

# 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**

May 18, 2001 – June 22, 2001

**Second Regular Session**

January 2, 2002 – March 6, 2002

Pages 890-1770

and the impact of a father's engagement with his children and family; and

WHEREAS, the well-being of our State depends to a great degree on fathers assuming their roles in their children's lives; now, therefore, be it

RESOLVED: That on June 17, 2001 We, the Members of the One Hundred and Twentieth Legislature of the State of Maine now assembled in the First Regular Session, on behalf of the people of the State of Maine, take this occasion to urge all citizens to join in this observance to gratefully and respectfully acknowledge, encourage and celebrate the role of fatherhood.

Came from the Senate, **READ** and **ADOPTED**.

**READ** and **ADOPTED** in concurrence.

#### SENATE PAPERS

The following Joint Order: (S.P. 649)

ORDERED, the House concurring, that when the House stands Adjourned it does so until Monday, June 18, 2001, at 9:00 in the morning and the Senate Adjourns until Monday, June 18, 2001, at 11:00 in the morning.

Came from the Senate, **READ** and **PASSED**.

**READ** and **PASSED** in concurrence.

#### SENATE PAPERS

##### Non-Concurrent Matter

An Act to Repeal the Requirement that School Employees be Fingerprinted

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

**PASSED TO BE ENACTED** in the House on June 13, 2001.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-347)** in **NON-CONCURRENCE**.

Representative RICHARD of Madison moved that the House **INSIST**.

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

Representative RICHARD: Mr. Speaker, Men and Women of the House. When I first heard about this amendment, I thought that maybe this was going to be a reasonable compromise for this difficult situation that we have been discussing. As I have read through the amendment and I hope all of you have taken time to read through this, there are a lot of complications in this particular amendment. The first one if that the end of the amendment, this morning or sometime today, we voted down reinstatement of certification for those people who had not been willing to be fingerprinted. That is in here. There would be the reinstatement of certification. We voted that down once today. Also, in here we have that if a person has had their certificate revoked for reasons of child abuse, they cannot be reinstated within five years. After five years, they are eligible to go back. For other parole or discharge it is three years and that just doesn't seem like very much.

There is another section in here that good, bad or indifferent adds to certify or authorized personnel who provide early childhood education. I can't figure out if they mean that those people have to be fingerprinted too. There are two or three paragraphs that it is very unclear. Those are on page 8, just what those particular paragraphs mean. There are a lot of things in here that are unclear and especially who is included and who is not included. In some paragraphs it says that this does not include and in the next paragraph it says this does not include and later on it says may include. I think there are a lot of things

in this particular amendment that are very unclear. Therefore, I would urge that we do not pass this amendment. Thank you.

Representative HALL of Bristol moved that the House **RECEDE AND CONCUR**.

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

Representative HALL: Mr. Speaker, Ladies and Gentlemen of the House. Like most of you, I am sure, I am tired of hearing about fingerprinting. It is time to put this to bed. We have heard some powerful and emotion arguments on both sides of this issue from people who see important principles at stake. Both sides have made a very strong and persuasive case. Ladies and gentlemen, I believe that the principled arguments that we have heard here today don't prevent us from trying to find middle ground, as our colleagues down the hall have done. There is a way in which we can help people on both sides of this debate, although I expect that we will not please them.

We face an amended bill, which addresses the worse fears that both sides have presented in the course of the five hours of debate so far this year. I am sure countless hours of debate in previous years. Ladies and gentlemen, I understand that the worst fear of the honorable members who oppose fingerprinting is that in the next month or so some 60 or 70 or more experienced teachers who have taken a strong and principled stand will lose their careers in Maine. This bill, as amended, prevents that from happening.

I understand that the worst fear of the honorable members who support continued fingerprinting is that Maine may become a refuge for out-of-state pedophiles who seek employment here. This bill, as amended, will prevent that. Mr. Speaker, I believe that the bill that is now before us, as amended, might not be perfect, and it certainly will not satisfy people who take a strong position on either side. I believe it offers the best opportunity for a principled compromise and I urge you, ladies and gentlemen, to support the motion to Recede and Concur. Thank you.

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

Representative TRAHAN: Mr. Speaker, Members of the House. I heard an earlier speaker say that this bill was vague in its wording. Ladies and gentlemen of the House, we passed this piece of legislation a year ago and it was vetoed by the Executive Officer. This is just the old argument, the old attack on a piece of legislation that some oppose to weaken it and to try to swing your vote. Ladies and gentlemen, going to one section at the very end of the law that is different from the one that we passed. I would like to address that from the very end of this bill. If you read the section of law, anyone that would be allowed, who refused, would have to go through the channels that we have in place now, which means a background check, a reference check, a new application process. Everything is in place to say no. The only exception is it allows those who have had a long history in education who fought on principle, to enter into education again. Ladies and gentlemen, it is a resource that we cannot replace. It is the foundation of our education system, our most experienced people. The one travesty of this bill is that it has effected those that have been in education the longest. It has forced them out of education.

With that being said, I would like to address another part of this whole debate that hasn't really been talked about much. I think it is time that it is said. Ladies and gentlemen of the House, people that are listening, it is time that the responsibility for the evils of our society stop resting on the backs of the innocent. Throughout our lives we see horrible things that are unimaginable, people who enter our schools and gun down their teachers and their students in that class, people who enter school and hack them to death with a knife. We see horrible

serial killers and murders and rapist and child molesters who in the night sneak around into their step daughters or step sons room and abuse them. They are the most horrible things we can imagine. In our disgust, in our repulsion for these acts, we try to pass legislation to stop it. We have reams of laws in our libraries and in our Congressional Library to try to address problems. Countries from around the world have executed people to try to stop crimes. The underlying theme, ladies and gentlemen, we cannot control evil. It is everywhere. It is amongst the population. It is in our own minds and in our own spirits. Some of us find the power to control that evil. Maybe it is what we have learned through our lives, the responsibilities that our parents have taught us. When those evil thoughts arise, some people fight them off and some people act on them. We can never control that person out there that really wants to harm someone. The only thing we can do, ladies and gentlemen, is dole justice. Teach children, teach people, that there is a right way to do things. When they are invaded or they are abused, they need to go to someone who is trusted and report that. They need to feel that they can go to their teacher and say, this happened to me. On the other half, we, in the Legislature, must dole justice.

Ladies and gentlemen, my heart was broken less than a week ago. I had submitted legislation that would have created a study commission to review the sentences on those who commit crimes against children with an emphasis on sexual abuse. It passed through this body and the other body without even a whimper. It went to the Legislative Council and was bypassed. What I wanted to do is see if there was a pattern in place that I gave to the Criminal Justice Committee in documented cases where people had abused more than one child, sometimes multiple children, and received nothing but probation for a 10 or 15 day sentence. Ladies and gentlemen, we need to dole justice, which means when someone commits a crime like this, we punish them to within every letter of the law and make a statement to society that we will not accept this kind of abuse of our children, but more importantly, we will not rest the responsibility for the evils of our society upon the backs of the innocent. Thank you.

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

Representative **WESTON**: Mr. Speaker, Ladies and Gentlemen of the House. The Representative from Waldoboro is right. We don't want to punish the innocent. We only want to find those who have convictions who have lied on their applications. This piece of legislation that you have before you did not have a committee hearing. It did not have scrutiny, except what you were able to give it in the few hours that it is has been on your desk. What it means is that it is going to take 30 years to implement in our schools. What it means is it is going to exempt 47,000 people who are employed now in our schools. It is going to restore licenses to people who have been denied. It takes the fingerprints and destroys them and there is no basis for denial. It makes it an option for your local school board to do fingerprinting and it says your local school will pay for that. If a school makes a decision on an application and they think this person can't possibly have anything in their background in any other state and they hire them. A crime is committed and then they find out that, yes indeed, he did have a conviction. What would happen to your school district then? What liability will they be responsible for?

