

# MAINE STATE LEGISLATURE

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

**Volume II**

**First Regular Session**

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**Second Regular Session**

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Pages 890-1770

(S.P. 322) (L.D. 1090)

Which was **TABLED** by Representative NORBERT of Portland pending **PASSAGE TO BE ENACTED**.

On motion of Representative SKOGLUND of St. George, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

The same Representative **PRESENTED House Amendment "A" (H-701)** 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. About a week ago you had placed on your desk an amendment to the fingerprinting repeal, which takes care of two problems when this bill is passed. There are between 60 and 70 individuals, I understand, in the state that who, as a matter of principle, refused to be fingerprinted. Therefore, their certification has not been renewed or will not be renewed. This amendment would renew the certification of those individuals who were refused certification solely because they did not cooperate.

The other thing that this does is persons who were refused re-certification for other reasons will have to go before the commissioner for a hearing before their certification is granted. I will repeat that again. What this does is it takes care of those persons who, as a matter of principle, refused to be fingerprinted. Second, anyone who was refused for other reasons would have to appear before the commissioner before their re-certification would be issued. Thank you.

**House Amendment "A" (H-701)** was **ADOPTED**.

On motion of Representative GLYNN of South Portland, the House **RECONSIDERED** its action whereby **House Amendment "A" (H-701)** was **ADOPTED**.

The same Representative **REQUESTED** a roll call on **ADOPTION**.

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 Windham, Representative Tobin.

**Representative TOBIN**: Mr. Speaker, May I pose a question through the Chair?

The **SPEAKER**: The Representative may pose his question.

**Representative TOBIN**: Mr. Speaker, Ladies and Gentlemen of the House. I really have a legitimate question and I really need an answer before I vote. This reinstates the people that refused on the grounds of principle of not wanting to take the fingerprinting test. Would they be required to take a fingerprinting test before they are reinstated?

The **SPEAKER**: The Representative from Windham, Representative Tobin has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from St. George, Representative Skoglund.

**Representative SKOGLUND**: Mr. Speaker, Men and Women of the House. In response to the good Representative, I would respond that no, they would not have to be fingerprinted.

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

**Representative MUSE**: Mr. Speaker, May I pose a question through the Chair?

The **SPEAKER**: The Representative may pose his question.

**Representative MUSE**: Mr. Speaker, Men and Women of the House. To anyone who may care to answer, if we make this

exception and we allow these people who stood up on the grounds of principles to be reinstated, what then is going to prevent everybody from doing the same? If there are no consequences, why are we going to fingerprint anybody or ask anyone to bother being fingerprinted?

The **SPEAKER**: The Representative from South Portland, Representative Muse has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Waldoboro, Representative Trahan.

**Representative TRAHAN**: Mr. Speaker, Honorable Members of the House. As I understand it from those involved in the fingerprinting issue, there are about 40 teachers that refused to be fingerprinted. Some of those people, maybe, when they were fingerprinted were denied their certification. Those people would not be allowed to get back, under this amendment, into teaching without first having to go through the commissioner's approval process. There would be around 40 people. There is nothing to stop us now from doing any kind of research into those people's backgrounds if there is any kind of concern. All this does is allow those 40 who refused on principle back into teaching.

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

**Representative BAKER**: Mr. Speaker, Men and Women of the House. If the problem is fingerprinting and there is something so terribly wrong about fingerprinting, why do we subject any of our citizens to this? It seems to me that we would need then to allow military personnel, those who work in bonds and securities, members of the police force, title lawyers and bankers also the right to opt out of fingerprinting. We know, however, that there are sexual abusers in our schools. We make a serious mistake when we limit this discussion to teachers. Teachers comprise only about 16,000 of the 47,000 or so people in the school that we are talking about here and simply because someone doesn't like being fingerprinted or says it is about principle, it makes me very, very nervous. Why are we to assume that these people are above board?

I just want to say one final time that as a teacher, not a public school teacher, but as a teacher, I would happily have every single finger and toe printed if it would spare one child sexual abuse. We cannot place feelings of the teachers, no matter how intense and passionate those feelings are, ahead of the safety of children who are required to be in adult's care. Thank you.

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

**Representative DAIGLE**: Mr. Speaker, May I pose a question through the Chair?

The **SPEAKER**: The Representative may pose his question.

