

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Nineteenth Legislature
State of Maine

Volume III

Second Regular Session

March 23, 2000 – May 12, 2000

Appendix
House Legislative Sentiments
Index

ONE HUNDRED AND NINETEENTH LEGISLATURE
SECOND REGULAR SESSION
31st Legislative Day
Wednesday, April 12, 2000

The House met according to adjournment and was called to order by the Speaker.

Prayer by Honorable Jay MacDougall, Deacon, Tri City Covenant Church, Somersworth, New Hampshire.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 423)

STATE OF MAINE

**ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON TAXATION**

April 11, 2000

Honorable Mark W. Lawrence, President of the Senate

Honorable G. Steven Rowe, Speaker of the House

119th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 2426 An Act to Institute Current Use Taxation on all
Agricultural Land

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Richard P. Ruhlin

Senate Chair

S/Rep. Kenneth T. Gagnon

House Chair

READ and ORDERED PLACED ON FILE.

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order (H.P. 1587)

Representative BRENNAN from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Implement the Recommendations of the Task Force to Review the Educational Program and the Governance System of the Governor Baxter School for the Deaf"

(H.P. 1946) (L.D. 2690)

Reporting **Ought to Pass** pursuant to Joint Order (H.P. 1587).

Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**.

Under suspension of the rules, the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence.

Divided Report

Eleven Members of the Committee on **EDUCATION AND CULTURAL AFFAIRS** report in Report "A" **Ought to Pass as**

Amended by Committee Amendment "A" (S-691) on Bill "An Act Concerning Fingerprinting and Background Checks for School Employees"

(S.P. 987) (L.D. 2540)

Signed:

Senators:

BERUBE of Androscoggin

SMALL of Sagadahoc

Representatives:

RICHARD of Madison

WESTON of Montville

WATSON of Farmingdale

STEDMAN of Hartland

DESMOND of Mapleton

BRENNAN of Portland

ANDREWS of York

BAKER of Bangor

BELANGER of Caribou

One Member of the same Committee reports in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (S-692)** on same Bill.

Signed:

Senator:

MURRAY of Penobscot

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "C" (S-693)** on same Bill.

Signed:

Representative:

SKOGLUND of St. George

Came from the Senate with Report "B" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-692)**.

READ.

Representative RICHARD of Madison moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended**.

Representative TRUE of Fryeburg assumed the Chair.

The House was called to order by the Speaker Pro Tem.

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

Representative **RICHARD**: Mr. Speaker, Ladies and Gentlemen of the House. Many things said, many letters to the editor, many papers that have come across your desks. Some are factual, many contain information that is not so factual. This is a very serious situation. Whatever you think, however you vote, please do not take this situation as something facetious.

In reality, the original of this law was passed in 1995 and amended in 1997. This bill came to the floor with a unanimous Ought to Pass committee report on both occasions. As you well know, unanimous Ought to Pass committee reports are rarely discussed in this body. However, this law received extensive discussion in committee. The 1995 law contained a proviso that a study commission should be formed to bring back a report to the 118th Legislature indicating how this issue should be handled. At our hearing on February 19, 1997 on LD 503, pertaining to applying for and renewing teacher certificates. Nine members of that committee who represented all facets of the

Education Committee, including MEA, Maine School Management, Maine Principals Association, Parent Teachers Association and Maine Employees School Board Association. They testified in favor of background checks, stating that fingerprinting was the only way to do this on a foolproof national level. No one testified against the legislation and three testified neither for nor against, but expressed concerns about who would pay for the fingerprinting.

It has been said it takes away all my civil rights. Let us consider the civil rights of the children, many of whom do not have the option of where they go to school. It has been said that this law is not needed except for new hires. Are civil rights different for new hires than for experienced teachers? Every time I start thinking that maybe that is a good idea, I either read in the paper or hear about a person who has worked in the system for more than five years who has been arrested for committing a crime. A vast majority of reported cases are of those who have been employed in a school system for several years. It has been said that we should not pass a law that affects everyone because a few people are doing something that is wrong. However, that is a precept behind many laws. Have we spent a long time in debate on teenage drivers because the majority of new drivers are reckless and thoughtless? No, but some are, and the results are devastating.

Just last week, this body debated for nearly an hour on an issue based on one court case. The philosophy was presented that sometimes one issue is brought before us that makes us realize that we need to take action. We voted to change the divorce laws based on one case. It has been said that this is not a problem in our schools and on the school buses. The perpetrators are parents, aunts, uncles and neighbors. Child abuse can happen wherever there are children. Do we turn our backs on this issue that has been brought before us? It has been said that this law taints all teacher and school workers and paints them all as criminals.

There are thousands and thousands of excellent, kind and considerate teachers and school employees in our state, some of whom are in this body. I commend them all. I thoroughly understand their daily tasks. I have talked with many of them who have said, if this is good for kids, it's okay for me.

We were told that you did not talk to the teachers. Seven of the 13 members of the current Education Committee and eight of the members of the committee in the 118th Legislature are either currently teaching or retired educators. We know the teachers in our communities and also we know teachers all over the state. We have all talked with many of them. The survey that has been distributed to you is based on a sampling of some teachers.

It is asked, why can we not use the National Association of State Directors of Teacher Education and certification Clearinghouse information? Information provided to this clearinghouse is good and has been used by superintendents, but it is on a voluntary basis by states. If a person lets his or her certification lapse for a period of time, the school system has no record of actions during that total lapsed time and also, this clearinghouse includes only information on certified personnel, not on support personnel.

It has been said that this law is unconstitutional. The Attorney General has ruled that this law is constitutional, both for new hires and if implemented after the time of employment.

As I said at the beginning, a lot has been said, a lot has been written, some of it is positive, some of it is very negative. Our committee has, as indicated earlier, spent hours and hours

reviewing all aspects of this piece of legislation, always trying to consider what is the best for the children in our schools. We came to the conclusion that at this time, especially when other states are doing fingerprinting for background check, but there is no other alternative.

Here is an interesting note, when we heard our first report on fingerprinting in 1995, there were only a few states that were doing extensive background checks. Since January, our Department of Education called all state certification departments in the country to learn how many are doing this type of review and learned that 40 states are now doing background checks with 34 doing fingerprinting. States vary on how they do their checks. When you hear that no other state in New England, or no state east of the Mississippi is doing fingerprinting, that is another statement that is not totally factual. There are variations of the way fingerprinting is used. Please remember, the current statute is the result of recommendations of a review committee and I urge you to reread the resolution on page 3 in today's calendar.

I have given this issue more thought than I have given to any other piece of legislation since I have been a member of this body. My conclusion was always the same. As I said from this spot three years ago, "If I, as a teacher, could do anything to protect any child from being abused, I would be willing to do it." Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lebanon, Representative Chick.

Representative CHICK: Mr. Speaker, Ladies and Gentlemen of the House. I would like to say at this time that my concern first will be that each person having paid an amount of money, whatever that might be, for the fingerprinting being reimbursed and secondly, I believe and am concerned that people that are in line to apply for work in our school system in the State of Maine, wherever it may be and whatever that system may be, shall be fingerprinted and a background check performed. I say this with a background of having served many times on school committees from the beginning of one-room schools to serving as chairman of School Administrative District boards. I would ask you, my colleagues, to support providing funding to pay for the people that have been fingerprinted and to require that a background check and fingerprinting be done. My reasoning on the fingerprinting in my own life has been performed to determine if I was eligible to some athletic contest, military employment and I believe that it should be done for all school employees. Thank you.

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

Representative O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House. Probably most of you have made up your mind on this issue, but if there are some of you sitting on the fence and not knowing whether you are going to go new hire, repeal or whatever, please listen to me. I really feel that, I know you have heard this before, but I really feel that this is one of the most important issues that we have faced this entire session. I was asked in my first term by the Department of Education to be a cosponsor of this bill, the original bill, which is now a law. I remind you that this is the law. I remain today as strongly committed as I did then. As a matter a fact, it is probably more so after all of the discussion and all the things that have happened in the past four years.

I begin my hopefully brief remarks by saying that in my mind teachers are the most valuable and underpaid professionals in

the country. Only parents play a more important role in shaping the future of this country. I come from a family of truly dedicated and wonderful lifelong educators. Many people believe that because of my work with the Children's Museum that I, too, am an educator. I couldn't do it. I couldn't handle the increasing demands that we put on the profession under increasingly difficult situations. I cannot face the heartache that teacher's see each and every day of children coming to school with bruises, possibly by their families, with improper clothing for the elements, hearing their stories of their home life often wrought with abuse and neglect, again, not by school employees, but at home. I sincerely respect the arduous job that the great majority of educators do and I hold them in the highest regard.

Having said that, I will tell you why I strongly urge your support of the continuation of this law. When asked to be a cosponsor by the Department of Education, I sat down and looked it very closely and I asked several questions. One question was, why do we need this? There were several reasons, but the one that stuck with me the most was that the Department of Education told me that they frequently get calls from out-of-state asking if you are a fingerprinting state? When told no, we are not a fingerprinting state, they said, would you send me an application? That says volumes to me. Now, with the increasing number of states that are doing background checks and fingerprinting, Maine will become a haven. I firmly believe that.

Another question that I asked was, what do the unions feel about this? The answer at the time was finally the unions are supportive of this. The unions were not in support. Obviously they have changed their minds. I am sorry that some, but certainly not most, school employees feel it is an invasion of their privacy and civil rights. I can't help but say, what about the privacy and civil rights of the children? Educators have a huge lobby. It is called their union to advocate on their behalf. They are their voice, but the children don't have a union. We have to be their voice. We have to be their lobby. I am sorry, although somewhat perplexed that some teachers are stating that they will leave the profession before subjecting to themselves to this dehumanizing process. They, I assume, did not get into the profession because of the high pay. They got into the profession for their love of children. That is why I am in this profession. We certainly don't get high paid, but I did it to advocate for children. Why, and I have asked several of them, would they not support this law that I see as a protection of children and they see as an invasion of their civil rights?

If we are all honest with ourselves, and if we can remember back that far, there probably was a teacher who very much inspired you and you will be forever grateful for, if you think back. There was also a teacher or a coach or another school employee that you giggled about or you heard rumors about. If you think about it in your heart, you know this is true. Back then, we really didn't know what the story was. The sexual abuse and abuse of children was an issue that wasn't talked about. We knew that we heard funny stories and then all of a sudden they were gone, which brings up another whole issue that we need to address some time. They were gone to another school system. They were gone to another school, but perhaps in the same district. There have been settlements made. This is another whole issue that is extremely disturbing to me.

In regards to whether this can be new hires, I feel very strongly that we have to keep it to everyone. Before I came here this morning I had to run to two of my children's schools. One

forgot his homework and one I owed money for a basketball camp. I asked three of the teachers and believe me I have heard about this for four years now, one was a teacher, one was a janitor and one was a school secretary. I said I am running over to vote on the fingerprinting issue, what do you say? Each one of those three said, all for it. I asked about new hires as opposed to everyone? They all said, you know, Julie, as well as I do, that they are in this system. There are problems in this system.

I know, personally, since this law has come into effect and I will sit down in just a second, I promise. Again, I feel very strongly about this. I know that since this law has been in effect, I have known of four cases that had this law been in effect before, it would have precluded. Two, I cannot give you details because there is litigation or to save the privacy of the victims. I am not going to go there. I will tell you that one was convicted many years ago of carnal knowledge. We don't call it carnal knowledge anymore, but I think we all know what carnal knowledge is. A person raped a 13 year old babysitter and now many years later we find out that this person is a janitor in a middle school in an area that many of you represent. A call was made and he is no longer there, but I tell you, had this law been in effect, obviously, that is where pedophiles go. They go where the kids are. Again, I am not saying all educators are that, I am saying that if you are a pedophile, you go where the kids are.

The other one has said, the case I am going to mention, I know I only have only one year left and then I am out of here. When asked why, the teacher said because I have a felony conviction. Many of you are going to say that you can't be a teacher if you have a felony conviction. Well, this person lied. She has a felony conviction from another state. When she is fingerprinted next year, when her time comes up, they are going to find this out and she knows she is out.

I am going to close by saying that out of 42 people found with its qualifying convictions during the past 10 years, the department was able to find them without fingerprinting. There were 42. If there are 42 teachers, there are probably 420, at a minimum, victims. Those of you who know what child abuse does to a victim, it haunts them the rest of their lives. I know of many who have been perpetrated by a teacher, who are not dead, because of suicide. I know that for a fact. This is what happens. I ask you very strongly. I hope I don't have to get up again, but I feel very, very strongly that this a very important law. If we save one kid and we know we are going to save many, many more kids from a life of total destruction after having been abused by someone they trusted, then this is worth it to me. I am imploring you to heed my words.

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

Representative **TRAHAN**: Mr. Speaker, Honorable Members of the House. All I can say is wow. Some of the previous testimony is pretty powerful. I will address that testimony in just a second, but I would like to say something about this body. I believe that the debate today is just an absolute reflection of the commitment by the people in this body to stop child sexual abuse, whether you are on the "A", "B" or "C" report. It is evident that this is a big problem and it concerns all the people in this room. For that, I think that this debate has brought a positive step forward.

I would like to address first the word foolproof that was used in previous testimony. I say to you that this is the most dangerous part of this legislation. It is the idea of foolproof. If

we fingerprint these people, the problem will go away. Well, for three months I have researched this issue. I have dug through the files of past cases. I have talked to people in the public that are experts in child abuse, teachers and support staff. The hours that I have spent on this are absolutely incredible. What I found in that research is simply this. There are problems out there that we aren't addressing that are the real core of the problem. Some of the very groups that support this legislation and have promoted it have been part of the problem in the past.

I will address just a few of those and move on. Child abuse is the black demon of not just our schools, but of our entire nation and of the world. Just the word sexual abuse makes my skin crawl. I am sure it does yours. Often it is the most embarrassing thing to talk about when cases have been brought to school boards and to superintendents. In some cases, those reported cases have been hushed up or quietly swept under the rug and passed on to other school districts where these people have been perpetrated for the same crime again. Does that make the school districts accomplices to future crimes? It does.

Child abuse, we know from fact, occurs in homes, eighty-five percent of the time by a family member or a relative. We know that in fact. It is a shameful fact that people don't want to talk about. That is the problem because child sexual abuse occurs everywhere that children are and everywhere that evil exists. That is in every home and in every school and in every shopping mall and in every arcade. It is everywhere. The danger in this legislation is to make people feel safe and to let their guard down. I say to you that the most powerful tool against child abuse is to expose it where it exists and that is everywhere. To take the people that commit the crimes and put them in jail. My research has shown that the State of Maine and other states in this nation do not punish pedophiles. We put them in jail for 30 days and then we release them. Within a few years, they are forgotten and they disperse back into our society to commit their crimes over and over again. These are the real problems that we need to address.

I can guarantee this body, whether I am reelected or not, that there will be legislation before your body next year to address many of these concerns. I have already submitted them at both the state and federal level.

The next thing I would like to address is the constitutional issue. Many say this is not unconstitutional. I am not an expert. I can't argue that point, but there is one point I want to make with you today and that is that civil rights are not distributed in varying degrees. Civil rights are for everyone in this country that is an American citizen. They are distributed equally. There are no varying degrees. You mark my words, you will get into trouble when you try to give one group more civil rights than the other. We must distribute them equally. If there is a problem in our society, which this is a problem and the courts have very clearly stated, the public good versus the loss of human rights. They weigh those two. If what we receive in return for our new legislation is greater than the loss of rights, then it is ruled constitutional. That is how the system works. That is what is so great about our system. As time and laws evolve, our courts can weigh the public good versus civil rights and the loss of those. In this case, one court case in particular, I would like to speak to and that is the one that most people like to point to when they say this legislation is constitutional, that is the New York Stock Exchange and the fingerprinting of Stock Exchange personnel. It leaves arguments to the amendment "B." This legislation passed in 1969 and I will read to you. "We first turn to the evils, which

gave rise to the statute in means by which the state sought to meet them."

Chapter 1071 was enacted to meet problems that have bedeviled an industry and concerned the state. The year by year increase in the loss of stolen securities lead to this legislation. This is the court case that was tested in federal court. The New York Stock Exchange versus Donald J. Miller. This is the actual statute that was cited in the constitutional ruling. "All persons including partners, officers, directors and salesmen employed by a member or member organization of the National Security Exchange registered with the Federal Securities Commission and any employee or clearing house corporation affiliated with any registered nation security exchange employed on or after September 1, 1969 who are regularly employed within the State of New York shall as a condition of employment be fingerprinted." You see they did new employees and beyond.

The reason they did that was very simple. There are two issues here that have really concerned me. The first being the problem of people coming into the state that is legitimate and we have to address that. The second being, how do we do that? This is where my real concern is and the real danger in this legislation. That is we take a group of people, in this case 48,000, and say until you are fingerprinted and background checked, we will consider you under a cloud of suspicion. I want to show you what the danger in that is.

You heard previous testimony that said we had calls from other states. In some cases I have heard people say 48 calls. Do we want all those pedophiles coming into the State of Maine? Immediately there is a cloud of suspicion on those people. In this country we do not do that. We do not prejudge people. I have heard people say those that are objecting must have something to hide. Now they have a scarlet letter on them. They must have something to hide. What if a person quits in the school system while this is going on? We all know what the rumors are going to be. They must have something to hide. That, my friends, is a scarlet letter. That is the danger in this type of legislation. That is why we must be real careful that we protect the integrity and reputations of these people that are involved in this. When we put a cloud of suspicion, especially of sexual abuse, which we all know is very passionate to all of us, we could be destroying the reputations and lives of the very people that protect our children and who educate our children.

There is a number that is circulating around here. That is 40 people that have been found out in our system, yet you have to ask the question, how many of those would have been found with fingerprinting? One or two, maybe. That is what the figures show. Again, I ask you to weigh, is there a crisis going on in our schools? Is the amount of sexual abuse getting higher and higher? Are we just looking at a group of people and saying let's fingerprint and do background checks on you and see if there are any people there? I haven't seen any evidence of an increase in the problem. If you vote for this legislation to do everyone, then I say to you that you cannot vote against doing any group within this state and this nation. As I spoke to earlier, the evil and the danger is everywhere. If you use that argument, you can line up every group of people in this state and in this nation and fingerprint them under this guise and you will find one pedophile. You will. In every group you will find somebody. I say to you that if we pass this legislation, be prepared to vote to fingerprint every single person in every single profession in the state and nation, because they are everywhere. I say to this body when this is over with, do not forget this issue. Take the

concerns I brought to you. If I am not here or if I am here, I ask you to lead and go forward and root out the problems and go everywhere, not just in our schools, but I am talking everywhere.

I will leave you with this last thought. I talked to this child that was abused. This child said to me that by the time I recognized and understood that this was a problem that shouldn't be occurring and that I was being assaulted, it was too late. I didn't know the difference. I didn't know that this was wrong because I had grown up this way. You know what the most powerful tool for that child could have been, not fingerprinting, not background checks, but knowledge that this was wrong. That is what we need to do people. We need to have education within our school systems and within our society. What these children need to understand is that as they go through life that this is inappropriate and it should never occur. When it does, you need people you can go to and these are the people to go to. I will tell you what, that won't save just one child, that will save thousands of children. When you live in a free society, your most powerful tool is education on issues like this. I say to this body to please lead in the future and move in these directions that I have brought up. They exist. When you talk to professionals, they will verify it. Thank you.

Under suspension of the rules, members were allowed to remove their jackets.

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

Representative **DESMOND**: Mr. Speaker, Colleagues of the House. There have been so many misconceptions around this issue of fingerprinting and background checks. There have been many half-truths and wrong information.

Representative McKEE of Wayne inquired if a quorum was 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 Mapleton, Representative Desmond.

Representative **DESMOND**: Mr. Speaker, Colleagues of the House. A previous speaker said this bill would stop child abuse. Does that mean that we should do nothing? Fingerprinting is only a partial solution, but is best for our children right now. We must remember this issue should not be about teachers for many. It is about what is best for children. The vast majority of employees in Maine school systems are dedicated and hardworking. However, there are small numbers who are not. We owe parents an obligation to provide a safe environment for the children they are obligated to send to school. When there is improper conduct by a trusted adult, the impact is devastating for the students. This impact lasts a lifetime.

I hope you will read or have read carefully what the Maine PTA has to say. They urge us to make children our top priority. They have listed several organizations that support fingerprinting for all school personnel, veteran and newly hired. They have listed Maine Congress of Parents and Teachers, that is the PTA, Maine Chapter of American Academy of Pediatrics, Cumberland County Can Council and Youth Alternatives, Aroostook Council to prevent child abuse, Maine State Board of Education, Maine School Superintendents Association, Maine Council of School

Board Attorneys, Maine Coalition for Safe Kids, Maine Coalition Against Sexual Assault, Knox County to Prevent Child Abuse and Neglect, Maine Department of Education, Maine Principal's Association, Maine School Board Association and this means there are a lot of parents involved.

The sole intent of this bill is to protect children. Children were once fingerprinted for their safety. Teachers should be willing to be fingerprinted for the same reason, safety for the children. I have heard the comment that teachers are the ones who keep children safe. Sometimes they are their only protection. I believe that is absolutely true. Now is the time to prove the sincerity of that remark and approve fingerprinting for all school personnel. This bill is about preventing harm to children. It is about prevention, not accusation. It is not about accusing all educators of wrongdoing. Fingerprinting and background checks simply give the Department of Education the ability to enforce existing law.

This issue is not new. It has been studied and discussed in committee since 1995. Whether fingerprinting and background checks should be done was never an issue. All parties involved in the study agreed it had to be done. The issue that only new hires should be fingerprinted is flawed. It ignores 90 percent of employees. It has been found that the majority of those who have interacted inappropriately with children have been long-term employees. Confidentiality restrictions, which apply to school employee records must be changed so that children can be protected. There have been concerns about access to background check information. Access to this information is restricted to the certification office and the commissioner of Education. The state will notify a superintendent that a license has been revoked when the individual is notified. Superintendents will not be informed of the reason of denial. Background checks and fingerprinting do not infringe on civil rights. The Attorney General has researched the issue and found that the constitutional precedent clearly permits preventive measures like fingerprinting and background checks as a condition for licensure. Maine's process does not violate the employee's rights to due process, privacy or the protection from unlawful research and seizure.

I am proud of teachers and of school personnel in my area in northern Aroostook. They were ready and willing to go through the process of fingerprinting. They were even ready and willing to pay for it themselves if need be. They felt it was the right thing to do for their students. What a breath of fresh air to have them take this responsibility to heart. I know most of Maine's teachers feel the same way. To quote the PTA, "Maine's children are counting on you." Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waterboro, Representative McAlevey.

Representative **MCALLEVEY**: Mr. Speaker, Men and Women of the House. I think I bring to this debate a unique perspective having been an educator a good part of my life, a school board member, a child abuse investigator, federally certified instructor of investigators of how to look at child abuse and a survivor. I have many friends who are teachers who I admire who entered the profession of education for the same reason I did and this is to help children grow and nurture a climate of learning, lifelong learning and to give them the skills to do that. Unfortunately for a small category of people who are considered predatory pedophiles, they didn't enter the field of education for the same reasons most teachers do. They enter it for one reason, as a cattle farm. That is where the children are.

The first duty of an educator is to provide a safe and nurturing environment with which children can learn from Kindergarten to the twelfth grade. The first duty of a Legislature is to provide our school systems with those tools to provide a safe and nurturing environment.

The issue boils down to do we want to do everyone. To that, I would say that if it is good enough for new hires, it is good enough for everyone. Our children have a right to go to school, to learn, to grow and to blossom without being exposed to real and potential danger from people who they are supposed to admire and whom they learn to trust. That learn to trust is a very important part of the education process. Somewhere along the middle grades children transfer some of the feeling that they have for their parents to their teachers as role models. That is what is supposed to happen.

The first duty of an educator is to keep those children safe. We have playground monitors whose job it is to watch to make sure children don't get hurt or to anticipate potential dangers. Would an educator allow a child to run into a burning classroom to be potentially scarred for life? No. Would an educator allow a child to play too close to the road during recess? No, nor would most educators in this state allow a child to be exposed to another adult and a role model and a position of authority who could pose a threat to that child. I have interviewed over 2,000 children for child abuse. There is nothing a child can't tell me that they have had done to them physically or sexually that I haven't heard. We have it within our power and within our authority collectively with our educators to make our schools safer. It is a small, small price to pay. Yes, it is a price to pay to have your fingerprints taken. If you have never been in the system, it is not comfortable. It is an uncomfortable thing for some people to do.

As an educator who works part time now as an educator, I would gladly give my fingerprints every week if it meant we could separate from our children those few people who are there in our school systems, not to be educators, but to have access to children. The first person I ever arrested and indicted was an educator for child abuse. It cuts across all avenues. I indicted ministers, priests, truck drivers, educator, professionals and unemployed people. You have to understand something about the profile of a pedophile. We are talking about a person who intentionally seeks out and puts themselves in environments where children are. The first thing they do is they gain the child's confidence. Isn't that what teachers are supposed to do in order to facilitate learning? The second thing they do is they learn things about the children to compromise them. Most children don't willingly allow themselves to be victims of sexual abuse. They are coerced, blackmailed into it or in case of very young children, they don't have the wherewithal to put a stop to it.