This system of fingerprinting was the most complete way to make sure that everyone is being honest on their application. Earlier today you voted against allowing people who had refused to be fingerprinted from coming back into this system. That is in this bill. If you pass it now, you are changing what you voted earlier. This has many, many questions. If you think you can

answer them, then what you are doing when you pass this is you are putting your name on the line. It is like being a cosigner on a loan for someone who has a terrible credit rating. If you are willing to do that, then you will pass this tonight. Mr. Speaker, I ask for the yeas and nays when the vote is taken.

Representative **WESTON** of Montville **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 Frenchville, Representative Paradis.

Representative **PARADIS**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to give the opinion of a totally forgotten party to this. I am talking about students. I have been privy to a student journal from our town, a junior at Thornton Wilder High School. In it an entry that started June 1, 2001. "Hello my good friend. Thank God it is Friday. I don't know if I can take another week like this past one. It is a real emotional roller coaster. My advance placement US History teacher, Mr. Smith, is having a tough time in limbo over the fingerprinting issue. We want him back to continue his great teaching, but we understand his refusal to be fingerprinted. He is just being true to what he believes and what he taught us about the constitutional rights in our judicial system. We are losing one of our greatest teachers over a stupid law. We thought it was funny at first when teachers were forced to choose between fingerprinting and early retirement. We saw it as a good way to get sweet revenge against some teachers. We don't think it is funny anymore. I don't know if I can take the last day of school next Friday. Will it be au revoir or adieu? I feel like crying. Saturday, June 2, Dear Journal. I went to a special school board meeting last night. They only item of importance to me was the issue of fingerprinting of school employees. The chairwoman of the board surprised the heck out of me by reading a unanimous board letter to the Governor urging him to do something because we are losing some of our best teachers due to the fingerprinting law. Based on the last time I went to a board meeting, remember our dress code issue, I expected the board to be against the teachers and us students, what a surprise. Sunday, June 3, Dearest Friend, I had an awful nightmare last night. I dreamt that mom and all other moms were being forced to be fingerprinted to prove that they don't sexually abuse their kids. The police were even rounding them up at the town hall under the threat of losing their kids to DHS if they refused to be fingerprinted. If the nightmare was scary, waking up to reality was worse. It dawned on me that the nightmare might come true someday. My faithful friend, what is this world coming to? First it was the teachers and other school employees and now it might be parents. Who is next? Doctors? Nurses? Ministers? Rabbis? Priests? Forgive my tears good friend, the only sexual abuser I have ever known was my biological father. I refuse to call him dad. I am glad he did time for abusing me when I was only five and beating up mom when she found him out. Thank God he didn't shoot her. Monday, June 4, my dear companion, what would I do without your faithful ear? Today was heck. Students are not celebrating the last week of school as in the past. I met Mr. Smith in the hall and he was red eyed and looked ill, but he gave me a brave smile. Thank God for Mrs. Norton my math teacher in period one. When I feel like crying, it is most of the time lately, she always succeeds in cheering me up with her beautiful smile and kind words. I hated math until this year. She presents the subject so clearly that even I can get a B or even an A. I hope that she does not end up like Mr. Smith. Imagine having to prove your innocence of years of exemplary teaching. I can't hold the tears back any more. Guess who I ran into after school near the library? It was Mrs. Green, my favorite middle

school teacher. She was coming over from a faculty meeting, probably on this stupid fingerprinting issue. Mrs. Green told me she is very proud of what I have accomplished in high school. She is such a refreshing bundle of energy. I could not help getting with it in her class the way she put all of herself in her teaching. Talk to you tomorrow. Bye. Tuesday, June 5, more bad news. When I walked into Mrs. Sullivan's class, period 2, I found that she was out maybe for the rest of the year. She really hurt herself and the faculty parking lot last night, after spending most of the evening correcting papers. She is the hospital for a while. I hope to go over after work to give her a big hug and receive one of hers if she can. I hope the Department of Education is not looking. I hope Mrs. Sullivan recuperates fully. We need her positive attitude and encouragement next year. Of course we had a substitute for Mrs. Sullivan. We expected another babysitter who would give us some infantile assignment and then set back and read the paper. Surprise, in walked Mrs. Hutton, she wanted to get to know us by listening to our concerns. We could see that she was genuine and really cared. We really dumped on her mostly about losing some of our best teachers to fingerprinting and our anger at the Legislature and the Governor for doing our teachers and staff in. Mrs. Hutton really listened to us. She really cares. I hope that we do not scare her from becoming a full-time teacher. Wednesday, June 6, I didn't sleep much last night. I mostly cried thinking about the fingerprinting law and what it is doing to our school. Period 4 English class was heck, magnified, I really dreaded that exam on Shakespeare. My emotions nullified my brain when he handed me the exam. I lost it. I balled out of control. Mr. Murphy kept his cool, thank God. He gently guided me out of the class to his office and told the department secretary that I needed the break and to look after me. She did just that. She gave me a juice and a box of Kleenex. She reminded me so much of mom. When I hurt, mom is always there. Mrs. Wells did the same today, bless her heart. I found out later that she will not be back next year. She cannot bring herself to be fingerprinted. What a royal mess. Coming back to Mr. Murphy, he gave me a second chance after school. You deserve to be relaxed and in a good mood when you take my exams. Guess what, I aced the test. That is right, me, Jennifer, who had to go to summer school after failing freshman English. I got an A on a Shakespeare exam. Can you believe that? Mr. Murphy even told me he was recommending me for English literature next year and that I had become a very mature reader and writer. I found out at lunch that he will not be back to teach the course next year. The fingerprinting law has just claimed its latest casualty. You know dear journal, I hated all men after my father, the jailbird, abused me. I was resentful and also of being assigned to Mr. Murphy's English class this year instead of one of the female teachers in the English Department. Mr. Murphy reaffirmed my early faith in men. He showed me that not all men are pedophiles. He is a great teacher and father to his own kids. I would like my future husband, that is right, I now believe in marriage, to be just like him. Thank you Mr. Murphy, Mrs. Norton, Mrs. Green, Mrs. Hutton and Mrs. Wells. We don't need fingerprinting to tell us that you are the best. Thursday, June 7, more bad news. Our beloved head janitor, Mr. Shasty, has had enough with stupid rules from Augusta. To put it in his own words, if they cannot fully trust me after 25 years, let them go out and fly a kite. That hurts. Mr. Shasty was like a surrogate father to us. He was our sounding board and our comforter. He could listen and man, does he give good advise. I don't know if I want to come to school for closing day tomorrow. It is not fun anymore. Dear journal, you are the first to know, I have decided not to become a teacher. I could not take the abuse, the suspicion and the outright demeaning. The sooner I get out of school the better.

Friday, June 8, my little brother Joey is very sad today. Our good friend and neighbor has hired an adult to mow his lawns. Joey was hoping to do that and other odd jobs for Mr. Skoglund. Joey just adores him and totally enjoys his stories. I guess it is no longer safe for an adult to be seen alone with a minor. What a screwed up world?"

Please remember Jennifer and Joey when you vote. Please vote to end this madness. Thank you.

