

# 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

**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

own mind, have a question about whether the teacher under the circumstances, for example, would lose all seniority and upon reentering the system would start at zero. These are the kinds of questions that is really difficult to figure out at 10:10 in the evening and would be much more appropriate for a Committee of Conference. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Woolwich, Representative Peavey.

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

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

Representative **PEAVEY**: Mr. Speaker, Ladies and Gentlemen of the House. To anyone who can answer it, for the group of people that have been fingerprinted and then their certification was revoked because of something found in the background check, where would they fall in this amendment? Would they be reinstated? I guess I am asking, would the results of the background check be thrown out at that point?

The **SPEAKER PRO TEM**: The Representative from Woolwich, Representative Peavey has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bristol, Representative Hall.

Representative **HALL**: Mr. Speaker, parliamentary inquiry.

The **SPEAKER PRO TEM**: The Representative may state his parliamentary inquiry.

Representative **HALL**: Thank you Mr. Speaker. If this amendment fails, will the House then be left to consider the original motion of the good Representative from Madison, Richard, to Insist? That would be a motion that I think might get a surprising amount of support from both sides at this time of night.

The **SPEAKER PRO TEM**: The Chair would respond that the motion to Recede would have to be reconsidered and if that prevailed, then the motion to Insist would be in order.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. There seems to be a lot of questions about this amendment. The original bill would repeal fingerprinting for everybody. The amendment that the other body put on said only new hires have to be fingerprinted and anyone who refused can get their job back. Now that has been amended to only new hires that have to be fingerprinted. The people who haven't been fingerprinted yet and have served with distinction don't have to go through this and be rounded up so we won't become a haven, if that was truly a concern that we might become a haven, we have solved that problem. That is what this bill does. That is what this amendment does. That should clarify the different questions.

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

Representative **RICHARD**: Mr. Speaker, Ladies and Gentlemen of the House. In response to the question that was asked a few minutes ago what happens to the fingerprints of the people that have been fingerprinted and something was found. It is my understanding from reading this Section 14 that they would just be discontinued, eliminated, they wouldn't count.

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

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

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

Representative **BROOKS**: Thank you Mr. Speaker, I am very confused about the posture of LD 1090 and its amendments. I am wondering if the amendment that we currently are attempting to Indefinitely Postpone is properly before the body?

The **SPEAKER PRO TEM**: The Chair would answer in the affirmative. The House stepped back from Enactment. When the motion to Recede prevailed, which allows this body to consider the motion of the other chamber, including any amendments put on the bill.

The Chair recognizes the Representative from Winterport, Representative Brooks.

Representative **BROOKS**: Mr. Speaker, Ladies and Gentlemen of the House. My confusion is whether or not Senate Amendment "A" is currently in front in the body.

The **SPEAKER PRO TEM**: The Chair would answer that yes, because the House Receded, Senate Amendment "A" can properly be considered by the House at this time. The pending motion is Indefinite Postponement of House Amendment "A" (H-721) to Senate Amendment "A".

The Chair recognizes the Representative from Bangor, Representative Baker.

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

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

Representative **BAKER**: Mr. Speaker, Men and Women of the House. Am I to understand that those who have been fingerprinted and found to have prior convictions and therefore been dismissed would not be reinstated, but those who have not been fingerprinted, whether there are convictions or not would be, in effect, off the hook? Is this not a discriminatory situation we are setting up here that would discriminate against those who have been fingerprinted?

The **SPEAKER PRO TEM**: The Representative from Bangor, Representative Baker 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. Some that have thrown a wrench into the works, in my opinion, have been very successful in their attempts. Let me stress again that this amendment, other than a section that released a little bit of information to the public, is exactly the same bill that we passed and was vetoed. This bill would replace the current requirement for all people to be fingerprinted with a requirement that all new hires would be fingerprinted. The amendment simply removes the section of the law that allowed the teachers who refused to be reinstated without a fingerprint. That is all this amendment does is strike that section of the bill that so many argued was bad and needed to be taken out of the bill. I did that. The rest of the bill, ladies and gentlemen, was passed once. If the argument that is being used here today that this is a bad bill and is confusing, it must have been two years ago, but it passed and the Chief Executive vetoed it. I wonder what your concerns all are?

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-721) to Senate Amendment "A" (S-347). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 403**

YEA - Ash, Baker, Belanger, Berry RL, Blanchette, Bowles, Brannigan, Brooks, Bruno, Buck, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chick, Clark, Clough, Cote, Cowger, Cressey, Cummings, Daigle, Desmond, Dudley, Duncan, Dunlap, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Glynn, Gooley, Green, Hall, Hatch, Hawes, Heidrich, Honey, Hutton, Jodrey, Jones, Kane, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher,

Lemoine, Lessard, Madore, Mailhot, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Mendros, Mitchell, Murphy E, Muse C, Muse K, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, Perkins, Pineau, Pinkham, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Sherman, Shields, Simpson, Skoglund, Stanley, Stedman, Tarazewich, Tessier, Tobin D, Tobin J, Tuttle, Twomey, Usher, Volenik, Waterhouse, Weston, Winsor, Mr. Speaker.

NAY - Annis, Berry DP, Bliss, Bryant, Collins, Davis, Duplessie, Duprey, Jacobs, Lundeen, MacDougall, Marley, Matthews, McKenney, Michael, Michaud, Morrison, Murphy T, Nass, Paradis, Patrick, Peavey, Snowe-Mello, Sullivan, Thomas, Tracy, Trahan, Wheeler EM.

ABSENT - Andrews, Bagley, Bouffard, Chizmar, Colwell, Crabtree, Dorr, Dugay, Estes, Goodwin, Haskell, Kasprzak, Landry, Ledwin, Lovett, Marrache, O'Neil, Perry, Schneider, Smith, Treadwell, Watson, Wheeler GJ, Young.