How many pedophiles, and they are there, are allowable in our school? They are all throughout society, but how many? Two, 100, how many are acceptable? How many more children are going to be exposed to these people before we do something affirmative and separate these pedophiles from these children? The bill is not perfect, but it is a good start. The scarring that occurs to survivors of child abuse is life long. In some cases it causes serious psychological injury. We, nor would an educator, let a child run into a burning building. That is what is going to continue to happen if we don't accept Report "A." I have spoken to a lot of teachers. Some are upset and an awful lot of them are saying it is an inconvenience, but do you really think we can pull out some of these people and separate them from our children?

Yes. Most of the educators I have discussed this with after going through the merits of it, have said, let's try it.

They are there for two reasons. They are there for their love of learning and their love of teaching and their love of children. Submitting your fingerprints as an educator is an act of love, a love of your students.

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

Representative DAVIS: Mr. Speaker, Men and Women of the House. I think that a classroom teacher should express how they feel. I was a classroom teacher for 36 years at Portland High School. I spent one year in Africa as a classroom teacher so a total of 37 years in the classroom. Men and women of the House, I am in no way criticizing the integrity or the good name of anybody who disagrees with me. Obviously we disagree on that issue. I am going to vote against this plan, which we have on the board here. I would like to tell you why. I would like to take a little different perspective. All teachers have files kept on them. In my 37 years of teaching, probably administrators, superintendents and principals came in and wrote down my lesson. They judged it and they analyzed it. That is all well and good, I support that. The problem is other things get in those files. This, perhaps, is why teachers get so uptight when we are going to have an FBI and a background check and so on. They don't trust what is going to happen or what is going to be put in their files.

Let me give you three examples. One, one time I applied for a promotion to be a department chairman. Something was in my file, I had one time started a crime of all crimes, American Federation of Teachers Union. I didn't get the job. It has a happy ending a couple years later. I asked for that to be taken out of my file and it was and I got the job. Second example, I had a friend that in a moment of weakness pushed a student. The student was very provocative and he pushed the student. He apologized to the student, the parents, the principal and the superintendent, but they kept it on his file. We asked several times that it be taken out of his file. This was an excellent teacher who had had a weak moment. The superintendent refused to take it out of his file. He resigned because any criticism in your file can be used to fire you. He now is a successful businessman and that also has a happy ending. Third example, I could go on and on, but this is the last one I will give. I had a close friend who was accused of sexually molesting a girl in his classroom. He went through the torment of hell. He was investigated by the Portland Police and three months later, the police, thank goodness, cleared him and it was taken out of his file. He was left hanging. His teaching also was excellent and had never had a problem with the teaching. I could give you more and more examples. Teachers get very upset with files being kept on them.

I am not going to prolong this. I have a lot of other things I can say. I wrote this speech in January. I think it is the only long speech I was going to give, but I know we are tired at the end of session so I am just going to wrap this up. I will leave you with this one thought. Again, I am not criticizing the integrity of those that disagree with me. That is fine. In the Jewish religion they have Yon Kipper. They ask themselves in that religion, have I diminished the humanity of anybody in the last year? This is also a deep religion in the Protestant and Catholic religions. I think we have challenged and diminished the dignity of the classroom teacher, because you are asking them to prove they are not a pedophile. I am also for getting people who commit

crimes out of the schools, but I think the time to do it is when you hire them. You also have two years to give them a continuing contract or not give them a continuing contract. I have seen over and over again, I also was a school board member for six years. I was in on some firings. I was a department chairman for 13 years and I can see how carelessly sometimes people are hired and how reluctant school systems are to fire. When they do find sexual abuse, they cover it up. Until that is stopped, you are not going to do what the law intends it to do. I want to get them out of the school just like you do.

I want to ask you to look at this and examine your conscious and so on. Thank you Mr. Speaker.

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

Representative **BELANGER**: Mr. Speaker, Men and Women of the House. I would like to address a few of the statements that have been made here on the floor. One being, where do we stop? We will be fingerprinting everybody and doing background checks on everybody. I would say to you that there is one major difference. By law, we require our children to go to school. There is a principle of law that is called in local par antis, which means that the school acts in place of the parents while the children are in their care. I would say that that separates the school from all other groups.

With regard to the statement made about how somehow this is hushed up and hidden and people are shuffled from one system to another, ladies and gentlemen, there is Maine law that requires any school person to report any incidence of abuse in a school to the local District Attorney. To fail to do so, puts these people in a position of being prosecuted by the courts. These are just arguments that are being made to distract you. I ask you to focus on what is before us today and not what we can do in the future and not what we should have done in the past. We have an opportunity today to enact this legislation that, which will help protect our children as they are required to go into our public schools.

The Majority Report is the only report that gives you the opportunity to provide the most protection that is available. Will it be 100 percent foolproof? Absolutely not. No one has ever made that claim, but it will be better than what we have today. With regard to the statistics that were given here where there were 40 cases cited, you should know that out of those 40 cases, they were discovered without fingerprinting or without background checks and 27 of them had previous convictions, not the two or three that were said on the floor. That is 70 percent. I think that is a significant number. I think if you look at this and you try to be objective, there is only one report that you can accept and the bipartisan report of 11 members on the Education Committee that have been looking at this for several years.

The civil rights arguments are, in my judgment, when the same people that make the civil rights argument turn around and say, but it is okay to do new hires only. Where are their civil rights? It is a ridiculous argument. I ask you to support the Majority Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Buxton, Representative Savage.

Representative **SAVAGE**: Mr. Speaker, Men and Women of the House. First I will start off with an on the record disclosure that I have been fingerprinted. I worked for a company that was regulated by the Securities and Exchange Commission and they felt that if people were going to trust me with their money, then I should be fingerprinted.

This is a sad day for me because I have a lot of people who I respect greatly in my community who speak to me on both sides of this issue. Many people in this body that I respect greatly who speak to me on both sides of this issue. I recognize that there is a certain element of unfairness in any option available to us today. It is unfair to long-time teachers. It is unfair to new hires. It is unfair to parents who must entrust their children, by law, as a practical matter, home schooling is a hard job and not available to all of us who need to make a living or don't have the resources to do so. It is unfair to children who deserve to know that everything within our control is being done to protect them from the devastation of abuse. I guess if everything is unfair and whatever we do is going to be somewhat of an error, I would rather err on the side of children. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Naples, Representative Thompson.

Representative **THOMPSON**: Mr. Speaker, Men and Women of the House. I have already joined with those that are in support of Report "A." I want to give you my reasons for doing so. It is interesting. I think back a number of years ago and when drug testing for pilots was coming in and the same type of debate took place. It really isn't fair and it penalizing the pilots and you are assuming they are using drugs. Then there was a crash when they proved that the pilot had been under the influence and that argument went away. Personally, I wouldn't want to fly on a commercial airline if there weren't some controls over whether or not my pilot was under the influence of drugs or alcohol or whatever. I think that can be carried forward to the present situation.

I have had the privilege of serving with the Representative from Waterboro, Representative McAlevey, on the Criminal Justice Committee and then I have served the last term on the Judiciary Committee. In both committees we have dealt extensively with the issues of sexual abuse. I keep hearing things about what other things we could do. I often wonder how that excludes doing the right thing in this area. We have been trying to do other things. We keep trying to teach children that the right thing to do is to come forward and to try to educate them that they are okay and it is not their fault. That is the most important thing we can do. That doesn't solve it all, because not every child will come forward. In fact, the statistics and the testimony that I have heard always indicates that very few of those children come forward, at least while they are still children.

On the Judiciary Committee I have heard testimony from real live people who have come to me and to our committee and testified how they have been sexually abused by people in the schools and the Baxter School. I have had people come and testify before us of being abused by a coach and without exception, each of these people that have forward and testified have said that this abuse was not just a terrible incident, but ruined their lives. It ruined their mental health. It made them go through their lives feeling shame and feeling like they were the ones that had done something wrong.

We have heard differing statistics on what the effects of this bill will be. We have heard that maybe it will only find one or two people in the system. This is not just teachers. I can remember back not too many years ago when there was a custodian in a school system that was involved in a situation like this. One or two, well, if you read much literature on the issue of pedophiles, you could read on how many possible victims one or two pedophiles could have. It would be very, very unusual for a pedophile to have one victim. It would be very, very unusual for

them to have only two or three victims. Most likely then have tens or up to 100 or more victims. The way they operate is to gain the confidence of the children to put them in a position where the children feel they have no remedy because of the position of the person doing the abusing and the fact that the person beats into them that you have no where to go. No one will believe you.

I have heard personally from people who have been abused in schools and with this bill there is a possibility that we may prevent some others from being abused in the schools or outside the schools by people that they come in contact with in the schools.

I have heard discussion of constitutional issues. The civil rights I am concerned of are the civil rights of that child. The child who is a totally helpless victim, not the civil rights of someone who chooses to make a stand on this issue as a teacher. I respect their right to do that and they may not think it is right. As people who are being imposed upon and clearly we are imposing something on the teachers and the other school personnel, there is going to be resistance. From some, there is going to be loudly vocal resistance, but we have to hear the voices of the children who can't come to us. Those are the voices that should be screaming in your ear today. I hope you will support Report "A" and ensure that everything we can do to protect our children is being done. Thank you.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House. There is a very positive aspect of this debate because everyone is speaking to the care of children and the love of children. I think first of all for a disclosure, I am a teacher. When I am asked what my profession or what my job is, I respond I am a teacher. Also, regardless of whatever happens with this bill, I will be writing a check for \$49 to the state treasury. Also, I do not belong to the teacher's union.

It is not too often that we have an opportunity as a body to correct a mistake. I think as this law began to go into affect, many of us received calls and if I remember correctly coming before the Legislative Council, there were at least eight or nine bills. Some dealt with the support staff, the custodians, the cafeteria, the bus drivers and others dealt with new hires and others dealt with changes in the law. The policy of the council was to take whatever bill was earliest and the earliest dealt only with the issue of reimbursement.

As I got the calls, I began to say that I never remember voting for this. I don't think I could have voted for it. I pulled the record from the 118th and I was here. Every vote was under the hammer and there was no debate in either body. I was here and I made a mistake. I placed an order before this body and it has been parked on the Unfinished Business Table since January 24th to re-examine this issue. Another vehicle was found. I have no problem with that and I really want to compliment the Education Committee for the reinvestment of time in this very important issue.

This issue strikes at the core of who teachers are. I look at you and I see foresters, mill workers, B & B owners, insurance salesmen, lawyers and carpenters. I see you and I see the person. You look at me and you see teacher, but you see a sub-caption on my chest that says, suspected pedophile. I think that is what hurts so much about this law. We have passions as teachers about our job and our profession. I think the only analogy that I can possible draw is that 19th century calling that

clergymen had. As teachers, that is what drives us. We want out students to share our joy of learning and to develop self-confidence and to have a future that allows them to reach their full potential.

We work every single minute of the day to create a safe and secure environment. For too many of those Maine youngsters, our classrooms are the only safe sanctuary, the only place they can turn to for help and we, the teachers, put them on the road to support and protection. We are role models not only in the classroom, but we are also role models in our communities. I would say that 90 percent of Maine teachers live in small towns. We live their all our lives. Every person in that community knows us. We realize we are role models not only for the 16 year old in the classroom, but our former students when they are 30 and 40 continue to look to see who we are and what we do outside of school and the weekends. The only other analogy in terms of role models 24 hours a day, I think, in Maine society are Maine judges.

If we can go back to that suspected pedophile that is on my chest, Maine should be consistent with all the other states in the northeast and that is why I have never supported the outright repeal of this law. My arguments are different from the Majority Report and it has to do with the fingerprinting and background requirement of current staff. Those teachers are your front line troops in the war against child abuse. We give them sanctuary. We protect them. We find the professionals that can help them. We pull them out of that abusive environment. Every statistic shows we are not the enemy. If we were talking about military terms, the Majority Report to be called friendly fire. You are hitting the teachers who are on the side of the kids. We have an opportunity to correct that mistake. I am urging you defeat Report "A" and vote for Report "B," which deals with new hires.

I attended all eight or nine hours of that hearing. I have been to every work session on this bill and it is clear we have a problem. It is called sweeping it under the rug. An administrator, whether he or she is a principal or superintendent and it comes time to prosecute, to often a decision is made to let a pedophile walk and not to be prosecuted, not to be sent to jail. They are allowed to resign and walk. They are allowed to apply elsewhere and there is no red flag from the previous employer. The pedophile is brought back into a pool of children. If an administrator has done this, and as we hear the conflicting statistics, what is reported and then we hear the informal numbers, the only reason there can be a difference in those numbers is because an administrator has done that. They have let a pedophile walk and they have allowed them to continue to teach. If an administrator has done that, I do not know how they can sleep at night. They have removed the problem for their district and they have dropped it into another. If an administrator has done that, they should lose their certification and they ought to spend time in that jail cell with a pedophile.

If a problem exists legally that an administrator cannot warn another district, then we need to address that. We need to correct that so that when the call comes that administrator can say that your children are at risk if you let that person into a classroom. The silence is deafening. If a county attorney wants to plea bargain or quietly accept a resignation, we need to fire that county prosecutor. We can't forget that we teachers are your front line troops. I ask you not to turn your friendly fire on those teachers back home today in your district. My fear is that we will reconfirm this law, lulling ourselves into thinking we did something to prevent child abuse. I ask you to reject Report "A."

Do I leave this chamber today with an SP, suspected pedophile on my chest? Does that sound far-fetched? Three of you in the last three months, bipartisan, as we have talked about this bill and I have indicated my opposition, you have looked me in the eye and said, what are you hiding? Thank you.

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

Representative MCKEE: Mr. Speaker, Men and Women of the House. There are some folks who probably wish that I would not speak. I have decided that I would. It may surprise you what I am going to say. First of all, as you know, I am a teacher. I am an active teacher. I teach every morning before I come. My husband is a teacher. My son is a teacher. My daughter-in-law is a teacher. All of them have been fingerprinted. I am a strong union member. I am a member of MEA and always have been. It brings me great sadness to have to go against my union. It is no small statement. I come from a very poor family of cotton mill workers who never had the benefit of a union and consequently suffered greatly. When I had an opportunity to join a union, I was delighted. It was a group of people with whom I shared this great calling called teaching. Every issue that this group brings before the representative assembly I look at closely and always think, boy I agree with them on that. It has brought me great sadness after three months to have to say that I don't agree with my union and I am going to take a stand against my union. We have just heard from someone who is not a member of the union and who has taken a stand with the union. You see, this is a personal matter.

I was told before I came here that there would be matters that would have to do with conscience. This is one of them. I have always known and my parents always told me there is no pillow so soft as a clear conscience. I think one of the reasons that I kept going out to my lobbyist friends and talking to them was that deep inside of me something was telling me it wasn't quite right and what was it? I have always told my students to go to their writing because sometimes you don't know what you are thinking until you see what you have said. In the past three months I have wrote about this. I have been hounded by our lobbyist friends. I have talked to people on the far right and the far left and have sat beside a member of the Education Committee. I have looked through the files of everything that came before that committee. I have read the letters from folks who would get out of this and from folks who would stay. I have polled people. I have hoped for a poll of all MEA members, which did not come. After a long period of writing, talking, thinking and questioning and that included talking to parents, my students, administrators, school board members and, by the way, they are just as important as we are. I have heard such wonderful things about teachers. It just does my heart good to hear that. I know that you appreciate them. I appreciate you too. I was with you on school boards. I appreciate my principal. I appreciate my superintendent. I appreciate all my parents and all my kids. They are important too. What they have to say though you today in these conversations is important and I hope everyone is listening. It is an important day.

My three priorities are children, fairness and finally, money. The process has been difficult and my conscience has been a part of that process. I even went down to the Revisor's Office. Shucks, if it took \$3 million to ferry out the problem, let's do it. There is a backlog in DHS. Put an amendment on every single one of those bills. We have plenty of money, folks, let's do it. When I had to call DHS to find out just exactly how much money

we would need to do it. The deputy director, Peter Walsh, says, "Representative McKee, we have taken care of that problem. To my knowledge, we have no backlog and here is how we did it. We took our low-risk cases and we parceled them out to local agencies like youth alternative and camp agencies. If it wasn't a low-risk and it turned into a high-risk, it was bounced back to us. If the person couldn't get into the home, the case is bounced back to us. Since November, we have worked on the backlog." He could say as late as last week that we have no backlog. We know it is problem and we are taking care of it. Furthermore, they said they had gotten the money. I didn't have to even put that amendment in.

Your fingerprint is very important and mine is too. I used to think it was really cool when my father, who couldn't write his name in cursive would put his fingerprint down on a check or a loan. I started doing that too before I could write. It was kind of strange later on when he didn't need it. You know I think that my father would give up his thumb, not just his thumbprint, not just his fingerprint, he would give that up if he thought that it would do anything to help a child. Let's not kid ourselves. We have widespread invasions of privacy and we have widespread fingerprinting. Many of you have already been fingerprinted. Folks who are in the medical field, my brother is a doctor and folks who work for him, bus drivers. I thought yesterday maybe a child is safer on some bus lines than they are in some classrooms.

We teachers even insisted in 1997 that if a child was coming into our classroom and that child had been expelled or suspended from another school or was coming from the Youth Center and that child was violent, we said we want to know it. We do not want violent students in our classroom. Why? For safety. It is safety not just for the children, but for ourselves. That is in statute. That is a protection for us in the classroom. I can't talk out of both sides of my mouth. I know I refer to the great American novel many times here and it is still the great American novel, the Adventures of Huckleberry Finn. He said, "You can't pray a lie." He tried. He tried to do what society and other people wanted him to do, but his conscience just wouldn't let him. He tore up that letter to Miss Watson and he said, "I will heck for it."

It is not my intent to be passionate about this issue. It is my intent to be passionate about the problem. I will admit for the first two months of this discussion, I struggled with my union's stance on this. I can't speak out of both sides of my mouth. I can't stand up before a classroom and say, on the one hand, you know me, I have been here 20 years. I hope I have been a good teacher. I hope I have been respectful. I hope you respect me. I hope I am honorable. This is egregious evasion of my privacy. I can't say this on one side and then turn to my students who are going to be teachers in four or five years and say, but as a condition of hire, don't get clouded up with the words I just said about ethics and philosophy and privacy. As a condition of hire, you are going to be fingerprinted.

Men and women of this House, if this doesn't pass and the for hires only passes, I will step up with the new hires, some of my former students and some folks from away and I will be fingerprinted too. Would I leave my job over this, a student asked me this morning. Absolutely not. This is a calling. Teaching is a privilege. I would not have a job without your children. I have to tell myself that every now and then when I get exasperated. I would not have a job without your children. It is not a right to be there. The needs of those children are far more

important than any civil right that we could ever speak about. Let's not sweep fairness under the rug. Twelve thousand people have already been fingerprinted. I urge you to accept the Majority Ought to Pass Report. I say that without any disparaging of any other comment that has been made. Everyone here cares about kids and wants to do the right thing. You are doing the right thing in your heart today. I honor your opinion and your vote just as much as I know you are honoring mine. I urge you to accept the Majority Ought to Pass Report.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I want to begin with a quote. "Anyone who would sacrifice freedom for security deserves neither." It was said by Benjamin Franklin one of our founding fathers. I want you to think about that. If I begin to ramble and I lose you in the rest of my speech, think about that. What is a teacher? We hear teachers are the people who are asking for more money, driving up our property taxes, causing these problems and we hear negatives. Who are they? We hear they are suspected pedophiles. When I think of a teacher, I think of the person who taught me how to spell. They are the people who taught me how to put commas in sentences and where to put them, which I struggled with and how to do algebra. I think of individuals who taught me that worked in the schools, not just the teachers, the custodians that were there when I was locked out and it was raining and my parents were late picking me up. The lunch lady that we knew we could count on if we forgot to bring money for lunch. She would loan money out of her pocket. I am sure she didn't get most of that back. That is whom I think of. I know these people. They are friends of mine. They taught me. I see them. I talk to them. They are a little chagrined about my party affiliation, but we get along. Now they teach my nephews. I look them in the eyes. I thank them for what they have done for me. Thank you for teaching me algebra. Thank you for teaching me how to spell. Thank you for taking care of my life. You are a great teacher. By the way, I think you are a pedophile and I want you to get fingerprinted. Even though you have done all this for me, you have done all this for my nephew and other kids, all of a sudden I don't trust you anymore. That is what we are saying.

That hurts me to say that. I can't say that. Do I care about children and protecting them? Absolutely. I passed around a piece of paper that says, "Former Firefighter Branded a Predator." I underlined some parts of it, violent sexual predator Harold Doffin. I will say his name. He did it. It deserves to be on the record. Unlawful sexual contact with a 7 year old and one count of visual sexual aggression against two 7 year olds. It has included inappropriate touching and witnessing the two girls undress and play with each other. This person is going to jail for 60 days. We care about children and we put convicted child molesters in jail for 60 days. If we really want to help children, let's go after the criminals, the ones who are doing it. Put them in jail for longer periods of time, 10 years, 20 years. I can tell you I don't have a daughter, but I can tell you if I did or if this were my niece, I would be going to jail for a lot longer than 60 days for murder if somebody had done that to a member of my family. We need to put these people in jail and away and then we don't need to fingerprint everybody else because we are letting them slip through.

I go back to what I said in the beginning. Anyone who would sacrifice freedom for security deserves neither. That is what we are potentially doing. We are protecting the criminals. We are

letting them out with 60 days in jail and then we are painting every single educator as a criminal and doing the broad brush and we are going to fingerprint all of you to make sure you don't have a criminal record, make sure you haven't done this, instead of putting the ones in jail. We are allowing the pedophiles to run our public policy because we are not willing to go after them. We are allowing them to take away the rights of all the good teachers that are doing a good job. Therefore, we are sacrificing our freedom and we are not gaining any security. As Benjamin Franklin said, "We will get neither."

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

Representative **VOLENIK**: Mr. Speaker, Men and Women of the House. All of you have on your desk these statistics, but I will repeat them anyway. According to the US Department of Health and Human Services, 85 percent of child abuse is committed by parents or other relatives and less than one half of one percent of abuse is at the hands of school personnel. Teachers and school staff are the first line of defense against child abuse, having made 850 referrals to DHS in one year concerning possible child abuse. Teachers and school staff, including some of the best, will be quitting or retiring early because of this law and because of poor pay, longer hours, increased duties, inadequate retirement and the degrading of the value of this profession. If the problem lies principally in the home and school personnel are the first line of defense, school personnel are quitting because of this law. Isn't fingerprinting actually reducing our ability to combat child abuse rather than improving it? Child abuse is symptom of deeper problems in our society. We live with an economic system that requires ever growing productivity, even though our productivity is the highest in the world. It is a system that requires two parents to work at low wages, yet does not provide child care. It maintains high cost for health care so that we will work harder and longer hours. It subsists on endless advertising for things we don't need and self-images we can never attain. It encourages self-reliance and property rights and me first over community. It values economy over ecology. It melds us into the great machine of unlimited growth in a finite world and degrades us in the process.

Until we value and reward good citizenship, paying your fair share instead of taking all you can get, reward good parenting and spending time with your family and your children and until we reward our people and not our corporations, we will not solve the problem of child abuse. This issue is a smoke screen. It is a feel good attempt to avoid solving the real problems of our society. Please reject the Majority Report and support Report "C," the repeal of fingerprinting. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Union, Representative Savage.

Representative **SAVAGE**: Mr. Speaker, Ladies and Gentlemen of the House. A prior speaker, the good Representative from Naples, Representative Thompson, referred to a custodian who had molested several children. That situation happened in my school within less than a mile of my house. The situation devastated many families in town. It divided families. The gentleman is behind bars. I believe he is still there. I think they should have thrown away the key. I will quote Paul Harvey and say, "And now for the rest of the story." The gentleman had no criminal background. He had never been charged with any crime. Fingerprinting and a background check would never have prevented this tragic happening at the Union Elementary School. He now has a record. He will be a new hire if he attempts to

work in a school system. Report "B" would then protect our children from a new hire. This gentleman devastated many families in my town. Thank you Mr. Speaker.

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

Representative SULLIVAN: Mr. Speaker, Men and Women of the House. First of all, you are fortunate, because it will probably be very short because I am going to run out of my voice so somebody is watching over you. Second of all, I want to make a disclaimer. I am a teacher. I am supposed to be in my classroom two weeks from yesterday. I am a little concerned that I am not going to make that obligation. I was told when I ran for this that probably I wouldn't want to tell a lot of people I was in education. I chose not to follow that and I very proudly put everyplace that I am a public school teacher. I earned my degree teaching when I raise by son. I went back as he started to get involved in schoolwork. I chose twice to entered the teaching field. I chose for two and a half months to stay quiet on this issue. I didn't want to be self-serving.

