

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
35th Legislative Day
Tuesday, April 25, 2000

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

Prayer by the Honorable Thomas J. Kane, Saco.
Pledge of Allegiance.

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

The Journal of yesterday was read and approved.

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act Concerning Fingerprinting and Background Checks for School Employees"

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

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-691) in the House on April 13, 2000.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-692) AS AMENDED BY SENATE AMENDMENT "A" (S-735)** thereto in **NON-CONCURRENCE**.

Representative BRENNAN of Portland moved that the House **ADHERE**.

Representative TRAHAN of Waldoboro moved that the House **RECEDE AND CONCUR**.

Representative MURPHY of Kennebunk **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

Representative **MC ALEVEY**: Mr. Speaker, Ladies and Gentlemen of the House. I won't get into a long discussion of this, but I would say for those 27 students who have been sexually abused by educators in the last 10 years that this is not statistically insignificant. It is a major life crisis in their lives. They have been scarred for life. As I said when we debated this earlier, no educator would allow a child to run into a burning building or run into the path of a vehicle and be hurt, neither should any educator allow a child to be exposed to a sex offender. Children are required by this body and the other chamber to attend school until they are 18 years of age. We have determined that that is in their best interest. We have determined that is mandatory. If they don't show up, their parents can be held accountable. With that responsibility that we give them, we also have a responsibility. We are not on a witch hunt looking for teachers. We are looking for the predatory pedophile who chooses education for one purpose and one purpose only and that is to have access to children to have sex. That is what we are looking for. Fortunately, only a very, very small amount of people have been decertified for that reason. How many is enough? Twenty-seven children who will grow to

adulthood have been scared for life by being sexually abused by an educator. Enough is enough. Thank you.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Etnier.

Representative **ETNIER**: Mr. Speaker, Ladies and Gentlemen of the House. I have been mercifully quiet on this for the last six and a half hours of debate we have had and I will try to be brief today. I knew months ago that this would be the most contentious issue we faced this session. I have received a lot of phone calls about it. I have probably received more phone calls, I kept a tally in opposition to fingerprinting in general, then I have in support. If I lose the next election because I support fingerprinting, that is how it goes. MEA has supported me loyally in the past as I have supported them with my pathetically high voting record on their behalf. I don't care if they ever support me again or not. I never asked for their support in the past and I don't need it in the future. They are upset with my position on this and I understand that and I understand their position. I understand both sides of this argument and I respect both sides of this argument. I respect those people who support those people who support this bill as I do. As much as I hate to support this bill, because I think it is an unnecessary flaw of our times that we have to support this sort of measure. It reflects poorly on our society, but I believe we do. I also respect those who oppose this measure, because I respect their concern about the civil rights violation being present in the requirement for fingerprinting as a person who believes strongly in civil rights and a member of MTLU in the past and all those organizations that we all subscribe to. I, too, had concerns about this especially months ago when I first heard about the issue. In fact, at that point I was opposed to it, but as I learned more about it, I came to feel strongly that those issues are not real and that the civil rights are not really an issue at all. When it comes down to it, if there is an affront here to civil rights, the idea of an affront to the tens of thousands of teachers who have to have their fingerprints taken once is far less of an affront than the potential of an affront to at least one or even more than one child who is sexually abused. I view that civil rights violation, if you want to call it that. In either case, as being far more upsetting to me if there was even one child than the tens of thousands of teachers who may have to get fingerprinted.

I will admit to a bias. The good Representative from Kennebunk brought up our children coming to this chamber. I have brought my children to this chamber before. I will do it again some day, I hope. That is the bias that I have. It is for the children. I know that even the people who oppose this bill love children as dearly as I do. I am not trying to imply that don't, but that is where I am coming from here. I speak from my heart on that basis. I speak for the parents in my district who also have young children. I have always loved my teachers. I would like to mention one that I didn't back in high school, but we don't need to go there. I loved all my other teachers and they have done a great job even though I haven't fared too well by it, myself, personally. I don't have anything against teachers. I give them the utmost respect and we don't pay them enough and we don't give them enough respect. That is not what we are talking about here today.

What I want to lay out to you is I support people who are opposed to this bill. I understand where they are coming from. I support people who are in favor of it. I understand where they are coming from, but this idea of this Committee Amendment "B" as amended by Senate Amendment "A" to me, is not a

compromise. I understand what compromises are. We do them on a day-to-day basis here. We did it the other day in the budget. They are worthwhile things and necessary thing to move forward on key issues in the state and there are goals that are achieved by compromises and they are worthwhile goals. This Committee Amendment "B," I don't view it as a compromise. With all due respect to those who might support it, I view it as simply a cop out. It implies that all of the 46,000 current employees excepting those 12,000 or 13,000 who already have had their fingers smudged with ink are somehow or other above the law in some way and there is no need to have them fingerprinted and that there is certainty that all 100 percent of those remaining current employees have nothing in their background that we should be aware of. I can't buy into that. I don't know that. Does anyone in this chamber know that? I doubt it. This compromise that we are being asked to Recede and Concur on today that I view with such distain, frankly, is just a means to appease the current population of teachers and to appease the current union members in the union and to come up with some sort of magical date approximately 90 days from now. From that date on, all teachers who are run through this process will be subject to fingerprinting, but for some reason or other, before that date they weren't. Is that fair? Is that ethical? Is that a civil rights violation? I don't think so. If you think it is wrong to fingerprint teachers because it is a civil rights violation in any way, shape or form, then vote against any form of fingerprinting and feel good about that because that is what you should be doing and I respect you for that. If you feel like I do, that it is an unfortunate thing we do have to proceed with at this point in time and it is the responsible thing to do as a state having control over the public schools and the employees of them as we do as legislators, then support it, but don't go for some compromise in the middle that is really an affront to both sides of the argument. Thank you very much for your time.

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

Representative SULLIVAN: Mr. Speaker, Ladies and Gentlemen of the House. I also hope not to take too much of your time. It certainly has been an issue that has been spoken about both in this chamber and outside. Again, I will put on a disclaimer. I am a teacher. I have many concerns. One is the superintendent in Biddeford, my community, who is a little concerned about what we are going to do about the taxi drivers that bring our children to school. It is a private business. We worked on a bill about children who have special needs or for disciplinary reasons are taken out of school. We certainly make arrangements when they cannot ride safely on the bus. Biddeford is fortunate enough to be able to have a transportation company. The school must now demand that the taxi cab drivers are fingerprinted in order to bring the children to school to be educated because of the laws that we have helped make, along with the federal government.

When I was standing before you last week, it seems like six months ago, I told it was a piece of feel-good legislation. I still believe that. I also told you that I know DHS may say that they are caught up, but they are not. They have simply limited what they deem as emergency and what they deem as less of a priority. In Portland, this past week, the chief of police had to move in and take seven children, the youngest of which was three, and have the court remove them from their home. DHS came in and said they have been working on that case for six to seven months and they needed to move at a slow pace. Yet

seven children, who were at risk, DHS needed to move at a slow pace. It was too slow for those children, two of whom now have lead poisoning for life. DHS is overwhelmed. It can't keep help. We are not doing our children any favors.

I am concerned about the public relations. We have tried, you people that were here prior to myself, with learning results to raise aspirations and public trust in our public schools. Maine has number one students. Tests prove that out. Yet, for the last three weeks, in particular, but as the good Representative from Kennebunk, Representative Murphy said, really since we walked in here in January. There has been a public relations move that what we have is pedophiles lurking in our schools. Everything we have worked so hard for in Maine for our children and we talk about education being the key, what the public has heard is that our schools are full of pedophiles. I just heard that if you are a pedophile, spend your four years in college and become a teacher. It is a heck of a message to send here. I am personally affronted by that. You can take any single organization or any single profession, police officers, clergy, store clerks, it doesn't make any difference. There are sick people in our society and unless we do pull everybody over and do a background check and fingerprint everybody. This is a feel good piece of legislation.

I am concerned about small businesses. Why? There are bus companies who contract out to schools. Who pays the bills there with the small bus companies? It is not the schools. It is not the State of Maine. It is business. They pick up the tab again. Again, we need to change society. We need to make mandatory reporting. We need not to make sweetheart deals to leave people when there are allegations, we need to report them to the police and they need to be treated as crimes. We need to do the right thing and to simply pass the bill makes us feel good and we say we have done something because every single one of us what to do what is right. I firmly believe that. What is right? It is society demanding that we ask for serious consequences when people are convicted of sexual crimes against our children. We need to treat allegations as real. We can no longer condone it. We can't be an ostrich and put our head in the sand and say we will fingerprint everybody and that relieves us as society from protecting our children. It does not. I believe part of our responsibility is to build a trust in our public school system. I have done it personally. I hope to do it as a lawmaker. I ask you to look at this and think, what do we really want to achieve? If it is safety, there are a lot of things that we can do as a group to truly protect our children. Thank you very much Mr. Speaker.

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

Representative BRENNAN: Mr. Speaker, Men and Women of the House. In 1997 this issue went under the hammer. I sat here in 1997 with a number of other people that are currently here and it went under the hammer. Why did it go under the hammer? It went under the hammer because all the major parties involved with this issue had come to an agreement and a recognition that this was a reasonable public policy. The MEA, the School Board Association, the superintendents, the principals, the Maine State Police and the Department of Education all agreed under the hammer. It was unanimous because the Education Committee and all the interested parties involved agreed that this is something that should move forward. In 1998, a year later, there was no legislation introduced to modify or repeal the law that was passed in 1997. There was a bill that was put in to pay for fingerprinting and background

checks. That did not pass, unfortunately. In 1999, there was not a bill put forward to repeal or modify the law passed in 1997. There was a bill put forward to pay for background checks. Unfortunately, that was not funded. This legislative session at the beginning of the session at cloture, there was no bill put forward to repeal or modify the law passed in 1997. Again, there was legislation put forward to pay for it. Consistently, since this law has been passed, there has not been an effort to repeal or modify or to address one single issue and that is the payment.

The good Representative from Winslow asked last week in the debate how did we get here and why did we get here. That is the answer. The reason why we are here today having this debate, I believe, is not because of whether or not this is sound public policy, it is because we haven't answered the question about who is going to pay for it. If we had acted last session to pay for this or if we had acted earlier this session, quickly, this session to pay for this, I don't believe we would be here today debating whether or not this is good public policy. Fortunately, we still have the opportunity today to keep good public policy and to address the issue of payment. I hope people will vote against the motion to Recede and Concur and instead keep good public policy and have the state pay for this issue, which we should have done back in 1997 and back in 1998.

The other point that I would like to make, and unfortunately it is going to be a little bit technical, but I think it is important to make. The Education Committee has spent four years looking at this issue every twist, every turn, every possibility and every nuance related to this public policy. Every time we have looked at going down one road because we think it may be a better policy, we stop and go back someplace else because there are some obstacles by going down that road. What was put before us last week coming from the other body as an amendment that was significantly flawed. It was so flawed that we had the FBI and the State Police saying that they didn't think they would be able to implement it. We now have another amendment from the other body that attempts to address some of those flaws that were articulated last week. Some of those issues have been addressed, but unfortunately, new and more problematic issues have surfaced. The amendment that has come before us now would allow each individual school board of this state to decide whether or not they would fingerprint or have background checks for teachers who are moving from one school district to another. Meaning that if somebody is currently employed in a particular school district and they are a veteran teacher and after August 1, they choose to move someplace else, it would then be up to the discretion of the school board to decide whether or not they would be fingerprinted or background checked. You could have the Brunswick School Board say we are going to do background checks and fingerprinting, but the Portland School Board could say we are not going to.

Is that a reasonable way to enact public policy? I think that. That is not local control. Not only would it allow local school boards the option of fingerprinting and background checks, but there is no time limit on how long the policy would be in effect. The school board could put it into effect one month and repeal that same policy several months later. We should not be writing public policy by one legislator's amendment. That is not a good way for this body to move forward. All it does is create more problems. We have waited a week for another amendment to this bill and what we have gotten back is an amendment that has created as many problems as it has attempted to solve.

Eleven members of the Education Committee worked on this bill for three months. We believe that what we have put before you makes sense. It is reasonable public policy and that it should stay in place. We should not be creating public policy through amendments and an attempt to address issues on a piecemeal basis. Thank you. Again, I hope you will vote against the pending motion.

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

Representative **SKOGLUND**: Mr. Speaker, Ladies and Gentlemen of the House. The good Representative from Portland, my friend Representative Brennan, said that 11 members of the Education Committee worked on this for several months. I guess while the 11 were working on it, two of us were thinking about it. As I said last week, this has become a very difficult debate because it is about values. It is not about statistics. It is not about numbers and it is not about fingerprinting. It is about values. A few years ago we had a discussion here on the floor about desecration of the flag. It was a very moving, very significant debate. We had at the time Veterans of World War II who had defended their country in Europe and in the Pacific and they told what the flag meant to them. They told what their values meant to them. I think one of the values that they fought for was the right for people to feel free from constant police surveillance. If that wasn't one of the values they fought for, I have been misinformed for a great many years. I think the freedom to privacy is a very basic freedom even for schoolteachers. Perhaps I am mistaken about this, if I am, I hope someone will straighten me out, but it is my understanding that it does not end with the initial fingerprinting and background checks.