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

Representative **DESMOND**: Mr. Speaker, Men and Women of the House. Some are saying they won't be fingerprinted on principle. Now with this amendment it is saying that it is all right for some to be fingerprinted. What happened to principle? Those who have left teaching made that choice. No one said they had to. They lost their jobs themselves. A newspaper article today quoted a person who would not be fingerprinted. He said that he would not be fingerprinted himself, but he hopes that this bill passes with some having to be fingerprinted because it will help him get his job back. Where is the principle in this? As far as getting students involved in fingerprinting, I feel it is unfortunate. I have a quote, "When I transfer my knowledge, I teach. When I transfer my beliefs, I indoctrinate." Thank you.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. As we consider our vote that is coming up, I would like to remind the body that we began this debate with the Chair of the Education Committee pointing out several vague issues and problems with the amendment that was just printed and laid on our desks a few hours ago. I know I have looked through it and I don't understand it and I have a lot of questions too. If we go forward and defeat this current Recede and Concur motion, then the motion to Insist will take precedent. We will have an opportunity to talk about these problems. I just want to point out this very magnanimous, from understanding the Chair of the committee to have moved such and give us an opportunity to understand the amendment. I hope the body gives that motion a chance in preference to this take it or leave it, what got dumped on us just a few hours ago.

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

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. A few minutes ago we heard a heck of an anecdote. I think when reflecting upon that anecdote, I would consider the teachers that were involved in that process, less than professional to bring their personal problems and make them burdens on the students in the classroom. Are we talking here today about teacher's rights versus parent's rights versus children's rights or are we talking about professional obligations that go with contracts and with certification and all that? I think we are talking about professional obligations to allay the fears of parents that the schools are safe for their kids. I heard that this was a compromise position. The definition of a compromise that I like is when you are willing to accept less than the right that you know is right. A compromise is when you are willing to accept less than what you know is right.

I would have been probably the first in line to have my fingerprints taken had I had this confront me when I was in education for 34 years. I would have considered this an opportunity to prove something to people, to prove that I was a person who could be trusted in the classroom, a person who was justified in being paid to do the job in the classroom. I would have considered a star on my resume had I chosen to try to get a job somewhere else. I would have had a clearance right though

the process that I could be trusted in issues that dealt with classroom situations.

I think the good Representative from Mapleton was correct in saying that the problem should not have been taken to the students and to cause such anguish among the students. I think that we, here, should really be interested in the rights of the students. I think the question of whether this compromise is fair or not is another issue. The good Representative from Mapleton mentioned that too. If you are going to obligate some people to abide by a law and not require everyone in the profession to abide by the same law, that is discriminatory. People who have chosen not to be fingerprinted and made a personal choice based on their position on the issue and any attempt to try to reinstate those people by saying it is alright for some people to be fingerprinted, but not them, I think is an abomination. I would urge you to defeat this Recede and Concur motion. Thank you.

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

Representative **PERKINS**: Mr. Speaker, Members of the House. This issue is becoming more vexing all the time for me. It is so serious and so important. I am going to, in a few seconds, restate something I said the other day. I have been against the rounding up of teachers who have been teaching in communities for years and fingerprinting them. Right from the start I have been against that. I have not been against new hires. The situation this puts us in now after having already run half, roughly, of the teachers through the system, that we should never have started, but we are in it so deeply, this amendment, as I understand it, will repeal what we are already halfway through, which was probably a mistake to start, but to stop it right now without getting any information at all, without knowing what we have found out already. This is so frustrating.

On our desk in one of these supplements there is a list of people who have been assigned to the Committee of Conference on a related bill that would give us some information that would help us decide this very issue that is in front of us now. If we could just have some information, it would make it a lot easier for me to decide whether to push the green button on this and repeal this ill-advised heck of a mess that we are in here. I cannot, in good conscience, vote to repeal this system without at least finding out how many child criminals we have found. I just don't see why we cannot have that information. It may be zero. It would be easy for me then to vote to repeal the whole thing. I have never had anybody yet tell me a good reason why we can't have that information. Thank you.

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

Representative **O'BRIEN**: Mr. Speaker, Ladies and Gentlemen of the House. I have said most everything that can be said about this subject, but I just had to respond to the good Representative from Frenchville, Representative Paradis. If I had known that we were going to be reciting journals, I would have brought the journal of a friend of mine, who at the age of 35, began having recollections of what happened to her when she was four, five and six. I would read journals of her getting physically sick everyday as she remembered incredibly violent sexual abuse day after day. I would talk about this trusted educator, in a way, he was a priest, but he was also her educator, using animals in this situation. She would talk in this journal about staying in bed day after day after day because she couldn't face it. She would talk about me bringing her to a psychiatric institution because she wanted to end her life. This is what she would talk about because she, 25 years later, and now 30 years later, is still living every single day with the effects of the abuse. This is what goes on and to say that is not happening in schools is burying our heads in the sand.

Tonight before we came here, I had to drop my son off at a school board meeting. He was presenting a book that several had written. My daughter was with me and we noticed on the agenda, it was going to talk about fingerprinting. She wanted to talk. I said, "What do you want to say?" She said, "I want to tell them that if Maine doesn't pass this, people are going to come to Maine and I don't want that to happen." This wasn't from me. You have heard me say that here on the floor, but that was coming from a 13 year old. We haven't asked the kids. We haven't asked the teachers. I have, actually, asked the teachers in my district and not one, and I have asked, as long as we pay for it, they don't understand why we are getting such emotion from the other side. They don't get it. Maybe I am in a different world and live in a different city here in Augusta, but it is not that way. Thank you.

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

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. It is often said that politics makes strange bedfellows and tonight, for the first time, I will be opposed to this amendment on fingerprinting, not because I have changed my mind, but because of my principles when I say that I am opposed to fingerprinting, I mean I am opposed to fingerprinting. I am opposed for all the reasons you have heard from my first session to now. It is a bad bill. I don't agree with it constitutionally and all the things that have been said. I have to tell you that some of the tactics that were used on me today, to leave the room, I felt violated. I felt that I was fingerprinted in a way. Well, I am not for sale. All I can say is I am opposed to fingerprinting and I am a purist on this. That now puts me on the side of people who were opposed to fingerprinting for all the reasons that I don't believe in. I cannot now say that we should fingerprint first-time people, new hires. Eventually, year after year, they are all going to be fingerprinted. I am opposed to fingerprinting and I will be opposed to it tomorrow, but I will not support new hires. Thank you.

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

Representative **TRAHAN**: Mr. Speaker, Men and Women of the House. I would just like to say that I guess you could search throughout our society and find horror stories that we could bring forward and use to try and promote a policy like this. Ladies and gentlemen, you would have to begin at home, right in someone's home. It happens there more than it does anywhere else. I won't even go there.

I would like to just address the previous speaker for a moment. This isn't just about fingerprinting new hires. This is about fingerprinting new hires in all kinds of different professions after we leave here today. I have to share with you a conversation from the Executive Office last year when we were trying to debate with the Chief Executive to not veto this bill. He said there were four or five more groups that were going to be fingerprinted when we were done here. His aid said that one day there will be a machine that looks like a pencil sharpener and anyplace that has security, you will stick your finger in this thing and you will have an instant FBI background check. Ladies and gentlemen, this whole debate is more than just about new hires or fingerprinting. This is about changing the policy that this state will have in the future. Will it be take groups of people and hold their profession hostage? Will we say to them that you have to give up everything that you have worked a lifetime for or be fingerprinted or will we adopt the policy that other groups of people have had to abide by in the past and that is when you go work here, you will have to make a decision, your decision, do you want to be printed? If you don't, it is your decision. That is really what we are debating here, ladies and gentlemen, is a

change in policy. It is one from rounding people up, casting doubts upon, threatening them, printing them or not printing them and moving to something that is more sensible and that is new hires.

I ask that you support the Recede and Concur motion and let's move to a more sensible policy. Thank you.