About two weeks ago a piece of information came across my desk and, quite frankly, I was very angry it showed up on my desk and that it was allowed to be printed. It was the worst piece of yellow journalism that I had ever seen and that it was going to be used to help influence people. They took the side that I had known I was going to support, but had been quiet and not lobbying people about, other than my two seatmates, they were very understanding. They took that side and they said to screen new hires had been changed to screen new criminals. Think of that coming across my desk as a future lawmaker to screen new criminals. Young people in college, many of whom you are probably supporting right now out of your family income and going on to earn a BS in education and hopefully influence our public school system. The Maine lawmakers are looking at information that says we are going to screen new criminals. What an insult. I could no longer stay quiet. I would not allow it into my classroom.

I try really hard in my classroom to teach people that we don't label and we stand up for what we believe. Some of my best friends in this chamber are on the other side of the aisle. They have an R after their name. I have a D. They are wonderful people. Some of my best friends are gay, straight, male or female. When new hires are labeled as new criminals, I am offended. Everything I try to do to enlighten, because I believe education is the enlightening force for a free world, went up in smoke the day that came across my desk.

This is a feel good piece of legislation. You can all go home and say, I have done something to stop child abuse. As a member of the teaching profession, I am obligated to report any sexual or physical abuse, even an indication, if the child who comes in with a bruised whatever. I am required by law and if I don't, I have broken the law. The real shame is that many of those cases never get looked into by the DHS. You see, parents know more and I am just a teacher and I only see that child six hours a day, 176 days. That is a real shame. We need to provide more people in DHS and we need to put more money behind this to follow up on every single allegation that professional educators make when they say we suspect there is a problem here. Money should not be a reason we fail to look into those things.

Yes, superintendents, some, have made sweetheart deals and allowed people to leave their district because you know it is bad press. You have to fight for a budget. People don't like to

spend tax money. We just hush things up. That is the real problem. We can do things that really will stop child abuse, but you have to put money where the mouth is. We have to put the law in that says to superintendents, if you fail to report to your local police an allegation, you are liable. We can make a difference. Enacting this and going home and all of us putting our little halos on and saying we are great is not going to help. The real danger is from ignorance.

Just last week I stood on this floor and on another piece of educational legislation in front of us, I said we had lowered our standards. Remember we had voted to change the certification that you could get a license in a shortage area for math and science because young people didn't seem to be going into teaching. Why should they? We are going to screen new criminals. We are going to lower those standards for anybody that does come in. Talk about talking out of two sides of our mouths. I also see that we have a report on asking us to see how to promote and retain teachers. Let's give them some dignity. Let's treat them as professionals. When a performing and practicing teacher says, I suspect something, let's believe them and let's follow that up through DHS. Let's put real laws in that protect our children. I am not the only teacher, a D, that went into teaching knowing that we weren't going to make the big bucks, but hoping that we would make a difference. For some people they said I was the best teacher they ever had and others have certainly said I was the worst teacher they ever had. I suspect I fly somewhere in the middle. There is something wrong when we put forth a law in the name of protecting children and we decide to call our number on defense new criminals. Please defeat this and go on to support, at the very least, Report "B." Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bath, Representative Mayo.

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House. I rise this morning as did the former speaker to urge defeat of Report "A" and support of Report "B." I will admit there is a problem, but I am not sure that Report "A" really will get to the heart of that problem. I come from a household of educators that have grown up around education and worked in education and higher education. I know there is a problem. It is how do we approach that problem? I think the former speaker, the good Representative from Biddeford, made an excellent point with regard to what we do with those people that are caught. I have received numerous comments from constituents on this. To date, it is split about 50/50 between Report "A" and Report "B." Since this debate started this morning, I have had two phone calls. One for Report "A" and one for Report "B."

I have two constituents in my district who are split on this particular issue. A constituent of mine is the State President of the PTA. We have received on our desk this morning material from that group and we have received material earlier. They are strongly supportive of Report "A." I also have as a friend and fraternity brother at Orono a teacher at the high school in my district who has been on television and I am sure that many in this chamber have seen that individual and others like him who have indicated that in no way will they accept what is being required in Report "A" and they will give up their right to teach in Maine public schools.

I am torn between those two situations. As a former school board member and the four years that I was serving on the school board in my district, we had two situations. Neither situation would have been prevented by Report "A." In fact, it

would have done absolutely nothing. These were long-time school employees. One was even a graduate of the institution where the situation took place. I, like the good Representative from Camden, have wrestled with this issue for the past three months. I think today I am going to follow my conscience. I am not going to take the tact that she took, but I respect the position that she has taken. I am going to vote against Report "A" today and support Report "B," which deals with new hires. I pray that it will do some good, but I would also hope that in the 120th Legislature that this body will do what it can to improve the funding at DHS so that the child abuse that we know is taking place out there is responded to much quicker. I would also hope that the Criminal Justice Committee will take a long hard look at this entire issue as to the penalties involved. Thank you for listening to me. I hope that when the vote is taken, you will support, Report "A."

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

Representative MUSE: Mr. Speaker, Men and Women of the House. I have always as long as I have been a part of this body supported our teachers. I think that they do and provide a wonderful, wonderful service to our state, our community and to our children. I don't think we do enough for our teachers. I don't think we pay them well enough. I think there is a great deal of things we could do for them. There was for quite some time that I debated this myself. I tossed it back and forth, where I stood on it. I finally asked myself and answered the following question and it made it very simple for me. If we pass this bill, Report "A," could it save one child? Very simply put, yes it could. That was a very simple question. Yes, it could. That made up my mind for me.

I have heard previous speakers say that we need to give teachers respect. I do give teachers a great deal of respect. I also give stockbrokers and commodities dealers respect. They deal with stocks and bonds. We fingerprint them. I give police a great deal of respect and we fingerprint them. My wife is a nurse so I have more respect for her than anybody and she was fingerprinted. I don't see what harm there is in this. I have a very strong feeling that if this body had had the foresight a year ago to include paying for this service, we wouldn't be having this debate today.

Mr. Speaker, I would like to close by asking a question through the chair. To any member of the body, either present in this room or hopefully listening in another room, I would like to know exactly how many other occupations we do fingerprint? Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Representative from South Portland, Representative Muse has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Winslow, Representative Matthews.

Representative MATTHEWS: Mr. Speaker, Men and Women of the House. In response to the good question since I had a similar question in mind, I will answer it at least partially and then I will tell you my dilemma on this bill and why I am going to vote against Report "A." We do not currently in Maine require fingerprinting for those that work with the youngest and most vulnerable population of our children. That is childcare workers. We don't require it. It is an interesting bit of information for the body to think about. We don't require it for family therapists. We don't require it for adolescent councilors. We don't require it for a lot of folks out there that spend a lot of time with a lot of little

kids. I guess that would be my answer to the good gentleman from South Portland, but I will pose one also. I, for the life of me, do not understand why this bill is here and why we are doing this? I also tossed it around and I haven't come to answer, because it doesn't make any sense.

When I was here in 1992, we did drug testing. For the body and for a point of information for the membership, when we grappled in the early '90s and late '80s with drug testing, let me tell you it was not an easy spit. Many people lost their civil liberties over drug testing. Many people were called on the carpet because of unionizing and drug tested unfairly. Many employers used that as a whipping post to get at those troublesome kinds of workers. Ladies and gentlemen, drug testing ended up deterring more people from treatment than it did in getting anybody to go to treatment. It drove a lot of people underground. There was a lot of bad feeling. I was here in the middle of that debate and I voted for drug testing. I made some mistakes in the past. Civil liberties is not something you can just wear once and a while. The Constitution is not something that we can just read once in a while. It is there for a reason. I am going to vote against Report "A" and I would love to know why we are doing this today in light of the fact that we don't do it to others who work a lot more with young children? Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Representative from Winslow, Representative Matthews has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Montville, Representative Weston.

Representative WESTON: Mr. Speaker, Ladies and Gentlemen of the House. We happen to mandate education. Parents, unless they can afford a private school or choose to home school, they send their children to public school. There they have very little, if any choice, of who is the teacher for their child. I do a lot of long-term substitute teaching. I have spent many years walking in and staying for three months in a classroom. When I do, I tell the children that my first job is to keep them safe. Safe emotionally, so we have rules about what we can and cannot say to each other. We have rules to keep them safe physically so there is not hitting or attacking another child. When that parent brings the child to my classroom, what I say to them is I am doing the best I can to keep your child as safe as possible. That promise cannot be all encompassing. There is no way we can promise that nothing will happen to those children. You know what we can do, we can promise that the person supervising your child has not already been convicted of harming children. I don't believe I wear an SP across my chest. I would rather wear an NBC, never been convicted. I am proud and happy to reassure that parent and to give them the confidence that when I am in your children's classroom, I can at least tell you I have never been convicted. I can't promise you the world, but I can do that quite simply and I believe we should. Thank you.

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

Representative BRENNAN: Mr. Speaker, Men and Women of the House. In court proceedings there is a process called stipulation. Stipulation is at the front end where you say that this is what we agree to. This is not something that we need to debate or we need to argue about. These are facts that we agreed to. I think in this debate there are several issues that we can easily put in stipulation. One, states should pay for

mandates. I think everybody agrees to that. Secondly, will this bill or the current law that we have stamp out child abuse or catch every potential child abuser? No. I think we can all agree to that. Thirdly, are there constitutional issues involved here? No. We have an opinion from the Attorney General of State of Maine after extensively reviewing this issue and he said there are not constitutional issues involved. This is not an invasion of civil liberties.

So, to answer the good Representative from Winslow's question, why are we here? I want to answer that question as easily as I possibly can as to why we are here. This issue, as everybody knows, came to the Education Committee in 1995 and then again in 1996 and we passed it in 1997. The very first issue considered by the Education Committee was is it reasonable in hiring teachers and school administrators and public school personnel, is it reasonable to do background checks. I ask every one of you here today, do you believe it is reasonable when we hire teachers and people to work in public school system that we do public background checks? I dare say, having not polled everyone here, but I dare say that the overwhelming majority of you would agree that doing background checks is a reasonable thing to do and a prudent thing to do and we have heard from a number of other speakers that they think that superintendents and administrators should do a better job of conducting background checks. If we are agreed that background checks are a reasonable and prudent thing to do, the next question that we asked was what is the way to make sure that we have accuracy in those background checks and that we are not falsely identifying or accusing people in the background check process.

I will tell all of you here that if you will do what the Education Committee did and ask that question and then say, how do we have background checks, that everybody will come to the conclusion that we came to, that fingerprinting is the only way to assure that you have accurate background checks, not only in the State of Maine, but in other states in the country. In fact, the legal council for the MEA testified to that affect. If you want to have accurate background checks, the way that you do it is through fingerprinting. Did the Education Committee start out to say that we believe that teachers are child abusers? Do we believe that teachers are criminals and because of that we should fingerprint all teachers and school personnel? No, we did not start from that premise. We started simply from the premise that it is good personnel policy and good hiring practice and you should do background checks. How do we make sure that those background checks are accurate? The only way is fingerprinting.

We looked at number of other options, names, date of birth and social security numbers. People had a number of different suggestions about how we might do background checks other than fingerprinting. Nothing worked. We either ended up with false positives meaning that people would be wrongly accused of a criminal activity or we ended up with false negatives. Fingerprinting became the way that we felt we could assure accurate background checks. The bill before us today, amendment "A," attempt to address issues that were made during the public hearing that we held. Many people said that they were afraid or concerned that criminal activities that they may have been involved in early in their life, insignificant activities, would have affected their ability to teach. Amendment "A" makes sure that is not the case. Amendment "A" clearly defines what the Department of Education can look at in terms of criminal activity and making a decision about whether somebody will be certified or not certified. It is very clear. We want to make

sure the Department of Education could not take into consideration irrelevant activities for sometime earlier in their life when making these decisions. Amendment "A" clarifies that.

There has also been some suggestion and other proposal, doing only new hires, is workable. I will pass out a letter from the Maine State Police that clearly points out that the proposals that have been put forward to allow superintendents the discretion to fingerprint is not workable and not feasible. What we have is amendment "A" before us and it is the only workable and feasible proposal that is before this body. I hope that when we take the vote people will realize that, see that and support the pending motion.

I want to make one last point because I think I am in a unique situation. In fact, my situation is so unique, I don't think anybody else in this chamber is in the situation that I am in. I have an undergraduate degree in education and I have certificates in two states that allow me to teach. I did teach for a short amount of time in the State of Maine. I value teaching. I am by education a teacher. I also hold a master's degree in social work. I am licensed by the State of Maine as a licensed clinical social worker. For the last seven years I have worked in an outpatient family therapy program working with adolescents who have substance abuse problems or have been physically abused, sexually abused or emotionally abused. I sit in the public hearings on this issue and I sit with this bill. I say to myself as a teacher, what should I do? Out of the respect for the profession of the teacher, what should I do? I sit with my training as a social worker and the experience I have had with 14 and 15 year old boys and girls who have been sexually abused and the shattering experience that has had on their lives. It is so shattering that they may not ever get to a point in their life that they overcome that experience. Has this been a difficult issue for me weighing by background as a teacher and my background as a social worker, I assure you, men and women of the House, it has been a very difficult decision.

I think and as I have listened to other people talk, they have had a similar difficult decision weighing the effects that this may have on teachers versus everybody's desire to protect children. I came down in support of Committee Amendment "A" because I do think this is a necessary step to protect children. Sometimes we, as adults, have to make difficult decisions because children don't have the same voice and the same opportunity to say what they need and how they should be protected. I ask every one of you today when you take this vote to think as an adult, even though it is a difficult decision and even though it has been a difficult debate. Please make that decision keeping in mind the fact that this is a reasonable way to protect children. Thank you.

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

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to respond to some of the comments that have been made on the floor already. First of all, Report "A" also tests new hires. Secondly, in the debate against background checks through fingerprinting, the arguments seem to have shifted from the rights of children to the rights of teachers. I would suggest that the Representative from Waldoboro, Representative Trahan, gave the best reason for not supporting amendment "B," new hires only. The suggestion was made that this is a civil rights issue for current employees, but for new hires their civil rights can be compromised. That is what is being said. Representative Trahan said we must protect the civil

rights of all people. As was suggested in his statement, civil rights for new hires do not count.

To one of the speakers that talked about being labeled with a sign on their chest. Why would one not want to dispel any suspicion of being a threat to the well being of children in one's charge any labeling by getting the fingerprint on record to show that you care enough to prove you were not a problem.

One interesting aspect of the whole fingerprinting issue is the role of the Maine Education Association, as has been eluded to before. When the bill was being debated prior to enactment, the MEA was one the side of children by wholeheartedly supporting the concept, even to the extend of suggesting that it would be appropriate for teachers to pay \$30 towards the cost. Today, the position is on the side of the teachers. Children's safety has taken a back seat to the interest of protecting the civil rights of the professionals. It appears though that the civil rights of new hires do not matter, because they should be tested. What an interesting philosophical repositioning.

To sum up, I would just like to remind you of an article that I put in the paper a month ago. I just want to read a little bit of that article to put this in perspective. "For every adult in the education community, there are upwards of 10 to 12 underage citizens of Maine who also have civil rights and constitutional protections over which they have very little control until they reach adulthood. In the meantime, they are entrusted in the care of a cadre of adults who must assure that that span of time in the lives of these youths is a time of safe and healthy transition. When one weighs the civil rights of the adult against that scenario, whose rights are more vulnerable? Which group, staff or students, has to have a higher priority for educational decision makers when it comes to protection? Teachers and other education workers do have the freedom of choice as to where they apply their trade, but children have little or no choice as to whom they will be exposed on a daily basis. They are assigned to a room and to teachers and support staff with a perceived assurance that the administration is providing a safe climate in which to live and breathe, to work and play, to associate with adults who will do nothing to violate that assurance." I would urge you to support Report "A."

Representative STEDMAN of Hartland **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass as Amended.**

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 Monmouth, Representative Green.

Representative **GREEN:** Mr. Speaker, Ladies and Gentlemen of the House. I rise today to speak to you about the proposal to fingerprint all educational personnel. I rise as a veteran of 22 years in the classroom.

During some of those years I was invited to apply for certain honors and titles. I never did because I didn't feel the need for special recognition, and I had other uses for my time, like taking classes to improve my teaching methods. It occurs to me now, that perhaps if I have been named the World's Greatest English Teacher, you might pay more attention to what I have to say. Perhaps an award or a medal would add to my credibility. Perhaps if I were someone famous, instead of one of the thousands of educators who have spent millions of hours planning, working and reworking lessons, struggling with, and sometimes crying over the children whose paths have crossed mine, maybe then you would reconsider the plan of action that is

being recommended today. My pleas to you is to listen, because all those people spent all of those hours, days, weeks and years working as hard as they have because they care deeply about their students and the quality of their lives. As we have seen in certain tragedies, teachers have even been sacrificed their lives for their students.

To label educators who are opposed to being fingerprinted as persons who care more about some fuzzy principle than they do about children is even more insulting and painful than you can could possibly know.

The educational personnel I have worked with during my 22 years have given time to students over and over again. They have gone on four day camping trips year after year with incoming freshmen to teach, geology, biology, history, botany and how important it is to trust and care for one another and workings as a team and almost anything is possible. Teachers have left pregnant wives. Teachers leave small children of their own to coach students, to open doors of opportunity for students that would be almost impossible for them to open on their own. They have given and given and given.

All public education personnel should be dedicated to the protection and welfare of the children entrusted to them. No teacher I know disagrees with that. I don't believe fingerprinting will help us identify those in education who do not have the best interests of children in mind. Crime suspects are routinely fingerprinted after they are arrested, after there is evidence that a crime has been committed. I do believe a major step in ensuring that adults working with children are dedicated to their care is to enact legislation that guarantees that all school districts do a thorough background check on the persons they intend to hire. It may surprise many to know that there are places where such checks are not always done or are superficial. If an applicant appears with a letter from a district/administrator that the new district is familiar with, perhaps no more questions may be asked. So and so says he or she is okay, so it must be so. Well, the dirty little secret is that when there have been problems in the past, in too many cases, the person involved would be called into an office and presented with two pieces of paper. One was a resignation and the other was a recommendation. As long as the problem went somewhere else, the district did not have to deal with the thorny issue of who's responsible. No district wants to be held liable for injuries to either the student or the employee. This situation, ladies and gentlemen, has contributed to the problem of inappropriate access to children. Gathering the fingerprints of all the teachers and school personnel in Maine won't ever stop someone determined to inflict harm if he or she has never been charged with a crime, if he or she has simply been moved from one district to another, all of the fingerprints of everyone in the state won't make any difference. The *OPED* piece of the March 7, *Bangor Daily* stated, "True, fingerprinting will only catch convicted felons."

In a recent, explosive case at a private school in Maine, a respected, long-time employee admitted criminal behavior. What was his reaction when the allegations were made? After an initial denial, he expected to resign, and no more would be said. Why, did he expect that? Because that was what he knew had happened to others. This was a veteran, someone who had been all over the state, and as many of you know, there is a network of athletic connections. People meet at meets and games year after year and people talk. Would having this person's fingerprints have made any difference? Would having

my fingerprints have stopped this person? No, for two reasons. First, he had never even been charged with anything before so there would have been nothing to find. Second, adults who work in private settings do not always need the state certification, therefore, the law would not apply to him.

Let's get to the heart of the matter. We all know there are persons who abuse children. It is in all our best interests to do all we can as individuals and as a state to prevent and or stop such abuse from happening. Is there a way we can guarantee that if we take certain actions, no abuse will ever happen again? Unfortunately, the answer to the question is, No. What can we do to prevent our children?

We can require that all school districts adopt practices, which include, but are not limited to routine checks for criminal convictions of any prospective employees; local policies applicable to all school employees which center on the safety of children, but are not used to identify or regulate, personal, private or legal behavior by employees: when employees resign an no criminal proceedings occur, records should reflect the resignations and the circumstances surrounding it. Ask the State Department of Education to become a member of a national Teacher Identification Clearinghouse maintained by a national organization such as the Association of Directors of Teacher Education and Certification or similar organizations. The department will make access to clearinghouse information available to all districts.

Can persons determined to inflict harm change their names and social security numbers? Of course. Should every administrator make personal phone calls to districts to ask questions about prospective employees? Of course. Will we catch every abuser through this method? No. Will having fingerprints make a difference in the answer to the previous question? No. Will badgering, inflicting guilt and taking names of so-called rude educational personnel increase the number of well trained, innovative, caring individuals who choose to forego most professional rewards to devote their lives to children? No. Will ensuring that all hires, on all levels, in public education be research thoroughly to make it more possible to identify persons who should not be in schools? Yes.

Ladies and gentlemen of the House, this matter has gone way beyond the specifics of this legislation. Many see it as a referendum on educators themselves. Yes, they are taking this matter personally, because it puts into question what they have devoted most of their lives being, often, the most caring person in a child's life.

I ask you to take a step back. I ask you to consider well what you will do here today. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative **POVICH**: Mr. Speaker, Men and Women of the House. What this Legislature does well, I think, is to legislate by anecdote. I have a few myself. I called some of the education professionals in my district, the supers and the principals, and polled, unscientifically, their expression of sentiment regarding LD 2540. Basically they all said you opened up a can of worms here. It is a very complex issue they stated. They weren't surprised that we went down this road. A thumbnail response was, if we do the check and the fingerprinting, we should do it for new hires only. This way will go as far as we really need to go to protect our children. They say they have their own way of knowing the profiles of their school personnel. They know. They communicate with their teachers, parents, kids

and they are pretty forthright and willing to squeal or tell the tale. That is the way it ought to be. They are quick to tell you that the truth emerges from this system. They quickly add that they can't tell you the last time there was a hint of that proclivity in their anecdotal experience. I regard this response as an example of local control. I think the issue of local control is important in this body. We are here in Augusta and I am 103 miles from my district. I hear from the people, leave us alone. We can make some decisions here. We don't need Augusta to tell us what to do.

My professional educational managers tell me they are going to mourn the loss of those professionals who will leave if Report "A" passes. They will go. When the rubber meets the road, will they go? They think some will go and it is hard to find good teachers. You don't replace a 30 year old professional with a new hire. There is some value in old age. I am coming to believe that more and more. They also say, the money. Look at what you are doing to GPA. They are shuttering at this moment. You know, \$25 million, \$44 million and you are going to spend millions and millions in fingerprinting. When the rubber meets the road, why don't you take that money and hold us harmless. Think about the kind of money you are spending and the results that you will getting from this money. I hate to be practical and I am not compromising or diminishing the need to protect our children. I think in our committee, the Criminal Justice Committee, we have gone a very long way to recognize the needs to protect our children. I don't dismiss that at all. I want our children to be safe.

That is the word from Hancock County, for whatever it is worth. I will end my comments by saying, please, don't support the current motion. Thank you.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. This is a very difficult issue for each and every one of us in this chamber. There are Democrats disagreeing with democrats, Republicans disagreeing with Republicans, schoolteachers disagreeing with school teachers, mothers disagreeing with sons. People are quite torn up because it is because of the seriousness of this issue and of the deep felt emotions. I was moved by many of the comments I have heard before us today. The perseverance of my friend from Kennebunk who sat through all of the public hearings and worked as a schoolteacher and is not a union member, but supports the union and my friends who are union members who don't support the union. I feel the anguish between people. I will add only this. My friend from Ellsworth, who I almost always agree with on Criminal Justice matters, said this is as far as we need to go. We understand the proclivities of these people who are in the school system. Ladies and gentlemen of the House, tomorrow in the Blaine House I invite you all to join me. We are honoring over in the Blaine House a family of adult survivors of child sexual abuse who didn't know that their siblings, their cousins, their nieces and nephews were survivors until recent years. We are honoring them because they have been able to only now stand up together and talk about what happened to

them and talk about what happened to them in relation to our current law, which we have changed in this last session dealing with the statute of limitations for child sexual abuse.

As far as we need to go, we understand the proclivities of these people, that is not the way child sexual abuse works. I understand their very deep feelings. There is a lot of resentment on both sides of this issue. I just ask you to think about the victims of child sexual abuse and do whatever we can in this chamber to protect them. Thank you.

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

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. What more can be bring to the debate? You have already decided. What can I say? What words will change your minds? There are probably none. We have heard teachers. Representative Murphy, you eloquent words rang true. What can I bring to this debate? I am not an educator. I can bring to this debate my grandchildren who are the most precious jewels in my life. Since the passing of my husband in December, these three children are my life. Brady, three years old, Zachary, six months old and Casey, three years old. They are three boys whom I adore. When I started this quest, I need to get my facts because these children are going to be influenced by my decision and I better darn well do my homework. The facts, as I discovered them to be, were not teachers who are doing the sexual abuse. The highest percentage of pedophiles are parents and friends and relatives. If I were standing up to speak for that legislation, on fingerprinting and background checks of parents, how would that play out politically? I won't stop there and I will continue and get my facts. I will talk to DHS and find out what the problem is. We go through debates. We go to caucuses. We find out that we need money and we need to do that. What is your wish list? What would you like to cut from the budget?

