

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twentieth Legislature
State of Maine

Volume 2

First Regular Session (Continued)
May 24, 2001 to June 22, 2001

First Confirmation Session
October 24, 2001

Second Confirmation Session
December 6, 2001

Second Regular Session
January 2, 2002 to April 1, 2002

Pages 912 - 1844

Sent down for concurrence.

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

Emergency Resolve

Resolve, to Require Further Study of the Effect and Cost Impact of Mental Illness on the State and Private Health Insurance

H.P. 1364 L.D. 1821
(H "A" H-684)

On motion by Senator **GOLDTHWAIT** of Hancock, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **FINAL PASSAGE**, in concurrence.

Resolve

Resolve, to Improve Child Development Services

H.P. 611 L.D. 766
(C "A" H-662)

Senator **GOLDTHWAIT** of Hancock moved the Resolve and accompanying papers be placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **FINAL PASSAGE**, in concurrence.

The Chair ordered a Division.

Senate at Ease.

Senate called to order by the President.

On motion by Senator **DAGGETT** of Kennebec, **TABLED** until Later in Today's Session, pending, **FINAL PASSAGE**, in concurrence.

Senate at Ease.

Senate called to order by the President.

Out of order and under suspension of the Rules, the Senate considered the following:

REPORTS OF COMMITTEES

Senate

Pursuant to Joint Order

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Repeal the Requirement that School Employees be Fingerprinted"

S.P. 322 L.D. 1090

Returned pursuant to Joint Order S.P. 647, as Amended by House Amendment "A" (H-706)

Senator **MITCHELL** of Penobscot moved the Bill and accompanying papers be **INDEFINITELY POSTPONED**.

The Chair ordered a Division.

On motion by Senator **GOLDTHWAIT** of Hancock, **TABLED** until Later in Today's Session, pending motion by Senator **MITCHELL** of Penobscot to **INDEFINITELY POSTPONE** the Bill and accompanying papers. (Division Ordered)

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

Bill "An Act to Repeal the Requirement that School Employees be Fingerprinted"

S.P. 322 L.D. 1090

Tabled - June 11, 2001, by Senator **GOLDTHWAIT** of Hancock

Pending - motion by Senator **MITCHELL** of Penobscot to **INDEFINITELY POSTPONE** the Bill and accompanying papers (Division Ordered)

(In Senate, June 11, 2001, returned pursuant to Joint Order S.P. 647, as Amended by House Amendment "A" (H-706).)

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT**: Thank you, Mr. President, ladies and gentlemen of the Senate. I urge you to join me in voting against the pending motion to Indefinitely Postpone this bill. It's been an interesting issue in terms of the sort of strange history of the bill from when it first started with no objection and unanimous reports to when it was met with violent opposition by the public. Now, a year or so later, the confusion and concern about this issue seems to be increasing rather than settling down. It is and has been my opinion that with the money we're spending for fingerprinting, we could be putting it to better use for the exact same purpose. I know that this issue was originally brought forward in an absolutely good faith effort to protect children. I don't think it is achieving that end. It is generating more and more problems in our school units as far as discussions about the merits, or lack of, of the program, which we seem to be unable to determine at this point. I will be voting against the pending motion and would request a roll call.

On motion by Senator **GOLDTHWAIT** of Hancock, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Mitchell.

Senator **MITCHELL:** Thank you, Mr. President, ladies and gentlemen of the Senate. The purpose of Indefinitely Postponing this is because this bill was originally on a carry-over until next year from the Education Committee so that they could look at the information and have a public hearing. This bill has not been given a public hearing. We have not received the information on the status of the people who have currently been fingerprinted and the numbers that have been denied. We've talked about this at length in our committee in our session here. I would ask you to vote with me to Indefinitely Postpone this so it can go through the process as a normal bill should go through the process and let us receive the information, if at all possible, on the current status of what is going on with the current fingerprinting and on how many have been denied recertification or certification. We have had recent numbers far greater than we should have in the last week to ten days on people who have been working in the school system for as many as 30 years and have been arrested and convicted for molesting and attacking young children. We know we cannot possibly attack the child abuse through this, but what we can do through the fingerprinting is too keep these people, who are convicted, from coming back out into the system and to avoid having other people come into the system who do have a criminal record. So I would ask you to please join me in Indefinitely Postponing this so that we can, hopefully, acquire the information on the status of the fingerprinting.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Rand.

Senator **RAND:** Thank you, Mr. President, men and women of the Senate. May I pose a question through the Chair?

THE PRESIDENT: The Senator may pose her question.

Senator **RAND:** To whomever can answer, I've just heard, what I feel is, upsetting news from the good Senator. It seems that there is information out there that someone in our school system has been found to be a convicted child molester. My question is, when this law first passed, were we not told that all of the information would be confidential, and to whomever may answer, where did this information about this particular 30 year veteran of the school system come from? Thank you.

THE PRESIDENT: The Senator from Cumberland, Senator Rand poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Penobscot, Senator Mitchell.

Senator **MITCHELL:** Thank you, Mr. President. This was in the newspapers. This was not due to the fact of the fingerprinting situation. This was due to an arrest and a conviction, as also was the situation, on the day that I mentioned earlier in testimony, that we had another incident where a coach in Damariscotta was also arrested and convicted and will be sent to prison. Without being fingerprinted, when this man comes out, he is free to go into any system and regain a job again.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Daggett to Accept the Minority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#124)

YEAS: Senators: ABROMSON, MCALEVEY, MILLS, MITCHELL, O'GARA, ROTUNDO, SAWYER, SMALL, TURNER, YOUNGBLOOD

NAYS: Senators: BENNETT, BROMLEY, CARPENTER, CATHCART, DAGGETT, DAVIS, DOUGLASS, EDMONDS, FERGUSON, GOLDTHWAIT, KILKELLY, KNEELAND, LAFOUNTAIN, LEMONT, NUTTING, PENDLETON, RAND, SAVAGE, SHOREY, TREAT, WOODCOCK, THE PRESIDENT - MICHAEL H. MICHAUD

ABSENT: Senators: GAGNON, LONGLEY, MARTIN

10 Senators having voted in the affirmative and 22 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator **MITCHELL** of Penobscot to **INDEFINITELY POSTPONE** the Bill and accompanying papers, **FAILED**.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

Senator **DAGGETT** of Kennebec was granted unanimous consent to address the Senate off the Record.

Senator **DAVIS** of Piscataquis was granted unanimous consent to address the Senate off the Record.

RECESSED until the sound of the bell.

After Recess