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

Representative **CUMMINGS**: Mr. Speaker, Ladies and Gentlemen of the House. I am not surprised that people find it difficult to understand. I believe the democracy is the most difficult thing to understand, because it is a paradox. It is a paradox that says that our safety comes from our freedom. I believe that those who went skipping and happily to give their fingerprints to the federal government and the state government to prove that they were not criminals, have strangely enough placed our children in greater danger than any child predator could ever place them. The essence of our safety derives from a basic convent that says that our rights are undeniable and when we begin to encroach on that, we have begun to undermine the most important element of safety for our children.

There will be those among you who will tell us, attorneys that will tell us, but you can, it is legally possible to do this. It is okay. I remind you that you sit tonight in the Legislative Branch of Government. We must have a higher standard and not ask, what can we do, but what should we do? I ask you tonight to reject the politics of extremism, reject the politics of mass fingerprinting of some of our most dedicated employees in this state. Reject also the extremism on the other side that denies that some enter the profession with puritan interests. Those must be acknowledged as well. Those who have proven their record ought to be exempt. It is not illogical, but those who are unknown quantities ought not. Tonight, reject the politics of extremism, make the right choice as presented here and let's end this public policy fiasco. Thank you.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. I want to tell you a little bit of what a teacher's day is like. You got your subject matter, you have an office that you have to keep happy, but you also, every minute you are in the classroom, as you are working with youngsters and you are communicating with them, you are watching for a depression. You are watching for children that have mutilated themselves. You are looking for a dramatic weight gain or weight loss. You look for youngsters who have separated themselves from their peers. Really on a given day, as a teacher in that hour and a half block, you are spending more time with them than, in many cases, their working parents. I don't think we probably have the statistics for the number of youngsters who are being abused, that it is their classroom teacher that discovers they are a victim and it is their classroom teacher that starts the process that secures their safety and begins their treatment. We have used the phrase front-line soldiers in the war against child abuse, those men and women in Maine education from Kindergarten up through seniors are looking and attempting to protect children and those children that had been abused and trying to put a cocoon around them and treatment and attempting to make their lives whole.

There has been casualties in this process over the last four years. I think a lot of us have tried to talk about this as teachers. To many of us it is like an 18th Century or 19th Century calling that many ministers had at that time. We are not going to go there. I think the casualties, I think everyone in this chamber is in agreement that the future of our children is their educational opportunity. I think in terms of the hits that the teaching

profession has taken over the last 10 years, it has probably dampened the enthusiasm for two initiatives. One the learning results and the other the computer in the classroom. I think the potential success of those two programs is going to be dampened. It is a casualty of this fingerprinting process.

There is a polarization that has occurred in this chamber on both sides of the issue. I would like to have you step back from that. We are talking about an area where there is less than 1 percent of reported cases. If in the last three years we had taken out \$1 million a year, if we had taken all of those resources and the diversion of the State Police, instead of putting the focus on that less than 1 percent, if all those energies had gone at that 99 plus percent where the abuse occurs. The children's lives that we could have saved, the positive impact that we could have had, I think the greatest tragedy out of this fingerprinting bill from the very beginning. It is in time, energy, moral and resources, what has been squandered in protecting our children.

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Representative **VOLENIK** of Brooklin assumed the Chair.  
The House was called to order by the Speaker Pro Tem.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. We hear often what is the best thing we can give to children, health care, safety and education. Personally, I think that the greatest gift that we can give children is the gift that our founding fathers gave us, freedom. That is the most important gift that we can pass on to our children. That is what makes our country great. I am appreciative every day of that gift. Even back then as we heard teachers now are willing to go along and they get fingerprinted to prove they are okay. There were people back then that were willing to sacrifice their freedom so that they could have the security of being a colony of the most powerful country in the world, at the time, England. They were called Tories. It wasn't right. The right thing to do was to fight for freedom. That is what this is about. We are sacrificing freedom here. We will go after the teachers this time and then where does it end? Once we have subjugated the teachers and they need to be fingerprinted, then we go after the private school teachers and the public school teacher say we have to be fingerprinted, why not them? Then we will go after the CNAs because they have access to senior citizens that they can do things to. The public school teachers and the private school teachers say, you did it to us, why not them? Then the CNAs say, what about the RNs and then we get the RNs and then all the nurses get together and say, what about the doctors? We get the doctors and then it will go on and on. Once it happens to you, you are on the other side and you think it needs to happen to everybody. It needs to stop now. Like the good Representative from Biddeford, Representative Twomey, I agree. We will not be voting for this Recede and Concur. I will be voting, if it passes, for the bill. I think that we had it right last time and we have it right. We need to stop scaring parents and scaring kids and trying to scare everybody and make the teachers the villains. We are wasting \$1 million a year. It could be going to help complaints. These teachers will call up the Department of Human Resources and say this child is being abused in their home and they don't have the money to go and investigate that because we are throwing it away to make ourselves feel good. That is wrong and I urge you to defeat the pending motion, pass the original bill and go from there. Thank you.



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

Representative QUINT: Mr. Speaker, Men and Women of the House. I think there is one thing that I keep hearing that both sides are using. It is that 1 percent of children that are being abused are being abused in the school system. That means that if 1,000 kids in the State of Maine are currently being abused, 10 of them are being abused in the school. I think that is conservative. There is some consensus on that. Somehow the collateral damage of those 10 kids is okay. It is happening in schools. I see people shaking their kids, but even people who don't support fingerprinting do agree, by their own admission, that 1 percent of kids who are abused are abused in schools. I don't know how many kids are abused, but there are a lot of kids that are abused. Children who are abused, in my opinion, are no collateral damage. They are not a risk.

The other piece here in this amendment that I find very troubling is that I would fight for people's right to protest, civil disobedience, but everybody knows that civil disobedience comes with consequences. You can get thrown in jail. You get to make your point. They never get to take that back. They never come to the Legislature and say, we did that because we didn't believe in what was happening. We marched. We were civilly disobedient. We broke the law. We didn't follow the regulations. We went on private property and they got arrested. That is okay. It is America, but they never asked, they know what the consequences are, and they never asked for anybody to repeal that.

My father is a teacher and both of my grandparents were teachers. My mother is a substitute teacher and all my parent's friends are teachers. That is the way it goes. My parents live in Houlton. My father is also from Hodgdon. It is a very conservative town. They have been there for generations. When I asked my dad about having to have his fingerprints done, he said, "You know, Michael, it is not a problem." The one thing that I think he found troubling was that it didn't happen in Houlton and it didn't happen in Hodgdon because there wasn't anybody who was upset about it, was that people who said no are now asking us to exempt them from something that he had to go through. He didn't find it humiliating. He wanted to do it, but some people did, because they were dedicated to their profession and they were also dedicated to their students. I can't support this, even though I was willing for a compromise at some point along the way, this reinstatement piece. I also have to object on the record that if 1 percent of children are being abused by statistics that both sides are using as collateral damage and as acceptable, for me as an elected official, I just need to say that is not okay.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Auburn, Representative Shields.

Representative SHIELDS: Mr. Speaker, Ladies and Gentlemen of the House. Very succinctly, I will remind you of three things. Number one, there have been millions of us who have been fingerprinted. There is a requirement to certify yourself as not a security risk in many jobs. That doesn't seem to be a problem with other groups. Number two, there are 38 states that already require this. That means there are only 11 other states that people who object to this can go to and still teach. Number three, this bill, not the current amendment, but the fingerprinting is designed to protect children and it is not about teachers.

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

Representative BAKER: Mr. Speaker, Men and Women of the House. I find myself puzzled at what seems to be approaching almost a level of hysteria on behalf of our teachers.