I understand there is an actual file kept on each teacher somewhere here in Augusta and every five years the police run another check on that teacher and add whatever information might come up to the file. If that is not so, please correct me, because that is one of the reasons why I am so adamantly opposed to this. I think those veterans of World War II, who spoke so eloquently on the floor, fought against police files on every citizen, whether they were guilty or innocent. I think another of the values those people fought for was the right to be assumed innocent and to have to prove your innocence by submitting to background checks and files even though you have not been convicted of anything. This is a very serious question about values. We hadn't realized how serious it was at first and that is why we let it go by.

One thing that disturbs me is how willing we are to think by slogan and to legislate by slogan. If it saves one child, it is worth it. We all believe that, but we all know it is not true. Is it worth giving up our right to privacy, our right to be assumed innocent, to save one child from sexual abuse because so many of those young men gave years of their lives, if they were fortunate enough to come home, opposing a mentality similar to that that we are so anxious to enact into law to ensure security for children? The first thing I want to repeat is, if anyone can explain to me that I am wrong about this file that will be kept and updated, please do so. The second thing that I would like to ask of the proponents of this is, which freedoms would you not give up to save one child? Is there a freedom you would not surrender to save one child? I know most of you, I believe, would give your lives individually to save a child, but do you have the right to surrender the freedom that our people fought for, the right that we want our children to have? I not only want our

children to be safe from predators, but I want them to be brought up in a free society where there is a right of privacy.

There is a third option on this. I still have Amendment "C," which would repeal this entirely. It would repeal fingerprinting and, if both of these amendments fail, I shall present Amendment "C" to repeal the whole thing and I can vote for that with a clear conscience and I hope to hear a response to my two questions, one, is it true there will be a file on each teacher and two, what freedoms would you not give up for one child? Thank you.

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

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. This debate is interesting on this issue. I appreciate the good comments of the gentleman, Representative Skoglund and I also appreciate the comments of the gentleman from Portland, Representative Brennan, the chair of the committee. I would appreciate an answer to the question I asked in this debate about how we got here. It seems to me though that that answer doesn't quite go far enough. It really doesn't cut it because it seems to me, ladies and gentlemen, that the one group that was not consulted about this change of the rule of law are the teachers. The Teacher's Association has said publicly, privately, that they made a mistake. The leadership of the union made a mistake. They didn't go to the membership and ask teachers what they thought.

I have four children, two teenagers and two 10 year olds. I am concerned about their safety just as every member of this body is. I am also a supporter of the Constitution and the Bill of Rights, the presumption of innocence. I think that there is an effort here with this legislation, a plan, to kill this bill. Let's not Recede and Concur and Adhere and then have it die between the bodies and then the status quo continues. The mistake continues. The denial of civil protections continues because we are taking one group of professionals and singling them out.

There is an ad I saw this morning before I came down to the State House and I am drawing a parallel here, but please forgive me. I shows a group of individuals dressed in police uniforms standing over workers in China. I imagine they fingerprint them and they background check them. They control everything they do in China. The message in the commercial was to vote against China's admission to the free trade because of their poor human rights record. Countries and individuals look to the United States of America because of our system of law, the presumption of innocence, the protection of civil rights and the teacher that I remember in high school, the one who probably had more of an impact on me than everyone. He talked about the presumption of innocence to our class. He talked about what it meant to be an American. He talked about the Constitution and the Bill of Rights. What do you say to a teacher when you pass this bill that they have been teaching in the classroom for 25 years or 30 years or 40 years and by the fruits of their labor, they have done good works in our community. Now, we are going to fingerprint you.

I am just appalled by this bill. It is amazing to me what we are willing to do. On the other side of this equation it seems to me we talk about the perpetrators of these ungodly crimes. I know as one member, I have tried to change some of our laws with respect to child abuse when I was a member of the other body in making our sentences tougher. The Judicial Branch needs to come to play here, too, it seems to me to make sure that they make these sentences tougher and some people need to get help. We need to put them out of society. We need to

deal with the perpetrators, the breakers of the law. To deal with the people that have not done anything wrong and now simply say we are going to make you fingerprint after 30 years of teaching. We are just going to take your group of individuals because we think that your group has somehow a corner on this problem. I am amazed. We are singling teachers out.

Having been a member of this body in the past when we did some things during the budget crisis, that, I am sorry that I voted for, and the colleagues in the Senate and House voted for. We have hurt teachers here. We have robbed their pension funds. We have made their jobs tougher and yet it is teachers that make such an impact on our children, our society, our freedoms, our values as Representative Skoglund said, it is a teacher in the classroom that has that impact. The vast majority of them are good people. We don't because we have a problem in America where we round people up and put them in a soccer stadium and make them submit to fingerprinting or background checks or hold them without charge. We don't do that in America. They do that elsewhere where the rule of law means nothing. We are a different society. The presumption of innocence is important. It seems to me that we have an opportunity. I don't particularly care for the amendment, Report "B," but I will tell you it seems to me that it can be at least a little bit fairer than taking a teacher in the classroom after 40 years and making them do this. I hope you will vote to Recede and Concur. I believe that the effort here is to kill this legislation today. Kill the amendment, Adhere and keep the status quo and the status quo is wrong. It is wrong and it needs to be changed. Thank you Mr. Speaker.

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

Representative **MARTIN**: Mr. Speaker, Members of the House. I have not participated in this debate nor do I really intend to for any length of time. I do need to, for the benefit of my friend from Winslow, point out a couple of factors. I was a member of the Education Committee when this was enacted into law with the support of the School Board Association, the Maine Teacher's Association and every other group in this state coming forth. For a number of years this was tooted as, we being the leaders of how Maine is going to do something about the protection of children in our school systems. I understand that the leadership of the MEA has changed its mind for whatever reason. That is within their prerogative and it is within the ability of the organization to do that. The one thing that I learned as a teacher is that you need to be consistent and you ought not to be changing your mind every other day. That certainly leaves a very bad message for the children you are attempting to teach and to provide them any values in that process, because what they do is see you as wishy washy. That sends a very bad message in the long run, not only for the students that you are teaching, but also for the parents and for everyone else in the system. The law, in fact, went through this body in 1996 or thereabouts with great, as I said, a great deal of support and fan fair. The leadership of every single organization that I know of came before the legislative body and said we think it is a great idea.

I can expect that we can all change our mind as the Legislature does so well, but I think we need to understand that this will come back and back again. The second part of why I am scuffing my feet is how ironic it is for those who are in the teaching profession, as myself, to say that for those of us in the profession, we are protected from being fingerprinted, but let's do the new hires. They are not yet here. Let's put them on. I,

frankly, think that if we are not going to do it, then let's repeal the law for everyone and not simply make it effective for some and not for others. The third part of that goes with how much money we have now spent in getting to that stage. We have now done 13,000 or 14,000 teachers in this state and we are going to tell them we don't care. We are just going to throw those files away. We are just going to waste that money. I know it is going to happen and most of you in this room know it is going to happen. We are going to have a good published case that is going to hit us in the face in a few years, maybe next year or three years from now. The public in this state is going to say what is wrong with you legislators? You failed to protect our children and it is your fault and then the Legislature, in its infinite wisdom, will change its mind again and we will start this process all over again.

I have told others before that it seems to me if we are going to repeal, why simply destroy the records that have already taken place? I just don't understand that logic because we will have now said that we have wasted this money. We know it. If the Legislature wanted to do something about that, they should have done it two years ago before it started and not today. I think we are making a horrible mistake. I am not sure politically how one gets out of it, because we have created our own political mess and it is unfortunate that we are creating it for the rest of the state, especially for the teachers and for the students.

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

Representative **TRAHAN**: Mr. Speaker, Honorable Members of the House. I would just quickly like to address what the previous speaker said about a case being in our media and being our fault. I suggest to you that a crime committed by a pedophile out there is not your fault. I have heard that kind of testimony here several times. It tries to lend to your conscience that if you don't pass this, somehow you are responsible for the crimes of a pedophile out on the streets. That kind of fear is unwarranted here. That person could have never had a history of a crime in this state or any other state in the nation or the world, no fingerprinting out there or no background check might have found them, but yet they created the crime and somehow you are responsible for that. Do not accept that kind of guilt, my friends.

Secondly, what is so great about our government is that it can change at any time. When the people rise up in one voice and say we do not accept this, we have the power, through our legislative bodies, to change law at any time. To say that a bill went through here unanimously, we must stick to it, would not be sticking to the basic principles of our form of government. Do not buy into that either.

I would like to address this yellow form that was circulated, Background Checks for all School Employees, revised Report "B" is still inconsistent. I circulated for this body a document called the Volunteers For Children's Act. It is a national, congressional piece of legislation that passed a few years ago. It is the origin of fingerprinting that we debate today. It is the federal legislation that allows states to develop policies around fingerprinting. I called the man who helped write this law and I ran Senator Murray's amendment by him and he had no problem with it. He said that it works. That is counter to what this form tells you and what we heard earlier. Remember, the man who helped write this form when I ran Senator Murray's new amendment by him, said it was fine.

There is another document that I would like to point out to you and that is the handout from that dreaded MEA that so many people like to take potshots at here. I remind you that MEA is just a representative of the people. If they are coming here and debating on this issue, it is the people that they represent that you should be taking potshots at and that is the people of Maine. Again, do not be part of that game. Nationally, a substantial majority of states, 31, only fingerprint new hires, if at all. If it was such a horrible policy for us to do new hires, how come a vast majority of states out there are doing new hires? I will tell you why. This debate has been heard many times all over our nation and I believe the civil rights issue is a part of this and that is the reason it does new hires. I will tell you why. Our laws, our Bill of Rights, our Constitution all put the liberties of the individual above the powers of government. It is legislation like this that turns that on its head. I will explain. Anytime you give the power to government to take 50,000 people and hold their livelihood hostage, you have taken the liberties from the individual and you have given it to the government. They hold in their hand a person's livelihood. They have gone to school. They have dedicated their lives to teaching and now you are saying to them that if you do not do this, if you stick on principles of this nation, that is your civil liberties, then we are going to fire you. We are going to take away your livelihood. There is your civil rights problem, my friend. You have allowed government to take the lives of people in their hands and control it, but when you do new hires, you have allowed that choice to be with the individual. If you say to that individual going in, you have to be fingerprinted to be a teacher, it is their choice. They say whether they will be fingerprinted or not.

I return to this document that came from the federal government. Read the front page, ladies and gentlemen, it is already a federal law and there are powers already for any state, any entity, to do fingerprinting and background checks. It already exists. Read the front page. The VCA relieves the states of a necessity to enact legislation consistent with Public Law 92544 as a prerequisite to access national criminal history record information under the authority of the NCPA. It already exists. The policy is in front of you. It is a 27 page document from the FBI that spells it out on what states can do. We should have had this document months ago because we could have developed law and policy around this document. The federal legislation that enables the fingerprinting and we could have come forward with a piece of legislation all of us could have supported. When you read this document you will find that teachers are not singled out. Any health care person can be fingerprinted or any person in daycare. We could have developed a state policy on all of these areas, not singling out one group, all of them. I say to you that this is the future. This is a picture of the future, a snapshot. The people that want this legislation started with teachers. There was no documentation that said there was a rise in problems in our schools. They were just singled out. This document, if you read it, I beg you to read it, it will spell out that these problems could be addressed. You know what is even more interesting. If you will turn to page 6, it allows for districts, entities, to pick and choose the people to be fingerprinted based on their contact with children, whether they are in an environment where the child would not be susceptible, that person would then be allowed not to have the prints. If a person was in a situation where they were in an area where they could abuse a child, then this document says, yes, fingerprint them.

We should have looked within our schools and identified every area of the school where the children were susceptible and then require fingerprints of those children that could abuse children, but that was not done. Here we sit in a mess. I say to you, this body, adopt Senate Amendment "B." We will do new hires to address the concern of pedophiles coming into the state, which has always been the argument from the beginning and then we will take a complete look at all areas as this federal legislation had intended and then we will identify the areas that need to be fingerprinted. More than that, we will respect our teachers and our support staff as well. Many of those individuals have no contact with children where they could abuse, but they are going to be subjected to the same kind of treatment as if they were. To me, that says we aren't out to protect the children, we are out to identify that person's history. What is the true intent here? I ask you to support the Recede and Concur motion. I thank you.