We are spending money on fingerprinting that I truly believe, because the statistics don't support it, are spending money where we could direct it on really solving the solutions of child abuse. That, for me, is my conscience. That, for me, is why I got involved. I, too, went to all the public hearings. I, too, have gotten hundreds of e-mails from teachers throughout the state when I put in my bill to repeal. I had to get through Legislative Council. I went to that meeting and made a deal. I withdrew my bill of repeal if we could have another public hearing. Representative Richardson spoke eloquently about how many hours they have put into this, yet, at the committee meetings, there were still questions being asked. I am not questioning their work, but there were still questions at this late date.

The MEA was involved and we heard about the teacher's union. The teacher's union way back when sat at the table. I heard that the members of the committee have teachers, for God's sake, why are you questioning it? There are teachers on that committee. What was the biggest failure of all was that they didn't go back, MEA didn't go back, and ask the teachers who they represent. The teachers who they worked for. They didn't poll them. They didn't ask how they felt about fingerprinting. If you really think it is just about fingerprinting and putting your little fingers on a pad of ink, it is bigger than that. It is FBI background checks every five years. We hear only about teachers and this becomes a teacher issue. Back home I have cafeteria workers. I have women who have been the cafeteria program for 30 years who now have to face FBI background checks. Do they have anything to fear? They don't so why bother. Roll over, you have nothing to fear. They don't like the

fact that the FBI is going to be checking their lives when they feel that they haven't done anything. Can we protect our children from everyone from the time they walk to school to back to school to Cub Scout meetings or to church meetings? We can't. We hear the argument, if you can save just one. There are no guarantees. I would jump on board. I would support this.

We talk about the Constitution and it is not against anyone's civil rights. It starts here. It is teachers now and it is somebody else tomorrow and it is somebody else after that. If that doesn't scare you, it scares me. I don't want to live in a police state.

The commissioner of Education came to our caucus and the deputy commission, they gave us fact sheets and they gave us number. We could take those numbers and we can argue the numbers, which is what is going on. For me, the Constitution and the fact that Susan Mallis Anderson and Birney Heibner and many other teachers who came to that public hearing are willing to put their career on the line because they feel as passionately as Representative McKee's statements that she made. They signed this pact that if this would pass, they would leave their career. Susan Mallis Anderson says to her students, "How can I teach you about the Constitution and not stand up for what I truly believe. That is innocent until proven guilty." Representative Savage has stood up here and defended that position for as long as I can remember and today, I don't question his vote, but it doesn't coincide with what we have done in the past. Who will be next? It is politically incorrect to stand up and say, oh my God, we have to protect ourselves. We can't look like we are not protecting children. Of course we want to protect children, but is this the best way to do it? I think not.

Those teachers didn't come lightly to this decision. I don't know how many were there are those meetings. They played the flute in the background and it was like a funeral procession. One by one they came and they signed their names on that board. there was over 70 years of education that they are willing to stand up for the next generation and the next generation to say this is wrong. Rosa Parks all over again. I dare to stand up. This is wrong. I have tried to help them. They say, "Boy you look so tired Joanne." I am tired. I am tired because you want to do the right thing. We can agree to disagree. This is just not the right way to solve child abuse. Take that money. These teachers are the first ones to see these cases in their schools. They are there to help them. We are sending this message to the teachers, you are a pedophile. I came down to the Hall of Flags and there was an awards ceremony for the principals of the State of Maine. It was well attended and the Governor was there. I walked down the stairs and I couldn't help but think, what a way to reward these teachers. We are going to be doing background checks and fingerprints. The statistics aren't there. It is parents, friends and neighbors, not teachers. Thank you Mr. Speaker.

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. For your information, I had a handout prepared and circulated last evening, which is a reprint of a newspaper article from the *American Journal* our weekly paper down in Cumberland County. The title of the article is *Fingerprints, it is the Money Not the Principle*. As part of this debate, I have heard many impassioned speeches by a number of legislators and also by teachers while roaming the halls of the House over the past few months concerning this issue. I felt as though there was a disconnect between what I was hearing in

Augusta and what I was hearing back home. I prepared a questionnaire to all school employees in my school district, which is South Portland, 570 employees. The survey was sent to everyone from our wonderful custodial staff right up to the superintendent of schools. Out of the 570 by the time the survey was completed with a postage free return envelope, I got about 190 responses. Roughly 95 percent of the respondents from the South Portland School System, I can't speak to any other district because I didn't survey them, came back that the school employees did not have a problem with the fingerprinting, but, in fact, had a problem with being forced to pay the money. What I did was I took the survey, just as they were completed and I brought them to our local newspaper and I asked them to print to comments that were contained on it so that people in the community could read what the teaching staff felt and so that I could distribute it to all of you in a format that observes the confidentiality when a constituent communicates with their legislator, but still allowing the point to get across to all of you.

I think probably the most representative comment was on the second column. The quotation from that survey was, "I agree the bill is a good thing for our kids, but as mandated by the state, the full cost should be paid for by the state from the surplus funds. Part-time and spare workers called into work half a day once a year would be working for nothing after paying the costs themselves." It is pretty representative of what I found from the South Portland School district. I think that many of you would find as you begin to talk more and more with the actual teachers that are on the line.

My feeling is with politics and I think we all see it on a number of issues, the people that appear at our public hearings tend to be the most polarized people that feel impassioned one way or another and they don't necessarily represent main stream views, but represent a particular position or a particular interest on an issue. When you look at the whole situation as a whole, we didn't hear a lot in Augusta about the fingerprinting issue until the Legislature didn't pay for it. Once the Legislature made the decision not to pay for it, we heard all kinds of things. Now, we are looking at a variety of different proposals. My feeling is that Report "A" keeps the philosophy of what the folks back home would like to see and at the same time, I believe, represents the school employees and my school district and that is why I will be voting the way that I am going to vote.

Secondly, I would like to tell you that in my family my wife works in the financial industry and I have had an opportunity to speak with a number of the people there. We brought up the issue about fingerprinting. As most of you know, people in the financial industry as a regular course of action, when they change position, are, in fact, fingerprinted and have a background check. An observation made to me, which was very interesting, is that we, as a society, have taken it upon ourselves to fingerprint those that deal with money and we don't with those that deal with children. I don't know if I agree with that societal statement. In fact, I believe that children's lives and children's futures are more valuable than money. I will vote so accordingly.

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

Representative O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House. I will be brief this time. I started out as one of the earlier speakers and I hope I am one of the last speakers. I appreciate everyone's indulgence. This has been a very long morning, but having been here two terms we have spend as much time on other issues such as license plates and

other issues. To, me, as I said before, this is probably one of the most important things that we will do. I really felt compelled to stand and answer a few questions and respond to few comments that were made earlier. I am very sorry that the good Representative from Kennebunk, Representative Murphy, feels that he has an SP on his chest. When people look at him they are going to see an SP. When I look at Representative Murphy, I see him not only as a wonderful legislator, but I see him as a teacher who brings his students here, who teaches government, who teaches history and who has such a profound knowledge that he imparts to his children. I see Representative McKee, not only as a wonderful legislator, I don't agree with her usually, but a wonderful legislator nonetheless who I don't see an SP, I see a teacher who is so dedicated that I would have loved to be in her class who instills the love of the classics, the literature and poetry. I see that in her. I don't see the SP. When I think of my sister who is a national award winning teacher who won an award for excellence in science to elementary school kids. I don't see an SP on her. I see her teaching first graders about gases and teaching them to spell the words like leprechaun and fuchsia and things that many of us do not know. I see her, again, not with an SP, but someone who comes to her adults who had her as children when they have no one else in their lives. She was the only adult in their lives who would listen to them. They were being abused at home and came to her. They still come to her. I see teachers, again, those who provide mittens, when mittens are needed. Those who provide book money when the school book fair comes and there are a couple of kids in the class who can't afford books. That is what I see teachers as. I don't see the SP and I am so sorry that some of the people feel that way.

The argument has been made by those who would vote against this report, I feel they have made a very strong argument to vote for it. They have talked about, and I could not agree more, those in the system that are shuffled off. There is a problem. There is a problem with settlements. On the one hand your resignation and on the other hand a recommendation. There is a problem. That indicates that they are in our system. They are not new hires. There are problems in our system. We all, if we think about it and we have been involved in school system, we know that. This debate has brought up a lot of issues. That is one of them. The other issue is we need to have stronger penalties. These are issues that we will deal with in future Legislatures. That has been a good thing.

I want to close by saying that this has been a great debate. It has been an impassioned debate. It is one obviously many of us feel very, very strongly about on both sides. I want to say that I will respect everyone in the morning however they vote. I will feel very disheartened and I will feel very sad, but I will respect their vote because I would not be petty enough to say that someone who votes against this is not an advocate for children. I know everyone has children in their minds. I want to close with that, but I also want to urge you very strongly to vote for Report "A." I know in my heart we are going to save some kids a life of total destruction. I know that with all my being. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Bucksport, Representative Rosen.

Representative ROSEN: Mr. Speaker, Men and Women of the House. In my opinion, this is not a personal issue, it is a personnel issue. In my opinion, this is not about the individual, it is about the position, the job. In my opinion, it is not about

whether you have been in the school system for two years or 22 years, the fact that the school itself is the most important institution in most local communities and that the teachers and the administrators and the other folks involved are the most important professional positions in the community. It is not about trusting teachers, it is about the trust that we place in teacher's hands each and every day. I encourage you to support Committee Amendment "A." Thank you.

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

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to put a little different spin on this whole discussion. It was mentioned earlier by the Representative from Monmouth, Representative Green, that there is the availability of the National Clearinghouse for checking backgrounds. The issue with the National Clearinghouse though is that they use names and social security numbers. I wouldn't assume that those names and social security numbers belong to the people who are registered there. I wouldn't be opposed to mandating fingerprinting for everyone in the State of Maine. It used to be that every fourth grader in the state was fingerprinted when they reached that grade level. I think it was fourth or fifth grade or whatever. I would suggest a mandatory fingerprinting for everyone would be done for their own protection. If you have ever had your identify stolen, you know that without fingerprints to prove who you are and who you are not, you have a most difficult time proving that you did not perform acts, which may have performed by a criminal using your name, your social security number, your driver's license number and your credit cards and so on. The same holds true for teachers. It provides protection for their own good name. The only true identifying feature, which is readily available is the fingerprints. If yours is on record, you can prove that you are not the one who has been charged with crimes using your other identification. Think about it.

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

Representative **SKOGLUND**: Mr. Speaker, Ladies and Gentlemen of the House. I am speaking for the record. Usually when I hear someone say I am speaking for the record, I think they are merely speaking for the record so they can say later, I told you so. I think the record of this morning's proceedings will be studied in the future as an indication of where we are as a society in the year 2000. A couple months ago one of my friends brought me some old newspapers to deposit in the Historical Society. Among the newspapers was an article about the State Legislature's proceedings. At that time the State Legislature was enacting work on the Fugitive Slave Act. I thought how interesting that is that here in the State Legislative Records and in the newspapers that have covered the records, we have for 180 years the social trends, the economic beliefs, the philosophical changes that have come along. The record is a real and valuable thing and today we are discussing something that will be studied by historians in years to come. We are not studying and discussing child abuse here, because there is no doubt that every person here is much opposed to child abuse.

What we have hit upon today is a significant change in society's values. A significant change in values that shows up among and between the members of the House. My good friend from Mapleton, Representative Desmond, has a different view on this. I am not torn and I am not pained by making a decision opposite from Representative Desmond and my other cohorts on

the Education Committee, because I realize that this is merely a difference in fundamental values. Sometimes I think that if a person finds himself as the lone opponent or the lone proponent on these bills, as I did on this one, perhaps I am espousing values that are no longer commonly held. Times have changed and my values have stayed the same. Without being perceptive, without showing society's values are changing.

I wonder if those people who were discussing the Fugitive Slave Act were aware of the magnitude in the change that was occurring leading up to the Civil War. I think it is important that we be aware today of the tremendous change that is taking place in society. There are three things that I want to mention that I don't think really have been said clearly so that in years to come people will know that, yes, they were aware of what was going on as a whole. They were not looking at this merely as one fingerprinting background check bill. It is part of an overall pattern.

One thing that the good Representative from Lewiston, Representative Mendros, came close to mentioning was that we are permitting the wrong people to set the tone in education. If you will bear with me just a little bit, an insecure teacher insists upon absolute control. A teacher who is secure in his or her position is able to give those children quite a latitude of freedom. A teacher who insists upon absolute 100 percent control often does something like this. The children are going to engage in some pleasant activity or outing. One child does something out of turn and the teacher says, "Henry, now you have spoiled it for everyone. We are not going." There are two things that have happened here. The teacher has maintained the absolute control he thinks, but who really is setting the agenda? Who determines what is or isn't going to happen? Henry has set the agenda, the bad child. The second thing that has happened is the teacher has given permission to the rest of the class to hate Henry, because the teacher says that now Henry, see what you have made me do. I think in this case what we are doing is we are allowing these perverts, predators, pedophiles and perpetrators to set a tone of suspicion, anxiety and a feeling of danger into our classroom. Our classrooms are not unsafe places. Our children are not in great risk from perverts, predators and the other "p" words. They are relatively safe. We would like to have 100 percent perfection, but it is unrealistic to expect we can do it by enacting laws.

I think we have done great damage in one respect by bringing this so much to the floor. I think we have convinced a lot of parents that our schools are run by perverts, predators, pedophiles and perpetrators. I think we have given that impression. Therefore, I think we have let the wrong people set the tone and the atmosphere.

Secondly, I think what we are doing should be put in the context of what else we have discussed recently and what else has transpired in the Legislature. In education we have disempowered all our authority figures. The teacher no longer has authority to truly act in place of the parent. When most of us went to school, the teacher was expected to do anything to maintain order that a reasonable parent would do under those circumstances. That included laying on of hands if that is what worked with that particular child. Realistically that is the only thing that works with some children. Acting in place of the parent also included that natural inclination for the teacher to put the arm around the child for encouragement, comfort and just to show friendliness. It would be a foolish teacher today that would lay hands on a child to correct him and it would be an equally

foolish teacher who made it a habit to show physical affection to his students.

We have done that. We have deprived children of having a real parent figure in the classroom. The damage has already been done. When I taught I very frequently, always, would pick out a boy in the seventh or eighth grade that I thought could use a little extra money and creative time and I would have him help me on the farm. I had a small farm in addition to teaching. I would always take one of the boys home with me to help me with fencing, a little bit of milking and things that were most enjoyable for a seventh or eighth grade boy. I enjoyed it immensely too. Would I do that today? Not on your life if I were teaching would I take a child home alone. We have done that to our children by creating this atmosphere of fear and suspicion. Because we have disempowered our teachers and our principals the only thing left are the police. We have brought police into the schools. I thought there would be resistance, but the police were welcomed into our schools. I have been told in some schools if a child is caught with a cigarette, the teacher calls the police. The children are taught they are under complete surveillance at all times.

Last year in the Legislature we stopped the police from using children as secret police. Remember we would hire children for \$6 or \$7 an hour to go around to stores and try to buy cigarettes. We stopped that. We were using children as secret police. We are still using secret police in society for entrapment. That is considered perfectly legitimate.

This doesn't include just the fingerprints, as others said, it includes the file kept on individuals. The notorious files that the government possesses that we always heard were kept in totalitarian states in the last century. The most horrible thing we could imagine would be to have a totalitarian government that kept files on us and kept us under complete surveillance. Younger people, I think, have forgotten that. They have forgotten the terrors of totalitarian states. The biggest expense we have accepted in the state in this last term was the creation of a prison colony at Warren. Not just an addition to the prison, it is what amounts to a prison colony. If we take this bill that we have before us today, the fingerprinting, the background checks, the files and put it in the context of what else we have done, the use of secret police, the expansion of our prison system, the desire to completely eliminate any chance for predators, perverts or pedophiles to engage in their activities. It worries me and I hope when historians look back upon what was happening today, they will say, yes, the Legislature was aware that a significant change had taken place in values. The change is that we value security over freedom.

I would like to have seen the fingerprint and background check and files completely repealed, done away with. That doesn't seem possible. Therefore, I hope that you will vote against the Majority Report and vote for proposal "B," which would be to fingerprint new hires only. Thank you for your patience.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative McAlevee.

Representative MCALEVEY: Mr. Speaker, Ladies and Gentlemen of the House. Since coming to Augusta, I have learned a lot of new phrases. I have learned that a plea bargain is no long a plea bargain. It is a called a plea arrangement. I have learned that there is no such thing as minimum mandatory sentences. It is called enhancement. One of the best phrases that I have learned that I really like is, what is right, what is wrong

and what is real. What is right is Report "A." What is wrong is our children are being abused and we do have the ability to stop to a small portion of it. What is real is if we don't support Report "A," more children could potentially be abused. There has been a lot of discussion with various groups, parents, teachers, unions and constituents. If you are in doubt, I would ask you to take and support Report "A" and err on the side of children. If you are a proponent of Report "B," I would challenge you to this, in your discussions and doing your background, did you talk to a child who has been sexually abused yet? If you haven't, you should. It gives you a very unique perspective on how damaging this is. We have within our grasp the ability to shield some children. One, two, 100 or 1,000, who knows? We have within our grasp the ability to protect a group of children who are mandated to be in rooms to receive education and for the most part receive a darn good education from some very, very dedicated people. What you have to do is separate the dedicated people from that handful of people who aren't there because they are dedicated. They are there looking for children to have sex with.

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

Representative O'BRIEN: Mr. Speaker, Men and Women of the House. What this bill is asking is for us to enforce the policy on fingerprinting and background checks on all school employees. That means we are questioning the integrity of every single employee that receives a check from their school system. This is wrong. People who are hired to serve us, their communities and the children have gained and earned our trust. Remember when people go into the teaching profession, there is a lot of checks and balances along the way. I know after graduating from teacher's college and going to teach in Alabama, there was a background check on me. When I went to work for the Department of Human Services, there was a background check on me. When I ran for the school board in Lewiston, the newspaper asked for my background and I gave it so there was a background check on me. Are we saying that people who are now working hard and who have, in fact, dedicated their lives for our children, whether they are in the cafeteria line smiling as those children come though or welcoming them on the school bus in the morning. They are, in fact, there because they feel they can best serve in that capacity. Let us not diminish what they are presently doing. I think we can absolutely ask for new hires, which would be amendment "B" to be put into force. That means we have to first get rid of amendment "A."

Think about what we are saying to people, who like ourselves, are sitting here today as good people, the ones who are working now in the schools that we question every single one of them why they are there. They are there because they want to do that job. I know and you know that people who intend to harm children are going to put that invisible cloak around them. They are the ones that are going to find, hopefully not our children or grandchildren or friends of our children, to hurt. We as a society have other laws and we have other ways of finding them. Don't go and condemn everybody who is working in all the school systems in the State of Maine because we are looking for the few bad ones. The few bad ones are there, but not in our schools. Not necessarily everybody who works in a school is a bad one. I think this is really, really wrong to ask all of the present employees of our school system to be fingerprinted and background checks to be done on them. They have already gone through many, many times being found as okay and right to be in that school system. If we are going to go through with

amendment "A," then let's lock up the building. Don't run the school bus and say, first, we want to check every one of you out. We are going to keep all of the children home because we don't trust any one of you. Remember, we can, as legislators, enact amendment "B," serve the purpose of what we are trying to do and not be people who are pointing the finger and saying all the other ones are questionable. I don't think we can do that here today. Thank you.

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

Representative **BAKER**: Mr. Speaker, Men and Women of the House. I believe that we are today here talking about values. I believe we are talking about a shift in values. We have been part of four exciting decades, which have watched a shift in values. I grew up in a time when the phrase battered spouse did not exist. We have learned about domestic abuse. I grew up in a time without civil rights. We now know about civil rights for blacks, Native Americans, for the aged, for those who are differently able. We are a society of changing values. Today, we are here talking about the rights of children, not the rights of children to grow up too fast, not the rights of children to be treated as adults, when, in fact, they are not adults, they are children. We are talking about the rights of children to be protected. We are the grownups and we must protect them. We are parents. We are teachers. We are businesspeople. We are not just one category. I am a teacher who is a parent or a parent who happens to be a teacher. I am a lot of those things. I think we have to avoid the false dichotomies.

The question has been raised today, is to fingerprint, to condemn teachers? I think we have to ask if to fingerprint the bank teller, to condemn that person? Is the military personnel who is fingerprinted as suspected felon or the State Trooper? Is the future NBNA employee who is fingerprinted, a convicted felon? I think not. I think these are safeguards. I think these are means of protection.

Some say that the numbers are statistically insignificant. I believe that it is in the last 10 years that 42 cases have been found. Of those, 27 have been shown to be those who have committed sexual assaults. Some have worked out a percentage of something like 5.8 cases a year. I have to ask you, how many children are too many? Would it be six, eight or 10 a year that would move us to protect these children? Others have said that school related cases of sexual abuse seem small, only if we gloss over the horrific trauma and tragedy of the life. You have heard much about this today. I hope we will not minimize this problem.

Some say that fingerprinting takes away civil rights and it is egregious. If fingerprinting is egregious, it is egregious for new hires. Let us not demonstrate the hypocrisy that says it is okay for new hires, but it is not okay for people who have been the system. Some have said that school personnel are the ones who do the most reporting. I think that was 850 cases. That is wonderful, but what that tells us is that reporting is right. This is a good thing to do. It would follow if those same school personnel would welcome an opportunity to protect the children by ferreting out any in their midst who have previous convictions.

This law is on the books, but the law, which says no convicted felons may teach in our schools has been on the books for a very, very long time. Background checks and fingerprinting simply give us a tool to enforce this very reasonable law. Who among us would want an individual employed in school who has a known criminal history? Criminal

background checks is but one step, but it is an important one. No, it will not solve the entire problem. It will create one safety net and we need to create safety nets in every area of society where this kind of abuse can happen.

I have valued my endorsement as a legislator by the MEA. Today, I have to say I think the MEA is dead wrong on this one. I think of two cases that I know about personally. The high school daughter of my friend, who was raped by the custodian in the basement of our school, but who was too afraid and too embarrassed to come forward. She was not raped just once, but repeatedly. I think of the beloved teacher who had been in the system for many, many years who had positively affected many lives, but who was found to have molested a number of young male students who was quietly let go. How many others did those two, alone, impact?

I ask you today to think about this from the standpoint of values. As a teacher, I would be happy to have all my fingers and all of my toes fingerprinted if it would save not one, but many children who will be safeguarded by this law. I hope that you will vote for amendment "A." Thank you.

The SPEAKER: The Chair recognizes the Representative from Belmont, Representative Berry.

Representative **BERRY**: Mr. Speaker, Men and Women of the House. For 36 years I walked through the halls of education and for 36 years there has hung on the stockroom door of my room a sign that said, "To touch a child." To touch a child with what, hands? No, to touch a child with knowledge. That knowledge is my child. It was my job. For those of us who have walked the walk handing knowledge to students, we have done our job. When I closed that door for the last time, I left that sign hanging and hoping that the person that followed me would also touch a child. As I look at the problem that has faced us over all of this study, I see one catalyst in this problem. That catalyst was \$49. I honestly do not believe we would be here today dealing with this situation if we had paid the \$49. I think that is the catalyst of this whole system. It is the problem that is here. I, today, walked these halls with students that I had taught. Some of my students work here. I think that this problem as we see it today does not allow us in any way to identify the pre-abuser of a student. I taught with an individual for well over 20 years and then one day walked to my classroom to find that that teacher was gone from his classroom. That person had committed an act on another student. That person deserves to be eliminated from my profession and from any other school any place else in this country or as far as that, the world where that could continue. It scares me because that person for a while was one of my assistant coaches in track. I know of no other case prior to this involving that individual. I also know of cases where people were handed off from one school to another to cure a problem. That is not right either. We have a responsibility and I still come back to the fact that I do not believe here in any way, shape or manner that we would stand here and sit here and talk here today for hours if we had paid the \$49. I honestly believe that.

Ladies and gentlemen, there was another sign that hung in the classroom over my board. That sign said, "June is tomorrow." Ladies and gentlemen, let's move forward. Thank you.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. Just one short final comment. I really appreciated

the last speaker's words because it is a segway into what I wanted to say. These fingerprints, these unique digits, are both tremendously significant and tremendously insignificant. There are 4 billion of them now and there are many, many more out there that once existed. They are at once tremendously important and tremendously unimportant. I will suggest to you today, in closing, that that imprint on that piece of paper or that celluloid will soon disappear as time goes. There is a much more important print that is being imprinted everyday. It is the print of teachers like my good colleague from Belfast, an indelible print that the great Henry Adams talked about in the education of Henry Adams the influence of a teacher goes on forever. The imprint of that teacher far exceeds that physical fingerprint. I would suggest to you sadly also that there is another imprint that is being made. It is indelible. It is lasting and it is never to be forgotten by the children who suffer at the hands of anyone in our society who abuses them.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of Report "A" Ought to Pass as Amended. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 619

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Bolduc, Bouffard, Bowles, Brennan, Bruno, Bull, Bumps, Cameron, Chick, Cianchette, Clough, Cross, Daigle, Davidson, Desmond, Dudley, Duncan, Etnier, Foster, Frechette, Gagne, Glynn, Heidrich, Honey, Jabar, Jodrey, Jones, Labrecque, LaVerdiere, Lemoine, Mack, Mailhot, Martin, Marvin, McAlevey, McKee, McKenney, Murphy E, Muse, Norbert, Nutting, O'Brien JA, Quint, Richard, Richardson J, Rosen, Savage W, Saxl MV, Schneider, Shields, Stedman, Tessier, Thompson, Tobin D, Townsend, True, Tuttle, Usher, Watson, Weston, Mr. Speaker.