**Representative DAIGLE**: Mr. Speaker, Men and Women of the House. I am not familiar with the way teachers are hired and otherwise dealt with. I am curious if this amendment were to pass, could it create a scenario where a teacher who has voluntarily refused to be fingerprinted and loss of certification and had a position replaced with a new teacher, would it create a situation where that new teacher must then lose their job because we passed this bill and brought that certification back?

The **SPEAKER**: The Representative from Arundel, Representative Daigle has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Waldoboro, Representative Trahan.

**Representative TRAHAN**: Mr. Speaker, Members of the House. I would like to address several concerns that were brought up. Having listed the people that are now fingerprinted, I would remind this body that most of those, not all of them, are for new hires. They were not brought in and fingerprinted under the guise of them being a pedophile. They knew going in that when they went into this profession that they would have to be

fingerprinted. That made it their decision, not government's decision.

The second thing that I would like to address was the Representative from Arundel, I believe, who said would somebody have to lose their job. Ladies and gentlemen, somebody already has lost their job, the first teacher who stood on principle and said no to this. I will remind this body that if we repeal this, we are also saying that this is a bad law. That teacher said it was a bad law earlier and they stood on principle. Ladies and gentlemen, you don't see that very often in our society. I don't think that that is asking a lot to have that person's position taken back into the schools. If that school believes that that teacher that was hired is important to that district, they can decide to keep them on.

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

Representative **MUSE**: Mr. Speaker, Men and Women of the House. I guess I am afraid that I have to disagree with my friend, Representative Trahan. In the words of Representative Skoglund, these people did not cooperate, period. They didn't cooperate with the law. They stood on principle. Men and women of the House, you don't stand on principle on one foot. You stand up on two feet for all it is worth. You don't stand on one foot while the other foot sneaks off to ask the Legislature to change things and let you have your job back. When they stood up and said, this is where I draw the line, well, that is where the line was drawn. They chose which side of that line they wanted to stand on, period. Thank you Mr. Speaker.

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

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. I was not going to stand up, but I have to respond to the last speaker, my good friend. They didn't choose. Lawmakers passed a bad law. It is a bad law. They had no choice. They didn't have a choice because you said to them that they have to be fingerprinted. It doesn't matter how long you have been in that system. It doesn't matter what kind of teacher you were. It doesn't matter who you have influenced and who you have shaped. Some of us who are sitting right here today because of our teachers. You passed a bad law and people didn't do their homework. Certain laws were passed and they said that people died to give us this freedom. Innocent until proven guilty. Doesn't that mean anything? It is not just teachers. It is you and me next. Line them up folks, because here we come. This is a police state or that is where we are heading. They had no choice and that is who I am fighting for. It is not just them, it is you and me and my grandchildren next. Less than 1 percent, we can't protect our children 24 hours a day, as much as we would like to.

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

Representative **WESTON**: Mr. Speaker, Ladies and Gentlemen of the House. I would just like to remind us what we are actually doing. We are asking anyone who is involved in school, employed by a school district, who works with our children, to verify what they have already stated is true on their application. When any of us gets stopped by a state trooper and he asks us, do you have a driver's license? I could smile and say, yes, I do. Would he let me go on my merry way or would he verify that by asking me to show that? This is verification. Have you told the truth on your application? Thank you.

The SPEAKER: The Chair recognizes the Representative from Baileyville, Representative Morrison.

Representative **MORRISON**: Mr. Speaker, Men and Women of the House. Just a couple of comments on this. I think most of the debate has carried on and on and on, on this. If you pass a

bad law, I think this was a bad law, I don't think it was just and right. You can hold on principle like some teachers have done and then you can go to the Legislature. I don't see any contradiction in that. You can go to the Legislature and try to get that bad law changed. I think that is an appropriate one.

One question that I have, apparently this was done to protect our children and that is an appropriate goal, for sure. We definitely want to protect our children, but I guess an assumption I would like to make is that after a teacher retires, then those fingerprints will be destroyed. The only purpose they were collected was to protect our children. The teacher is out of the school system and the fingerprints will be destroyed and I guess that is the intent of the whole thing. That is just an assumption I make.