The SPEAKER: The Chair recognizes the Representative from York, Representative Andrews.

Representative **ANDREWS**: Mr. Speaker, Men and Women of the House. I would like to clear up a little misconception about this bill that has been going around. I hear teachers this and teachers that. This legislation infers that all teachers are suspects. Ladies and gentlemen, I have a slip here that states that 29 other categories that are involved with children in school that are also going to be tested. It is not just teachers. It is to test all people who become involved with our children in schools to protect them. Let's clean up that misconception right now. Have they been objecting? Yes, some of the support staff has objected, not to being fingerprinted, but having to bear the cost of it. These individuals make much less money than the professionals, but they will willingly submit to the fingerprinting if it will protect the children, but they do object to paying the cost.

I would also state that we are very wrapped up with civil liberties and civil rights. I state to you that all of us, teachers, nurses, lawyers here violate our newborn child's rights the day they are born when we have them footprinted and then when they enter school to fingerprint them to help identify them if they are ever abducted or this sort of thing. We start very young, but we do that to protect our children. Thank you.

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

Representative **SAVAGE**: Mr. Speaker, Men and Women of the House. I am going to address a couple of different issues and they are going to be all over the map so please bear with me. You all know that if I thought this was a constitutional issue, I would be turning myself inside out against fingerprinting, but it is not a constitutional issue. In fact, for proof of that, we can turn to one of the examples given by the folks who are against fingerprinting. The reference to teachers being the front line against child abuse. That is a pretty bad example, actually, for the side against fingerprinting because everyone on the front line in our country is fingerprinted and worse. We give lie detector tests to police officers that dig far deeper than their fingertips. We don't think that they are criminals, but the risks are very, very high and we make sure that when we put someone on our streets with basically the authority to kill if necessary, that we have the right person there on the street. The front line of the battlefield, well that is a soldier. I have never been to boot camp, but I have heard some bad things about it. I can't imagine that we think that every soldier is a criminal, but we fingerprint them, we DNA test them, we turn them inside out when they get their

physical. We know everything about them. The front line analogy, I think, goes to show us that this is not a constitutional issue. People who want to be police officers, people who want to be soldiers, people who want to be stockbrokers, people who want to be lawyers, people who want to be any number of different things in our society and want to take on the risks and the responsibilities attending to those endeavors are fingerprinted and checked and worse.

I have heard arguments about volunteers and why don't we do volunteers. I am just going to tell you a little sort of an example. It is not uncommon that people want to shadow attorneys in the course of their work. They want to see what it is like to be an attorney. Every time someone does that and they call me up and say can I be your shadow today? I say sure. We sit down and we talk about what it means to be an attorney and what the lawyer/client privilege is all about and what confidentiality is all about so that when that person comes into a meeting between me and my client, I have to make an assessment of whether or not, after I have gotten the permission of my client, about whether or not this person can be trusted to respect that privilege and respect that confidentiality. If they don't, it is my ticket. Volunteers I think fall in that same category. If they go to the school for a half hour or hour a week, the person that they are with, it is that person's ticket. Just like if someone comes to a lawyer/client privileged conversation with me. It is my ticket, not their ticket. I take care of that. I don't think the volunteer issue is a very strong issue.

Sometimes you find yourself having a lot more respect for people who just say we shouldn't do this because we don't want to do it. We shouldn't do this because we don't like it. I would have a lot more respect for that than I do for the argument that there are a lot of other problems out there that we need to solve and therefore, we shouldn't solve this one. It is like saying there is a big burning building two blocks away and we don't have enough resources to cover that and we have a small little brush fire right here and we can stamp it out on the way by, but we have this big fire down the road. I think we can stamp out this small little brush fire. Very, very few teachers are doing this, however, the ones that are causing a great deal of anguish to the victims. Thank you.

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

Representative **THOMPSON**: Mr. Speaker, Men and Women of the House. I also am going to continue with my vote and vote against the motion to Recede and Concur and vote to Adhere to the position that this House took. I have been here for six years now and I have seen what we have tried to do to help children. We passed a bill to require public notification when a child molester is released from prison. We have increased the number of DHS workers. We have added people to the list of people who are mandatory reporters. We have increased the number of judges and prosecutors in our system. We removed the statute of limitations on criminal prosecution of sexual offenders. We have removed, this session, the civil statute of limitations of people who have offended. There is a bill on the table, right now, that gives life sentences to second offenders, life sentences.

I have also heard discussion that one of the problems is superintendents not doing their job in writing up people that are let go and let them go to another district. Maybe we can work on that. Maybe we can improve on the areas I have already spoken about and we can get DHS to do a better job. All the things that I

have mentioned have one thing in common. They are all after the fact actions. Every one of these actions take place after a child has already been abused. Think about that. Every one of these other actions are only a reaction to a child already being abused or a series of children already being abused. What we have already done, let's get that straight, the law is already there. The actions here are an attempt to change it. What we have done is put something in place that are one of the few things that we can do to prevent a child from being abused. After all, isn't that what it is all about.

We hear this is a referendum on teachers. When we are debating, defining the question is often everything. Isn't it really a referendum on our children? I have personally heard testimony in my committee over the past two years and in previous committee work before that, but particularly in the last two years of children being abused by their teachers. Does that make it a common occurrence? No, but it makes it very real. When I saw a face in front of me of an adult who had been abused by a teacher and nobody found out about it for 20 years, it makes it much more real than asking what are the statistical results of this law? I will tell you the statistical results of this law once it is fully implement is that no teacher or other school employee in this state will have a record. We will ensure that none of them have a child abuse record or a child neglect record. These are children that don't have a choice about going to school. The teacher can still choose not to take the fingerprinting and leave their profession. We all make choices when we go into public service. Teaching is a public service profession. We make choices as legislators as to whether to run for election and subject ourselves to the scrutiny that we are subjected to. Teachers enter into a public service profession and are subject to scrutiny. The balancing act is that we are protecting the children.

Teachers are no different than every other profession. There are pedophiles in every imaginable profession, but only in teaching do we make our children go there. They spend eight hours a day with these teachers, five days a week. Do they develop the relationships with these teachers that often carry on after hours into social events, school activities and athletic events? It is a unique situation. Report "B," which you are being asked to Recede and Concur to is the compromise. I, for one, am not willing to compromise on my children. I ask that you oppose the motion to Recede and Concur.

On motion of Representative SAXL of Portland, **TABLED** pending the motion of Representative TRAHAN of Waldoboro to **RECEDE AND CONCUR** and later today assigned. (Roll Call Ordered)

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Jason Cole, of Lebanon, upon being named Telecommunicator of the Year for the State of Maine. Mr. Cole, a dispatcher in Alfred for York County Communications, has prevented crisis situations from turning into tragedies countless times. We extend our congratulations to him on receiving this honor, and we extend our sincerest appreciation for his dedication to saving lives;

(HLS 1274)

Presented by Representative McALEVEY of Waterboro.

Cosponsored by Senator LIBBY of York, Representative CHICK of Lebanon.

On **OBJECTION** of Representative McALEVEY of Waterboro, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **McALEVEY**: Mr. Speaker, Ladies and Gentlemen of the House. As you know, we have the privilege and the honor from time to time to recognize special people throughout the State of Maine for monumental achievement or effort. Jason Cole is a dispatcher at the York County Communications for five years. They dispatch for over 30 agencies. Jason was honored by the National Emergency Number Association. It is a national group who selected him as the Maine recipient this year for two specific reasons, three actually. He is a good dispatcher, number one. Two, there are two individuals alive today because of his efforts that he went the extra mile for as a dispatcher. The first, he received a phone call from a very distraught mother whose child of less than one year had drowned in the bathtub. He took the appropriate efforts and dispatched the appropriate medical personnel and then he talked mom through the process of removing the child from the tub, resuscitating the child who was unconscious and had drowned. That child is alive today because Jason had the wherewithal, the training, to do this.

In the second incident Jason received a call from a distressed individual who was threatening suicide and had the mean in hand to take their life. He sent the appropriate emergency personnel, fire, rescue and police and he kept that individual on the line and occupied with dialog convincing that person not to take their life. That person is alive today.

Jason exemplifies everything that is best about our emergency communication personnel in this state who work 24 hours a day around the clock in eight or sometimes 12 hour shifts. It is that type of dedication to his work and his service that should make all of us proud of these people in this profession. I am honored to present this sentiment today recognizing his heroic efforts. Congratulations Jason.

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

Representative **CHICK**: Mr. Speaker, Ladies and Gentlemen of the House. I had a rare privilege this morning to come up on the third floor from the caucus and I met the chairman of the York County Commissioners, Commissioner Layman. He started to introduce me to some people that were in his presence. It was a rare occasion because Jason Cole was there with his mother. Due to his assignment Sunday morning, he wasn't at the breakfast, but I had Easter breakfast with his mother Diane. It was a pleasure to be introduced to someone you have known for a long time. I believe that in these days of young people being recognized for duty at various jobs in the State of Maine, I think this is a high honor. It is really warranted for Jason Cole that he was able at this time to make the right decision and we would read about something that was well handled rather than the report that we sometimes got from people who failed to recognize what they are dealing with. I would say also that it is something that I have heard mentioned here this morning by the good Representative Skoglund talking about people who have had the opportunity to serve in the military, but to Jason Cole,

that if I was dug in on some embattled hillside, I would like to think that he was in the next foxhole. Thank you.

PASSED and sent for concurrence.

Recognizing:

the following members of the Saint Dominic Regional High School "Saints" Hockey Team, of Lewiston: Nickolas Theriault, Brian Langlais, Brian St. Pierre, Steve Roop, Randy Conant, John Forestell, Bobby Nadeau, Greg Moore, Sean Andrews, Joey Dumais, Brian Andrews, Tony Rousseau, Tyler Tyburski, Chris Manson, Darren Carlisle, Travis Jalbert, Bill Healey, Matt Caldwell, Zach Tyburski, Adam Dube, Erik Hagman, Jamie Gilbert, Ben Gray, Manager Andrew Giouard, Head Coach Bob Boucher and Assistant Coaches Dick Robert, John Pleau and Brian Kay, winners of the Class A State Hockey Championship. This is the 24th State Championship for the team. We extend our congratulations to the team on this achievement;

(HLS 1276)

Presented by Representative MENDROS of Lewiston.

Cosponsored by Senator BERUBE of Androscoggin, Senator DOUGLASS of Androscoggin, Senator KIEFFER of Aroostook, Senator HARRIMAN of Cumberland, Senator KONTOS of Cumberland, Senator KILKELLY of Lincoln, Representative BOUFFARD of Lewiston, Representative MAILHOT of Lewiston, Representative O'BRIEN of Lewiston, Representative COTE of Lewiston, Representative SHIELDS of Auburn, Representative GERRY of Auburn, Representative BOLDUC of Auburn, Representative SCHNEIDER of Durham, Representative FOSTER of Gray, Representative MADORE of Augusta, Representative PIEH of Bremen, Representative DUNCAN of Presque Isle, Representative GREEN of Monmouth, Representative JACOBS of Turner, Representative O'BRIEN of Augusta.

On **OBJECTION** of Representative MENDROS of Lewiston, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I stand before you today honored to recognize a great hockey team we had in Lewiston. You can see that Saint Dominics has a proud tradition of hockey dominance. I grew up in Lewiston and went to school there. It is a rivalry between Lewiston and Saint Dominic. We often battled it out and one of us would always come out on top. In the past two years it has always been Saint Doms. I am very proud of my city and we had a saying, if you were born in Lewiston, you were born with skates on. Maybe that is why my mother was so grumpy with me. You can see this is their second straight year. It is not written on there, but it is their second straight year that they successfully defended, which is more difficult, than winning. Everyone is gunning for you, but they did it and I am proud of the great job they did. I congratulate them.

PASSED and sent for concurrence.

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

Bill "An Act Concerning Fingerprinting and Background Checks for School Employees"

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

Which was **TABLED** by Representative SAXL of Portland pending the motion of Representative TRAHAN of Waldoboro to **RECEDE AND CONCUR**. (Roll Call Ordered)

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

Representative **RICHARD**: Mr. Speaker, Men and Women of the House. I would like to respond to some things that had been said earlier and once again, the people who said them are no longer here, but I will respond anyway. We had quite a strong speech made about the National Child Protection Act. That act is a federal law. There is no state that is using it because it is so complicated. Florida has attempted to use it with a waiver, but that is in a court case right now. Under that particular act, any group that wants to use it can set up their own standards. Therefore, if the State Police were going to try to implement it, they would have to implement the standards of every particular group that put it into their option. That would be very difficult to do. No state is using that.