NAY - Berry DP, Berry RL, Bragdon, Brooks, Bryant, Buck, Campbell, Carr, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Davis, Dugay, Dunlap, Duplessie, Fisher, Fuller, Gagnon, Gerry, Gillis, Goodwin, Gooley, Green, Hatch, Jacobs, Joy, Kane, Kasprzak, Kneeland, Lemont, Lindahl, Lovett, MacDougall, Madore, Matthews, Mayo, McDonough, McGlocklin, McNeil, Mendros, Mitchell, Murphy T, Nass, O'Brien LL, O'Neil, Peavey, Perkins, Perry, Pinkham, Povich, Powers, Richardson E, Rines, Samson, Sanborn, Savage C, Saxl JW, Sherman, Shiah, Shorey, Skoglund, Snowe-Mello, Stanley, Stanwood, Stevens, Sullivan, Tobin J, Tracy, Trahan, Treadwell, Tripp, Twomey, Volenik, Waterhouse, Wheeler EM, Wheeler GJ, Williams, Winsor.

ABSENT - O'Neal, Pieh, Plowman, Sirois.

Yes, 66; No, 81; Absent, 4; Excused, 0.

66 having voted in the affirmative and 81 voted in the negative, with 4 being absent, and accordingly Report "A" Ought to Pass as Amended was NOT ACCEPTED.

Representative MURPHY of Kennebunk moved that the House ACCEPT Report "B" Ought to Pass as Amended.

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

Representative BRENNAN: Mr. Speaker, Men and Women of the House. I would ask you to vote against the pending motion for three reasons. One, earlier today a letter addressed to me from the Department of Public Safety was passed out in this body that shows there are significant flaws with amendment "B" and that the Maine State Department of Public Safety does not believe they will be able to implement amendment "B" as proposed. The FBI said that they are unable to implement a law

that allows for discretionary fingerprinting and what amendment "B" would do is to allow a superintendent at his or her own discretion to decide who is fingerprinted or not fingerprinted. The FBI said they would not allow for that type of policy. Secondly, amendment "B" with just fingerprinting new hires would take somewhere between 20 and 30 years to fully implement. That is roughly how long the Department of Education estimates there will be a full turnover of staff in order to implement Committee Report "B." Lastly, what Committee Report "B" would do is allow current people who are currently employed not to be fingerprinted or have background checks. I would submit to members of this body that if Committee Report "B" is passed, before the year is over, we find at least one school employee that will be identified as having a conviction related to child abuse or some type of inappropriate behavior that would have been caught if we had done appropriate fingerprinting and background checks. Thank you.

Representative BRENNAN of Portland REQUESTED a roll call on the motion to ACCEPT Report "B" Ought to Pass as Amended.

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

ROLL CALL NO. 620

YEA - Berry DP, Berry RL, Brooks, Bryant, Buck, Carr, Chizmar, Cianchette, Clark, Collins, Colwell, Cote, Cowger, Davis, Dugay, Duplessie, Fisher, Foster, Fuller, Gagnon, Gerry, Gillis, Gooley, Green, Hatch, Heidrich, Kane, Kasprzak, Kneeland, LaVerdiere, Lemont, Lindahl, Lovett, MacDougall, Madore, Matthews, Mayo, McDonough, McKenney, McNeil, Mendros, Mitchell, Murphy E, Murphy T, Nass, O'Brien LL, O'Neil, Peavey, Perkins, Perry, Pinkham, Povich, Powers, Richardson E, Richardson J, Samson, Sanborn, Savage C, Saxl JW, Sherman, Shiah, Shorey, Skoglund, Snowe-Mello, Stanley, Stanwood, Sullivan, Tessier, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Wheeler EM, Wheeler GJ, Williams, Winsor.

NAY - Ahearne, Andrews, Bagley, Baker, Belanger, Bouffard, Bowles, Bragdon, Brennan, Bruno, Bull, Bumps, Cameron, Campbell, Chick, Clough, Cross, Daigle, Davidson, Desmond, Dudley, Duncan, Dunlap, Etnier, Frechette, Gagne, Glynn, Goodwin, Honey, Jabar, Jacobs, Jodrey, Jones, Joy, Labrecque, Lemoine, Mack, Mailhot, Martin, Marvin, McAlevey, McGlocklin, McKee, Muse, Norbert, Nutting, O'Brien JA, Pieh, Quint, Richard, Rines, Rosen, Savage W, Saxl MV, Schneider, Shields, Sirois, Stedman, Stevens, Thompson, Tobin D, Townsend, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Mr. Speaker.

ABSENT - Bolduc, O'Neal, Plowman.

Yes, 77; No, 71; Absent, 3; Excused, 0.

77 having voted in the affirmative and 71 voted in the negative, with 3 being absent, and accordingly Report "B" Ought to Pass as Amended was ACCEPTED.

The Bill was READ ONCE. Committee Amendment "B" (S-692) was READ by the Clerk.

Representative TWOMEY of Biddeford PRESENTED House Amendment "B" (H-1118) to Committee Amendment "B" (S-692), which was READ by the Clerk.

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

Representative TWOMEY: Mr. Speaker, Men and Women of the House. I have put in this amendment for repeal in honor of all the teachers who have worked so hard and in the values that Representative Skoglund spoke about. I just want to be on

record. I don't know how much support there is for repeal. I know there might be some concerns about now who will pay for the fingerprinting, but there is a bill from Senator Mitchell and just addresses paying for fingerprinting. Voting for repeal will not do away with having your towns have the fingerprinting paid for. Thank you very much.

The Chair ordered a division on the motion to **ADOPT House Amendment "B" (H-1118) to Committee Amendment "B" (S-692)**.

Representative TWOMEY of Biddeford **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-1118) to Committee Amendment "B" (S-692)**.

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 adoption of House Amendment "B" (H-1118) to Committee Amendment "B" (S-692). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 621

YEA - Campbell, Davis, Dugay, Dunlap, Fuller, Gillis, Goodwin, Green, Hatch, Jacobs, Kasprzak, McGlocklin, Mendros, Pieh, Pinkham, Skoglund, Snowe-Mello, Tracy, Trahan, Tripp, Twomey, Volenik, Waterhouse.

NAY - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Desmond, Dudley, Duncan, Duplessie, Etnier, Fisher, Foster, Frechette, Gagne, Gagnon, Gerry, Glynn, Gooley, Heidrich, Honey, Jabar, Jodrey, Jones, Joy, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Martin, Marvin, Matthews, Mayo, McDonough, McKee, McKenney, McNeil, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neil, Peavey, Perkins, Perry, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Sirois, Stanley, Stanwood, Stedman, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Treadwell, True, Tuttle, Usher, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

ABSENT - Bolduc, McAlevey, O'Neal, Plowman.

Yes, 23; No, 124; Absent, 4; Excused, 0.

23 having voted in the affirmative and 124 voted in the negative, with 4 being absent, and accordingly the motion to **ADOPT House Amendment "B" (H-1118) to Committee Amendment "B" (S-692) FAILED**.

Representative STANWOOD of Southwest Harbor **PRESENTED House Amendment "A" (H-1116) to Committee Amendment "B" (S-692)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Southwest Harbor, Representative Stanwood.

Representative **STANWOOD**: Mr. Speaker, Men and Women of the House. This amendment strikes the provision of the Committee Amendment "B" and requires the fingerprints taken from educational personnel, which there are nearly 14,000 to be removed from the files of the State Bureau of Identification. I do this because I am being frugal in we will be paying for those fingerprints of nearly 14,000 people. They agreed to having those prints taken, by the mere fact that indeed they have been done. Therefore, I think they should stay in the files as would be

if we have voted for Committee Amendment "A." I think it is the right thing to do. I would hope that you would support the amendment. Thank you.

Representative DUNLAP of Old Town moved that **House Amendment "A" (H-1116) to Committee Amendment "B" (S-692) be INDEFINITELY POSTPONED**.

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

Representative **TRAHAN**: Mr. Speaker, Honorable Members of the House. The good Representative brought forward an amendment that I thought was a concern as well. When I spoke with individuals involved closely with this issue, they assured me that those prints have no accompanying papers, meaning the prints were taken, but the background checks were not followed through with. There is actually no file there under than a fingerprint. I kind of wonder why we would need this amendment other than to keep that fingerprint on record? Is there someone here that could stand and answer that question? Thank you.

The Chair ordered a division on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-1116) to Committee Amendment "B" (S-692)**.

Representative STANWOOD of Southwest Harbor **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-1116) to Committee Amendment "B" (S-692)**.

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 Southwest Harbor, Representative Stanwood.

Representative **STANWOOD**: Mr. Speaker, Men and Women of the House. I believe the fingerprints having been taken should be retained in the event that a future Legislature would want a fingerprint bill brought forward again. We wouldn't have to duplicate and spend the money over again. Remember, this is \$40 times 14,000, which equates to many, many dollars and we should be saving that if at all possible. There may be future use for these by future legislators. Thank you.

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. Before we vote, I would like to explain my rationale for making the Indefinite Postponement motion. I think having listened to several hours of debate, it sort of boils down to people's fears of intrusion into their lives. I think when you look at the basic concern about safety of children it is the interesting side affect of that is you always want to build more prisons and get the bad guys and we want those bad guys to find somebody other than us. That having been said, I think if you are going to be doing fingerprinting and background checks in determining who those people are that you would like to have weeded out of the system. If you have cleared someone of a background check and they are not found to be a threat, why would you want to keep that information on file? I think that makes people in the general public, it certainly makes me uncomfortable, having a database of information about people, which could be used for something other than that purpose for which it was gathered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-1116) to Committee Amendment "B" (S-692). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 622

YEA - Ahearne, Andrews, Bagley, Belanger, Berry DP, Berry RL, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Campbell, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Goodwin, Gooley, Green, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Kane, Kasprzak, Kneeland, LaVerdiere, Lemoine, Lemont, Lovett, MacDougall, Madore, Mailhot, Martin, Matthews, Mayo, McDonough, McGlocklin, McKenney, McNeil, Mendros, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien LL, O'Neil, Peavey, Perkins, Perry, Pieh, Pinkham, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stedman, Stevens, Sullivan, Thompson, Tobin D, Townsend, Tracy, Trahan, Treadwell, Tripp, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Baker, Bowles, Buck, Bumps, Carr, Cianchette, Clough, Cross, Jones, Joy, Labrecque, Lindahl, Mack, Marvin, McKee, O'Brien JA, Shields, Stanwood, Tessier, Tobin J, True.

ABSENT - Bolduc, McAleve, O'Neil, Plowman.

Yes, 126; No, 21; Absent, 4; Excused, 0.

126 having voted in the affirmative and 21 voted in the negative, with 4 being absent, and accordingly **House Amendment "A" (H-1116) to Committee Amendment "B" (S-692) was INDEFINITELY POSTPONED.**

Subsequently, **Committee Amendment "B" (S-692) was ADOPTED.**

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading.**

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (S-692) in concurrence.**

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

The **SPEAKER:** The Chair recognizes the Representative from Caribou, Representative Sirois who wishes to address the House on the record.

Representative **SIROIS:** Mr. Speaker, Men and Women of the House. Thank you all for the nice beautiful welcome. It is quite an experience I just had for five days now and I don't wish that anybody, but the prognosis is not very good. I have a tumor in the pancreas. The doctor said I am going to have to take chemo and we will see the outcome. Here I am. I feel good. It is a beautiful sickness in a sense because I have no pain, as of yet anyway. I thank you and I thank you for the nice welcome.

**ENACTORS
Resolves**

Resolve, to Create a Commission to Study and Establish Moral Policies Regarding Foreign Investments and Foreign Purchasing by the State

(H.P. 1755) (L.D. 2461)

(H. "A" H-954 and S. "C" S-690 to C. "A" H-870)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

An Act to Establish Fairer Pricing for Prescription Drugs

(S.P. 1026) (L.D. 2599)

(C. "A" S-686)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative TOWNSEND of Portland, was **SET ASIDE.**

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

ENACTORS

Acts

An Act to Expand a Judge's Powers for Contemptuous Failure to Pay

(S.P. 523) (L.D. 1557)

(C. "A" S-668)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act to Improve Oversight and Accountability of Student Loan Programs Funded with an Allocation of the State Ceiling on Private Activity Tax-exempt Bonds

(S.P. 1079) (L.D. 2684)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative STEDMAN of Hartland, was **SET ASIDE.**

The same Representative **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. 623

YEA - Ahearne, Andrews, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Carr, Chick, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Dudley, Duncan, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Goodwin, Green, Hatch, Jabar, Jacobs, LaVerdiere, Lemoine, Mack, Mailhot, Martin, Mayo, McDonough, McGlocklin, McKee, Mitchell, Muse, Norbert, O'Brien LL, O'Neil, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Rosen, Samson, Sanborn, Savage W, Saxl MV, Shiah, Shields, Sirois, Skoglund, Snowe-Mello, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Belanger, Berry DP, Bowles, Bragdon, Bruno, Buck, Bumps, Campbell, Cianchette, Clough, Cross, Daigle, Davis, Dugay, Foster, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Kasprzak, Kneeland, Labrecque, Lindahl, MacDougall,

Marvin, McAlevey, McKenney, McNeil, Murphy E, Murphy T, Nass, Nutting, Peavey, Perkins, Pinkham, Richardson E, Savage C, Schneider, Sherman, Shorey, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston.

ABSENT - Cameron, Collins, Cote, Joy, Kane, Lemont, Lovett, Madore, Matthews, Mendros, O'Brien JA, O'Neal, Perry, Plowman, Saxl JW, Tripp.

Yes, 83; No, 52; Absent, 16; Excused, 0.

83 having voted in the affirmative and 52 voted in the negative, with 16 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

ENACTORS
Acts

An Act to Implement a Maine Meat and Poultry Inspection Program

(S.P. 1083) (L.D. 2687)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative PIEH of Bremen, was **SET ASIDE**.

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

The same Representative **PRESENTED** House Amendment "A" (H-1119) which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative **PIEH**: Mr. Speaker, Men and Women of the House. As I am sure you all know, the Agriculture Committee has spent a great deal of time putting together a Maine Meat and Poultry Inspection Program. This is based on the Vermont Meat Inspection Program. There was bit of language that was left in that needed to be taken out. This amendment deletes that unnecessary language relating to subpoenas issued by the Commissioner of Agriculture, Food and Rural Resources. Thank you.

House Amendment "A" (H-1119) was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-1119) in NON-CONCURRENCE** and sent for concurrence.

REPORTS OF COMMITTEE
Ought to Pass As Amended

Report of the Committee on **LEGAL AND VETERANS AFFAIRS** on Resolve, Authorizing Certain Members of the Sullivan Family to Bring Suit Against the State

(S.P. 605) (L.D. 1728)

Reporting **Ought to Pass As Amended by Committee Amendment "B" (S-601)**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-601) AS AMENDED BY SENATE AMENDMENT "A" (S-603)** thereto.

Report was **READ** and **ACCEPTED**. The Resolve **READ ONCE. COMMITTEE AMENDMENT "B" (S-601) READ** by the Clerk. **SENATE AMENDMENT "A" (S-603) TO COMMITTEE AMENDMENT "B" (S-601) READ** by the Clerk and **ADOPTED**.

COMMITTEE AMENDMENT "B" (S-601) AS AMENDED BY SENATE AMENDMENT "A" (S-603) thereto ADOPTED.

Under suspension of the rules, the Resolve was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment " B" (S-601) as Amended by Senate Amendment " A" (S-603) thereto in concurrence**.

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

UNFINISHED BUSINESS

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

An Act to Amend the Maine Workers' Compensation Act of 1992 as it Pertains to Occupational Health

(H.P. 1454) (L.D. 2075)

(C. "A" H-1034)

TABLED - April 11, 2000 (Till Later Today) by Representative SAXL of Portland.

PENDING - PASSAGE TO BE ENACTED.

Representative **HATCH** of Skowhegan **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**: The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative **HATCH**: Mr. Speaker, Men and Women of the House. I know it has been a long time and we have dealt with this bill a couple times, but I hope you will listen to the brief statement that I have. If you have looked at the bill at all, you will see in the summary that the current occupation and disease law defines date of injury as the date on which the employee becomes incapacitated by the disease. That is when the can draw workers' comp. This definition means that workers who are employed are not eligible to receive medical benefits if they are incapacitated to some extent by an occupational disease, which puts their employer or themselves in a bind because the medical insurance really doesn't want to pick up an occupational disease medical claim. What we are asking you to do with this is just amend the law, which we are doing by this bill so that people will be able to get their medical claims paid under workers' comp. That will mean that employers won't have to pick up their wages during this period of time and they will still be able to work and receive their wages, but their medical bills will be covered by the workers' comp law. I am asking you to vote in favor of this. It will squelch a lot of problems within the system now, currently everyone wants someone else to pay the bills. We have employees who are caught up in a catch 22.

Not all people who have occupational diseases are incapacitated to the point where they can't work, but this would just help those individuals who have, for some reason, an incapacity. It could be a breathing problem, but maybe they can sit down at a desk and work for years on end and it wouldn't bother them, but the breathing problem may cause them to have medical treatments from time to time. I would ask for your support on this bill. I know that during the last time we debated this bill, a letter was brought up. That was brought up because a

lot of physicians out there are not reporting, at this point. We need to have a lot more physicians look at people's history. A lot of us have HMOs and we go to a doctor and they take down our family histories and the jobs that we have had and what not. If someone is incapacitated for a great length of time, they usually will ask them where they have worked and what kind of things they were around, whether it was asbestos or those type of things. Those things are already covered under the occupation disease law, but there are a lot of things that are not covered or the doctor doesn't see as originating as a workplace injury due to chemicals and what not. We have been able in the last few years to also know exactly what certain chemicals do to the body. We need those physicians to look for those things and start reporting them to the state so we can get a handle on what is going on. That is what that letter was in regards to. It was just to get the physicians to start reporting.

I read an article just recently, as a matter a fact, it was this morning on the front page of one of the papers in the Speaker's Office. It said a lot of businesses and doctors and what not are not currently reporting the things that they should be reporting, especially doctors in regards to illnesses. That is mainly because sometimes they don't get paid if they find out it is an occupational disease. We would like to see them reporting more so we get a handle on exactly when people are injured or when a chemical injury occurred so we can trace that to make sure that they are getting paid by the right individuals. You already know our health care in this country is going right through the ceiling. When doctors don't report occupational diseases, that is what happens. They draw off their health care benefits and it forces everyone to use other alternatives to paying for those health care benefits when it should be a work related injury and it should be covered under workers' comp. I would ask for your support on this. I thank you very much.

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

Representative TREADWELL: Mr. Speaker, Ladies and Gentlemen of the House. I was hoping that we would not have another full debate on this issue. We have had it twice already. I would just like to remind you of some of the items that have been discussed previously. I don't want to go through the whole litany, but there are some things that I think are very important to restate. Number one, there was no evidence brought before our committee that any worker has been denied medical treatment because the Workers' Comp Act did not provide access to that treatment. We also found that there was a lack of evidence, as the good Representative from Skowhegan has just mentioned, record keeping within the Department of Health on occupational disease. Two doctors testified that occupational disease is very hard to diagnose and also they reiterated that there is a lack of information. That is what prompted the letter that I read into the record yesterday. I would like to read one more small statement that I have here that says, "Maine has had an occupational disease law on the books for over 50 years. This law already covers any disease, which is due to causes and conditions or characteristics of a particular trade, occupation, process or employment and that arises out of and in the course of employment." Current 30A MRSA Section 603 clearly toxic chemical claims fall under this definition and are already covered. We covered asbestos. There are two or three other diseases that are recognized to be occupational diseases that are covered under this statute. If there are any other diseases warranted to be covered, it should be done through the normal

process, not through this legislation. This is a bad piece of legislation and I would urge you to please stay with your vote from the last time the vote was taken and vote against the bill.

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

Representative DAIGLE: Mr. Speaker, Ladies and Gentlemen of the House. I have spent my working life in the manufacturing sector and I would like to offer you the following scenario. A work assignment is made and a couple of workers go take up a tile floor. Later on they learn that some of those linoleum tiles have asbestos backing. If this bill were to pass, because there was a casual relationship between asbestos and injury in the date they pulled up the asbestos files, becomes the day they were injured and now they draw medical benefits. Can you just imagine what that scenario will be like in the manufacturing workplace? The overwhelming majority of people who have incidental exposures do not get ill.

Let me tell you what really happens today in the same scenario. This happened to my workers in the past. Sometimes mistakes happen and those inadvertent exposures occur. First thing we do is we record it. It is documented in their employee files. That is an existing law. Those records must be kept forever. That is existing law. If that employee ever suffers ill effects and suspects that it may be related to the exposure that they had at that time and those records must be kept and are available to go back and then you can kick in the responsibility of the Workers' Comp System to take care of that employees illnesses. It is unfortunate that they may live with the anxiety of thinking that that floor tile may be hurting them. You just can't start issuing checks to people on something as indirect as that. That would be an amazing impact on our Workers' Compensation System. It would be an exorbitant cost for actually no benefit.

Earlier comments about worker exposure to chemicals, I think people are just perhaps not familiar with the extent under existing OSHA hazard communication, occupational exposure must be identified. It must be communicated to workers and records kept for the lifetime of that employee, even after they have left the company. Those records must still be legally retained to include the OSHA 200 Logs so that if there is ever an employee complaint or documentation of an exposure, that record is kept should any subsequent problems be suspected of being related to their employment. We have many existing protections. I hope you understand what a date of injury would mean to connect it to the date that something happened even though nothing has happened to the employee. Thank you.

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. 624

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dunlap, Duplessie, Etnier, Frechette, Fuller, Gagne, Gagnon, Gerry, Goodwin, Green, Hatch, Jabar, Jacobs, LaVerdiere, Lemoine, Mailhot, Martin, McDonough, McGlocklin, McKee, Mitchell, Muse, Norbert, O'Brien LL, O'Neil, Perry, Pieh, Powers, Quint, Richard, Richardson J, Rines, Samson, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bowles, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clough, Cross, Daigle, Davis, Dugay, Duncan, Fisher, Foster, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevy, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Povich, Richardson E, Rosen, Sanborn, Savage C, Savage W, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Collins, Kane, Matthews, O'Neal, Plowman, Tripp.
Yes, 70; No, 75; Absent, 6; Excused, 0.

70 having voted in the affirmative and 75 voted in the negative, with 6 being absent, and accordingly the Bill **FAILED** of **PASSAGE TO BE ENACTED** and was sent for concurrence.

An Act to Amend the Laws Governing the Designation of a Beneficiary of Maine State Retirement System Benefits

(S.P. 625) (L.D. 1790)
(C. "A" S-684)

TABLED - April 11, 2000 (Till Later Today) by Representative SAXL of Portland.

PENDING - **PASSAGE TO BE ENACTED.**

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-684) was ADOPTED.**

The same Representative presented **House Amendment "A" (H-1115) to Committee Amendment "A" (S-684)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Bridgewater, Representative Wheeler.

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. This amendment adds an emergency preamble and an emergency clause. I would like to take a minute just to explain what I would like to do. LD 1790 allows a one-time change of a retiree's benefit for retirement benefits without the permission of the beneficiary if the beneficiary is not the spouse or ex-spouse of the retiree. Some time ago, or not too long ago, a constituent of mine came to me and asked why they couldn't change from one beneficiary to another. The beneficiary wasn't the spouse of the individual. State law said then that they couldn't do that. I happen to be speaking to the Representative from Hodgdon, Representative Sherman, about this dilemma and he brought this bill to my attention. I am not sure this emergency will even allow this person to do this because she is on her last days here on earth. Maybe it will get to her in time. I don't know how many other people there is in this same situation. I would ask for your support of this amendment. Thank you.

House Amendment "A" (H-1115) to Committee Amendment "A" (S-684) was ADOPTED.