Where is the logic, I am asking myself? I am also puzzled at the ironies. For example, teachers are now protected by law from violent students. We have gone to great lengths to try to ensure that the classroom teacher is protected from the wayward student or the violent student. A further irony that I find in this particular Legislature is we talk about our priority of protecting women from domestic violence, while we are doing away with our protection of children from institutional violence. Women have a choice about being in abusive relationships. Our children are required by the state to be in schools in the presence of a number of adults each day of the school year. What an irony that we are about to make Maine a sanctuary for child molesters and drug deals. That large number of convictions represents something, and I have said previously, it is not traffic violations. It is not OUIs. It is not even possession of marijuana. We are talking Class A, B and C crimes and DE Class misdemeanors.

The double standard that I keep hearing puzzles me. The reality is that fingerprinting is not unconstitutional. It does not threaten our very freedom. We don't object when employees at MBNA are fingerprinted or those who work in bonds and securities are fingerprinted or those who would enter our police force are fingerprinted or those who work in our banks. I begin to wonder, perhaps, money is more important in this culture than children. We want to be guaranteed that those who handle our money don't misuse funds. Those who handle our children, that is okay. Are our children not more important than money? The answer, of course, is yes, so what are we thinking?

I am concerned about the distraction in this issue, the shifting of focus from the protection of children to something about the adult, the teachers. I have heard that it just doesn't feel right to be fingerprinted as a teacher. As someone said, it felt okay to be fingerprinted for something else. I do not understand why we have put this focus on our bus drivers, our ed techs, our custodians, our driver's ed teachers, our band directors, our guidance counselors, our cafeteria workers and our teachers and we keep hearing about this incredible need to protect these grownups from something. I am starting the wonder what is the fear? What are we afraid of? We are not afraid to fingerprint these other people.

The obfuscation that I keep listening to is also troubling. We hear about a journalistic account that contains nightmares. I want to remind this body about the real nightmare here. The real nightmare that we are talking about is the children who were abused recently by a band director. The one I just read about, the children who were abused by the bus driver and the driver's ed instructor. There is one a week. I am puzzled. Why are we choosing blindness? Why suddenly is the teaching profession sacrosanct, filled with perfect people who must be protected at all costs, unlike any other profession that we know of? I keep hearing the rap that parents are taking, as though this somehow all happens in the home. Fellow legislators, it does happen in the home, but that does not excuse us from protecting state employees with whom our children are required to be with. We ignore the newspaper accounts. We refuse to compensate victims of Baxter School for the Deaf. Having lived in England for several years, I am well aware of the long history of sexual molestation in British public schools. The phrase that we have often heard, and perhaps used, brown nosing. It comes from a long and terrible history of the abuse of boys in British public schools. Schools are not free from this problem. If we think they are, we put our heads in the sand. I am very concerned about this amendment, which does not require a district to do a criminal check, but, in fact, leaves it up to the district. That district also must pay, so what it means is that across our state some children will be protected and other children will not. To send



this issue back to local control was absolutely and patently unfair to the most vulnerable members of our society.

I have two questions I would like to phrase through the Chair and perhaps someone could answer for me. If an individual has been dismissed through the fingerprinting that has gone on the last few months and then reinstated, I believe, under this amendment and later is found to be involved in a case of molestation, is the state liable? My second question is in the event of those who have already been found to have prior convictions and have been dismissed and received a letter of dismissal already from the commissioner and if their positions have been already filled and a contract signed, is the state also liable for a lawsuit from those individuals who must now leave their new positions?

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.

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

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to comment on some of the testimony that has been given here concerning the violation of individual rights of teachers. I think there is ample evidence in our history and in our law and in the way we run our government and the way we interact with citizens that rights very often sacrificed in the public interest whenever there is a chance that the exercise of my rights will infringe on the rights of others and my rights become limited by the law. We accept the obligation to get licensed or permitted or certified, which in itself places restrictions on a person's right to practice as they wish. I don't think the fact that teachers, as a part of their professional obligation, be subject to fingerprinting is any more of a violation of their rights than the right that they need to get a driver's license to operate a vehicle on the road. No one can go out and just drive up and down the road without a license without being subject to the law. I don't think the use of fingerprints is any more of a violation than that. Thank you.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I apologize for rising a second time. I got wrapped up in the last time and I forgot to make three points. First off, we hear that Maine will become a haven to all these child molesters and sickos around the country. I can tell you that the State of Massachusetts does not fingerprint and with the strength of their union, they will never fingerprint. I am here to tell you that if sickos are looking for kids, they are much more likely to go to Massachusetts where they will fit in and they will make a lot more money.

My second point I want to make is that we have heard that there have been four in the past couple of months, four child molesters. That may be true, but none of them had a criminal record so this law would not have stopped that. As a matter of fact, this law is in effect and it didn't stop that.

My final point, which I will phrase in the form of a question, if we have a shortage right now and can't find teachers willing to teach in our state, how is kicking the profession in the teeth going to help to alleviate that shortage?

The SPEAKER PRO TEM: The Representative from Lewiston, Representative Mendros 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, Ladies and Gentlemen of the House. Of course it is very apparent that some

of us feel very, very strongly that our rights are being violated when we are being fingerprinted and particularly when records are being kept and updated. Somehow to us this seems exactly opposite to the America that we learned about in school and that we think our people fought for. Other people are perfectly willing to be fingerprinted to show that they are, have been and will be law-abiding citizens and can't understand why anyone feels violated to be fingerprinted. I think if we look back to the time of Queen Mary in English history, the time of troubles between Catholics and Protestants. There were individuals by the score who were burned to death simply because they would not acknowledge that the government was right and their neighbors were astounded and said, well, just give in like the rest of us, but those few people refused to do it simply on principle. It is a difference in personality. To some people submitting to fingerprinting really is giving up their integrity and I think it is a terrible position to put anyone in, to either give up their integrity or give up their job. That is a terrible decision that we force people into. We may think it is silly. We may think they are fanatics, but it is just human nature. Some people are that way. We can look around the room and see who would have been burned to death 400 years ago and I am afraid right now I may be one of them for continuing the discussion.

I think this fingerprinting affliction has come upon us because it is a lesson that we need to learn again. We need to learn the lesson that freedom is precious and that sacrifices have to be made by certain individuals and some have to set an example. I will tell you that the most moving thing that I have seen in many, many years was the school board meeting in Belfast where a gentleman refused to be fingerprinted and the school board spoke in his favor, the children spoke in his favor, the teachers spoke in his favor. He was a leader. He was standing for what he believed in. It was an inspiration because he did not compromise and because we have had these people who refused to compromise on this, the tide has shifted and people realize that there are better ways to protect our children than to force people to submit to something that is really against their principles and violates their integrity.

People are unwilling to fall in line and follow a marshmallow. They want someone with some integrity, someone who stands up for what he or she believes in and is dependable.

Another point that I want to make before I sit down for the last time on this fingerprinting business is that I think it is a terrible, terrible thing that we have given this handful of perpetrators such power over us. We have given them the power to set the tone of our educational system. The worst possible people to set the tone for education are now doing it. We have permitted them to destroy our trust in teachers, bus drivers and in people we have known for years and years. Everyone is suspect. I don't think we should give the lowest elements of society that kind of power, which is simply what we are doing when we say that we are going to fingerprint all teachers or we are going to fingerprint new hires. Along with this comes the file, which is updated at regular intervals. People keep forgetting that. This isn't just about a background check. This is about updating the files at regular intervals to make sure that the person is behaving as we expect a person should behave.