Much reference to those who fought in World War II, my late husband fought in World War II and nearly lost his life and one of the things that he fought for was the things that we have not discussed very much and that is values for innocent children. It is the innocent children that are the reason why this law was put into effect. It was first introduced in 1995. It was said, again, and he is not here, that we did not talk to teachers. Many of us talked to teachers while we were working on this law from 1995 through the time that it was passed. During this past week, I am sure many of you talked to people about this particular law. I talked to many teachers. I know we have had the number 27 cases that have been thrown around. Just in the conversations that I had this past week, I had numerous other cases that were cited to me by teachers who knew about this.

This is not the first time that the state has demanded or required teachers to do something. Once upon a time many long years ago, all of us teachers had to have TB tests, whether we wanted to or not. If we didn't have them, we lost our job. We had to have our arms scraped and skin was taken off and we had TB tests. What was the reason for that? The same reason for this law and this is to protect the children. I don't know if they found any teachers who had TB, but we were all tested and we submitted and we had it done.

You have another fact sheet that I have discussed once before and that says that you can access Nasdaq Clearing House. As I said before, Nasdaq information is voluntary. Only those who want to submit information to Nasdaq do. This is not something that every single state does for every single teacher. It only includes teachers, it does not include support staff.

Unfortunately the majority of the cases that have been uncovered in the past are by experienced personnel. They are not by the people who have just come into this system new. They are by experienced personnel.

Lastly, you have another sheet on your desk that says keep a fair and sensible law that keeps Maine schools safe and before you vote to Recede and Concur, be sure that you read the last item on that. It imposes the cost of liability on local school districts. If a local school board decides to do testing of those who are coming into their system from another school, then that school board will have to pay for it. Think about that. I would urge you to vote against Recede and Concur. Thank you Mr. Speaker.

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

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. Three minutes, if you can't do it in three minutes, you shouldn't stand up. The TB test, having your arm scraped, it quite different than having the FBI come into your lives every five years and go through your life. It is just not the same. That is comparing apples and oranges. In the name of children, that is all we hear. We are using children for this loss of freedom. If we really care about children, we should support gun safety locks. If we really care about children, let us lower the speed limit on the superhighways because God knows we lose more children in accidents on the superhighway. If we really care about children, let us support single-payer health care. If we really care about children, let us support a living wage for their parents. If we really care about children, let us support stronger child labor laws. Values, Representative Skoglund, ditto, ditto, ditto. No one can say it better than he did. We said it is not about numbers. We heard about the Education Committees hard work time and time again. Representative Brennan saying if it wasn't about money, it wouldn't be here. A wise old woman once told me that everything happens for a reason and there must have been a reason, maybe time to reflect. Why, as politicians, can't we admit sometimes when we make mistakes? We heard about stories of the fingerprinting coming into the schools and a teacher who was blind and had to have her license in another state was given a very difficult time. Is that what we want for our teachers? In the name of children, they are there for the children. Numbers don't matter. The numbers say it is not the teachers that are the pedophiles, it is the parent, family members, neighbors or people they know. Putting their fingers on an ink pad and having a background check if somebody is perverted, you will not stop it and save that one child. You cannot protect that child from the time he leaves his home until the time he goes to school to the cub scout leaders to the church leaders. It is not a perfect world. This is bad policy and I want to be on record stating that. Thank you.

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

Representative **DAIGLE**: Mr. Speaker, Men and Women of the House. When this debate began, my good friend the Representative from Harpswell, Representative Etnier, spoke very eloquently and basically summarized all the feelings I had in this matter. I have been sitting back the last hour and a half or so looking for some point to shift me from the position I had taken. I have heard two major points today and they were the following. First, this issue of a special file, the idea that records are being kept. I don't think people realize to what extent records are already required of all of us by things our government does today. There is already a file on every single teacher, every single worker in our school system, and that is a very thick file. It contains other documents, their tax records, anything that has to do with disciplinary measures, even attendance and not only the fact whether they were there or not, but also why they weren't there under the Family Medical Leave Act. We already require a tremendous amount of information. If it is a privacy issue, it is not whether or not there will be a file, it is whether or not there will be another file. This file, at least, is going to be protected a little bit better than a file drawer somewhere there in the school office. It will be under a police organization with greater responsibilities and greater protocols for taking care of that type of data.

The second issue I have heard today really comes down to this idea of the actual act of being fingerprinted. Is it so offensive

to put ink on your hands and touch a piece of paper? What we are really trying to do here is to say, positively identify yourself. Tell me who you are in a way that cannot be argued with. In today's society, not 20 years ago or 50 or 100 years ago, it is very, very easy to change your name. I get e-mails on the Internet offering me how to do that. You can pick up a classified ad in the local paper and it will give you a hint on how to do that. Anybody can change their name if they want to. Certainly anybody who had a history like we are trying to bear it out, would want to. The only way we can say we want to know who is in our schools, the only way to do that is with fingerprinting. Nobody has another way to do that. If the act of ink on your fingertips is offensive, it is a regrettable way, the only tool left that society has to reach that objective. Now we are left in the last days with an attempt to carve out new teachers and I totally with the statement that if it is a civil rights issue for all teachers, then it is a civil rights issue for new teachers also.

I am in favor of keeping Committee Amendment "A" as the policy. I am opposed to Recede and Concur and I absolutely agree with the Representative from Portland, Representative Brennan, who said that this process was dealt with in committee very, very well. I know how I feel when my committee gets a bill and deals with it for months at a time and comes out with an answer, explore it to a great degree that can never be done and an individual not on the committee with a floor amendment cannot hope to duplicate that. If there was a flaw unbeknownst to the committee that was being dealt with in an amendment, that is a different matter. All the issues attempted with this amendment that was before the other body were discussed in committee at length. It went through the entire review process and were rejected by the committee at length. That is a different matter than an error amendment. For that reason, I hope that you will oppose the pending motion to Recede and Concur.

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

Representative **O'NEIL**: Mr. Speaker, Men and Women of the House. Even as this debate goes on, I get a yellow slip here about fingerprinting, ASAP call. All in all, I think I have had a pretty good session this year. I have only been pinched for speeding twice. In my rush to come and go and be well informed, I have been very well informed on the subject matter contained on this bill, sometimes I either go a little fast or I skip over something, but this one issue has been very well covered. As I sit here and listen, again, I hear some of the wonderful eloquent arguments be made. I hear, as I said last week, or I hear I want to repeat. It has been a long and insufferable debate. I, for one, just like all of my good colleagues, Mr. Speaker, have taken a position and made commitments on that position. As we all know, when we make commitments here, we have to stick with them. The good Representative from St. George, Representative Skoglund, talked about values. At 4 p.m. today I would find it very valuable if I could get to the first Little League game that I was supposed to coach this year. It is a team of kids down there. My employer is becoming very impatient with my stretching the limits of the legislative session. My wife is away on business. We have a first communion rehearsal tonight. It is little things that make me want to speed up debate. That brings me to Dennis Harper and Peter Fonda. My favorite movie of all time is *Easy Rider*. I have seen it several times, but I can't watch it twice in one day or twice in one week. It is a rather obscure and abstract movie with a strange ending, but about once a year I like to go and rent it. It is spread

out enough and I can revisit it and I actually might get something new out of each time. While I respect and I accept the folks who are for the "A" Report, the folks who are for the "B" Report and the folks who are for the "C" Report, I am on the "B" Report, by the way and I am going to stay there even with this simple technical amendment that has been added. I kind of hoped this would end the way *Easy Rider* ends. If you remember, the two were riding down the road on their bikes, gunshots ring out and the bike hit the ditch and the credits run. Whether my good colleagues are here to vote for the "A" Report or to vote for the "B" Report or even to vote for the "C" Report, I just hope that we would vote soon.

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

Representative MUSE: Mr. Speaker, Men and Women of the House. I would like to address a few of the things I have heard here this morning. First of all, my friend, Representative Twomey, who talked about how intrusive it is to have the FBI come into your lives every five years and didn't see the comparison between TB tests and fingerprinting. I don't either. I don't see the comparison. One is far more intrusive than the other. Certainly to have your skin scraped from your body is far more intrusive than pressing your finger on an inkpad and then onto a piece of paper. It is far more intrusive, yet we did it for the well being and the benefit of the children. Representative Skoglund asked, what freedoms would you not give up for a child? I would certainly say none. I would give up any freedom that I have for my daughter. I would lay my life down and give it freely and willingly right now for my daughter as I am sure any parent would. I would hope that they would. Representative Matthews spoke as eloquently as usual and said that this is a mistake. He said that the vast majority of these people are good people. The vast majority of them are good people. I would say 99.999 percent are good people, but last week when we debated this, I asked for anybody to show me the number zero. Show me that by doing this we will not find even one person who has a criminal record. If you can show me that, I will work with anybody to get rid of this law. I don't believe you can do that. Nobody has. The State of California has been fingerprinting teachers, everyone in their school system for 40 plus years. They are all good people too. Teachers are good people by virtue of what they do.

We don't have to look back too, too far, I look back at my own alma mater and see a guy named Charlie Melia. He was a schoolteacher. I don't have to go into what has gone on at Chevriss High School. We all know. We hear about teachers giving up their rights. They are not giving up their rights. When an individual becomes a teacher, they sign a paper when they apply for their teacher certification, they sign a piece of paper saying that they don't have any criminal records or nothing. It also says on that paper that that may be verified. This is all we are doing is verifying. We are verifying. Is there another way to do it? Is there another way to do it with proof positive that these people have no criminal background whatsoever that could be detrimental to a child? Show me that number. Show me the way to do that.

This has been a long debate. I would just close, Mr. Speaker, with thoughts of Abraham Lincoln who once said "A politician thinks of the next election. A statesman thinks of the next generation." I would ask all of you to think of the next generation and vote against the pending motion. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative True.

Representative TRUE: Mr. Speaker, Ladies and Gentlemen of the House. It is said that nothing should be feared, but rather it should be understood. Hopefully, after all these debates are over that we will understand it. I believe there is a reason for this. To my good friend from St. George, I believe strongly in values. My dad said that part of values is standing up to be counted. I am proud to say that I have stood up to be counted always in the best interest of children, even one. It has absolutely nothing to do with trust, this law. It certainly has to do with statistical measurement. They show or it has been said by the unions and some teachers because I am very proud to have gone while those in my district were fingerprinted and not a one said anything. I am sure they knew which way I voted. Statistics, as we know, can be juggled to do whatever the person wants to do with them. In this case, they only show those cases listed. How many of them have been asked to leave? There was something passed out the last time that we had this before us where one of the learned attorneys who probably are hired by more schools in this state than any other, he said in his time there were at least 20 and probably more who were just let go. Isn't it ironic that today we are taking up actually, if we go along with something from the other body, we are taking up an amendment that says, let the superintendents decide. Yet, the superintendents have already voted to say that they favor it. Isn't that odd. I don't know if the commissioner is in the audience today, but I want to certainly publicly state that he stood up to be counted. I applaud him for it.

We are talking about teachers and we are talking about children. We are not talking about taxi drivers. We are not talking about Kittery where people might want to come to Maine. Many of the things that we have talked about in the transportation of our children if you don't go by the regular methods, that is a parent's decision. I sometimes wonder as I listen whether or not we would be hearing different things if this wasn't a political year. You can say he don't have to worry because he is being termed out. I do worry about it. My good friend, from St. George and others said about Constitution and whether we believe in the Constitution. Well, I am one of those veterans, not once, but twice. I believe in the Constitution as three of my brothers did. We all returned and two of my best friends didn't. Yes, I know what they fought for and what they wanted. I wonder, ladies and gentlemen, what we would find if we, as we have many other things that have bothered us, put it out for referendum. I can tell you most of the people that I have talked to, I think would say that it is a good idea. I applaud all of the Education Committee and what they have tried to do. You know if you walked into your living room tonight and found a crack in the ceiling, I think most of us would try to put something in to stop that crack. That is all we are trying to do here. In contrary and this, I am being repetitive of what I said before, pedophiles are not born. It can happen.

As others that are here, I have stood in the trenches. People are talking about civil liberties. I remember a job where the superintendent said that you shall come with your suit and tie on every day. You shall do this duty and another catchy phrase that was always on my contract, and other duties to be assigned. I had a choice, as other people do, and I believe that most people will make the right choice. The school should be a safe place. That is what we guarantee each child. This lawyer that I spoke about mentioned the fact that he had to interview three. He said

that if any of you ever looked in the eyes of a six year old girl who was going to be traumatized for the rest of her life, how would you vote? I have been in the trenches when I had to take action and I did. Even if I stood on tiptoes, I couldn't go 5'7" and I had to face two gentlemen one morning and say, put your books on the steps, you no longer work here. The only thing I thought about was, what was right? What is right, ladies and gentlemen, is this law that will protect our children and our children's children. I certainly do not plan to change my vote. I am not worried about anybody accosting me because of it. I don't think any of you have to worry about it because, as I have said, I believe that if it were put out to referendum, it would come back in favor of doing this. I thank you for listening.