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

Representative **O'BRIEN**: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative **O'BRIEN**: Mr. Speaker, Men and Women of the House. I came in late in this debate, but I need to ask a question. It is not rhetorical. It is pretty incredulous if this is what I am hearing. Are we, with this amendment, those teachers that refused to be fingerprinted on conscience, values or all that they stood for, those that have made the tee shirts and those that have done the nasty e-mails to us, are they now coming to us asking to be reinstated? Could someone please answer that?

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

Representative **SKOGLUND**: Mr. Speaker, Men and Women of the House. In response to the good Representative from Augusta, Representative O'Brien, they did not come. I put this in on my own without being asked because I do think we have an obligation to these people who stood up for what they believe is right. They weren't afraid to make the difficult choice between standing on principles and losing their jobs. I think we owe it to them to reinstate them if they are guilty of no other crime than standing on principle. Thank you.

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

Representative **DAVIS**: Mr. Speaker, Ladies and Gentlemen of the House. I was just sitting here and thinking about what is happening to the teaching profession. One, the pay scale for the classroom teachers have fallen behind. Two, the retirement funds were raided in 1992. Three, discipline is harder. It is much more difficult for teachers to discipline today because of all the rules that government has made for what they can and cannot do.

I think this was the straw that broke the camel's back. Local communities must be constantly vigilant so that they do not have bad people teaching in their school system. If they are not, they will have bad people. I think this law is a disaster. It has divided Maine people against Maine people and we are arguing all over the stand and now even school boards, there are four school boards in Maine, that say that they do not want to lose their best teachers.

In a few days, in my opinion, the best teacher in Falmouth will resign because he won't be fingerprinted. I know him. I have known him all his life. He has no record. Something is wrong here and maybe we should look at this again. I will be voting to do away completely with fingerprinting, but at the same time. I would ask local communities to be constantly vigilant. Maybe they are not and maybe they should learn something from this also. Thank you.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. I speak as a teacher of 22 years. I was opposed to the repeal and I am opposed to the amendment and I urge you to reject the amendment also. Yes, it was not a condition of hire. We make new laws that respond to new problems and as Dorothy said, "We are not in Kansas anymore." We are a mobile society. I do not want Maine to become the dumping ground. In Agriculture we learned that Maine had become the dumping ground for feed, seed and fertilizer because we haven't had an inspection program since the early '90s and all of a sudden we had a fertilizer on the market in the State of Maine that had 775 times the amount of arsenic that it should have in fertilizer. We knew that that could happen and it did. Let's not fool ourselves. We are not in Kansas anymore. We are a highly mobile American society. My son who was fingerprinted here in the State of Maine having worked at Foxcroft Academy, got a job quite easily in the State of Oregon that also requires fingerprinting. Even Maine, at the end of the Interstate, can be reached very easily today.

Other states fingerprint people other than teachers in addition to the list that the good Representative from Bangor suggested. Other states print social workers, daycare workers. If you believe in background checks, it seems that most of you do, ask the question, why do we do background checks? We do them because we want to know. We want to know if that person is being ingenuous on the application. Background checks are important. They do reveal things about our activities here in the State of Maine. Is it then not reasonable to ask that our superintendents to do "background checks" from other states. Fingerprinting will allow that.

This is not because we disrespect teachers. I feel as respected today as I felt 20 years ago. Teaching is dynamic. Education is dynamic. Classrooms are dynamic. It is no easier to be a teacher than it is to be a parent. Sometimes your kids are pleased with you and sometime they aren't. Sometimes you have to stand and say that assignment was truly important. I stand behind it. It is tough. Some parents agree with you and some don't. I think we do have to work at respect. It doesn't have anything to do with fingerprinting. Respect for a teacher comes from many, many different sources. We have to respect teachers in this body with how we vote on budgets, with the laws that we make. It is true. Fingerprinting does not mean disrespect. We are charged with the safety of our children. Superintendents have a tremendous job in making decisions today. We cannot ignore what we are seeing in the newspapers about convictions and as sacred a calling as I believe my profession to be, I do not believe that every person who enters that profession has the integrity to be a teacher.

I urge you to oppose the amendment as well as the main motion. Thank you.

