless for a lot of people who are sitting here, just as the articles in the paper are probably meaningless to you, but one was not meaningless

to me that appeared in the paper this week, a situation that I had known about for approximately a year, a situation that occurred in my own school. My superintendent and my principal are for this law and they are for the release of this information and the people in my district are for it too. My students are for it and the parents of my students are as well. I don't know if it is because I am older. I don't know if it is because I am an English teacher and I have journals after journals after journals. I have experienced indelible print that others can make on these students. We are a highly mobile society. This person was a highly talented and well liked person, but he deceived a young woman and he destroyed the child in her. We talk about retrieving the child in ourselves. There will be no more child for her. The child is dead. This teacher can leave here and go to another state where there is no printing and can pick up where he left off.

I have four children. I have four grandchildren and like many of you, I have taught hundreds and hundreds of students. I am not talking about just this one young girl. I am talking about all of our children and all of those students we have taught and all of those students in other states as well who will be affected by people like this. One of the wonderful things that is happening today is that kids do come forward. Kids are not quiet anymore. Situations such as our good Representative from Old Town talked about did once occur very commonly. That does not occur today as commonly. Young women do step forward.

I sincerely appreciate the words of the good Representative Belanger who was in that position of making decisions about who would be with your children and mine and never knowing for sure that he might have one of these in the front of those students.

I want to close with what I closed with the last time we talked about this two years ago. I thought about it because I teach a play called *Our Town* in which one of the characters ponders the insignificance of the individual as far as the universe goes as she is looking out at the stars and having looked at an envelope that included her name, her address, the State of New Hampshire and went on to the United States of America and the Western Hemisphere, the mind of God and ponders the insignificance of that, how tiny she is. We talk about that. Are we significant or are we insignificant? I say that these fingerprints, these unique digits are both tremendously significant and tremendously insignificant. There are now 5 billion of them and there are many more out there at once existed. They are at once tremendously important and they are tremendously unimportant. That print on that piece of paper or that celluloid will disappear as time goes by. There is a much more important print that is being imprinted every day. It is the print of you teachers. It is the print of me as a teacher, that indelible print that the great Henry Adams talked about *The Education of Henry Adams* and the imprint of that teacher far exceeds that physical fingerprint. I would suggest to you sadly also that the other imprint that is being made is indelible. It is lasting and it is never to be forgotten by the children that suffer at the hands of anyone in our society who abuses them. What would you be thinking tonight if you were sitting in the gallery and you were the parents of this young woman who had been abused by someone that she trusted? Thank you.

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

Representative **STEDMAN**: Mr. Speaker, Men and Women of the House. Very briefly, there was a question asked, why are we at this point in this discussion? The current law does not allow us to release any information. This amendment is put on that law to allow us to release gross information about cases that are being found through the fingerprinting process. That is what this bill is all about. It is to find out whether the money being

spent for this fingerprinting operation is justified whether there is a reason we need to continue to do it. This is why we are where we are at. Most people say they don't want to know the individual information. They would like to know the gross information and that is what this will do. That is why we are here. I urge you to support the Recede and Concur. Thank you.

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

Representative **VOLENIK**: Mr. Speaker, Men and Women of the House. Before you vote I simply ask that you remember and think about this one quote from the Vietnam War, which I paraphrase. I don't remember the exact words, but it was something like this. We had to destroy the village in order to save it. Thank you.

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

Representative **RICHARD**: Mr. Speaker, Men and Women of the House. Very briefly, two things that were said that I would like to correct. One has just been corrected. The gentleman from Bristol mentioned calling the Department of Education and they had not heard of anybody who had contacted the department. Call the Certification Department of the Department of Education. That is where they call, the Certification Department. Secondly, I would echo what Representative Stedman said just a few minutes ago. You cannot get any information from the department about how many certificates have been denied. That is why you need LD 1765. Therefore, I would urge you to Recede and Concur.