Committee Amendment "A" (S-684) as Amended by House Amendment "A" (H-1115) thereto was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-684) as Amended by House Amendment "A" (H-1115)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

COMMUNICATIONS

The Following Communication: (S.C. 644)

**SENATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

April 12, 2000

The Honorable Joseph W. Mayo

Clerk of the House

State House Station 2

Augusta, ME 04333

Dear Clerk Mayo:

Please be advised that the President has appointed to the Committee of Conference on the disagreeing action between the two branches of the Legislature on the Bill, "An Act to Support Maine's Only Representative to the Nation's Capital Bicentennial Celebration" (S.P. 1042) (L.D. 2630) the following:

Senator Robert E. Murray, Jr. of Penobscot

Senator Richard P. Ruhlman of Penobscot

Senator Norman K. Ferguson, Jr. of Oxford

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

Reference is made to Bill "An Act to Support Maine's Only Representative to the Nation's Capital Bicentennial Celebration" (EMERGENCY)

(S.P. 1042) (L.D. 2630)

In reference to the action of the House on April 11, 2000, whereby it Insisted and Joined in a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative FISHER of Brewer

Representative POVICH of Ellsworth

Representative PERKINS of Penobscot

ORDERS

On motion of Representative PEAVEY of Woolwich, the following Joint Resolution: (H.P. 1943) (Cosponsored by Senator MURRAY of Penobscot and Representatives: CHIZMAR of Lisbon, FRECHETTE of Biddeford, McALEVEY of Waterboro, MUSE of South Portland, O'BRIEN of Augusta, POVICH of Ellsworth, QUINT of Portland, SHERMAN of Hodgdon, TOBIN of Dexter, Senators: DAVIS of Piscataquis, O'GARA of Cumberland)

**JOINT RESOLUTION COMMEMORATING 2000 NATIONAL
CRIME VICTIMS' RIGHTS WEEK**

WHEREAS, until recently, victims of crime received limited services for support and assistance, and there were few laws on both federal and state levels regarding victims' rights; and

WHEREAS, this oversight has been remedied in the courts, in state houses and in communities where voices of victims are heard and valued for the vision of justice they provide; and

WHEREAS, there are now over 10,000 organizations nationwide that provide services and assistance to victims of

crime and over 30,000 laws have been passed at the federal and state levels that define and protect victims' rights; and

WHEREAS, 32 states have constitutional amendments that offer a range of participatory rights for victims that result in public policy and increased services that support victims and communities that are hurt by crime; and

WHEREAS, Governor Angus King has proclaimed that April 9, 2000 to April 15, 2000 is Crime Victims' Rights in Maine Week, which corresponds to the National Crime Victims' Rights Week; and

WHEREAS, the theme of this designated week is "Victims' Voices: Silent No More" to remind us of the personal suffering caused by crime; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature, now assembled in the Second Regular Session, recognize victims of crime and those who serve them; and be it further

RESOLVED: That we encourage people throughout the State to salute the many efforts of crime victims and their advocates to make our communities safer and better places to live; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Commissioner of Corrections.

READ and ADOPTED.

Sent for concurrence.

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (10) **Ought to Pass as Amended by Committee Amendment "A" (H-983)** - Minority (2) **Ought Not to Pass** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Extend New Teachers' Probationary Periods"

(H.P. 1431) (L.D. 2054)

TABLED - April 3, 2000 (Till Later Today) by Representative RICHARD of Madison.

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

Representative TRACY of Rome **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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 Portland, Representative Brennan.

Representative **BRENNAN**: Mr. Speaker, Men and Women of the House. I hope that you will vote for this Majority Ought to Pass Report. It makes a very simple or adds a very simple provision in a probationary period for teachers. It simply allows for the nomination of a teacher in the third year, if, in fact agreed upon by the superintendent and the school board. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 625

YEA - Andrews, Belanger, Bouffard, Bowles, Bragdon, Brennan, Bruno, Buck, Bull, Bumps, Cameron, Campbell, Chizmar, Cianchette, Clough, Cote, Cowger, Cross, Daigle, Desmond, Dudley, Dugay, Foster, Frechette, Gillis, Glynn, Gooley, Heidrich, Honey, Jacobs, Jodrey, Jones, Joy, Kasprzak, Kneeland, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, McKenney, Murphy E, Murphy T, Nass, Nutting, O'Neil, Pieh, Pinkham, Richard, Richardson E, Rosen, Savage W, Schneider, Shields, Shorey, Sirois, Skoglund, Stanwood, Stedman, Tobin D, Tobin J, Treadwell, True, Volenik, Waterhouse, Watson, Weston, Wheeler GJ, Williams, Winsor.

NAY - Ahearne, Bagley, Baker, Berry DP, Berry RL, Bolduc, Brooks, Bryant, Carr, Chick, Clark, Colwell, Davidson, Davis, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Gerry, Green, Hatch, Jabar, Labrecque, LaVerdiere, Martin, Mayo, McAlevey, McDonough, McGlocklin, McKee, McNeil, Mendros, Mitchell, Muse, Norbert, O'Brien JA, O'Brien LL, Peavey, Perkins, Perry, Povich, Powers, Quint, Richardson J, Rines, Samson, Sanborn, Savage C, Saxl JW, Saxl MV, Sherman, Shiah, Snowe-Mello, Stanley, Stevens, Sullivan, Tessier, Thompson, Tracy, Trahan, Tuttle, Twomey, Usher, Wheeler EM, Mr. Speaker.

ABSENT - Collins, Duncan, Goodwin, Kane, Matthews, O'Neal, Plowman, Townsend, Tripp.

Yes, 74; No, 68; Absent, 9; Excused, 0.

74 having voted in the affirmative and 68 voted in the negative, with 9 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE**. **Committee Amendment "A" (H-983)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. I stand in opposition to the extension of the new teacher's probationary period. I rise in opposition to this and I will tell you why. I believe that the reason why superintendents and principals have come before the committee to ask for this extension is the failure of the unfounded certification system, which assures that a person who is entering into the probationary period to become a teacher is given the opportunity to develop his or her talents to become a teacher within the mentorship of his or her peers. This unfounded mandate, we have a certification system that came into our communities in the early '90s, certification had previously always been done at the Department of Education. It was sent into our communities fully funded at the time. As the economy failed, we had to pick that up in our own communities and in your community as well as other communities, that certification system essentially fell apart. A person coming into our profession at this point literally has no help. Principals don't have the time and superintendents certainly don't have the time and what I see happening is that by giving them the third year, we are essentially saying we are going to give you one more year without any help. I say that you can keep a person for five years or 10 years, but if you don't give them the benefit of that mentorship program, some support, a formalized support, they are never going to become a good teacher.

My concern with this is that teachers who have had no support and they remain in the state that they were in when they

came into the profession, are simply being retained for yet another year of failure.

Mr. Speaker, I move that we Indefinitely Postpone LD 2054 and all of its accompanying papers.

Representative McKEE of Wayne moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Jacobs.

Representative JACOBS: Mr. Speaker, Ladies and Gentlemen of the House. I hear what the good Representative from Wayne is saying, but being in both places, I was teacher and I also was a principal for the last seven years of my working. In our district and in my school, teachers always got the support. They were buddied up with a couple of other teachers to help them and it was the principal's duty to make sure that this teacher was guided and advised properly. I can remember when it used to be three years and I couldn't wait to get on the rolls and it would make it a little more difficult for the school district to get rid of me if anything happened. As a principal, having three years for a teacher to work themselves into this profession, it gave them a lot more time and it gave the principal and the superintendent to take a good solid look at who they had teaching their children.

Usually you know what a teacher is going to be like probably in the first year, but occasionally by the second year, you are sure they would make a good teacher, but there was a little bit of something missing. If they only had one more year, you could guarantee that things would be okay. That doesn't happen very often, but as it is now with two years, actually you have a year and a half to decide whether you want to keep a teacher or not, if you had one little doubt, that teacher is gone. You don't want the trouble of going through all the litigation and so forth of trying to get rid of that teacher after they have been appointed on a regular basis.

I will vote against this Indefinite Postponement because I think it gives teachers another year to get their foot in the door. Thank you Mr. Speaker.

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

Representative STEDMAN: Mr. Speaker, Men and Women of the House. This bill is an effort to give new teachers an additional opportunity to improve themselves in their profession. The standard operation is a two-year probationary period and if they pass the test and are satisfactory to the local administration, they will get a tenure assignment, which means that they have two-year continuing contracts. In a few rare cases, and many of these happened because the superintendent made a late in the summer assignment for a position that was hard to fill and that person may only have 14 or 15 months of actual teaching time under that superintendent to prove themselves. If the assignment is made in August and they have to be named in the second year as early as March, that doesn't give the superintendent a great deal of time to make that decision. This is only an exception for those people that the superintendent and the school board vote upon to give the extra year of probation. It is not a general relaxing of the whole law. It is only for the exception where the superintendent feels that this person might make a good candidate for permanent employment in the system. I urge you to vote against the pending motion. I ask for a roll call.

Representative STEDMAN of Hartland **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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 Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Members of the House. Unfortunately or fortunately for you, we have been in a hearing until about 3:00 this afternoon. I do have an amendment for this bill and I would ask that someone table it until that comes out, which will deal with the issue, I think, and hopefully resolve some disagreement. I would ask that someone table it until later today.

On motion of Representative TRACY of Rome, **TABLED** pending the motion of Representative McKEE of Wayne to **INDEFINITELY POSTPONE** the Bill and all accompanying papers and later today assigned. (Roll Call Ordered)

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

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

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-650)** on Bill "An Act to Establish a Method of Determining Employer Contributions to the Unemployment Compensation Trust Fund" (S.P. 1019) (L.D. 2588)

Signed:

Senators:

DOUGLASS of Androscoggin
LaFOUNTAIN of York

Representatives:

HATCH of Skowhegan
MUSE of South Portland
GOODWIN of Pembroke
FRECHETTE of Biddeford
MATTHEWS of Winslow
SAMSON of Jay

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-651)** on same Bill.

Signed:

Senator:

MILLS of Somerset

Representatives:

TREADWELL of Carmel
DAVIS of Falmouth
MacDOUGALL of North Berwick
MACK of Standish

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-650) AS AMENDED BY SENATE AMENDMENT "B" (S-696)** thereto.

READ.

Representative HATCH of Skowhegan moved that the House **ACCEPT the Majority Ought to Pass as Amended Report**.

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

Representative TREADWELL: Mr. Speaker, Ladies and Gentlemen of the House. I guess the first thing I should do is give you a little history on the Unemployment Comp Fund and while I am doing that it is far better than the Majority Report for doing what we promised the businesses in the State of Maine that we would do when we passed the law last year. Last year we passed LD 1970, which became public law and became affective January 1 of this year. That law levied an additional \$13 million plus in unemployment compensation insurance taxes on the business community in the State of Maine. Section 13 of the law required a report. I will read the section. It says, "The Department of Labor within existing resources shall report to the Second Regular Session of the 119th Legislature and submit proposed legislation by January 1, 2000 that establishes a method of setting the planned yield for future rate years and addresses the issue of a cap." We prefer to call it a stabilizing level rather than a cap, because a cap is really a misnomer for what we are talking about, the issue of a cap on the Unemployment Compensation Fund. That report was referred to the committee by this body on the 29th of February of this year. It had its public hearing on March 14th, which is a month and a half late and was voted out of committee on March 21st, a week later, and now we have it here.

The First Session of the 119th Legislature, the Department of Labor was talking about the solvency of the fund having one year of reserves. What they were talking about is one year of payouts for three years of unemployment in the last 20 years. Twelve months of reserves was the benchmark that we were talking about one year ago. This year in January when we came back to session, they raised the bar and they talked about 18 months of reserve. The reason when I asked the director of the Unemployment Comp Fund, why we are now all of a sudden talking about 18 months? The answer I got is this is what the United States Department of Labor now is recommending.

The Majority Report that you are looking at here today would require a 24-month reserve and that is a full year or double the amount that is required in the Minority Report. The fund balance has increased in the last year by over \$60 million. It now has about \$250 million in the Unemployment Comp Fund. It is growing. It is growing at the rate of at least \$60 million a year or maybe more this year. We were told that when we had the hearing and the work sessions on this bill that there were 12.8 months of reserves in the fund right now and by the end of this year there would probably be somewhere in the neighborhood of 15 months in the reserve. I think that is a pessimistic estimate. I would guess, and this is only my guess, that we are going to be approaching the 18-month level that we are talking about, pretty close by the end of this year.

The Minority Report, as I mentioned, will establish a 18-month reserve on the fund to stabilize the fund and ensure its solvency, which was the goal originally when we took up this bill. It was to provide for solvency in the fund. Remember that the objective here is not to build up a huge pile of cash, the objective is to have a fund that is never going to go below zero or under only very unusual circumstances will it go below zero. The chances of that happening under the current economic conditions, unless we have back to back recessions, in three or

four years out, we probably will never see the situation where the fund would be drawn down to zero.

If we put this stabilizing mechanism into affect where we stop the fund from growing beyond the 18-month level, it is going to give a tax cut back to the employers that will allow them to provide benefits to their employees, health insurance, which we have been talking about here it seems like on several bills that have come up, we have talked about the lack of health insurance being provided to the employees in the state. We would be able to allow those employers to provide health insurance pay increases and other fringe benefits for whatever the reason, some of them are not able to give right now.

I guess the question is, how much is enough? If we take the Minority Report with an 18-month reserve or do we want to go to a 24-month reserve as is projected in the Majority Report. I don't think that we need to go that far. I think that 18 months is adequate. I think it is sensible. I think it is a compromise and it is far more than we were told last year was adequate for the solvency of the fund. I would urge you to vote against the Majority Ought to Pass Report that is on the floor and vote for the Minority Report. Mr. Speaker, I would ask for a roll call.

Representative TREADWELL of Carmel **REQUESTED** a roll call on the motion to **ACCEPT the Majority Ought to Pass as Amended Report**.

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 Skowhegan, Representative Hatch.

Representative HATCH: Mr. Speaker, Men and Women of the House. It seems that we differ in two very different and distinct ways in only the amount of money that we have in the reserve fund. I want to repeat a few of the things that the good Representative from Carmel has stated, in my own words. Last year, the Labor Committee worked very hard in a bipartisan manner to address the solvency of the trust fund from which unemployment compensation benefits are paid to unemployed workers. The bill that we passed last year was a product of at least six years of negotiations between labor and management, commission deliberations, temporary fixes and just plain hard work on the part of the department, the Legislature and advocates from both the business and labor community.

Last year we finally took the bold step of replacing the temporary fixes that had been keeping this system afloat with a permanent solution to finally achieve solvency in this system. This new system that we have in place right now went into affect just three months ago in January. Employees just received their first tax bill on this system. Those bills aren't due until the end of the month. The bill that we enacted last year required the department to submit legislation to us by January 1st of this year so that our committee could begin considering a method to set the plan yield in future years. That bill was not printed until February 25th. We were not able to schedule a public hearing on it until just three weeks ago. Think about it. A bill that we were supposed to have in January, we just received at the end of February. We had to go to work very fast. After the bill was printed, the department presented us with a 244-page report, which outlined the 14 options, which they analyzed in their legislative recommendations. Each option was analyzed under different economic scenarios. Believe me, it was a very thorough and complex piece of work.

As you can imagine, it was very difficult to absorb at this late date in the session. We agreed to adopt the department's

recommendation on the Majority Report, but review it again next year. This action will not increase employer taxes, but rather maintains the status quo using department's recommendations in their mechanism until next year.

In summary, we ask you to support the Majority Report because it maintains the course we began last year to guarantee long-term solvency in the Unemployment Compensation System. It does not increase employer's taxes, but rather maintains the status quo that we agreed upon last year. It allows us to evaluate our experience before locking us into a rate setting mechanism that we may have to live with for many years. We have all worked long and hard to revamp the Unemployment System so that it is finally solvent. The Majority Report meets the needs of the employers by ensuring that their taxes are fair and predictable. It puts us in the best position to avoid tax increases on employers during the economic downturn, which probably will happen. No one can tell us when. At least it won't put the burden on the employers when they can least afford to pay the taxes. It avoids the need for interest bearing loans to keep the system afloat creating even greater cost in the system. It allows us the opportunity to give the new system a more accurate review next year to confirm that we are on the right course. I ask you to please support the Majority Report.

Saying under this that the 18-month reserve and we are asking for 24, yes, I think it is a good idea to have 24 months in reserve if we do have an economic downturn. Yes, we can snap our fingers like this and we can get money from the feds, but we have to pay it back with interest. Isn't it a good idea to have those funds for a rainy day? I think it is a good idea. I think we ought to leave this system alone for at least another year. Whether or not the sunset stays in or out, doesn't really matter. People will be back in the next session and they will have to look at this again.

I want to reiterate one thing, I don't think there is any one of us in this chamber who really knows about the Unemployment System this thing really is the greatest thing in the world, but we all agree that it needed to be done last year after six years of trying and trying and trying. It finally got done. People in this body voted for it then. I would ask that you vote for the Majority Report and let's put this issue to bed until the next legislative session and at that time if there is more than enough money in the reserve, then you will have that opportunity to discuss this again. Thank you.

Representative CLARK of Millinocket assumed the Chair.
The House was called to order by the Speaker Pro Tem.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Calais, Representative Shorey.

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

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

Representative SHOREY: Mr. Speaker, Ladies and Gentlemen of the House. If we are going to increase this fund to 24 months, can anyone tell me what the impact would be on businesses as to what percent they may have to pay more than they are currently paying?

The SPEAKER PRO TEM: The Representative from Calais, Representative Shorey has posed a question through the Chair

to anyone who may care to respond. The Chair recognizes the Representative from Standish, Representative Mack.

Representative MACK: Mr. Speaker, Right Honorable Men and Women of the House. I urge you to vote against the pending motion so that we may pass the Minority Report. The good Representative from Carmel, Representative Treadwell, gave you a good overview of what happened last year with this bill. Last year to fix the Unemployment Compensation Fund we passed a lot of different things to the fund. There were a lot of technical changes. We changed the wage base, but the biggest things that happened in the fix last year was that we raised taxes by 12 percent on employers in the State of Maine and we increased benefits. As part of the fund, if you were one of the people who voted for the bill that passed last year, part of the promise in that bill was that we would have a stabilizing mechanism. We would have another bill coming before us this year. That is what we are passing.

The debate is, whether as in the Majority Report we need 24 months or 12 months worth of benefits. Right now we are at about 12.5 or 13 months of benefits. Right now the employers in the State of Maine are being overtaxed. We are taking in more money from the employers than we are paying out on the Unemployment Compensation Fund. We are building up the amount of cash reserve in that fund. The difference is, do we stop when we hit 18 months and keep it at 18 months or do we stop when we hit 24 months and keep it at 24 months? To answer the good Representative from Calais, Representative Shorey's question, neither one of these reports would directly raise the tax this year on employers, but if we hit 18 months and stabilize the fund so we stay at 18 months and we continue to have good economic times, like most accurate economic predictors predict for the next few years, the employers under the Minority Report would get a tax cut because we have enough money in the fund and any excess money wouldn't be needed so we can give a tax cut to the employers. If we have to go to 24 months, that tax cut would be a lot longer in coming.

When we put the stabilizing mechanism in the fund, it is a level for the fund. If times get bad, the fund has an automatic mechanism in the Minority Report that would adjust it so the taxes would have to go up so we keep the fund level at 18 months so we keep a nice reserve of money. If times are good and we have 18 months worth of benefits just sitting there, there is no need to have excess cash and we can fully fund all the benefits the unemployed workers in Maine need, have an excess of cash sitting there and give the employers of Maine a much needed tax cut.

In determining the number of months that was needed, the good Representative from Skowhegan was correct about one thing. Nobody in this chamber thinks either report is the perfect thing. Eighteen months worth of benefits in the fund, in my mind, was far too high an amount of benefits. I had to swallow hard and compromise to go along with that. I thought that 12 months worth of benefits in the fund was a high amount. Listening to what the Department of Labor told us last year, in their very own words, was that a reserve equal to 12 months worth of benefits would be enough to fund an average high unemployment period without having to borrow to pay benefits. During the early '90s, no states in the country, when they had the recession, with 12 months of benefits or more had to borrow. If we had 12 months worth of benefits, even if we had a little recession like we had in the early '90s, no state in the country had to borrow with this much reserve.

Remember, like the good Representative from Carmel said, the goal is not to keep the amount of money in the fund. The ultimate goal is not to go below zero. We don't want the fund to run out of money. We want to make sure we always have enough money in the State of Maine to pay the unemployed workers what they need. By having the stabilizing mechanism, the Minority Report would assure that. What happens if we go below zero? We get a low-interest loan from the federal government and we pay them back later. There is no reason the unemployed would not get their benefits.

Remember, the Minority Report wants to keep it at 18 months. The unemployed will always be safe. The major question is, after we have raised taxes 12 percent last year, we already have the third highest tax burden in the nation, do we want to continue to gouge the employers of the State of Maine just so we can have a huge pot of money sitting there? We need the pot of money, somewhat, to be safe in case times do get bad, but we definitely do not need 24 months worth of benefits.

I just wanted to mention one more thing. When you hear 12 months worth of benefits or 18 months, that isn't 12 months of benefits that we are currently paying out. Twelve months worth of benefits is really about three and a half years of benefits that we are currently paying out. Those months are calculated based on the average of the three worst years out of the last 20 years. Those include some really bad years in the early '80s. If you want to determine 18 months worth of benefits at current use, that is really multiply that by three. You have over five years worth of benefits just sitting there just in case times go bad. That is an awful lot of money and the 24-month level is much, much too high. I urge you to vote against the pending motion so that we may pass the Minority Report, have a good reserve set up for the employees in the State of Maine and at the same time not overly gauging employers. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative HATCH: Mr. Speaker, Men and Women of the House. I just wanted to make one point. If you remember, we are in good times right now and the Unemployment Fund is not being asked to pay too many benefits out. The unemployment rate in southern Maine is somewhere around 2 percent. The rest of the state including my own county is 7.5 percent. If you added a drain onto that system, the reserves would go down very quickly. Remember, the tax bills just went out. Nothing has happened. They are paying by the old rate, currently. The new tax bills are not due until the end of the month. Although we have a reserve right now, that could go very quickly under the current old system. Twenty-four months is a reasonable balance. When talking to the department a year ago they said 12 months and then they went to 24. The feds encourage us to have 24. I think it is a good solution. I think that we canicker over six months one way or the other, but the truth of the matter is the more that we have put away, the safer our employers are going to be too. Yes, it may hurt a little bit right now, but better to do it in good economic times than have to restore funds with a zero balance and pay the feds back big interest in bad times. Believe me, it will happen eventually. I know when people are 25 it doesn't look like there are ever going to be hard times. I know that many of us are old enough to remember that we have had a few times around the bend. It is good to save for a rainy day. We are not asking for any more money to give unemployed people. We are not putting any pressure on the system at this point, but give it a chance to put

some money into the system. Remember, it is good times now, but they may not hang around as long as we would like to think they will. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Jay, Representative Samson.

Representative SAMSON: Mr. Speaker, Ladies and Gentlemen of the House. I stand to support the Majority Ought to Pass Report. A few moments ago we were told that last year when we enacted changes in the Unemployment Fund benefits it increased. Well, benefits did not increase. In fact, eligibility to collect unemployment decreased. It is a little more difficult to collect unemployment today than it was before. I don't know if there is much of a difference between the two, the Minority Report and the Majority Report. The reason I support the Majority Report is that the federal government recommends that we have a 24-month reserve in the Unemployment Fund. The Unemployment Department also agrees that we should have that. The reason for that is when there is a significant downturn in the economy, we want to have enough money in the reserve to pay the unemployment benefits. What happens if we don't is, it will go below zero and we will have to borrow money from the feds and we are going to have to pay interest. That cost goes to the businesses. The rates will stay as they are right now. It was also mentioned about rates going up. At least one Representative here said his unemployment rates went down when we made changes in the law last year. I urge you to support the Majority Report. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Calais, Representative Shorey.

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

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

Representative SHOREY: Mr. Speaker, Ladies and Gentlemen of the House. If we are talking about building up the fund between 18 months and 24 months, what is the actual dollar differential that will be collected from Maine business to increase the fund from 18 months to 24 months? I would believe that businesses would obviously have to pay more during this time period. What kind of dollars are we talking about?

The SPEAKER PRO TEM: The Representative from Calais, Representative Shorey has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from North Berwick, Representative MacDougall.

Representative MACDOUGALL: Mr. Speaker, Ladies and Gentlemen of the House. I am going to make a few remarks and hopefully the members of the committee will get an answer to the gentleman from Calais, Representative Shorey.

The solvency issue, ladies and gentlemen, from last year, the primary concern was the amount of the money going into the fund. The promise was made then that we put a stabilizing mechanism this year. The two reports that you have before you, in their current form, the Minority Report came out of committee with that mechanism on. The Majority Report comes back from the other body with that mechanism on to keep that promise. The goal was to build and ensure stability into the system so that the system could navigate the uncertain waters of the future economy. It would make certain that the unemployment benefits, which the unemployed worker will always get, but that no one would be caught short and businesses would not have to paying interest on money borrowed from the federal government.

It also adds an important thing of predictability because the changes in the economy as they do happen, the perpetual spikes, if you will, will be less severe and less extreme so that businesses can plan accordingly and to plan in a better frame of mind. That has flagged the system in the past and I believe the report before you, the Minority Report, with an 18-month funding mechanism with the stabilizer is the way to go. Solvency was a clarion call. I would submit that the glass is half full in the Minority Report. What we are trying to do is maintain that word that I keep bringing up every time I seem to speak on labor issues and that is balance. You are trying to have a fund that is responsible, large enough to handle a downturn in the economy to take care of unemployed workers without borrowing money and yet not having it so large that you are taking money. The cost of doing business for our businesses is higher than it needs to be to keep a fund higher than it needs to be when that money could be used to develop businesses creating jobs and going out in higher wages and benefits for our working families.