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

Representative O'BRIEN: Mr. Speaker, Colleagues of the House. I will be very brief and I will try not to speak with passion today. I will just give the facts. Basically because I want the good Representative from Saco, Representative O'Neil, to be able to go home and do his Little League game. There is not much that is more important than that.

I just would like to comment on a few comments that have been made previously. First, I do want to say that I have tremendous respect for teachers. I think I said that enough last week and I won't go into that. I have tremendous respect for teachers and all those that deal with our children. I would like us to treat this rationally and figure out what has happened here. As a cosponsor of the original law, again, it is a law that was passed in the 118th, there was no outcry. There was very little debate. It was open, but the MEA and others supported it. We have heard that before, but it needs to be repeated, I feel. Actually, from what I understand, the union helped write this bill. Yes, we do make mistakes and we can correct those mistakes. That has happened before and it will continue to happen. As we gather this session and I heard it on radio and I heard it on the news and I could see the complexion of this whole thing changing. Originally, it was pay. The issue was pay. We solved the issue of pay, or dealt with the issue of pay, and then all of a sudden the whole tenure of this whole thing started changing and it became a civil rights issue. I am not really sure how that happened, but something or somebody stirred up that issue of civil rights. I honestly can't understand it. As someone very eloquently said when we had this debate last, he originally thought that it was a teacher's issue and then after thinking about it, he realized it was not a teacher's issue, it was not a school employee issue, it was a children's issue.

Perhaps my district is different, but I can honestly tell you that I do not recall one person, remember that I go home every day. I am very fortunate and, unlike many of you, I am in my district every day. I am everywhere with all of my children. I hear a lot from my district. Not one person has said to me, except a few teachers that were out here in the hall last week, I have asked. People have come up to me and said that they hope you are for the fingerprinting in the grocery store, the Y or everywhere that I gather. They have said that they hope you are for it. I don't understand this outcry as long as the state pays. I am honestly telling you that. There may have been one, but I honestly don't recall it. I have asked superintendents. I have asked the principals. I have asked the school secretaries. I have asked the maintenance people. I have asked the teachers. I have heard no one, no one, say that this wasn't a good idea as long as we were paying for it.

I have heard others say differently, perhaps this really is a very diverse state and maybe you have. I have had some e-mail, but not from my district. There has been very, very little. As I say this, I want to correct myself. I did get an e-mail from my district. I do have to say that. It was against it. I just remembered that.

I just want to end because I really want Representative O'Neil to be going home. I was offended by the veteran's issue, that the veterans went to war. I am so indebted and I think we all need to be so indebted to our veterans that have fought for our freedoms, our privacy and our rights throughout the years. They fought for everybody's rights. Is there an age level that they fight for? I always thought that they fought for everybody's rights. This is the civil rights of everybody, not for only those that have a union and a lobby, it is for everybody's rights. I hope that you will follow Representative Brennan's light, because this is becoming a very complicated issue and I want to thank you for your time.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Gooley.

Representative GOOLEY: Mr. Speaker, Men and Women of the House. I am one of those legislators who is on e-mail and I have had quite a few e-mails in the past few months on this particular issue. I will just read parts of one that I think summarizes how I feel about this whole issue, which has probably been the biggest issue, intense issue, as far as my six years in the Legislature has gone. Part of this e-mail goes like this. "I have been married for 30 years to a teacher who is willing to lose her job unless the law is repealed." The person goes on to say, "How would you feel if you were in the same position? The Governor and the Commission on Governmental Ethics has decreed that before you can take your oath of office, you and every other legislator, veteran and freshman will have to undergo fingerprinting and a criminal background check to determine whether you are convicted felons?" I don't mind having my fingerprints taken. It doesn't bother me in the least. Let's do it. The person goes on to talk about injustice and disrespect. It says that because of dedicated service this teacher's word and honor aren't good enough. "The love and respect of her students and her community aren't good enough. Her record, which is there for everyone to see is not good enough. This law will not enhance her integrity and public perception and has already damaged it. She has had to read those awful remarks in the papers about her work as a teacher. She is being accused by the state of being a convicted pedophile. Unless she can prove otherwise, she will not be allowed to teach." You know, this e-mail it is an example of what I have received over the last few months as I have said. I don't see it in this fingerprinting program. I don't see that. I am sorry that some teachers can't get beyond the intent of the legislation. The students have rights also. Please vote against the Recede and Concur.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Gray, Representative Foster.

Representative FOSTER: Mr. Speaker, Ladies and Gentlemen of the House. I am one of those millions of

individuals who have been fingerprinted. However, outside of a little wear and tear, I still have all of my fingers. I think it is well that it has been said here that this piece of legislation affects more than just teachers, although you would hardly know it sometimes by the comments. I would just like to say something about rights of individuals. I think in this country, both at the federal level and at the state level, we have a tendency to treat symptoms and not problems. I think mostly that is because we don't like to tromp on people's rights. This case here may be another one of treating symptoms. However, I think it does have the potential of firing a shot across somebody's brow to say that there is a problem. If it does nothing more than that, then it would have been a success. I would also like for you to remember that people's rights have been chipped away at for the benefit of the rest of the population in many areas. If you look at your local zoning ordinances while the state's zoning ordinances or federal legislation, which has essentially taken the rights away from many landowners, some without their consent. I see this as no different than that. Yet, we are still able to get along. I would hope that you would vote against the pending motion.

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

Representative MENDROS: Mr. Speaker, Ladies and Gentlemen of the House. We heard earlier that this is referendum on kids or a referendum on teachers. I will tell you, in my opinion, it is a referendum on criminals. We are telling them, you win, we live in fear of you constantly. We are going to take away everybody's rights. We don't want to deal with you. You win. I circulated an article where a child molester molested a seven year old girl and 15 other counts and he was ruled to be a violent predator of children under the age of 10 and he was put in jail for 60 days. If we put the criminals in jail, we wouldn't have to do background checks on them because they would be in jail. You are not going to find anybody with a background check unless they have a criminal record and if they have a criminal record, they should be sitting in jail. That is how we solve that problem.

I have to dispel another thing that was said about how easy it is to change your name. Yes, it is easy to change your name, but it is pretty hard to change your name on your college degree, which you have to show to get a job or at least your transcript. Any superintendent, I would hope, would at least look at your transcript and make sure it is the same name as on the application as you are applying for. If there isn't, it should be a red flag that maybe you changed your name.

The last point I want to make, is very different than many others about this "A" Report. Where does it end? You spend a couple million dollars to pay for everyone to be fingerprinted that works in schools, but what about kids in daycare? Don't we care about them? That is the fourth largest occupation in the State of Maine, well, maybe another \$5 million there, we will fingerprint them. Well what about health care? I don't want somebody taking care of my parents, grandparents or aunts that might have a record. That might sound far fetched to you, but we had a bill before the Health and Human Services Committee to do exactly that. Well, let's fingerprint all them and keep them safe. There is another \$5 million. Now we are spending \$12 million. Where else can we be safe by fingerprinting? I have better places that I think our tax dollars should be spent than fingerprinting and doing background checks on everyone to make sure we can keep our streets safe to the utmost degree. We heard that it is a waste of money to do this and then stop. It is worse than a

waste of money to continue to do it. It is using our money, state money, to take away the right to people and that is more than just throwing it out the window.

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

Representative MCKEE: Mr. Speaker, Men and Women of the House. We are here at the privilege of our constituents. A diverse body of interests, not just teachers and while I appreciate all of the comments that have been made about teachers, teachers do not constitute the 8,000 people that I represents in its entirety. I am also the teacher at the privilege of my community and that means the community of citizens parents, students and my colleagues. Many people told me teachers fit in really well in the Legislature because they are used to looking at a diverse constituency in dealing with the classroom. This is not unlike a classroom. This is not unlike a classroom for sure, but I want to tell you today and I want to emphasize that I am interested, as a teacher and a member of MEA, in safe schools. I am interested in public trust and confidence in public schools.

I promise I will only be passionate about those words, public schools. It is time that we tried to shed the cloud of mistrust and lack of confidence in public schools. Perhaps this will help to erase some of that mistrust. I am interested also in equity among, I say it carefully, the rank and file. That large body of people who have willingly consented to being fingerprinted, that large body of people in my constituency, not one of whom teach in that area who have called or received e-mails from several other districts, although not many e-mails. I have heard none from my own colleagues. I am interested in moving onto the great business of our calling and to get this out of the way. Equity is very important among those of us who teach. We don't like merit pay. Most of you and others will say, boy, I would like to get merit pay in the schools. We will pay the good Representative Sullivan more than we will pay Representative McKee. That doesn't sit very well in the ranks. We are a very egalitarian group. It is one of the first words I teach my students. Egalitarian, what does that mean? All of you march into this room, equal in my eyes, just as I did in 1947. A very heterogeneously grouped body of students, rich and poor and disenfranchised and unhappy and on we go. Among the ranks, egalitarianism means something. We will all be treated equally. That is why new hires only stick in the craw with me.

My son just became a teacher. His wife just became a teacher. They came from good homes and folks, they are good kids, just as I hope people regard me and my community. New hires, who are your children and people you know, who are going to be fingerprinted. I can't sit there or stand there in my classroom as a veteran teacher and say it is not okay for me, you know me. I have been here a long time. I have served you well. It would be an egregious invasion of my privacy, but I want your son to be fingerprinted. No. We are an egalitarian group. We don't even feel good when one is more recognized than the other. It is very hard for us to accept recognition even on our faculty because we consider this not a right to teach, but a privilege to teach. It is a calling and I don't mean to sound modeling when I say that. It is a calling to be a doctor. It is a calling to whatever we do if we really want to do that. So, the new hires only takes away the rights of one group. Some of you have talked about rights. It takes away the rights of that group. That doesn't sit well with teachers. Many of you have said that we have background checks, but would you not want to have

background checks for people coming from other parts of the country?

I have heard some remarks that sounded to me somewhat of a hyperbole. This is no time for hyperbole. We are not going to be herded into soccer stadiums. To even draw that comparison because we know what soccer stadiums mean. We know that means apartheid. What a vast difference between apartheid and the loss of this so-called civil rights here. I want to ask you the question, if you were entering teaching today or the military today or MBNA today or whatever you wanted to do and your employer said you would have to be fingerprinted, would you say no to something you have wanted to do all your life? I asked myself that question. Would you say no to fingerprinting? Absolutely not. There are far more important imprints than that print that goes on that piece of paper or celluloid. The imprint of abuse goes on forever, on past one generation.

Before coming here this morning I had the opportunity to work with a student whose home burned and her six month effort at a biography of an aging citizen burned in that house. I had the opportunity to deal with a boy who had gotten into a fight and who had injured an artery and was behind. I had an opportunity to talk about the driving laws for 15 minutes to a class before my own started and finally, I sat in a circle and talked about the Holocaust. I talked about meeting Eli Vistel. I talked about civil rights in a big, big way. That is what education is all about. Great literature instructs us how to live and I wouldn't be away from that profession any longer than I ever had to.

I do not believe people will abandon our profession because of fingerprinting. We are here as a privilege of a diverse group of constituents, not just teachers, but school boards, parents and even students. I will repeat that I am interested in safe schools, public trust and confidence, equity among all teachers and moving on to the great business of our calling.

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

Representative **DESMOND**: Mr. Speaker, Colleagues of the House. I think everything that needs to be said about fingerprinting has probably been already said. Having been a teacher for over 40 years, myself, looking into those beautiful faces of the children, I knew that they depended on me and I knew they trusted me. I agree with the statements concerning the impact teachers have on students. We always hoped that it is going to be good. If this bill is not about trying to prove all teachers as unfit, it is to keep children safe from any individuals employed by the school who have inappropriate motives for being in that school. We haven't heard from the many other educational personnel besides teachers and there are many. This bill isn't about teachers or any of those other personnel, it is about children. It is about thinking unselfishly about what is good for children. It takes only one bad apple and when that incident occurs, it is already too late.

In the *Portland Press Herald* flyer that you have on your desk, there is a very good article. I hope you have read it. I would like you to look at the last paragraph. This tells us what we really should be thinking about for teachers. "It is unfortunate, but child abusers trade on the trust and respect that dedicated professionals have earned. Lawmakers would be wrong to repeal the fingerprinting requirement because it would make it easier for abusers to evade detection and with the next incident further erode the trust we have in good employees."

I would also like to make just one last comment. It has been said that some employees will be out of jobs if we vote for

fingerprinting. These are grownup people. If they want to risk their jobs by not complying, that is their decision. It isn't the fault of the Education Committee or the Education Commissioner or the school superintendent or the school board. It is their decision, pure and simple. Thank you Mr. Speaker.