I am going to vote against new hires only. I am going to stick to the principle that fingerprinting is not the solution. Fingerprinting has been more of a problem and it must be eliminated completely. I have explained my vote. Thank you for listening.

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

Representative **HALL**: Mr. Speaker, Ladies and Gentlemen of the House. I rise at my peril to correct the history lessons, the

English history lessons, that I have just heard from distinguished members of this House. I think there is an important lesson that the good Representative from St. George did not draw from the history of the Queen Mary, Bloody Mary, and it had nothing to do with alcoholic beverages. It had to do with the fact that people will go to the stake, will be burned at the stake for theological principals that may or may not have done something for their eternal soul, but did absolutely nothing for the public policy of England in the 16th Century or for the well being of any of the subjects of Queen Mary's realm. I have also learned something tonight about the good Representative from Lewiston, Representative Mendros, who repeatedly alludes in his addressing this House to Maine's struggle for freedom and independence from colonial tyranny. I now realize that he is, of course, speaking of Maine's struggle to escape from the clutches of those distant colonial tyrants in Boston in, not from an earlier unfortunate event.

Mr. Speaker, I want to implore, on a serious note, the people in this House who are seeking some middle ground here to support this compromise bill. May I respectfully point out that the criticism that we have heard from both sides suggests that we are onto something positive here. The criticism that Maine may become a sanctuary for evil people has been heard and I respectfully submit that criticism has been met by this amended bill. The criticism that we are insulting respected professionals whose integrity should not be challenged has, I respectfully suggest, been met by this amended bill. To the partisans of both sides who cannot compromise your principles, I say, I am sorry that you take that position, but I respect your sincerity. Please respect mine too in trying to find a way forward out of this public policy disaster.

Mr. Speaker, we have now added another hour and a half to the length of time we have debated this. The time has come to move on. I urge those members who can still form an opinion, who have not been bludgeoned into silence or immobility by this debate, to vote with me to Recede and Concur. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Windham, Representative Tobin.

Representative **TOBIN**: Mr. Speaker, Ladies and Gentlemen of the House. This is a very important issue. It is a very emotional issue. Before the false bell for the roll call that we thought we were coming back to, I hope most of the people on the House floor realized that they were preaching to the choir. I don't believe there is any middle ground left. I think people have made up their minds how they are going to vote and I sure do pray that we get a chance to do that very, very shortly.

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

Representative **PERKINS**: Mr. Speaker, Men and Women of the House. Over the last half dozen speakers I have heard one of the most beautiful words in the English language several times, the word liberty. In this case it is used by the stalwart teachers that are refusing to submit to this fingerprinting. I understand that perspective, but to put things into a little different perspective, I wish people would go back, when you get a chance, and read the history of compulsory schooling. You hear almost verbatim some of the same quotes about liberty, standing on your principles, standing and holding onto your integrity, not putting your kids out by the mailbox for the government to whisk them away when they are five years old, just to keep things in perspective. Please do that. Compulsory schooling started after the Civil War by Horace Mann and few of his friends in Boston. I wish people would read a little bit from the minutes of the school board meetings when compulsory schooling was being discussed. You hear almost the same discussion. Thank you.

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

Representative **MICHAUD**: Mr. Speaker, Ladies and Gentlemen of the House. If it sounds like it is an emotional issue, it is. Basically what you have done is you have asked people who have prepared to do a job in this society, handing our most precious resource, our young people. If you are going to put a time limit on having someone discuss an issue that attacks the very fiber of the profession that you gave your whole life to and continue to do so, then I seriously question whether or not you ought to be making laws that apply to the citizens of this state. Like a bad dream, some of you wish that you could close your eyes and this thing would go away. After all, we have been at it for four or five years. The problem with it is if we had done it right the first time, we wouldn't be here today.

I have mixed emotions on speaking this evening because, like the good Representative, Representative Skoglund, I would prefer to see a repeal. I don't think the law has done what it says it intended to do. It has hurt an awful lot of good people. It is divided people on both sides of the issue that really should be spending their time and their energies doing some of the things that we really can do to prevent the very problem that we think fingerprinting has done.

The good Representative from Hodgdon, Representative Sherman, talked about personal choice. Those who made that personal choice and decided to not get fingerprinted. It would seem to me that someone who decides to give up the very thing that they have prepared for all their life, something they enjoy, something they like to do, something that society said is good and they decide that they are going to stop doing it because someone is going to ask them to get fingerprinted, this would be an indication to me that there is something wrong with it. We ought to really take a good hard look at it.

When I first heard of it, and I had made a decision to retire, I searched real hard to find some way to maybe make some of those who were questioning the motives of some of us who said that fingerprinting was a violation of our rights and if you will allow me to maybe come close to some of you, because a lot of you are not teachers, I might present to you an anecdote that might help to give you that feeling in your stomach that I had when I first found out that this was going to have to happen. Picture yourself at Thanksgiving dinner, your family, your children, your grandchildren are sitting around the table. It is a festive occasion. You are going to be thankful and someone in the group says, Mom, Dad, we would like you to have a DNA test, because we want to find out if you are truly our mother and father. We want you to take off and go to Bangor and have it done and pay for it. It hurts. I would hurt you because you would say, haven't all those years that I have been a good parent, do you have to go to that extreme? It wouldn't take long for you to start feeling some of those feelings that we had after giving so much of our time and energy to this profession.

At the same time we say, if we save one kid, if we save one child. What if we put a video camera in every home and monitored their activity, wouldn't we curb domestic violence if we did that? We are putting them on the street corners. We are putting them in our industry's restrooms to monitor the activity of some of our employees. Is it really doing what it is that we intend it to do? I don't think so. I think what it suggests is that this is just symptomatic of that paranoia that we seem to have. We have lost that desire to have people do the work that they can do because they love to do it. Quit pointing the finger at everyone, assuming they are sexual predators, like the person who has had one too many and taking that black cup of coffee before getting into the vehicle and proceeding home. Fingerprinting is giving us a false sense of security. It is like the studded tire underneath

the guys car who speeds down the highway on an icy road thinking that the studs are going to give him the extra measure of safety that you need. Once these things don't work, and they aren't going to work, they are not going to do what you think you intend them to do, what are we going to do next?

Some people have alluded to a hysteria. The good Representative from Bangor, says, who is fueling this hysteria? It isn't us. The hysteria has been fueled by the very people who we entrusted to put that law that was passed into operation. Enough information has been leaked, and continues to be leaked, to make it sound like maybe we all ought to keep our children home and home school them. Where does the answer lie? To me it lies in a cooperative spirit, one where we work together to make our schools and our society a safe place. There are no guarantees. Fingerprinting will only give you a false sense of security because we are human beings and because we are, anything can happen at any time. We don't even have to have a prior record. This evening I would urge you, realizing and being a pragmatic, that to Recede and Concur would probably help in this effort to maybe find some common ground. I would urge you to do that.

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

Representative **RICHARD**: Mr. Speaker, Men and Women of the House. At this point I know there isn't much that anybody can say that is going to change your mind one way or the other. You have heard enough, but this is too serious to make light of. It bothers me when somebody makes light of this particular situation. It was said that freedom was precious. Yes, freedom is precious. It is precious for the children in our schools. It has been said that we make an example of teachers. That is not the intent, but neither do we expect that the children are made an example of. If you have ever worked with a child who has been raped by a teacher, you know what it is to be made an example of. I have worked with a child and I have seen her 20 years later and I know what happened to her life. Integrity? Yes. The majority of teachers have integrity. The majority of teachers are dependable. Unfortunately some are not and that is what we are thinking about. It is not a light matter. It is not something to joke about. I urge you to vote against the motion to Recede and Concur.