Yes, 99; No, 28; Absent, 24; Excused, 0.

99 having voted in the affirmative and 28 voted in the negative, with 24 being absent, and accordingly **House Amendment "A" (H-721) to Senate Amendment "A" (S-347) was INDEFINITELY POSTPONED.**

Representative MENDROS of Lewiston moved that **Senate Amendment "A" (S-347) be INDEFINITELY POSTPONED.**

Representative MAILHOT of Lewiston **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE 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 Lewiston, Representative Mendros.

Representative **MENDROS:** Mr. Speaker, Ladies and Gentlemen of the House. This puts us in the posture that we were in that we voted overwhelmingly earlier today and even more overwhelmingly yesterday before the other body decided to tinker with it and throw us into the past few hours of turmoil.

The **SPEAKER PRO TEM:** A roll call has been ordered. The pending question before the House is Indefinite Postponement of Senate Amendment "A" (S-347). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 404

YEA - Annis, Baker, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Bruno, Bryant, Bunker, Canavan, Carr, Chase, Chick, Clark, Clough, Collins, Colwell, Cote, Cressey, Cummings, Daigle, Davis, Desmond, Dudley, Dunlap, Duprey, Etnier, Fisher, Foster, Gagne, Gerzofsky, Glynn, Gooley, Hall, Hawes, Heidrich, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Mendros, Michael, Michaud, Murphy E, Norbert, Norton, O'Brien LL, Paradis, Patrick, Pineau, Pinkham, Quint, Richard, Richardson, Rines, Rosen, Savage, Sherman, Shields, Simpson, Skoglund, Stanley, Stedman, Tarazewich, Thomas, Tobin D, Tobin J, Tracy, Twomey, Volenik, Wheeler EM, Winsor, Mr. Speaker.

NAY - Ash, Belanger, Bowles, Brooks, Buck, Bull, Bumps, Cowger, Duncan, Duplessie, Fuller, Green, Hatch, Honey, MacDougall, Mitchell, Morrison, Murphy T, Muse C, Muse K, Nass, Nutting, O'Brien JA, Peavey, Perkins, Povich, Snowe-Mello, Sullivan, Tessier, Trahan, Tuttle, Usher, Waterhouse, Weston.

ABSENT - Andrews, Bagley, Chizmar, Crabtree, Dorr, Dugay, Estes, Goodwin, Haskell, Kasprzak, Landry, Ledwin, Lovett,

Marrache, O'Neil, Perry, Schneider, Smith, Treadwell, Watson, Wheeler GJ, Young.

Yes, 95; No, 34; Absent, 22; Excused, 0.

95 having voted in the affirmative and 34 voted in the negative, with 22 being absent, and accordingly **Senate Amendment "A" (S-347) was INDEFINITELY POSTPONED.**

Representative DUNLAP of Old Town moved that the House **RECONSIDER** its action whereby it voted to **RECEDE.**

Representative GLYNN of South Portland **REQUESTED** a division on the motion to **RECONSIDER** whereby the House voted to **RECEDE.**

Representative TRACY of Rome **REQUESTED** a roll call on the motion to **RECONSIDER** whereby the House voted to **RECEDE.**

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

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The Speaker resumed the Chair.

The House was called to order by the Speaker.

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Subsequently, Representative DUNLAP of Old Town **WITHDREW** his motion to **RECONSIDER** whereby the House voted to **RECEDE.**

The Bill was **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE.**

Representative BULL of Freeport **REQUESTED** a roll call on **PASSAGE TO BE ENACTED.**

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

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

#### ROLL CALL NO. 405

YEA - Annis, Ash, Berry DP, Blanchette, Bliss, Brooks, Bryant, Buck, Canavan, Chase, Clark, Colwell, Cowger, Cummings, Davis, Duplessie, Duprey, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hutton, Jacobs, Jones, Koffman, LaVerdiere, Laverriere-Boucher, Lundeen, MacDougall, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McLaughlin, McNeil, Mendros, Michael, Michaud, Mitchell, Morrison, Murphy T, Nass, Norton, O'Brien LL, Paradis, Patrick, Peavey, Pineau, Pinkham, Richardson, Sherman, Simpson, Skoglund, Snowe-Mello, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Trahan, Twomey, Volenik, Waterhouse, Wheeler EM.

NAY - Baker, Belanger, Berry RL, Bouffard, Bowles, Brannigan, Bruno, Bull, Bumps, Bunker, Carr, Chick, Clough, Collins, Cote, Cressey, Daigle, Desmond, Dudley, Duncan, Dunlap, Etnier, Foster, Glynn, Gooley, Hawes, Heidrich, Honey, Jodrey, Kane, Labrecque, Lemoine, Lessard, Mailhot, McKee, McKenney, Murphy E, Muse C, Muse K, Norbert, Nutting, O'Brien JA, Perkins, Povich, Quint, Richard, Rines, Rosen, Savage, Shields, Stanley, Stedman, Tobin D, Tobin J, Usher, Weston, Mr. Speaker.

ABSENT - Andrews, Bagley, Chizmar, Crabtree, Dorr, Dugay, Estes, Goodwin, Haskell, Kasprzak, Landry, Ledwin, Lovett, Madore, Marrache, O'Neil, Perry, Schneider, Smith, Treadwell, Tuttle, Watson, Wheeler GJ, Winsor, Young.

Yes, 69; No, 57; Absent, 25; Excused, 0.

69 having voted in the affirmative and 57 voted in the negative, with 25 being absent, and accordingly the **Bill was PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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