The Majority Report, I would submit, looks at the glass at a somewhat half empty fashion and allows this mechanism, this level, to go up to 24 months. That is six additional months. They want the fund to grow to twice the level that just last year the Maine Department of Labor said was an acceptable level for a fund to be. The Maine Department of Labor said 12 months would be enough to fund benefits for the average high employment period without borrowing to pay for those benefits. That is important. I don't know what changed in a year, because this takes money out of the economy because the cost of doing business is going to continue to be high. They would use this money to expand their business, reward their employees with either expanded benefits or opportunities and job openings.

An interesting thing, as we are keeping the word balance in mind, at the public hearing there was some testimony against placing this mechanism stabilizer onto the fund. In other words, let it grow forever. The reason, or at least the perspective they are speaking from, was expanding the benefits, which from a year ago was not part of the issue. The yellow light, if you will, in the intersection of this problem was the lack of money coming into the fund.

If we go with the Majority Report and go to 24 months, the problem of solvency, I guess has been addressed, but I would submit in all good faith that the Majority Report by adding six months to what the Department of Labor said was a sufficient level for the funding of that fund is a good faith effort to add just a little extra insurance that this fund will be stable for years and years to come.

My support of this, if you recall from last year when we had two reports and we had a very small Minority Report and I was on the losing side of that, but I think a lot of the concerns that that report had have come to fruition and I think have come true. This year we wanted to work in the spirit of compromise to come out with something that more of us could agree on. I am glad I have. The funding mechanism to maintain the highest level of 18 months or 24 months, I guess that is our disagreement this morning or this afternoon. If we can get out of the abstract for a moment, quite honestly one side of the aisle might be concerned about the tax level and the other side of the aisle may be concerned about benefits for unemployed workers. I am not really on either side there. I am trying to look at this thing as a whole. There is a gentleman I know back home, not my house district, but fairly close in the Sanford area, and he owns several stores. He owns some in New Hampshire and he owns some in

Maine. The reality is it is cheaper to do his business in New Hampshire than in Maine. One of the things that we do up here that impact a business like that is what we have before us here. We have an opportunity to support a very straight faced reasonable mechanism that will put a ceiling on this fund that is fair for all concerned so that you don't have an either or. You are not favoring one side or the other. If we go for the Majority Report, this particular businessman will take that and whether he agrees with it or likes it or not, at some point he looks at the bottom line. How much does it cost to do business? Where do I open my next store? A store offers opportunity for jobs for working families.

I would just urge you to vote for the Minority Report so that on the one hand it turns the business side of the equation, we tell them we are keeping our word and we are putting that ceiling on the fund. We want them to grow. We want them to expand to provide more opportunities for our working families. To the employees, we want them to have good jobs and we want them to have jobs into the future with opportunities unlimited. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Cumberland, Representative McKenney.

Representative MCKENNEY: Mr. Speaker, Ladies and Gentlemen of the House. I don't know how many of you in this body know that the tiniest businesses, micro-businesses, small business, pay the lion's share of this unemployment compensation. They subsidize companies like UNUM and Bath Iron Works. I wonder as we go out on the campaign trail this summer and fall, are we going to be able speak to these small business owners and are we going to be able to answer their questions about why we continue to subsidize these big companies? It is something like six or seven to one, the difference in payments. I am also concerned about the huge pot of money that is going to be in this Unemployment Fund after 24 months. I can just envision some future legislative body looking at this as a huge new entitlement program and deciding that they want to give new benefits and move the Unemployment Fund from what it is, a safety net for displaced workers through no fault of their own, to something it isn't, a brand new welfare program. I have a couple of questions I would like to ask through the chair. Could anybody tell me how many months are in the Unemployment Fund at this present time? Could you tell me how many years it would take to build up to a 24-month cap?

The SPEAKER PRO TEM: The Representative from Cumberland, Representative McKenney has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative HATCH: Mr. Speaker, Men and Women of the House. In answer to the good Representative's question, currently there are between 12 and 15 months. We seem to have diverse opinions on the other side of the report. One said 15 months and the other said 12. I think it is more like 13. Currently, in order to get 24 months, it will be the year 2007 under the three D scenario that we have in the Majority Report that was requested by the Department of Labor or the ones that they told us. It is going to take a while. It does not increase taxes to small businesses under this report. I realize that small businesses are paying the lion's share, but we did pick up other businesses because we went to the 12,000 cap this year. Believe me, a lot of us thought long and hard on it, but a lot of the employers who are paying the bigger salaries once they get

by 7,000, they were paying absolutely nothing. There is something being done by the cap being higher.

A lot of the mom-and-pop stores have a lot of part-time employees and they were paying unemployment on their full payroll because they had part-time employees. Most of their part-time employees would never be able to get benefits of any kind because they were part time. I do realize a lot of the things you are saying and there are small businesses and were paying the lion's share. If we pay it on the whole payroll, the rates would be much lower. Believe me, we have discussed that, but we also had big business flock in here on a regular basis and let us know that they didn't want that to happen. That would lower the rates for the little guys significantly, I might add, if we didn't tax the whole payroll. I think it would be a great idea so that is something to think about, an option for your big employers and we just put the tax on the whole payroll and everyone would pay less on the payroll that they did pay. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winslow, Representative Matthews.

Representative MATTHEWS: Mr. Speaker, Men and Women of the House. I just want to set the record straight on a couple of points, if I might. First of all, the good gentleman from Standish, Representative Mack, mentioned the agonizing internal trouble he had in supporting or coming to try to do anything on this bill because the community was giving up way too much. That is interesting. I can tell you that the good chair from Skowhegan, Representative Hatch, worked extremely hard as members on the committee did last year and this year to put a fund in place that is solvent. It is interesting that one of the, in his own words, strongest supporters of the business community, the man on the second floor, who I am not supposed to mention, asked us to get involved in this issue. He asked the members of the Labor Committee to get involved and try to make this system solvent.

It is easy to talk about the good times when you are experiencing those good times. It is interesting to talk about that because in terms of wage growth in Maine and nationally, there has been very little in these wonderful good times. It has been good times for Wall Street. I think of the people who lose their jobs and it still happens in this wonderful economy. My next door town, we are losing 180 jobs at Avian Farms. Just a short distance from here, we have had another business going under. Our Labor Committee was involved with that firm. There are down times and the economists tell us we are headed for one. Our committee, working with the Governor, working with the business community, decided to try to make this system a little more fairer, provide some solvency in the fund and now we are being told that benefit increases are too great. The business community has kicked in too much. Boy, I don't know where that came from. The last I checked, there were cuts last year that we implemented. There were more restrictions on unemployment insurance. They made it harder for people to get unemployment insurance. We couldn't even raise the issue of dependents. It seems to me that if you want to do the prudent thing, you want to do the right thing, the conservative thing and have a little extra for those down times that are surely going to happen, then you ought to vote for the Majority Report and don't pull the rug out from this report and the effort that has been done by the good chair of the committee.

Lastly, Mr. Speaker, I would ask that the committee report be read.

Representative MATTHEWS of Winslow REQUESTED that the Clerk READ the Committee Report.

The Clerk READ the Committee Report in its entirety.

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

Representative TREADWELL: Mr. Speaker, Ladies and Gentlemen of the House. There have been several questions asked here that I feel I should try to respond to those. Before I do that, I would like to make a comment that the good Representative from Winslow must have been attending some hearings that I was absent from because there was some of his testimony that I don't remember happening on the Labor Committee. I must have been absent at that time.

The Representative from Calais, Representative Shorey, asked the question about total money in the fund under the different plans. Quickly going through the unemployment book that was prepared for us by the Unemployment Commission, the 24-month plan, which is the majority plan or the Majority Report, by the year 2009 would have \$622.5 million. The 18-month plan, at the same time the year 2009 would have \$327 million in the fund.

To respond to a comment that the good Representative from Skowhegan, Representative Hatch, made that we had a status quo that was agreed upon last year. I would like to disagree with the good Representative because the entire business community was under the impression that we were not going to work on a status quo and that we were going to come back this year and take care of the final portion of this, which I read to you a minute ago, Section 13, which required a report from the Department of Labor to address the language of putting a limit on how far this fund was going to go.

Another comment was the taxes are fair and predictable. I don't think that the \$622.5 million in that fund is fair. I think that is over taxation. It is predictable, but it certainly is not fair. It is too high. Representative Samson from Jay mentioned that some employers saw a reduction in their unemployment contributions. I would agree that 40 percent of them did, but 60 percent of the employers in the State of Maine saw an increase in their contributions to the Unemployment Comp Fund. We have to be fair and even in the way we present the issues in this case. The unemployment folks told us that 60 percent of the employers did see an increase in their comp rates.

The other thing that has been mentioned was touched on lightly by the Representative from Skowhegan is the fact that the base, the wage base, went from \$7,000 to \$12,000 under the plan that was approved last year. That increase means that the employers are going to be paying into the Comp Fund for a longer period of time. In the past, they have had their unemployment comp premiums paid by sometime in July and now they are going to be extending out further into the year with these payments. That is one of the factors that I think we have to consider. I hope I have answered all of the questions. If I haven't, maybe I can allowed to speak again.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Jay, Representative Samson.

Representative SAMSON: Mr. Speaker, Men and Women of the House. I would like to answer some of the questions that were just put up, but I am not going to because I am going to stick to the bill. I just want you to understand that the Department of Labor has recommended a 24-month period, not 12 months. They recommend 24 months. The reason for that is if we get into a prolonged recession, which happens, there will be enough money in the fund to pay unemployment. Otherwise, businesses are going to have to pay the higher rate because we

have to borrow money from the federal government and pay interest on those loans. In fact, the department ran six scenarios and under the Minority Report, which is not before us, three out of the six scenarios, we would have to borrow money from the feds and pay the feds back with interest. Under the Majority Report, we don't have to pay back the feds because we didn't have to borrow the money. We didn't have to pay the interest. I look at this as a good bill, not only for the workers, but also for the communities. You have to remember that unemployment benefits for worker also are good for the community. The workers that receive the meager amount of benefits they get under unemployment is used in the community to buy groceries, to buy fuel for their vehicle and to pay the bills. They don't take the money and buy CDs and they don't invest it in the stock market. They use it to survive. I have said it in committee and I have probably said it on the floor in the past and I will say it again, years ago in my community a lot of people were unemployed. If it hadn't been for unemployment benefits to those workers, a lot of businesses would have shut down. Some did, but most of them stayed in existence and are still there today thanks to the unemployment benefits. It is a two-pronged thing we are talking about here, but unemployment helps the worker, but it also helps the small businessmen and women. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Standish, Representative Mack.

Representative MACK: Mr. Speaker, Right Honorable Men and Women of the House. To respond the Representative from Jay, his friends or the people he knew who were on unemployment, they all got their benefits and under both plans, unemployed workers would still get their benefits. In fact, the Minority Report also makes sure that we have a big file of cash so the workers will always get their benefits and we don't have to borrow from the federal government. We are not debating the benefit level this year. To set the record straight on what was done last year, taxes were raised 12 percent from the bill we passed last year and the benefit level for the system, because we changed how people can qualify for benefits or not, the amount of benefits paid out by the system did go down. However, the average worker applying for unemployment benefits got an 8 percent increase in the benefits they received. We changed the definition of misconduct on the job. It is tougher to qualify. There are some people who commit misconduct on the job who longer qualify for benefits. Those that do qualify for benefits got an 8 percent increase because of last year's bill.

There has also been some talk about how many months the Department of Labor recommends. The Federal Department of Labor doesn't know. They are going all over the place. They keep changing their predictions and even before us in committee, the Maine Department of Labor said that the Federal Department of Labor isn't sure on the right amount of months. We did have a large report from the Maine Department of Labor last year where they swore to us 12 months of benefits was the key if only we could get the 12 months of benefits we would be okay. Now 12 months of benefits apparently isn't enough. I am swallowing hard to go along with 18 months of benefits. That is definitely more than enough.

There are also some questions on what is going to happen in the future with the economy. No one knows for sure. I am not an expert on predicting the economy in the future. Many people have alluded to my youth. Yes, I am young, but I do realize I am not an expert and I would not, on my own try to predict the future of this economy. However, I do have a degree in economics and

I have learned enough to know where to go to find the people who are experts at predicting this stuff. The people who are experts at predicting this stuff, I am using WEFA, formerly the Warton Economic Forecasting Association, they predict pretty good times coming ahead. That group is used by Fortune 500 Companies and even the federal government many times to predict what is going to happen in the future. If you want other predictions of the economy that I don't think are that reliable that predict a rosy outcome in the future, let's look at our own State Planning Office. Their track record isn't that great. They predicted seven out of the last four recessions. They are always a little pessimistic in their numbers, but even they predict good times. If they didn't predict good times, they would be telling us that we would need to scale back our budget quite a bit because they predict the good times to continue for the money to come into the General Fund for the budget.

As far as the different scenarios that the Department of Labor came up with, well I could have come up six scenarios at random. These are all possible scenarios. They pulled the numbers out of the air. They are not based on actual predictions of what could happen. Through all those scenarios, one scenario was similar to accurate predications, but didn't mirror it. You would think that doing a very huge report, which is on my desk, that the good Representative from Skowhegan mentioned, was 244 pages, instead of just pulling all of these scenarios out of the air, that they would have had some accurate predictions in there. If you look at the companies who are the experts at predicting the future and even the State Planning Office, they do predict pretty good times in the future. Even if times weren't so good, the Minority Report as a stabilizing mechanism for the fund at 18 months. If the fund started to dip down, it would automatically be adjusted to increase the fund back up to 18 months so we always have that level.

Finally, we are at about 12.5 or 13 months worth of revenue now. When the new taxes that we raised by 12 percent last year start kicking in for the first quarter and those numbers come to us, we had a tax increase last year. Unemployment is very low on average for the state. There is going to be a huge surplus coming into that fund. It is very likely that we will hit 18 months worth of benefits this year. Next year the employers of the State of Maine can get a much needed tax break on their unemployment insurance. The tax break that we see them getting next year won't wipe out the entire 12 percent increase that we passed last year. Of that 12 percent, 8 percent will probably go down next year so they will still be left 4 percentage points higher that they are paying on taxes than they were two years ago. This would give the employers of Maine some much needed tax break and keep an 18-month level in the fund. As the good Representative from Jay, Representative Samson said, the unemployed workers in Maine who need their unemployment benefits will always be able to get them and won't have to worry. Thank you very much. I urge you to vote against the pending motion. Thank you.

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

Representative SHIELDS: Mr. Speaker, Ladies and Gentlemen of the House. I haven't heard anybody deny that 12 months benefits in states during the last down turn was not enough. It apparently is. It brings one to question, if we have 18-months benefits is that not 50 percent more and real cushion? How many other states have 18 months benefits? How many other states have 24 months benefits in the locker?

As a small time employer in my previous life, I paid a significant amount of unemployment tax. It was something that one had to deal with. I think that employers would like to prevent that giant sucking sound of that money going out into this fund when they can just as well use it in their business or for their employee benefits. I urge you to vote against the pending motion and vote for the Minority Report. I think is going to be plenty of money for us to deal with.

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

Representative HATCH: Mr. Speaker, Ladies and Gentlemen of the House. I won't belabor this. It has been a long day. We have been through a lot of debate, but I did want to make a couple more remarks then I will sit down and I will try to stay quiet throughout the rest of the debate. To the Representative from Standish, the Department of Labor never said 12 months were sufficient. They might have said 12 months, but they never said that was sufficient. The Majority Report, which we are discussing right now, it is hard to tell. It implements the Department of Labor's recommendation. It speaks for their position.

Representative Treadwell, I have been a bookkeeper for some 20 years. Sitting here at my desk looking over the mess that you gave us on how much would be in the reserve account, the \$327 million that you told us would be in there by 2009 actually that is 2001. There would be \$454 million for the Minority Report, it would be in there in 2009. I just thought I would correct you on that.

The Representative from Auburn, Representative Shields, I really did enjoy your speech. I missed the question because I was so engrossed with the sucking sound. I would have answered it, could I have remembered it. Anyway, it is good sometimes to know we are all looking in the same direction. I am being rewarded on my right hand side here. I think it is a signal to sit down and be quiet. Either way I can tell you if we go with the Minority Report, we probably won't have a report at all, which means the system will just continue to collect money. I would suggest that you would look at the Majority Ought to Pass Report. There are no plans for any benefit increases, as far as I know in this session or next session. It is to make sure that when times are hard we don't hit our business community anymore. I would ask for your support. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Dixfield, Representative Bryant.

Representative BRYANT: Mr. Speaker, Ladies and Gentlemen of the House. I just rise to answer the good Representative from Auburn, Representative Shields' question. We had 12 months going into the last recession and the result was surtax and benefit cuts. I think that answers the question. Thanks.

The SPEAKER PRO TEM: The Chair recognizes the Representative from North Berwick, Representative MacDougall.

Representative MACDOUGALL: Mr. Speaker, Ladies and Gentlemen of the House. In terms of the handout that I had passed out, I had two quotes that the Representative from Skowhegan was referring to a moment ago when she was speaking. That came from a report from the Maine Department of Labor entitled *The Solvency of the Unemployment*

Compensation Fund dated January 21, 1999, which is what we used as a tool when we explored that issue last year.

I would like to remind the body that Maine has one of the highest benefit levels of unemployment in the nation. It isn't like we are down at the bottom. We are among the highest. In Florida and other states they have begun to cut their cost of unemployment taxes to their employers. To a comment that my good friend, the Representative from Winslow, Representative Matthews, mentioned a while back, the good chair of the committee worked very hard to work on the solvency problem. There is no question about that. I might add just as parenthetically that despite the fact of the number of divided reports we do come out with, there were a fair number that came out unanimous. We did work very well together, I think. I have a lot more friends than I had when I came here. Given the fact that the committee did work very hard on this issue, I just really do need to remind you that with all our hard work it still comes down to the businesses of Maine who are the ones who are paying into this fund. These businesses are the ones who employ workers. By increasing the stabilizing mechanism to a 24-month period as the current motion suggests, it unnecessarily jeopardizes those employees. Businesses will have less capital to run their businesses and to expand and to do the things they need to do to keep people employed. That is the reality.

Maine has the 12th highest unemployment insurance tax liability per employee in the United States. That is not a good way to attract business. If you can't attract business and you can't keep business and you can't expand, then instead of the glass being half full as referred to as having unemployed workers, let's concentrate on the glass being half full and allow our small businesses not to pay in unnecessarily for this. They are using that money in a meaningful way to keep our working families and workers employed. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winslow, Representative Matthews.

Representative MATTHEWS: Mr. Speaker, Ladies and Gentlemen of the House. I have heard it all, but Maine's unemployment benefits are the highest in the nation and too high, I guess what direction do you go from \$198 a week? When you have to take care of the kids, as the good gentleman from Jay said, Representative Samson, I guess you go down to \$100 a week. Thank you.

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

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

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

Representative TRACY: Mr. Speaker, Ladies and Gentlemen of the House. To anyone out there who is willing to answer on the Labor Committee or anybody who has the knowledge of the answer, does one have to pay any taxes on the unemployment and if they do, does that not go back into the state and federal coffers? Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 626

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Dudley, Dugay, Dunlap, Duplessie, Etnier,

Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Goodwin, Green, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Mailhot, Martin, Matthews, McDonough, McGlocklin, McKee, Mitchell, Muse, Norbert, O'Brien LL, O'Neil, Pieh, Powers, Quint, Richardson J, Rines, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Skoglund, Stanley, Sullivan, Tessier, Thompson, Townsend, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bowles, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Chick, Cianchette, Clough, Cross, Daigle, Davis, Desmond, Duncan, Foster, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Richard, Richardson E, Rosen, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Collins, O'Neal, Perry, Plowman, Povich, Sirois, Stevens, Tripp.

Yes, 72; No, 71; Absent, 8; Excused, 0.

72 having voted in the affirmative and 71 voted in the negative, with 8 being absent, and accordingly the Majority Ought to Pass as Amended Report was ACCEPTED.

The Bill was READ ONCE. Committee Amendment "A" (S-650) was READ by the Clerk.

Senate Amendment "B" (S-696) to Committee Amendment "A" (S-650) was READ by the Clerk and ADOPTED.

Committee Amendment "A" (S-650) as Amended by Senate Amendment "B" (S-696) thereto was ADOPTED.

Representative MACK of Standish OBJECTED to suspending the rules in order to give the Bill its SECOND READING without REFERENCE to the Committee on Bills in the Second Reading.

The Bill was assigned for SECOND READING later in today's session.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

An Act to Establish Fairer Pricing for Prescription Drugs
(S.P. 1026) (L.D. 2599)
(C. "A" S-686)

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

On motion of Representative TOWNSEND of Portland, the House RECONSIDERED its action whereby the Bill was PASSED TO BE ENGROSSED.

On further motion of the same Representative, the House RECONSIDERED its action whereby Committee Amendment "A" (S-686) was ADOPTED.

The same Representative presented House Amendment "A" (H-1114) to Committee Amendment "A" (S-686) which was READ by the Clerk.

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House. You have had this amendment so you are aware of what it does. It addresses the issue of the expected litigation of the bill and the law. It takes it from the trust fund of a healthy Maine. As you know, all the various proposals which have existed regarding the tobacco settlement have contained provisions for a substantial sum of money for prescription drugs. I think we all agree that prescription drugs are a high priority. Making them a affordable to our seniors is a high priority. This was an idea of my co-chair who is really very clever about these things. I support it and I urge your to support it as well.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House. I feel pretty good about the direction we are going because we have just entered the twilight zone of creative financing. That is usually a sign we are nearing the end of a legislative session. We have seen with this proposal, I think, first a \$2 million fiscal note and then \$1 million and then a \$800,000 fiscal note and now we see an amendment before us that takes and deletes the General Fund and now goes to the Tobacco Fund. There is \$252,085 for litigation, \$616,904 ongoing more than once drawn from the Tobacco Fund. If there has been one area that we have been moving toward consensus it has been on that Tobacco Fund. If you are going to pull almost \$900,000 out of the Tobacco Fund, is it going to come out of that \$18 million that we came together on last year, that core package. Is it going to come out of the Drug Program and hurt seniors? Is it going to come out of the Alcohol Prevention and Treatment? That is not an unlimited fund. It has to come out of somewhere. Something has to be dropped. I think a second cautionary is if you have been following the news and the lawsuits in Florida and have tried to raise that issue as we have looked at the tobacco bill, that litigation now has reached phase 2. It has a pretty dramatic affect because this is the first litigation where a jury is making positive decisions for smokers and their claims who started smoking after the warnings were put on the cigarettes. It has been an older citizen who has been suing up to now, but we now have people who made a decision to start smoking after the warning label and the advertising began. The jury said that does matter. It didn't even take it into consideration. Phase 2, the second most expensive part of that decision has the potential claim of \$300 billion. We are not even to Phase 3 of that Florida court case.

Last year we came together in a bipartisan way to take 10 percent of the funds and put them into a trust fund to be prepared if this type of litigation occurred or if the money ended. We aren't even into the first year and we have an amendment before us to go to that trust fund and begin taking money and also going into the programs that we agreed and other programs that are going to be before us and taking that money. As you vote on this amendment, you have to be aware that our cushion, if you vote yes has been decreased and you realize as we come back to do the tobacco bill as we move through this process, there is less money available for alcohol, user prevention and cessation and community support, child care and many of those things that we are going to come together on. You are going into that pot of money already and your cushion and your priority areas that we will share together. Mr. Speaker, I request a roll call.

Representative MURPHY of Kennebunk **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-1114) to Committee Amendment "A" (S-686)**.

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 adoption of House Amendment "A" (H-1114) to Committee Amendment "A" (S-686). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 627

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Goodwin, Green, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Mailhot, Martin, Matthews, Mayo, McDonough, McGlocklin, McKee, Mitchell, Muse, Norbert, O'Brien LL, O'Neil, Perkins, Pieh, Powers, Quint, Richard, Richardson J, Rines, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Skoglund, Stanley, Sullivan, Tessier, Thompson, Townsend, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Williams, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bowles, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Cianchette, Clough, Cross, Daigle, Davis, Duncan, Foster, Gerry, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, McAlevey, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Pinkham, Richardson E, Rosen, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Collins, O'Neal, Perry, Plowman, Povich, Sirois, Stevens, Tripp, Wheeler GJ.

Yes, 75; No, 67; Absent, 9; Excused, 0.

75 having voted in the affirmative and 67 voted in the negative, with 9 being absent, and accordingly **House Amendment "A" (H-1114) to Committee Amendment "A" (S-686)** was **ADOPTED**.

Representative **LOVETT** of Scarborough **PRESENTED House Amendment "B" (H-1122) to Committee Amendment "A" (S-686)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Scarborough, Representative Lovett.

Representative **LOVETT**: Mr. Speaker, Ladies and Gentlemen of the House. I rise to speak on the amendment, which will strengthen the act to establish fairer pricing for prescription drugs, which this House passed yesterday. First, I must remind all of my colleagues in this chamber that our compassion requires that time is of the essence if we are to help those Maine citizens and people with disabling illness who come to us seeking assistance. My heart went out to those who appeared before the Health and Human Services Committee of which I am a member. They need our help and they need our help now. Unfortunately, LD 2599 in the form in which it passed yesterday does little to help the immediate needs of these poor people pleading for assistance. Many of you acted out of compassion yesterday without reading the fine print if the devil is in the detail and the details of LD 2599 show that no one will receive help now when they need it.