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. I will be very brief. I have not addressed the teacher fingerprinting issue this legislative session. I rise because I wish to go on record as opposing what I consider to be a very destructive and harmful amendment being considered by this body, particularly the issues that I have with this amendment, the removal of the applicant's fingerprints from the state repository. Additionally, I have serious, serious questions and problems with the clause which reinstates educators who did not participate in the certification process and a background check certifying them as credentialed in the system. I think that it creates a double standard in our system and it compromises all intent of this well-meaning and well-needed legislation, the fingerprinting process.

The background checks are nothing new to our municipality down in South Portland. In fact, in our police department, we have a citizen civil service commission that screens applicants, for instance, for the police department. Not only do we do background checks in our municipality, we actually do lie detector tests of all officer applicants when they are coming in. We don't stop there at protecting public safety in our town. We additionally, when an officer comes up for promotion, we also repeat the background check and we do another lie detector test.

We asked hard questions. Do you take drugs? Do you steal? Do I or any member of our committee believe we are questioning the professionalism of South Portland's finest, our officers? Absolutely not. In fact, what we are doing is we are certifying their professionalism and we know that when you look them in the eye, you are looking in the eye of a honest person. No one can ask anymore than that.

The same can be said for this piece of legislation that we have had in place that is being tampered with and dismantled by this amendment. I can tell you that there may be a number of people that, for some personal stance, have stood up and stated that they don't wish to participate in certification or background check on a matter of their own personal choice or their own personal principles. That is fine and well to say, but there is additionally, I assure you, individuals that did not participate in the background check because they do, in fact, have something to hide. Before we go around enacting state laws and repealing legislation and certifying people which have had no background check and marking them as trusted individuals in the system, above and beyond reproach, I believe very much compromises, not just the safety of the children, but the professionalism of the fine ladies and gentlemen who have stepped forward and have stood out to the communities that they are employed in as being above reproach. I thank you and I will be voting against this amendment.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. Before we vote, I want to remind you of the rank and file out there, the thousands and thousands and thousands of teachers who have been fingerprinted, have been giving exams this week, talking with students, going about their business, doing what teachers do, trying to protect children, trying to ensure their safety, doing exactly what the good Representative from Kennebunk was saying. The rank and file have not opposed fingerprinting. I count myself among them. I would never leave teaching over fingerprinting. I am not trying to set myself up as any kind of saint here either. I think that tonight we sort of polarized these people here. We are not blind sheets who are along just for the ride each year. I will be printed on Saturday at the Cohen School in Bangor. I won't be skipping bluffly toward that fingerprinting. It is a serious day. I am doing it for the students I teach, the students in the state and students all across the country.

I also do not believe that those people who are in favor of repeal are people who would stand on principle to the point that they would be burned at the stake over this either. There are people who may oppose fingerprinting who have been printed and are going about their business today. I challenge you, go home in the next few days and talk to parents, talk to the PTA, talk to the school board, those 285 other school boards, talk to them about what they think, talk to your superintendent about the job he has and your principal, talk to the parents in your community. I have done that. I am here to tell you that rank and file teachers and ordinary citizens are going about their day hoping that we are taking care of their children in schools. They do not oppose fingerprinting.

We have talked about video cameras. We have video cameras on our buses to ensure safety. Occasionally there is a video camera in my classroom to evaluate me and others. We used it. It is being proposed that there be video cameras in this chamber. Tonight I was thinking, it might not be such a bad idea.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Falmouth, Representative Davis for what reason does the Representative rise?

Representative **DAVIS**: Mr. Speaker, point of order. What has this to do with the Recede and Concur? I would like to know.

The **SPEAKER PRO TEM**: The Chair would state that all members when speaking will please refer to the question. Thank you. The Representative may proceed.

Representative **MCKEE**: Thank you Mr. Speaker. I was referring to some things that had been said before. I will address the amendment. When we first brought up the idea of new hires, my son is a new hire and I have several former students who were new hires, I promised them that if at that time we adopted new hires only that I, and others in the school, would step up with them and be printed at the same time. It either was a good idea or a bad idea, but if they had to be printed, we would join them. What is good for new hires is good for veterans as well. I urge you to vote against the Recede and Concur and go on to Insist. Thank you.

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

**ROLL CALL NO. 400**

YEA - Ash, Berry DP, Blanchette, Bliss, Brooks, Bryant, Buck, Bunker, Chick, Clark, Colwell, Cowger, Cressey, Cummings, Davis, Dudley, Estes, Fisher, Fuller, Green, Hall, Hatch, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lundeen, MacDougall, Marley, Marrache, Matthews, Mayo, McGowan, McLaughlin, Michaud, Mitchell, Morrison, Murphy T, Nass, Norbert, Norton, O'Brien LL, Paradis, Patrick, Peavey, Pinkham, Povich, Richardson, Sherman, Simpson, Smith, Snowe-Mello, Sullivan, Tessier, Thomas, Tracy, Waterhouse, Wheeler EM.

NAY - Andrews, Annis, Baker, Belanger, Berry RL, Bouffard, Bowles, Brannigan, Bruno, Bull, Bumps, Canavan, Carr, Chase, Clough, Collins, Cote, Daigle, Desmond, Duncan, Dunlap, Duplessie, Duprey, Etnier, Foster, Gagne, Gerzofsky, Glynn, Gooley, Hawes, Heidrich, Honey, Jodrey, Labrecque, Lemoine, Lessard, Madore, Mailhot, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Michael, Murphy E, Muse C, Muse K, Nutting, O'Brien JA, Perkins, Pineau, Quint, Richard, Rines, Rosen, Savage, Shields, Skoglund, Stanley, Stedman, Tarazewich, Tobin D, Tobin J, Trahan, Treadwell, Tuttle, Twomey, Usher, Volenik, Weston, Winsor.

ABSENT - Bagley, Chizmar, Crabtree, Dorr, Dugay, Goodwin, Haskell, Kasprzak, Landry, Ledwin, Lovett, O'Neil, Perry, Schneider, Watson, Wheeler GJ, Young, Mr. Speaker.

Yes, 61; No, 72; Absent, 18; Excused, 0.

61 having voted in the affirmative and 72 voted in the negative, with 18 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Representative **TRAHAN** of Waldoboro moved that the House **RECONSIDER** its action whereby the motion to **RECEDE AND CONCUR FAILED**.

The same Representative moved that the Bill be **TABLED** until later in today's session pending his motion to **RECONSIDER** whereby the motion to **RECEDE AND CONCUR FAILED**.

Representative **WESTON** of Montville **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending the motion to **RECONSIDER** whereby the motion to **RECEDE AND CONCUR FAILED**.

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from South Portland, Representative Glynn.

Representative **GLYNN**: Mr. Speaker, point of order. My point of order for consideration is under Rule 511 of the House. A motion to table, as my reading of the rules, is out of order on a motion to Reconsider.

The **SPEAKER PRO TEM**: The Chair will advise the Representative that the motion to table unassigned would be out of order, but the motion simply to table until later in today's session is in order.

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is to Table until Later in Today's Session. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 401**

YEA - Ash, Berry RL, Bliss, Bowles, Bryant, Bunker, Chick, Cressey, Cummings, Davis, Dunlap, Duplessie, Etnier, Fuller, Green, Hall, Hatch, Hutton, Jacobs, Koffman, LaVerdiere, Lundeen, MacDougall, Madore, Marley, Matthews, McGowan, McLaughlin, Mendros, Michaud, Mitchell, Morrison, Murphy T, Muse C, Muse K, Nass, Norton, Paradis, Patrick, Peavey, Perkins, Simpson, Snowe-Mello, Sullivan, Thomas, Tracy, Trahan, Tuttle, Waterhouse, Winsor.