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

Representative **SKOGLUND**: Mr. Speaker, Men and Women of the House. Thank you for your endurance and patience Mr. Speaker. There are two points that have not been made this evening. One is I think the real tragedy of the times we live in and is that we are letting the worst elements of society set the tone for society. Some of you remember I said this during the last time that we debated it. The closest I can come to explaining it as a school teacher who has promised to take the class on an outing. One child misbehaves and she says, now Henry, you have ruined it for everyone. We are not going because you cannot be trusted. Who has set the agenda for that class? The teacher or the worst behaving child in that class. I submit to you that that child is setting the tone for the class and not the teacher. I submit to you that this handful of perpetrators are now setting the tone for the schools of Maine and it is a tragedy. We have already destroyed the trust between students and teachers, parents and teachers.

When I was a teacher not all that many years ago, I used to invite the boys down to my place to help me with my farm chores and pay them a little bit. They were a select bunch of boys that I knew could use the money. I wouldn't do that for a million dollars now, to take one of my school children home like that and really treat him like a son. We have lost that. We have lost it through doing things like passing this fingerprinting. One thing I want you to remember is if you continue to support this fingerprinting, if

you do, you are letting the worst elements of society set the tone in our educational facilities.

Another point, I don't believe really this is protecting children. I think it is merely about control by the bureaucracy and the point that no one has mentioned tonight is that I recall the commissioner telling us that this is not just background, but these files will be updated every five years. If there is someone who knows to the contrary that these files are not to be updated every five years, I hope you will take the time to say so, because this, to me, just represents not just a background check, but an ongoing check of anyone involved in education for as long as they shall be there. To me, this is really an infringement on privacy. If that is not so, please say so. Thank you.

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

#### ROLL CALL NO. 369

YEA - Belanger, Berry RL, Bowles, Brannigan, Bull, Bumps, Bunker, Carr, Clough, Collins, Cressey, Desmond, Dudley, Duncan, Dunlap, Estes, Etnier, Foster, Gagne, Glynn, Heidrich, Honey, Jodrey, Kane, Kasprzak, Labrecque, Ledwin, Lemoine, Lessard, Mailhot, McDonough, McKee, Norbert, Nutting, O'Brien JA, O'Neil, Perkins, Pinkham, Quint, Richard, Rosen, Savage, Shields, Stedman, Treadwell, Usher, Weston, Winsor, Mr. Speaker.

NAY - Annis, Ash, Berry DP, Blanchette, Bliss, Brooks, Buck, Canavan, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Davis, Dorr, Dugay, Duplessie, Duprey, Fisher, Fuller, Gerzofsky, Green, Hall, Haskell, Hatch, Hutton, Jones, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lundeen, MacDougall, Madore, Matthews, Mayo, McGlocklin, McGowan, McKenney, McLaughlin, Mendros, Michael, Michaud, Mitchell, Murphy T, Muse K, Nass, O'Brien LL, Paradis, Patrick, Peavey, Pineau, Povich, Richardson, Rines, Sherman, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Trahan, Tuttle, Twomey, Volenik, Waterhouse, Watson.

ABSENT - Andrews, Bagley, Baker, Bouffard, Bruno, Bryant, Chase, Crabtree, Daigle, Goodwin, Gooley, Hawes, Jacobs, Lovett, Marley, Marrache, McNeil, Morrison, Murphy E, Muse C, Norton, Perry, Schneider, Tobin D, Tobin J, Wheeler EM, Wheeler GJ, Young.

Yes, 49; No, 74; Absent, 28; Excused, 0.

49 having voted in the affirmative and 74 voted in the negative, with 28 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

On motion of Representative PARADIS of Frenchville, the House voted to **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE**. Sent for concurrence. **ORDERED SENT FORTHWITH**.

On motion of Representative BULL of Freeport, the House adjourned at 10:12 p.m., until 10:00 a.m., Friday, June 8, 2001.