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

Representative **WESTON**: Mr. Speaker, Ladies and Gentlemen of the House. Our colleague from Lewiston raised a question and although he is not in the House to hear the answer, I would like to reiterate what was spoken in our last debate. We are focusing on public school teachers because that is the scope of our responsibility. We mandate education. These children and their parents have no choice who supervises their children all day long. All of the other things mentioned, parents have a choice. It is not within our scope of responsibility. Public schools are and that is where we are asking that those who are supervising our children do not have a criminal record. We are asking for verification of that. Thank you.

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

Representative **DAVIS**: Mr. Speaker, Men and Women of the House. I am going to make this very brief. I agree with Representative Murphy, McKee, Trahan and Skoglund. I won't belabor this, but I think there is a better way to get rid of pedophiles in the public school system like constant vigilance, more parental involvement and also perhaps a law to force superintendents when they fire somebody to put it in writing as to why they are firing that person. Maybe that is the route we should be going. I also feel that if we really go through this, I am going to vote for Recede and Concur. I agree with what the Senate Amendment did. I think if we don't do this, I think we are going to damage the public school system further. I plead with you not to do this. I don't impinge on anybody's motives. My seatmate is one of the nicest seatmates that anybody could have, I just disagree with her and she disagrees with me. I have been lucky that she sits next to me. She is very helpful. We disagree on the issue. Look at this in depth and what is it you are going to do. Are you going to tell a 20 year veteran that they must prove they are not a pedophile? I think that is a very, very harsh way to go at it. I would ask that you vote for Recede and Concur.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

Representative **BAKER**: Mr. Speaker, Men and Women of the House. I will say it again. This bill is not just about teachers. Teachers are not being singled out. Custodians are not being singled out. Coaches are not being singled out. Bus drivers are not being singled out, but all of these school employees are being asked to verify that they do not have a prior conviction. I received a poignant e-mail this week from a teacher who said, you don't pay us enough and now you are asking us to be fingerprinted. I fear supporting the MEA on this issue is a substitute for actually giving teachers what they deserve, which is better pay. Something is wrong in a state where a teacher in Harmony, at the top of the profession makes \$2,000 less than a

teacher in Cumberland at the beginning of the profession. We need to address that issue, but one issue is not the other. These are separate issues. It is a question of values. The good Representative from St. George talks about the right of people to feel free. For others, it is a question of the right of our children to feel safe. If we are not safe and our children are not safe, we are not free.

Twenty-two states have instituted fingerprinting. For 49 years California has had this law. We on the Education Committee have heard from superintendents about the calls that have come in asking if you have a fingerprinting law in Maine? When the answer is yes, as it has been for the past three years. The caller hangs up. How many are already here because until three years ago because Maine had no such law? Freedom in a complex issue. It is never simple. Freedom to privacy for perpetrators condemns the victims to a life that is not free. The chains of sexual abuse bind fiercely and permanently. To be sexually assaulted by someone you trust, a custodian, a coach, a bus driver or a teacher is a life sentence. When the policemen stop us, we have to produce a driver's license to verify that we are driving legally. This law today simply verifies what school employees have already been asked. Do you have a criminal record? Only with fingerprinting can that verification occur. Three separate Education Committees have crafted and supported this legislation, the 117th, 118th and the 119th. All Education Committee members have been thinking long and hard for these many years. We need to stick to the course and keep faith with our children and our young people. I urge you today to Adhere to the prior position of this House and vote no on the pending motion.

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

Representative **BROOKS**: Mr. Speaker, Ladies and Gentlemen of the House. Far be it for me to recommend that you read anything that was clipped out of a newspaper. However, one of the speakers prior to me referenced a Portland newspaper. I would reference a Bangor newspaper, but I know I had absolutely nothing to do with the editorial that is referenced there. However, it does give you an option of dealing with this in the amendment that we currently have before us. The speaker just before me, my dear friend, the Representative from Bangor, Representative Baker, talked about when you are stopped by a police officer there is an expectation that you give them your license. That is implied consent. I agree with that. If I apply for a driver's license, there are certain expectations that I should have. I am wondering why teachers who have been teaching for 10, 15, 20, 25, 30 or 35, whatever the years, if it is appropriate to change the standards now? They came to work, applied for a job, knew they had to have a teaching certificate and now here it is all these many years later and we are changing the standard and saying you now must be fingerprinted. That is one of my real concerns about this. I don't have a lot of concerns about fingerprinting and background checking the new hires or the transfers if they come from out of state or other school districts. I do have a concern about blanket policies that will cover all of the people who have been teaching in these institutions for many years.

A lot has been said about civil rights. What about the expectations of my rights? Whenever you change the standards that bring in blanket policies for any institution or for any grade level for anybody, you are now changing the playing field. I don't think that is appropriate.

I commend the committee for all of its diligent work. I certainly do support all of their efforts that are aimed at child safety or student safety. It is a very emotional issue. I hadn't really decided what I was going to do, for certain, about this amendment until yesterday when I received a letter from a teacher. It points out, I think, very well how we could be using this money more effectively to protect the children in school and not compulsorily fingerprinting for teachers who are veterans. Either way this comes from a teacher at Bangor High School, outside my district, but in other people's district.

A couple of years ago, five years ago, I had a friend who had won an overnight stay in a bed and breakfast and he gave it to me. He said, why don't you use it? It happened to be in a community called Salem, Massachusetts. I think you all know the historical background of Salem, Massachusetts and the witch hunt. I think you have all read about McCarthyism. This scares me. I know of a teacher in Bangor who is no longer a teacher in Bangor. This happened many years ago when that person left the job because of suspicions. He was discredited. I think, frankly, that his lifestyle caused this to happen. He was put under suspicion because there were accusations that he was found with child pornography. There were never any charges, never any indictments, but because of the circle that surrounded him, he was encouraged to leave the job and the profession. He now lives elsewhere.

Suspicious, there was a *Readers Digest* article this morning that talks about that same kind of a case. Where are we going with this bill? Why are we changing the standards in midstream? I can't support that. I can support if we want to begin today by protecting the children and fingerprinting the new hires or the transfers. That is what I can support. I have gotten all kinds of letters as I am sure we all have. I have them here on my desk. They are stapled all together. I have e-mails. Most of them, I will admit to you, came from teachers. When I traveled around my district, I asked people in the stores, where are you guys? You want to know where I am. Where are you? Many of the responses when I opened the topic myself, many of the people said that it was my job and to go do it. We don't have kids and we are not teachers. Those who did have kids said, yes, absolutely, we want the safest environment possible for our children and we want the state to pay for it. They did say that. They said to compromise. Most of them said to compromise.

My mother used to be a hot lunch employee at the middle school in Winterport. She no longer is. She is 75 and she can't do it anymore, but when the bill came in last year, she said to me, "Would I have been covered?" I said, "Yup." She said, "They know that I only worked two or three days a week and got about \$11, but I would have had to pay \$49." I said, "Yup." This bill would have reimbursed her had she been there, but she couldn't understand, a woman 75 years old whose character is being questioned. There is nothing back there. She has been fingerprinted before. She was somewhat insulted. I think there are many teachers who are insulted by this. At least that is the ones that I hear from. I do hear from parents who say do what you think is right. Go ahead and fingerprint the new hires to make sure that we don't have folks like that teaching our children. I can't support legislation that will throw a blanket policy over every school in the State of Maine that will insist that 10, 15, 20, 25, 30, 35, 40 year veterans are required to go through the same process. I intend to support the Recede and Concur. Thank you Mr. Speaker.

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

ROLL CALL NO. 666

YEA - Berry DP, Berry RL, Bolduc, Brooks, Bryant, Campbell, Carr, Chick, Chizmar, Clark, Collins, Colwell, Cowger, Davis, Dugay, Duncan, Duplessie, Fisher, Fuller, Gagne, Gagnon, Gillis, Goodwin, Green, Hatch, Jacobs, Joy, Kane, Kneeland, Lindahl, Lovett, MacDougall, Madore, Matthews, Mayo, McDonough, McNeil, Mendros, Mitchell, Murphy T, Nass, O'Brien LL, O'Neil, Peavey, Perkins, Pinkham, Povich, Powers, Richardson E, Richardson J, Rines, Samson, Sanborn, Savage C, Saxl JW, Sherman, Shiah, Shorey, Skoglund, Snow-Mello, Stanley, Stanwood, Sullivan, Tessier, Tobin D, Tracy, Trahan, Treadwell, Twomey, Volenik, Wheeler EM, Williams, Winsor.

NAY - Ahearn, Andrews, Bagley, Baker, Belanger, Bouffard, Bowles, Bragdon, Brennan, Bruno, Buck, Bull, Bumps, Cameron, Cianchette, Clough, Cote, Cross, Daigle, Davidson, Desmond, Dudley, Dunlap, Etnier, Foster, Gerry, Glynn, Gooley, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, LaVerdiere, Lemoine, Lemont, Mack, Mailhot, Martin, Marvin, McAlevey, McGlocklin, McKee, McKenney, Murphy E, Muse, Norbert, Nutting, O'Brien JA, O'Neal, Perry, Pieh, Quint, Richard, Rosen, Savage W, Saxl MV, Schneider, Shields, Thompson, Tobin J, Townsend, Tripp, True, Tuttle, Usher, Waterhouse, Watson, Weston, Wheeler GJ, Mr. Speaker.

ABSENT - Frechette, Jabar, Jones, Plowman, Sirois, Stedman, Stevens.

Yes, 73; No, 71; Absent, 7; Excused, 0.

73 having voted in the affirmative and 71 voted in the negative, with 7 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

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

SENATE PAPERS

Non-Concurrent Matter

HOUSE JOINT ORDER - Relative to Establishing the Joint Select Committee on School-based Health Care Services
(H.P. 1864)

PASSED in the House on March 3, 2000.

Came from the Senate **PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-721)** in NON-CONCURRENCE.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

HOUSE JOINT ORDER - Relative to Establishing the Commission to Study Child Abuse

(H.P. 1930)

PASSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1135) in the House on April 14, 2000.

Came from the Senate **PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-723)** in NON-CONCURRENCE.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

HOUSE JOINT ORDER - Relative to Establishing a Committee on Gasoline and Fuel Prices

(H.P. 1774)

House **ADHERED** to its former action whereby the Joint Order was **PASSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-957)** in the House on April 6, 2000.

Came from the Senate **PASSED AS AMENDED BY SENATE AMENDMENT "B" (S-719)** in NON-CONCURRENCE.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

HOUSE JOINT ORDER - Relative to Studying Bomb Threats in Maine Schools

(H.P. 1938)

PASSED in the House on April 7, 2000.

Came from the Senate **PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-724)** in NON-CONCURRENCE.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

HOUSE JOINT ORDER - Relative to Studying the Creation of a Public/Private Purchasing Alliance to Ensure Access to Health Care for all Maine Citizens

(H.P. 1857)

PASSED in the House on February 29, 2000.

Came from the Senate **PASSED AS AMENDED BY SENATE AMENDMENT "C" (S-720)** in NON-CONCURRENCE.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

HOUSE JOINT ORDER - Relative to Creating a Committee to Study Further Decriminalization of the Criminal Laws of Maine

(H.P. 1914)

PASSED in the House on March 31, 2000.

Came from the Senate **PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-722)** in NON-CONCURRENCE.

The House voted to **RECEDE AND CONCUR**.

ENACTORS

Emergency Measure

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

(S.P. 625) (L.D. 1790)

(S. "A" S-715 to C. "A" S-684)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 134 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Make Supplemental Allocations for the Expenditures of State Government, Highway Fund, and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001

(H.P. 1808) (L.D. 2534)

(C. "A" H-1139)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 133 voted in favor of the same and 4 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

BILL RECALLED FROM GOVERNOR

(Pursuant to Joint Order - House Paper 1952)

An Act to Establish a Patient's Bill of Rights

(H.P. 543) (L.D. 750)

(C. "A" H-1061)

- In House, **PASSED TO BE ENACTED** on April 11, 2000.

- In Senate, **PASSED TO BE ENACTED** on April 14, 2000.

On motion of Representative SAXL of Bangor, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENACTED**.

On further motion of the same Representative, 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" (H-1061)** was **ADOPTED**.

The same Representative presented **House Amendment "D" (H-1165)** to **Committee Amendment "A" (H-1061)** which was **READ** by the Clerk.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. I just want to inform you about what is in this amendment. It was a carefully crafted compromise that was put together in order to ensure enactment of the patient's bill of rights. It retains \$400,000 cap on non-economic debt damages. It eliminates the language allowing an action against a carrier's extensive agent. It retains the three-year statute of limitation, but requires that an action be filed within three years of the earlier of the date of external review decision or the underlying first level appeal decision. It adds language giving carriers an affirmative defense and it adds to sole and exclusive remedy language that was presented in another amendment previously to make the right to supervision the sole and exclusive remedy against the carrier except for statutory causes of action under the Maine Insurance Code and allows action to be brought seeking remedies under either the right to supervision or under the wrongful death statute, but not both. We believe this is a very workable compromise and that it will provide the citizens of Maine with real protection and a remedy against problems, which may arise in the course of their care. We think it is very important that there be somewhere where citizens can go that they can have corrective action. Of course, it is our fervent hope that no one ever needs a right to sue and that because this provision is here that the care will be of such a quality and of such a nature that one will never have to apply these provisions. There are many protections there that citizens can turn to in their time of need. I ask all of you to support this bill. Thank you.