NAY - Andrews, Annis, Baker, Belanger, Berry DP, Blanchette, Bouffard, Brannigan, Brooks, Bruno, Buck, Bull, Bumps, Canavan, Carr, Chase, Clark, Clough, Collins, Colwell, Cote, Cowger, Daigle, Desmond, Dudley, Duncan, Duprey, Estes, Fisher, Foster, Gagne, Gerzofsky, Glynn, Gooley, Hawes, Heidrich, Honey, Jodrey, Jones, Kane, Labrecque, Laverriere-Boucher, Lemoine, Lessard, Mailhot, Marrache, Mayo, McDonough, McGlocklin, McKee, McKenney, McNeil, Michael, Murphy E, Norbert, Nutting, O'Brien JA, O'Brien LL, Pineau, Pinkham, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Sherman, Shields, Skoglund, Smith, Stanley, Stedman, Tarazewich, Tessier, Tobin D, Tobin J, Treadwell, Twomey, Usher, Volenik, Weston, Wheeler EM.

ABSENT - Bagley, Chizmar, Crabtree, Dorr, Dugay, Goodwin, Haskell, Kasprzak, Landry, Ledwin, Lovett, O'Neil, Perry, Schneider, Watson, Wheeler GJ, Young, Mr. Speaker.

Yes, 50; No, 83; Absent, 18; Excused, 0.

50 having voted in the affirmative and 83 voted in the negative, with 18 being absent, and accordingly the motion to **TABLE** until later in today's session pending the motion to **RECONSIDER** whereby the motion to **RECEDE AND CONCUR FAILED FAILED**.

Subsequently, Representative **TRAHAN** of Waldoboro **WITHDREW** his motion to **RECONSIDER** whereby the motion to **RECEDE AND CONCUR FAILED**.

The same Representative moved that the House **RECEDE**.

Representative **TWOMEY** of Biddeford **REQUESTED** a roll call on the motion to **RECEDE**.

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

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

Representative **TRAHAN**: Mr. Speaker, Ladies and Gentlemen of the House. The reason that I made my motion to Recede was that I would like to possibly address some of the concerns in the legislation that we voted on earlier that was brought up and stressed by many of the people in this body. All I am asking for this the courtesy to offer that amendment. I would ask that you support this motion as I have others in the past. Thank you.

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

**ROLL CALL NO. 402**

YEA - Annis, Ash, Bliss, Bowles, Brooks, Bryant, Bunker, Chick, Clark, Collins, Colwell, Cowger, Cressey, Cummings, Davis, Dunlap, Duprey, Estes, Etnier, Fuller, Gerzofsky, Green, Hall, Hatch, Heidrich, Hutton, Jacobs, Koffman, LaVerdiere, Laverriere-Boucher, Lundeen, MacDougall, Marley, Matthews, Mayo, McGowan, McKenney, McLaughlin, McNeil, Mendros, Michael, Michaud, Mitchell, Morrison, Murphy T, Muse C, Muse K, Nass, Norbert, Norton, O'Brien LL, Paradis, Patrick, Peavey, Rines, Rosen, Simpson, Snowe-Mello, Sullivan, Tarazewich, Thomas, Tobin J, Tracy, Trahan, Tuttle, Volenik, Waterhouse, Wheeler EM, Winsor.

NAY - Andrews, Baker, Belanger, Berry DP, Berry RL, Blanchette, Bouffard, Brannigan, Bruno, Buck, Bull, Bumps, Canavan, Carr, Chase, Clough, Cote, Daigle, Desmond, Dudley, Duncan, Duplessie, Fisher, Foster, Gagne, Glynn, Gooley, Hawes, Honey, Jodrey, Jones, Kane, Labrecque, Lemoine, Lessard, Madore, Mailhot, Marrache, McDonough, McGlocklin, McKee, Murphy E, Nutting, O'Brien JA, Perkins, Pineau, Pinkham, Povich, Quint, Richard, Savage, Sherman, Shields, Skoglund, Smith, Stanley, Stedman, Tessier, Tobin D, Treadwell, Twomey, Usher, Weston.

ABSENT - Bagley, Chizmar, Crabtree, Dorr, Dugay, Goodwin, Haskell, Kasprzak, Landry, Ledwin, Lovett, O'Neil, Perry, Richardson, Schneider, Watson, Wheeler GJ, Young, Mr. Speaker.

Yes, 69; No, 63; Absent, 19; Excused, 0.

69 having voted in the affirmative and 63 voted in the negative, with 19 being absent, and accordingly the House voted to **RECEDE**.

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

Representative **TRAHAN**: Mr. Speaker, Honorable Members of the House. I would ask, not having the amendment before you, that we have someone in the other corner briefly table this so that the amendment that I had given to the Clerk earlier be distributed so that I can present the amendment. If not, I will present it anyway.

On motion of Representative BRUNO of Raymond, **TABLED** pending **FURTHER ACTION** and later today assigned.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

An Act to Repeal the Requirement that School Employees be Fingerprinted

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

Which was **TABLED** by Representative BRUNO of Raymond pending **FURTHER ACTION**.

Representative **TRAHAN** of Waldoboro **PRESENTED** House Amendment "A" (H-721) to Senate Amendment "A" (S-347), which was **READ** by the Clerk.

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

Representative **TRAHAN**: Mr. Speaker, Ladies and Gentlemen of the House for your five minute indulgence. You won't know how much I appreciated that, for those that supported me in that motion. At this time I would just like to present this amendment that tried to address a lot of the concerns that were raised earlier about allowing those that refused to be reinstated. This amendment strikes that section from the law and I hope that it will help address some of those concerns. Mr. Speaker, when the vote is taken, I request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT** the House Amendment "A" (H-721) to Senate Amendment "A" (S-347).

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

Representative **WESTON** of Montville moved that House Amendment "A" (H-721) to Senate Amendment "A" (S-347) be **INDEFINITELY POSTPONED**.

Representative **TRAHAN** of Waldoboro **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** House Amendment "A" (H-721) to Senate Amendment "A" (S-347).

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

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

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

The SPEAKER PRO TEM: The Representative may pose his question.

Representative **STEDMAN**: Mr. Speaker, Men and Women of the House. To anyone who can answer, does this mean that the people who did resign their positions because they refused to be fingerprinted will have no recourse then to participate in the education system of the State of Maine now?

The SPEAKER PRO TEM: The Representative from Hartland, Representative Stedman 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, Men and Women of the House. In answer to the question, the answer is no. All that this does is that it requires those who let their certification lapse will have to reapply and be fingerprinted like everyone else.

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

Representative **WESTON**: Madam Speaker, May I pose a question through the Chair?

The SPEAKER PRO TEM: The Representative may pose her question.

Representative **WESTON**: Mr. Speaker, Men and Women of the House. To anyone who can answer, anyone who has stopped work because they refused to be fingerprinted, this says they are not going to be reinstated. If their certificate has lapsed, will have to reapply. Can I understand why they will be fingerprinted?

The SPEAKER PRO TEM: The Representative from Montville, Representative Weston 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, Ladies and Gentlemen of the House. To try to address the question, I didn't really fully understand what she wanted from the question, but if I remember correctly, ladies and gentlemen, the same people that are rising now to oppose this are the same ones that were criticizing the section of the law. I say to you that I can't answer her question, but if this was truly about a concern in the law, then they wouldn't be rising to oppose this. I have addressed their concern. I think that it is time, ladies and gentlemen, that we vote. Thank you.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. I think I see, and I hope others see the confusion, that this last minute amendment proposes. I, in my