The act would not be in effect until perhaps the fall of 2001 and that is being optimistically generous. If it is challenged in court, many people who need help now might not even be around to receive any form of benefit for the time something is available. The only thing that is likely to happen immediately with LD 2599 is litigation and increased bureaucracy. I want to see that the elderly that are seriously ill get all the assistance they deserve that is why I think it so shameful to deceive them into thinking that more than \$800,000 included in LD 2599 is available towards paying for prescriptions when, in fact, that is money going into the pockets of lawyers and to create more bureaucracy.

We can help Maine people right now under this amendment. The amendment offers relief from the high cost of prescription drugs by covering 80 percent of the cost for generic drugs for all illnesses not covered under the basic elderly Low-Cost Drug Program. The plan extends our compassionate assistance further to those suffering from catastrophic illnesses like the unfortunate man who appeared before our committee suffering from the Lou Gehrig's disease. The Catastrophic Illness Plan will help many, many Maine citizens whose families are struggling to meet the cost of multiple prescriptions. We offer financial relief to senior citizens by covering 80 percent of the cost of prescriptions. Limiting their out-of-pocket co-pay to no more than 20 percent of the cost and capping their out-of-pocket payments to no more than \$1,000. The plan offers immediate benefits to all Maine citizens well in advance of the effective date of the act you passed yesterday. Because it can be funded with a modest \$10 million available to us from the Tobacco Settlement Fund with no General Fund money required. Unfortunately, some have suggested that we have already provided this funding through the tobacco settlement bill. That is not the case. That is wrong because that bill has been tabled in the House as a result of the budget negotiations. We still do not know the fate of that bill.

Mr. Speaker, we must adopt this amendment in order to meet our promise to our Maine senior citizens and those suffering from catastrophic illness. What better way to use our portion of the Tobacco Settlement Fund? In summary, Mr. Speaker, this amendment enhances the act to establish fairer pricing for prescription drugs into a fair and a practical plan that will help relieve Maine's prescription drug prices. Thank you.

Representative **KANE** of Saco moved that **House Amendment "B" (H-1122) to Committee Amendment "A" (S-686)** be **INDEFINITELY POSTPONED**.

The **SPEAKER**: The Chair recognizes the Representative from Saco, Representative Kane.

Representative **KANE**: Mr. Speaker, Men and Women of the House. The bill that we passed yesterday was a taxpayers benefit bill. In contrast to the proposed amendment, we did not advocate for unlimited subsidy to the drug industry or for taxpayers to exclusively continue to bear the increasing burden of soaring prescription drug costs in order to assure accessibility, rather, we should challenge the pharmaceutical industry to come to the table and to join us in negotiating reasonable options for reducing costs. I am pleased to let you know, men and women of the House, that since we passed our landmark legislation yesterday, this was announced in the front pages of the *New York Times* today and four states have already called us for consultation and advice, New York, Minnesota, Missouri and Vermont. In addition, the Governor of Vermont announced today that he would sign similar legislation that we passed yesterday if the Vermont Legislature presents it to him. I urge you to stay the

course and continue to provide national leadership and to support the motion for Indefinite Postponement. Mr. Speaker, I ask for a roll call.

The same Representative **REQUESTED** a roll call on his motion to **INDEFINITELY POSTPONE House Amendment "B" (H-1122) to Committee Amendment "A" (S-686)**.

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 Hartland, Representative Stedman.

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

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

Representative **STEDMAN**: Mr. Speaker, Men and Women of the House. To anyone who cares to answer, what is the earliest possible time a person would be expected to participate and be able to get help financially under the plan that is now on the floor?

The **SPEAKER**: 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 Bangor, Representative Bragdon.

Representative **BRAGDON**: Mr. Speaker, Men and Women of the House. To answer the good Representative's question, it would be next year before anyone would suggest relief. If I might continue?

Yesterday we voted on a bill because we were concerned about senior's access to prescription drugs. Before we vote on the Indefinite Postponement of this amendment, I just want to talk to you about what indefinitely postponing this amendment and passing the bill as it is will do to access for drugs. We have heard a lot about the Canadian System and the price restrictions within the Canadian System, but what I want to talk to you about is how access to medication is restricted within the Canadian System because of the bureaucratic process that we are trying to replicate here in the State of Maine. I would just like to give you a few examples. In Canada there is time between where the federal government approves of a medication and each individual province within Canada approves that medication. I want to give you the average time when the Canadian government approves of that and a prescription drug actually makes it to the province approval process and is available to the citizens of Canada. Our neighbors in Quebec that averages 146 days. That is almost five months that people have to wait before an individual drug weaves its way through the process after it has already gone through the process with the Canadian federal government. In Ontario, it is even worse. The average is 394 days. That is over a year that people have to wait for lifesaving prescription drugs to go through this approval process and, in fact, many of the top prescriptions here in America aren't even available in Canada for a couple of different reasons. First, because they haven't gone through the approval process. Second, there is no incentive for the pharmaceutical companies because of the artificially low prices to provide the drug. The negotiations with the provinces are taking even longer.

I want to highlight a few of those medications that right now aren't available in Canada, yet, are part of the top 200 drugs that seniors and members of this state take on a regular basis. One is Prosomax, which is a drug for osteoporosis. We have Areosep, which is a drug, which treats Alzheimer's Disease. This drug, in fact, was approved by the Canadian government in August of 1997, yet two years later, just last year, only two of the

Canadian provinces had approved this drug. Here is this Alzheimer drug that the people in Canada are waiting for, dying for, has taken over two years before it goes through the approval process. Ladies and gentlemen, price controls do not work. They artificially set up barriers. They set up a very bureaucratic process that delays the amount of it takes for people to get very important prescription medication. I urge you to vote against the Indefinite Postponement of this amendment.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-1122) to Committee Amendment "A" (S-686). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 628

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Goodwin, Green, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Madore, Mailhot, Martin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, Mitchell, Muse, Norbert, O'Brien LL, O'Neil, Pieh, Powers, Quint, Richard, Richardson J, Rines, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Shiah, Skoglund, Stanley, Sullivan, Tessier, Thompson, Townsend, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bowles, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Chick, Cianchette, Clough, Cross, Daigle, Davis, Duncan, Foster, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lemont, Lindahl, Lovett, MacDougall, Mack, Marvin, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Richardson E, Rosen, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Collins, Hatch, O'Neal, Perry, Plowman, Povich, Sirois, Stevens, Tripp.

Yes, 77; No, 65; Absent, 9; Excused, 0.

77 having voted in the affirmative and 65 voted in the negative, with 9 being absent, and accordingly **House Amendment "B" (H-1122) to Committee Amendment "A" (S-686) was INDEFINITELY POSTPONED**.

Representative **MURPHY** of Kennebunk **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "A" (S-686) as Amended by House Amendment "A" (H-1114)** thereto.

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 Kennebunk, Representative Murphy.

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. We are at a point now where we need to vote. I think it has been made very clear that we are looking at a bill that will do nothing for the next year and a half. With the issue of litigation, which is automatically billed into this bill, I am afraid that that inaction will go well beyond it. Earlier you rejected a proposal that I guess you could call it, let's do it today plan. You said no to that, but I think we could take some pride in the fact that we have established a brand new bureaucracy. It kind of reminds me of an old Judy Garland/Andy Rooney movie. Whenever they had a problem, they said, let's put on a show. This solved the problem, let's put on a show. We have a serious problem in the State of Maine and what we are going to do this

evening is establish a bureaucracy. We will solve that problem. You know how bureaucracies work. We heard in the province of Ontario that after the federal approval another 394 days until that drugs get out and begins to save lives and improve the quality of life.

You heard in debate last night that the only wholesaler in Maine, Westbrook, has indicated that they will probably leave. The first step that we are doing is we are driving jobs out of the State of Maine. Have we heard from the small bio-tech industries growing here in Maine that we are so proud of? What has been the impact of this upon them? Maine pharmacies, you will see Maine dollars now flow out to out-of-state wholesalers. If the decision is made that our Mainers will not get those drugs, it won't be made by a Maine wholesaler, it will be by an out-of-state wholesaler. We probably have accomplished sending Maine dollars out of Maine and Maine jobs out of Maine.

I would predict that if the Maine Legislature decides to adopt the theory of price fixing, then this is just the beginning. We will price fix heating oil, the price of gasoline, the price of lobsters and the price of clothing. We will set the price for housing and we will also set the price for groceries. That is what they used to do in Eastern Europe and they abandoned it and they walked away from it.

The other concern that I have here is that we are entering the season of searching for the dollars, searching for the money. What you have done is you have gone on record as raiding the tobacco funds. That first dip has been made into that fund and before this Legislature finishes its work, you will be asked to do that again and again and again.

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

Representative SAXL: Mr. Speaker, Men and Women of the House. I don't think the folks who voted 102 to 47 yesterday voted because they were worried that somebody couldn't buy a lobster dinner. They were worried because somebody couldn't afford prescription drugs. If you want to do something to deal with the price of drugs for every Maine citizen, you can stand on your proud record of yesterday and support this legislation. If you want to go ahead and move quickly with the Fund for a Healthy Maine to make sure that, as soon as possible, every senior in the State of Maine has access to low-cost prescription drugs with the Elderly Drug Card Program, you can support the work of Speaker Rowe and the legislation that he put forth this year. It looks remarkably similar to the amendment that we just considered from the Representative from Scarborough. Be proud of what you achieved yesterday. Remember that we are not talking about lobster dinners and choices like that, we are talking about access to the basic necessities of life, the very necessities of life. I hope that you will go on and very proudly support this legislation today.

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

Representative DUNLAP: Mr. Speaker, Men and Women of the House. I would like to respond to some of these comments that I have heard tonight. Certainly, I think when we talk about the issue of setting prices or fixing them, as my good Representative from Kennebec, Representative Murphy, euphemistically described them. Again, we entertain legislation to roll back the gasoline tax, the business equipment tax reimbursement is something to fix if you want to describe it as that. We do these types of things all the time. We just don't call them what we would like to call them, I suppose. We have other

names for them. Aside from all that, I have heard an awful lot of reasons tonight why we should not do this. It is not enough. It is too far away. It is going to drive pharmaceuticals out of Maine. You won't be able to get the drug and yet I have not heard one piece of information about what the actual problem is, which is, again, the people who do without medications because they cannot afford them. Are we going to make this go away overnight? Probably not. Is there going to be court battles over this? In all certainty there will be. Nonetheless, it should not turn us from the problem at hand, which are the people who need help with medicine. That is why I voted the way I did yesterday. That is why I am going to vote for these amendments tonight. I urge my colleagues to sustain their votes in this matter.

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

Representative GLYNN: Mr. Speaker, Ladies and Gentlemen of the House. I am becoming more acquainted with a lot of the issues dealing around access to clinical trials, specialty drugs and other forms of medications through work on the Banking and Insurance Committee. I understand that there was some testimony given by a Dr. Carroll from the Maine Medical Center for Cancer Medicine in Scarborough. He is a leading oncologist in the state. He fears and believes that this bill that we are considering right now would limit cancer patients access to critical cancer drugs. What if he is right? I know the other side scoffs at this question and says that the big drug companies don't want the bad press, but what if, for a second, Dr. Carroll is correct? What I would like to do with the permission of the Speaker, is I would like to pose a question to the body and the committee. Could someone please walk me through exactly how the Maine cancer patient will get the critical drugs if a drug company doesn't reach terms with the pricing board or if, in fact, this board is slow in acting?

The SPEAKER: The Representative from South Portland, Representative Glynn has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Auburn, Representative Shields.

Representative SHIELDS: Mr. Speaker, Ladies and Gentlemen of the House. I will try to answer the Representative from South Portland's question about Dr. Ron Carroll, whom I happen to be acquainted with. I fear that Dr. Carroll and that the Maine Medical Association and the patient groups are going to be right. If these drug companies are so terrible, they may not care about a little bit of bad press in Maine. They get a lot of bad press now. Maine's patients who have cancer, Alzheimers and HIV will be forced to leave Maine and travel to New Hampshire or Massachusetts to get the lifesaving cutting-edge drugs? Many people don't realize that in Canada there are long delays in access to critical medicines. One of the leading drugs to slow the progress of Alzheimers is not even covered in Canadian province health plans because of the slow-moving government price control board. It is just like the bill that the majority has passed. This is my fear and this is the fear and I think it is the fear of Dr. Carroll. Thank you.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative BRUNO: Mr. Speaker, Men and Women of the House. I hope you all think you did something for prescription drug prices and I will guarantee you didn't. It is a nice name to a bill, but it doesn't do anything. We will find out in a year and half, I guess, to see if it really does anything. I am disappointed. My disappointment is not in this bill, but where the

funding for it is now coming from. I thought I was working on a compromise proposal with the Speaker. I thought we shook hands on it. I thought it was all set and now we are pulling \$1 million out of it that we never even talked about. We were working towards a budget negotiation and moved the tobacco bill into there. It was agreed upon. We both gave up a lot and now \$1 million is pulled right out. It is unfortunate because I have a lot of respect for the Speaker. The other concern I have is that if you think \$200,000 is going to be enough for a lawsuit, you are kidding yourself. It cost us \$10 million in the State of Maine to pay an outside law firm for the tobacco settlement. There was a class action pharmacy lawsuit against the manufacturers and it cost over \$200 million. If you think \$200,000 is enough, you don't have enough in the whole Tobacco Fund to fund what that lawsuit will cost you. You are talking about 1,000 hours of attorney time at a reasonable rate. It is unfortunate that you think you did something here when, in reality, you just cost the State of Maine a lot of money. Thank you.

Representative SAXL of Portland assumed the Chair.
The House was called to order by the Speaker Pro Tem.

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

Representative ROWE: Mr. Speaker, Men and Women of the House. I came down here because somebody just said something that I believe impugned my character and my integrity and I resent it strongly, sir. I believe it was the day before yesterday, maybe it was yesterday morning, that the good Representative from Raymond, Representative Bruno, came into my office and told my staff member that now that the deal is off on the budget, the deal is off on the tobacco too. I believe that was the statement relayed to me. I have not read this amendment that was presented tonight, but I believe the funds come from the funds that were set aside in the reserve in the Tobacco Fund, which is not part of any of the funds that were agreed upon. It bothers me that we have to talk this way on this floor. I don't know what to say. I am just troubled by what is going on here tonight. I had to come down here and I had to say, I am troubled by the Representative from Raymond, Representative Bruno, by the statement the Representative just made. That is all I have to say.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Crystal, Representative Joy.

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

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

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House. Just before this bill came up a short time ago, I got a call from one of my constituents. She is 83 years old. Her husband is almost 80 and he has Alzheimers. He was just given a prescription for a medication that is going to cost them \$635 a month. That is on top of \$400 that they already pay for medication. What I would like to know is, which member of this body would like me to give their phone number to her so that she can find out why she is going to have to wait until a year and a half or more before she gets any help with that prescription? Thank you.

The SPEAKER PRO TEM: The Representative from Crystal, Representative Joy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Brooklin, Representative Volenik.

Representative VOLENIK: Mr. Speaker, Men and Women of the House. I would be happy to leave my name and number to any Representative here and if any of their constituents would like to call me and discuss single-payer health care anytime, I would be happy to respond. That is the best answer to all of these problems. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Members of the House. I responded to a similar question posed by a constituent of mine. I will respond to the Representative from Crystal, Representative Joy, if he gives me the name of the constituent, I will see that the person is seen by physician across the border in Woodstock and the prescription can be filled there.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House. I thank the good Representative from Eagle Lake, Representative Martin, she has already checked the price over there and there would be considerable saving. She can get a doctor to co-sign the prescription, but she would rather do business in this country. She has lived here all of her life and she doesn't feel as if there should be a necessity for her to go across to Canada to get her medication. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lebanon, Representative Chick.

Representative CHICK: Mr. Speaker, Ladies and Gentlemen of the House. I am firmly convinced that there is nothing more important to the people that we serve than their health. I sit here this evening listening to the comments and the debate, the defense and the promotion of certain documents. I know that within our ability to pass documents that will provide the medicine that people will require. I am sure of that. I would ask that instead of, for lack of a better word, bickering, that we would come together now and provide for people that need medicine. Each day of the year I usually, except Sunday, have some contact with people that live in the State of Maine about many things. One thing I have found about recently, I would say there are hundreds of people in Maine that are not aware of programs that are now in place and available only if they would fill out a simple form, the same one you do for tax relief and real estate, but as I sit here this evening and I hear words spoken that if the two people or the body could just come together, we could provide for these people now, not a year and a half from now. I would ask that you would consider your positions and try to do the best you can for the people we represent. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative BRUNO: Mr. Speaker, Men and Women of the House. I want to apologize to Speaker Rowe if he is offended, because that was not my intent. I have the highest respect for the man. He is very passionate about his beliefs and so am I. I did not mean to impugn him. If he took it that way, I am very sorry. Sometimes I say things and they don't come out just the way I mean them. I stand before you and apologize to the Speaker. I am not ashamed to do that. It is not the first time I have to say I am sorry, but that was not my intent. My intent was not to impugn him, but to just discuss this bill. I did go into

the Speaker's Office and say if the budget falls apart, we do not have an agreement on tobacco. That is what I said. I admit to it and I am not ashamed of it. In negotiations, I was hoping we could still continue to move ahead on budget negotiations and that we would keep each other informed. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is adoption of Committee Amendment "A" (S-686) as amended by House Amendment "B" (H-1122) thereto. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 629

YEA - Ahearne, Andrews, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Goodwin, Green, Honey, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Lemont, Madore, Mailhot, Martin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McNeil, Mitchell, Murphy E, Muse, Norbert, O'Brien LL, O'Neil, Perkins, Pieh, Powers, Quint, Richard, Richardson J, Rines, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Shiah, Skoglund, Stanley, Sullivan, Tessier, Thompson, Townsend, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

NAY - Belanger, Berry DP, Bowles, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Cianchette, Clough, Cross, Daigle, Davis, Duncan, Foster, Gillis, Glynn, Gooley, Heidrich, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lindahl, Lovett, MacDougall, Mack, Marvin, McKenney, Mendros, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Richardson E, Rosen, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston, Winsor.

ABSENT - Carr, Collins, Hatch, O'Neal, Perry, Pinkham, Plowman, Povich, Sirois, Stevens, Tripp, Wheeler EM.

Yes, 84; No, 55; Absent, 12; Excused, 0.

84 having voted in the affirmative and 55 voted in the negative, with 12 being absent, and accordingly **Committee Amendment "A" (S-686) as Amended by House Amendment "A" (H-1114) thereto was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-686) as Amended by House Amendment "A" (H-1114) thereto in NON-CONCURRENCE** and sent for concurrence.

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

The Speaker resumed the Chair.
The House was called to order by the Speaker.

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

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following item:

Recognizing:

Representative Thomas M. Davidson, of Brunswick, for being the 1993 Division III National Collegiate Squash Champion, and in extending our congratulations and best wishes to him;

(HLS 1247)

Presented by Representative MUSE of South Portland.
Cosponsored by Representative RICHARDSON of Brunswick, Representative SCHNEIDER of Durham, Senator HARRIMAN of Cumberland, Representative O'NEIL of Saco, Representative ETNIER of Harpswell, Representative SAXL of Portland, Representative STEVENS of Orono, Representative JABAR of Waterville, Representative LaVERDIERE of Wilton, Representative TRIPP of Topsham, Speaker ROWE of Portland, Representative THOMPSON of Naples, Representative COLWELL of Gardiner, Representative CIANCHETTE of South Portland, Representative LEMONT of Kittery, Representative CAMERON of Rumford, Senator CAREY of Kennebec, Representative SNOWE-MELLO of Poland, Representative QUINT of Portland.

On **OBJECTION** of Representative MUSE of South Portland, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **MUSE**: Mr. Speaker, Men and Women of the House. I know the hour is late and we are in what we hope are the late innings of the 119th Legislature. I am as guilty of many other members here for groaning about using floor time this late in the session for sentiments, but, ladies and gentlemen of the House, this is a sentiment that begs to be addressed. This is a sentiment for a young man, who I am proud to say is a very good friend of mine, even though at times he can be cranky and hard to deal with or hard to find, but he has taught me a great deal. I owe him a lot. He has taught me that more times than not, it is all good. He as taught me that when we are told to be back in the House at 6:00 p.m., as long as you have a cell phone and you can call and check, you really don't have to be back until 7:00 p.m. Mr. Speaker, I will be very happy to tell you that I never learned that if you can fold it properly, you can, in fact, read the newspaper during session. He has always tried to teach me new things. Today at lunch he was teaching me the wonders of Spiro Agnew. I am sure that by now most of you have figured out who I am talking about, but what most of you probably don't know is that my friend and your colleague, Representative Tom Davidson was, in fact, in 1993 the Collegiate Division III National Squash Champion. For some reason, he was never recognized by this body. We are here to make that right.

Mr. Speaker, putting all humor aside and before he goes off to begin his new career as a TV news anchor, I would just close sincerely with a few words, a quote, from John F. Kennedy who in addressing the Massachusetts State Legislature said, "For those to whom much is given, much is required. When at some future date the high court of history sits in judgment on each one of us, recording whether in our brief span of service we fulfilled our responsibilities to the state. Our success or failure in whatever office we hold will be measured by the answers to four questions. First, were we truly men of courage? Second, were we truly men of judgment? Third, were we truly men of integrity? Finally, were we truly men of dedication?"

I am proud to present this sentiment to a man who truly is a man of courage, judgment, integrity and dedication. My friend,

the 1993 National Collegiate Division III Squash Champion, Representative Tom Davidson.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House. Squash? I missed something in my life. I don't even know what the game of squash is. Is it something that you people on that side of the aisle play during your free time?

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

Representative DUNLAP: Mr. Speaker, Men and Women of the House. Of course every morning we have a chairs meeting and Representative Davidson is famously either tardy or not there. I mentioned it to him one day. I said, "Tommy, you really ought to get to the chair's meeting once in a while." He said, "Dude, I am way too important for that." Now I understand what he meant. He is a National Squash Champ.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative O'NEIL: Mr. Speaker, Men and Women of the House. Briefly, in 1996, I met this little Napoleon. I was running for the Legislature and he came to me and he said, "Dude, if there anything I can do, just say so." I said, "I appreciate that son. If I am lucky enough to win, I will have you up to page one day." Seriously, Tommy is quite a bit younger than I am, but I have learned quite a few things from him. The first thing I learned was when you go into mock mode. That is when you see the lights of a camera, even if you bang your head of the camera, you just head for that light. We all know Tommy is famous for making it happen and it does. He taught me to do it whenever possible and by all means do it in committee. Lastly, it is pretty well known that Representative Davidson has a way with the ladies. I called an old girlfriend of his that I got out of his black book and I said, "Shania, what does Tommy have that I don't have?" She said, "For starters all his hair and his teeth." What she liked about him was that he is just precocious enough to get away with it. He not only passes, but Tom defines the fox hole test and he has with me for four years. I, for one, will miss having the little guy around in a couple of years.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Thompson.

Representative THOMPSON: Mr. Speaker, Men and Women of the House. The good Representative from South Portland, Representative Muse, asked me to say a few good words about Tom Davidson. For the first time in my six years here, I have nothing to say.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Davidson.

Representative DAVIDSON: Mr. Speaker, Men and Women of the House. I am going to quit while I am just a little bit behind. I have actually put this sentiment in every single session and it has never gotten past the Council. This year I had a split vote and the Speaker had the final say and it didn't get it. Thank you very much. Least of all, this was the reason why I ran and now that I have this I can retire in peace. Thank you.

PASSED and sent for concurrence.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Murphy who wishes to address the House on the record.

Representative MURPHY: Mr. Speaker, Men and Women of the House. Tonight I would like to say goodbye to Representative Harry True. He has been a headmaster in our caucus. He is a man of principle and he is the tallest man in this Legislature. Thank you very much Harry.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative True who wishes to address the House on the record.

Representative TRUE: Mr. Speaker, Men and Women of the House. In seeing as how everyone has sort of had a joke for Representative Davidson, I wonder if he remembers the first time that he and I met one another. As you know, years ago we used to play basketball on our down time. This little fella came to play and I was the coach. I put him in. I started to shake my head. I put a substitute in for him and I said, "Young man, you could be a heck of a basketball player if you would stop being a hot dog."

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Kane who wishes to address the House on the record.

Representative KANE: Mr. Speaker, Men and Women of the House. In reference to roll call 623 on LD 2684, if I had been present, I would have voted yea. In reference to roll call 624 on LD 2075, if I had been present, I would have voted yea. In reference to roll call 625 on LD 2054, if I had been present, I would have voted nay. Thank you.

On motion of Representative TRUE of Fryeburg, the House adjourned at 7:50 p.m., until 9:00 a.m., Thursday, April 13, 2000.