House Amendment "D" (H-1165) to **Committee Amendment "A" (H-1061)** was **ADOPTED**.

Representative **GLYNN** of South Portland **PRESENTED House Amendment "E" (H-1166)** to **Committee Amendment "A" (H-1061)**, which was **READ** by the Clerk.

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

Representative **GLYNN**: Mr. Speaker, Men and Women of the House. Before you is consideration of a very simple, straightforward amendment, on the patient bill of rights and that straightforward amendment is to remove the provisions regarding the right to sue and maintain the status quo in the law with regard to right to sue. The common law authority people have. The majority of the Legislature previously approved this version of the patient bill of rights, which included provisions for this \$400,000 right to sue. There has been terrific turmoil out in the marketplace. A lot of questions have been asked. The number one question is, who does this bill help? Not the patients or the clients of the health care system, not small business people who provide health care benefits to their employees, the only people protected by this particular provision in the patient bill of rights are the trial lawyers and the state bureaucrats.

On our committee of Banking and Insurance, out of 13 members, we were in total 100 percent bipartisan agreement in 9 out of 10 aspects of the patient bill of rights, such as provisions to guarantee coverage for emergency room services and minimum standards for all managed care plans or HMOs. We were in agreement on provisions to allow patients with special conditions to receive standing referrals to specialists and to ensure that a course of treatment continued if their employer changed coverage or insurance providers. We were in agreement on access to prescription drugs and the list goes on.

The right to sue provision in this measure makes it a very bad bill. It would cost the state nearly \$1 million in every biennial budget. It would force some small struggling businesses to eliminate health care benefits for employees and it would add to the anxieties who we represent who need access to quality health care in Maine. It is absolutely alarming to me that the right to sue could raise individual consumer or employer paid insurance premiums from anywhere from 2.7 percent to 8.6 percent. Rates are already too high in Maine. They are way too high. This provision would not only leave more people without insurance and force businesses to drop increased employer co-pays on their insurance benefits.

The NEBA group in the Association of Maine's small businesses calculated that for every 2.5 percent increase in health care premiums, we are talking increases beyond that, Maine employers would pay on an average of an additional \$73.08 in monthly premiums for each employee. This increase comes at a time when employers are already facing an increased cost to provide health care coverage. Small business provision of health insurance benefits drops by 2.6 percent for each 1 percent of increase in premium costs. These are faces and people attached to these numbers. These numbers aren't my numbers. They are not pie out of the sky. They come from the Congressional Budget Office. For a small business with fewer than 25 employees in Maine, the additional premium cost might mean the tradeoff of either cutting back or eliminating the health care benefits or paying increases by having one or two fewer jobs available for people in the community. These small businesses are the backbone of the Maine economy and we should support these families, their enterprises instead of adding these high costs, which end up hurting entrepreneurs and employees alike.

Families who enjoy access to health care through employer provided insurance programs will also be hurt. The NEBA Group estimates that Maine households will suffer a \$1.6 million increase in direct premium costs. The minimal alternative in front of you, which I hope you consider adopting today, would maintain access to health care without the punitive financial toll on Maine's small businesses. In the patient's bill of rights contains provisions for an external review. An external review protects patients by creating a process for an independent external review of adverse health care treatment decisions relating to medical necessity. Pre-existing conditions determinations or determinations regarding experimental or investigational treatment. External review by outside health care professionals, rather than trial lawyers, or bureaucrats guarantees that patients rights are, in fact, protected without adding the cost of health care. We believe it serves the patients best interest because appeals would move faster than through the legal system, meaning quicker access to needed medical treatments.

My goal and I believe the goal of everyone here is to protect the access to quality health care in Maine and to see that what we maintain is a reasonable tax structure and economic climate for Maine businesses, which provide good wages and benefits for Maine workers. The best way to do this would be to approve the patient's bill of rights, including this alternative proposal or no right to sue.

Lastly, I would like to share a very startling discussion I recently had as a member of Banking and Insurance. A constituent in Portland called me up who is in the financial industry and works for a major financial institution in Portland. They were considering inventing this new type of investment opportunity and was calling me up because they knew I served on Banking and Insurance and wanted to bounce the idea off from me. What the idea was, was to have a fund similar to what they do with the Viatical contracts, which would be to put together investors, pairing them up with people that have a claim of medical malpractice or possibly a claim under this patient bill of rights and they could solicit folks to invest in these actions because usually when someone has one of these cases, it is three, four or five years through the legal process and many times they will settle for a lower figure. An example that was cited to me was someone could have a claim of a half a million bucks, but because they have to wait four to five years for their money, wouldn't it be great if we could give them \$100,000 or \$200,000 today, rather than settle for \$50,000 or \$60,000. This group could go off and pursue that lawsuit for them and share that reward. I found that suggestion offensive, very offensive. Because it was a constituent request, I went and I researched it. Among many words for it, it does have a word called champerty. Under title 17A, Section 516, here in Maine, we have a law making it a crime to engage in champerty. When I pointed that out to these constituents that, in fact, this climate of not settling medical claims and pursuing this expensive lawsuit alternative, they said, "Let me get back to you, Kevin." They gave me a call in a couple of days and asked how receptive do you think I would be or other members of the Legislature would be to a bill that would modernized the champerty law?

Probably the 120th or the 121st is going to deal with this issue. What we are doing is slowly but surely increasing the cost of health care and these costs are not at direct benefit to the people that we want to provide medical service to. We are not talking about quality of health care. We are talking about big

money lawsuits. We are talking about possibly investments down the road. These are the types of things that I fear with the increase in premium and I hope you give serious consideration to ending that, adopting a 100 percent bipartisan agreement on the patient bill of rights, less this one provision.

Mr. Speaker, when the vote is taken, I request the yeas and nays.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "E" (H-1166) to Committee Amendment "A" (H-1061)**.

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

Representative MAYO of Bath moved that **House Amendment "E" (H-1166) to Committee Amendment "A" (H-1061) be INDEFINITELY POSTPONED**.

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

Representative MAYO: Mr. Speaker, Men and Women of the House. I will keep this very brief. We have debated this issue back and forth. The motion and the amendment that was passed two minutes ago was a bipartisan agreement worked out by both Republicans and Democrats on the Banking and Insurance Committee. We have heard a lot about cost, both today and previously. I would call your attention to what has been and is taking place in Texas, which has a law similar to what we have here in Maine. The information that we have from that state indicates that the effect on premiums has been less than one-half of 1 percent. To be very honest, it is impossible sitting in this chamber on the 25th of April to say what the effect will be of the right to sue with regard to the patient's bill of rights, what affect it will have on premiums.

We have heard from one of the carriers that it could be considerable. However, that particular carrier has been losing money the last few years and who knows whether the increase that may come in that premium has something to do or not to do with the patient bill of rights. Many sitting in this particular body, without knowing it, have had the right to sue their HMO. If you, as a Representative, take the state insurance, since 1992, you have had the right to sue. In that period of time, we are talking about all state employees, legislators, county and municipal employees, there have been two cases brought forward in eight years. Those two cases were both found in favor of the HMO and not the employee or legislator who may have brought forward that particular case. I would urge the members of this body to continue what was done earlier with regard to the patient bill of rights to defeat this motion and allow us to go forward with this bill, which I would remind you has bipartisan support. Thank you.

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

Representative GLYNN: Mr. Speaker, Men and Women of the House. I would only say in rebuttal to the good Representative from Bath, Representative Mayo, that if this provision in the patient bill of rights were to pass, Maine would be out on its own. We are really going out on a limb. We would be the only state in New England that had a proposal that contained this right to sue provision. Governor Dean of Vermont said he would not sign any patient bill of rights that had such a provision in it. The very liberal Legislature in the State of Massachusetts dropped it from their proposal because of its effects to business and the economy and its effects to the contributing to the high cost of health insurance. We would be

one of maybe five or six states in the nation. Do we want to be a leader in cost? My answer is no. I hope your answer is no and you will vote with me against the motion to Indefinitely Postpone. Mr. Speaker, when the vote is taken, I request the yeas and nays.

Representative GLYNN of South Portland REQUESTED a roll call on the motion to INDEFINITELY POSTPONE House Amendment "E" (H-1166) to Committee Amendment "A" (H-1061).

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 Biddeford, Representative Sullivan.

Representative SULLIVAN: Mr. Speaker, Men and Women of the House. About two weeks ago we voted on this. We had a long debate. It is a bipartisan report. Most importantly, both chambers having voted in favor of this, this bill went to the Chief Executive's desk. He asked us to make a couple of changes. This is through cooperation, which is where government works best. Cooperation in this chamber and the chamber at the other end of the hall and the second floor. We made those and everyone has said it is a strong bipartisan support. The Chief Executive has sat down and looked at this. I think we need to honor what we originally sent down and honor the request of the second floor to work together and compromise. Good things come from compromise. I believe there has been honest good faith from the committee, from this chamber, from the other chamber and from the second floor. I would ask you to honor that and vote to Indefinitely Postpone. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "E" (H-1166) to Committee Amendment "A" (H-1061). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 667

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

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

ABSENT - Bragdon, Campbell, Frechette, Gagne, Jabar, Jones, Joy, Plowman, Sirois, Stedman, Stevens.

Yes, 86; No, 54; Absent, 11; Excused, 0.

86 having voted in the affirmative and 54 voted in the negative, with 11 being absent, and accordingly House

Amendment "E" (H-1166) to Committee Amendment "A" (H-1061) was INDEFINITELY POSTPONED.

Subsequently, Committee Amendment "A" (H-1061) as Amended by House Amendment "D" (H-1165) thereto was ADOPTED.

The Bill was PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1061) as Amended by House Amendment "D" (H-1165) thereto in NON-CONCURRENCE and sent for concurrence.

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

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

**ENACTORS
Acts**

An Act Concerning Fingerprinting and Background Checks for School Employees

(S.P. 987) (L.D. 2540)
(S. "A" S-735 to C. "B" S-692)

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

On motion of BRENNAN of Portland, 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: The Chair recognizes the Representative from Portland, Representative Brennan.

Representative BRENNAN: Mr. Speaker, Men and Women of the House. I would like to clarify several issues that were debated earlier this morning in regard to this bill. The very first one had to do with the fact that some information that is provided by the good Representative from Waldoboro regarding federal legislation for the National Child Protection Act. So far, since that act has been passed, there has only been one state in the country that has passed state legislation in order to take advantage of this federal legislation. That one state is the State of Florida. They are currently in litigation around the legislation that they passed in relation to this act. There have been 49 other states that have found this federal legislation so problematic that they have not been able to act on it. This federal legislation in no way addresses the issues that we have before us in the State of Maine.

Secondly, if we enact this bill, I know everybody has heard this once before, but I think it bears repeating. If we enact this bill, we will allow individual school districts across this state, their school boards, to decide whether or not new hires are fingerprinted and have background checks. It will be at the discretion of those local school boards. That type of public policy and that type of law in this state would go a long way towards undermining the whole reason for doing background checks and fingerprinting.

Thirdly, Senate Amendment "A" to Committee Amendment "B" would require the local school district to pay for the fingerprinting and the background checks. As I mentioned before, one of the reasons that we are here is because many of us believe that it is a state obligation to pay for the fingerprinting and the background check. To now pass a law that would then

say that the local school districts would have to pay, I think, goes against what a lot of us wanted to accomplish. If we were to pass Committee Amendment "A", we would simply have a vehicle to pay for fingerprinting and background checks. It would clarify the language in terms of what information the department can use in making a determination as to whether or not somebody continues to get certification. It is a very sound well thought out bill. I urge you not to pass this bill into law because it attempts to fix the flaws that were in the bill last week. All it does is create number of new flaws that future legislators will have to deal with. Thank you.