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

Representative **PARADIS**: Mr. Speaker, Ladies and Gentlemen of the House. I will be brief. There are certain elements that need to be considered here. The school boards have deviated from the policy of their own association and are begging us, urging us, pleading with us, to repeal this law and allow them to keep excellent teachers like Steve Smith. There are others. They could have taken the cheapest way out. I have seen that and let them go in favor of less expensive new hires. We owe it to those school committees to act to save good teachers. We cannot afford to lose just one good teacher who is not a pedophile, but a genuinely good person whose mission is

to respect kids. I mean that sincerely. They need to teach them in a positive environment. You talk about violence in the schools, I have taught for 36 years at a high school. I had a big boy who gave me a hard time in school. I had to discipline him. He came in one morning with tears in his eyes and red in the face. He said, "Mr. Paradis, you want to see." He pulled up his shirt and you could see chain marks on his back. Violence was not done in the school. In fact, for this kid, the refuge was in the schools. After that, he became a very good student and a very good citizen today. Violence was not in the schools. The schools intervened, thank God. Thank you.

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

Representative **O'BRIEN**: Mr. Speaker, Colleagues of the House. I almost promise that I won't stand up anymore on this issue for the rest of the session. I know we are not supposed to have props, but the good Representative from Wayne, Representative McKee, talked about we are not in Kansas anymore. I have a pen that says exactly that. It is quite appropriate that I wore it today. I personally could not be a teacher. I know that. I know that my calling in life is to help children. I have felt that all my life, to be an advocate for children. I thought about different avenues that I could do that in and one was teaching. Many people think I am an educator or teacher because of the work that I do in my other life, but I am not. The reason I am not is because I could not be in a classroom and know that so many in one classroom are being abused at home or by their daycare workers. They are being neglected. They don't come with food. They don't come with clothes appropriate to the weather. I know that. That is why I couldn't do it. I applaud teachers who can actually do it and face it and help those kids.

This, with all due respect to the good Representative from Frenchville, this is not about teachers. This bill is not about school employees. I see it is clearly about the children. The good Representative talked about saving one good teacher. How about we save one, two, 100 or 200 good children. I am having a very difficult time separating this being a school employer educator bill from a saving the children bill.

I talked the other day about a couple of incidences I know about in the Portland area. I want to tell you one more. I talked to somebody yesterday. There is someone in the Portland schools that lied on her application. She knows she did. She hasn't been fingerprinted yet, but when she does, she speaks quite freely of it amongst those who are friends. She is going to be out of a job. She said that she lied on the application. I have several felony convictions from the State of Florida. She knows it. When her time is to be fingerprinted, she will be long gone. It isn't a pedophile. It isn't a child abuser, it is a felony conviction with drugs. I believe strongly, strongly, that Maine will become a haven. It is not just a catchword. If there are over 30 states that now fingerprint and more are coming, the dangerous people will go where the kids are. Maine will be an unprotected state. I feel very, very, very, very sick about that. I may sound a little corny and little overblown, but I feel very strongly about this. I feel more strongly than I did perhaps five years ago when it was introduced.

If you are on the fence, I plead with you to err on the side of the children. Thank you.

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

Representative **MCKEE**: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. To anyone who can answer, I heard the good

Representative from Frenchville mention four school boards. My question to anyone who can answer is, how many school boards are there in the State of Maine? Thank you.

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 Portland, Representative Marley.

Representative **MARLEY**: Mr. Speaker, Ladies and Gentlemen of the House. I apologize. I don't have the answer to that question, but I wanted to follow up. I am a teacher. I have been fingerprinted. I come from a different perspective. I didn't have a problem with being fingerprinted. I agree, to a certain extent, with the Representative from Augusta, Representative O'Brien, that dangerous people will go where the children are. This should be about children, but what about all children, private schools, coaches, Little League or Cub Scouts. You can paint anyone with a broad stroke and that is the perspective that I come from.

I am voting to repeal and it is for that reason. In my role as a special education teacher, over the years I have worked with many students who have been physically and sexually abused. In every single case it has been acquaintances of these children. Nationally when we look at what other states have done when they fingerprinted teachers, proportionally the reported cases of child abuse that go uninvestigated due to lack of funds from State Legislatures far exceed any protections needed from school personnel. I think here in the State of Maine over the years where we have had uninvestigated cases to DHS of abused children. When I look at how we allocate our resources, personally, I am not pointing fingers, I think we all want to save children, the imminent danger of a child is where I have to put those resources at this point in time. I certainly respect everyone's point of view here, but if we truly want to protect children, I think this bill is a feel good bill that will give us a sense of safety, but does not truly protect all of our children.

I would like to note that I have a first grader in a public school in Portland. I know where you are coming from. I don't believe that this bill and how we have enacted this law truly protects all of our children. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-701). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 392**

**YEA** - Annis, Ash, Berry DP, Bliss, Brooks, Bryant, Canavan, Chick, Clark, Colwell, Cressey, Cummings, Davis, Dorr, Dugay, Duplessie, Fisher, Gagne, Goodwin, Green, Hall, Hatch, Hutton, Jacobs, Koffman, Laverriere-Boucher, Lovett, Lundeen, MacDougall, Marrache, McDonough, McGlocklin, McGowan, McLaughlin, Mendros, Michael, Michaud, Morrison, Murphy T, Nass, Norton, Paradis, Patrick, Peavey, Pineau, Pinkham, Sherman, Simpson, Skoglund, Smith, Sullivan, Tarazewich, Thomas, Tracy, Trahan, Twomey, Volenik, Wheeler EM.

**NAY** - Andrews, Bagley, Baker, Belanger, Berry RL, Blanchette, Bouffard, Bowles, Brannigan, Bruno, Buck, Bull, Bumps, Bunker, Carr, Chase, Chizmar, Clough, Collins, Cote, Cowger, Crabtree, Daigle, Desmond, Dudley, Duncan, Dunlap, Duprey, Estes, Etnier, Foster, Fuller, Gerzofsky, Glynn, Gooley, Hawes, Heidrich, Honey, Jodrey, Jones, Kane, Kasprzak, Labrecque, LaVerdiere, Ledwin, Lemoine, Lessard, Madore, Mailhot, Marley, Mayo, McKee, McKenney, McNeil, Mitchell, Murphy E, Muse C, Muse K, Norbert, Nutting, O'Brien JA, O'Neil, Perkins, Perry, Richard, Rines, Rosen, Savage, Schneider, Shields, Snowe-Mello, Stanley, Stedman, Tessier, Tobin D, Tobin J, Treadwell, Tuttle, Usher, Waterhouse, Weston, Wheeler GJ, Winsor, Young, Mr. Speaker.

**ABSENT** - Haskell, Landry, Matthews, O'Brien LL, Povich, Quint, Richardson, Watson.

Yes, 58; No, 85; Absent, 8; Excused, 0.

58 having voted in the affirmative and 85 voted in the negative, with 8 being absent, and accordingly the motion to **ADOPT House Amendment "A" (H-701) FAILED.**

Subsequently, the Bill was **PASSED TO BE ENGROSSED** in concurrence.

On motion of Representative COLWELL of Gardiner, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

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

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act to Require the Secretary of State to Establish a Central Voter List for the State"

(H.P. 182) (L.D. 193)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-438)** in the House on May 14, 2001.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-438) AS AMENDED BY SENATE AMENDMENT "A" (S-341)** thereto in **NON-CONCURRENCE.**

On motion of Representative TUTTLE of Sanford, the House voted to **RECEDE AND CONCUR.**

**Non-Concurrent Matter**

Bill "An Act to Prevent Infestation of Invasive Aquatic Plants and to Control Other Invasive Species" (EMERGENCY)

(S.P. 630) (L.D. 1812)

Bill and accompanying papers **COMMITTED** to the Committees on **NATURAL RESOURCES** and **INLAND FISHERIES AND WILDLIFE** in the House on June 7, 2001.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "D" (H-696), "E" (H-700) AND "C" (H-694)** in **NON-CONCURRENCE.**

On motion of Representative DUNLAP of Old Town, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

**BILL RECALLED FROM LEGISLATIVE FILES**

(Pursuant to Joint Order - House Paper 1375)

Bill "An Act Providing Funding for the Office of the State Fire Marshal and to Increase Certain Fire Inspection Fees" (EMERGENCY) (H.P. 1368) (L.D. 1825)

On motion of Representative NORBERT of Portland, the House voted to **RECEDE.**

On further motion of the same Representative, the Bill and all accompanying papers were **COMMITTED** to the Committee on **CRIMINAL JUSTICE** and sent for concurrence.

**UNFINISHED BUSINESS**

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.