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

Representative **TRAHAN**: Mr. Speaker, Colleagues of the House. I would not drag this out any longer, but since I was mentioned in the previous testimony, I feel I must rise and answer that testimony. I would like to begin first with a little history. We had a fingerprinting law in this state where we fingerprinted our children. That fingerprinting law was repealed. I would like to read from the BDN why that was repealed. First I will read how it came about. From the BDN, March 1944, "Fingerprinting of Bangor pupils to begin Monday." BDN, 1969, "According to Captain Jordon, Maine is the only state in the union, which fingerprints all of its schoolchildren. He stressed the school files are not used for investigation of criminal cases. The program originated in 1941. The fingerprints are a requirement of graduation. He said that new civil rights legislation apparently makes it impossible for any other state to adopt a similar mandatory fingerprinting system comparable to Maine's." Should I repeat that? " He said that new civil rights legislation apparently makes it impossible for any other state to adopt a similar mandatory fingerprinting system comparable to Maine's." From BDN, February 9, 1973, "The Maine Legislature completed its sixth work week Thursday with the Senate enacting a bill to end the practice of fingerprinting school children. Representative Ted Curtis, Jr., R-Orono, sponsored the bill to end the program, saying it is costly and some parents object to the prints being taken. State Police, who maintain the files, agreed with Curtis. In addition, they said the program tied up troopers who would otherwise be on highway patrol." Then we get to the document just spoken of. It is the enabling legislation for the fingerprinting. Whether people are in court or not, does not mean that this isn't the origin of fingerprinting because it is. It is the enabling legislation that counters the civil rights legislation that was passed that got rid of fingerprinting in the State of Maine. I will try to clear that up a little bit.

Maine could not fingerprint. We were the only one in the nation because of civil rights legislation. Along comes the Volunteers for Children Act, that does allow the fingerprinting. It is policy for all the states, whether you want to adopt it or not is up to the states. What happened was the states didn't develop this legislation so the federal government amended the original law. I know I am getting confusing here, but what happened was this children's act was amended so that it would put into place so all states could adopt the fingerprinting to protect children in certain areas. That is how it came about. Whether only one state or not enacted it, is irrelevant. Any case of fingerprinting in the past has been challenged in court and so will this one. Does it change the fact that the man who wrote this told me that Senator Murray's amendment was okay? It was fine. Until someone tells me that that man who wrote this has changed his position, then I will continue to stay where I am. Thank you.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. Consider this please, part of the ongoing errors and omissions part of the debate. In the discussion this morning there was a statement that college transcripts would be a way to determine what the person's original name was. During the lunch hour today, I took it upon myself to call the University of Maine and discuss with the group that handles student records and learned that they will change the name of any of their student records upon request of the former student with as little documentation as a driver's license. If I were to change my name to Joe Smith and I walk into the University of Maine at Orono, they will change my transcript to read Joe Smith. My employer receiving a transcript, will think that my name was Joe Smith forever. If you believe that there is any relevant need to positively identify who is working with our children, you cannot do that with records such as driver's licenses and college transcripts. Even though they may have occurred much younger in that person's life. You can only do it through fingerprinting. I would just convey this to you now from recent research so that if it affects your decision in this matter, you will have that clarity. Thank you.

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

Representative **TRACY**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to comment on the good Representative's statements about changing your driver's license. I would dare say that you don't just go in and change your name on your driver's license today, when, in essence, most people today have their social security number in that file. If you can, I would like to know how with your social security number in there, you can just change your name because there is no correlation? Thank you.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. Just a point of clarification on errors and emissions. The committee chairman had used the phrase new hires and new hires would be only at local control or local school board decision, that gets confusing because there is actually two classifications of new hires. The new hires that transferred to the state, remember, that is the hanging up of the phone that we heard about, or those making the decision to enter the profession. They are both covered by this law. The reference that was made about new hires being left up to local control would be for someone currently employed in a Maine school unit who, while actively employed, is applying for a job in another school unit, a known person in a known job with local references, in many cases, a local call. That would be a policy making decision made by the local school board for the final hire. The person that you are taking a name to the board on whether their policy is to pursue it. When you hear new hires would only be done by local decision, there are two groups of new hires. For people currently employed here in Maine going from job to job, then that would be a local policy decision. New hires, transferring to the state, which we heard was the problem, or just entering the profession, this law applies to them.

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

Representative **CHICK**: Mr. Speaker, Ladies and Gentlemen of the House. I listened to the debate this morning and I am

listening here this afternoon. I would share with you my thoughts about the matter of fingerprinting. I have served a number of terms on school committees over a number of years. My only concern as a school board member, the reason that I thought it was really there was the education of our children in our schools in Maine. I hear comments made about where we stand in Maine compared to somewhere else. I will assure you that when I think about this subject, I am thinking about the students in the State of Maine. I believe we have all the expertise we need to decide how we are going to protect these students. I would say to you also that in the beginning I had two things in mind. First, the people that have paid to be fingerprinted will be compensated. I thought some about new hires. I have realized that in protecting the students, I believe we need to look at all of the people, whether they be the superintendent, the bus drivers and all people connected with our school systems. I would ask you to consider protecting our children by doing this check in our schools. 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. 668

YEA - Berry DP, Berry RL, Bolduc, Brooks, Bryant, Buck, Carr, Chizmar, Cianchette, Clark, Collins, Colwell, Cowger, Davis, Dugay, Duplessie, Fisher, Fuller, Gagnon, Gillis, Goodwin, Green, Hatch, Jacobs, Kane, Kasprzak, Kneeland, Lindahl, Lovett, MacDougall, Madore, Matthews, Mayo, McDonough, McNeil, Mendros, Mitchell, 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, Stanwood, Sullivan, Tessier, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Twomey, Volenik, Waterhouse, Wheeler EM, Williams, Winsor.

NAY - Ahearne, Andrews, Bagley, Baker, Belanger, Bouffard, Bowles, Brennan, Bruno, Bull, Bumps, Cameron, Chick, Clough, Cote, Cross, Daigle, Davidson, Desmond, Dudley, Duncan, Dunlap, Etnier, Foster, Gagne, Gerry, Glynn, Gooley, Heidrich, Honey, Jodrey, Labrecque, LaVerdiere, Lemoine, Lemont, Mack, Mailhot, Martin, Marvin, McAlevey, McGlocklin, McKee, McKenney, Murphy E, Muse, Norbert, Nutting, O'Brien JA, O'Neal, Peh, Quint, Richard, Rines, Rosen, Savage W, Saxl MV, Schneider, Shields, Stanley, Thompson, Townsend, Tripp, True, Tuttle, Usher, Watson, Weston, Wheeler GJ, Mr. Speaker.

ABSENT - Bragdon, Campbell, Frechette, Jabar, Jones, Joy, Plowman, Sirois, Stedman, Stevens.

Yes, 72; No, 69; Absent, 10; Excused, 0.

72 having voted in the affirmative and 69 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001

(H.P. 1790) (L.D. 2510)
(C. "A" H-1140)

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

Representative WATERHOUSE of Bridgton **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.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

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. 669

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Carr, Chick, Chizmar, Clark, Clough, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Desmond, Dudley, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Fuller, Gagne, Gagnon, Glynn, Gooley, Green, Hatch, Heidrich, Honey, Jacobs, Jodrey, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lovett, Madore, Mailhot, Martin, Matthews, Mayo, McDonough, McGlocklin, McKee, McKenney, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perry, Peh, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shields, Stanley, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tracy, Treadwell, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Bowles, Buck, Cianchette, Collins, Davis, Dugay, Gerry, Gillis, Goodwin, Kasprzak, Lindahl, MacDougall, Mack, Marvin, McAlevey, McNeil, Mendros, Perkins, Pinkham, Sherman, Shorey, Skoglund, Snowe-Mello, Stanwood, Tobin J, Trahan, Waterhouse.

ABSENT - Bragdon, Campbell, Frechette, Jabar, Jones, Joy, Plowman, Sirois, Stedman, Stevens.

Yes, 114; No, 27; Absent, 10; Excused, 0.

114 having voted in the affirmative and 27 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

ORDERS

On motion of Representative TUTTLE of Sanford, the following Joint Order: (H.P. 1954)

ORDERED, the Senate concurring, that Bill, "An Act to Create a New Category of Liquor License and to Exempt Pool Halls, Bowling Alleys and Off-track Betting Facilities from the Prohibition Against Smoking," H.P. 1807, L.D. 2533, and all its accompanying papers, be recalled from the Governor's desk to the House.

READ and PASSED.

Sent for concurrence. **ORDERED SENT FORTHWITH.**

SENATE PAPERS

Non-Concurrent Matter

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001 (EMERGENCY)

(H.P. 1790) (L.D. 2510)
(C. "A" H-1140)

PASSED TO BE ENACTED in the House on April 25, 2000.

Came from the Senate **FAILING OF PASSAGE TO BE ENACTED** in **NON-CONCURRENCE**.

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

The same Representative **PRESENTED House Amendment "R" (H-1164)** to **Committee Amendment "A" (H-1140)**, 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. This amendment does three important things. It repeals the emergency preamble off the bill. As you can see, we are in non-concurrence with the Senate. It is apparent that we will not be able to pass this budget as an emergency in the other body. Along with that, it moves the appropriations, which would have taken place in fiscal year '00 to fiscal year '01, with the exception of a D appropriation, which is not possible to make now, because the funds don't carry. It contains a number of technical corrections. A lot of them rather dry, including wording changes largely to suit the Maine State Retirement System about the Trooper Retirement Bill. I assure you that these are not substantive. As you will see on page 5, it follows the original legislative intent regarding the Maine Fire Protection Services bill and the commission, which I have heard from a number of you who want to see it funded. I would ask your support. Thank you.

House Amendment "R" (H-1164) to **Committee Amendment "A" (H-1140)** was **ADOPTED**.

Committee Amendment "A" (H-1140) as Amended by **House Amendment "R" (H-1164)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-1140)** as Amended by **House Amendment "R" (H-1164)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

ENACTORS
Acts

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001

(H.P. 1790) (L.D. 2510)
(H. "R" H-1164 to C. "A" H-1140)

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

On motion of Representative **BUCK** of Yarmouth, 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. 670

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Chick, Chizmar, Clark, Clough, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Desmond, Dudley, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Fuller, Gagne, Glynn, Gooley, Green, Hatch, Heidrich, Honey, Jacobs, Jodrey, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lovett, Madore, Mailhot, Martin, Matthews, Mayo, McDonough, McGlocklin, McKee, McKenney, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, Peavey, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Stanley, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tracy, Treadwell, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Bowles, Buck, Cianchette, Collins, Davis, Dugay, Gerry, Gillis, Goodwin, Kasprzak, Lindahl, MacDougall, Mack, Marvin, McAlevey, McNeil, Mendros, Perkins, Pinkham, Shorey, Skoglund, Snowe-Mello, Stanwood, Tobin J, Trahan, Waterhouse.

ABSENT - Bragdon, Campbell, Carr, Frechette, Gagnon, Jabar, Jones, Joy, O'Neil, Plowman, Sirois, Stedman.

Yes, 113; No, 26; Absent, 12; Excused, 0.

113 having voted in the affirmative and 26 voted in the negative, with 12 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act to Make Emergency Appropriations or Allocations in Fiscal Year 1999-00 only for the Emergency Items" (EMERGENCY)

(H.P. 1953) (L.D. 2692)

Presented by Representative TOWNSEND of Portland. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested.

Under suspension of the rules, the Bill was given its **FIRST READING WITHOUT REFERENCE** to a committee.

Under further 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 Portland, Representative Townsend.

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. I would like you to understand what is in this bill. As you know, we have just enacted the supplemental budget and have stripped the emergency preamble off it. It will not go into affect until 90 days after we adjourn. There are, nonetheless,

expenditures, which are emergencies. The most important can be found, in my view, on page 6. It is nearly \$30 million necessary to meet the shortfall in the Medicaid account. I think it is important to say that the items that are contained in this budget have been agreed to by members of both parties at both ends of the building. Therefore, it doesn't contain some things that I might have put in and considered emergencies, such as some transfers to the Highway Fund, which would have been important to balance that fund. Nevertheless, it does contain the appropriation for the Medicaid shortfall on page 6. Other emergency items can be found on page 1, such as the retirement federal recovery. This is money that we owe to the federal government. The sooner we pay it, the less we pay. Therefore, it is an emergency. Some of you will recall the issue with the helicopters in the Department of Conservation. This is merely a transfer from personal services to all other, but it will mean there are safer helicopters flying this summer. There are a variety of other items here that include such items as meeting the increased cost of state employee medical contract, the increased cost of the medical contract for the Department of Corrections, likewise, picking up onto the General Fund some positions, which were previously federally funded in the Department of Defense, Veterans and Emergency Management, meeting the increased cost of retired teacher's health insurance, paying our bills in the Judicial Department, it includes a \$600,000 appropriation for indigent defense. You will see on page 7 the transfer from personal services to all other. I think that will help pay for some amendments and a series of appropriations, which are considered to be emergencies in the Department of Mental Health. There are, of course, some language items. They recognize some revenues, pay out some items, allow some positions to extend. I don't believe they are controversial. Finally, on page 32, you will see we recognize some revenues in order the fund the circuit breaker Property Tax Relief Program. I would appreciate you support. I think your constituents and particularly your rural hospitals would appreciate your support. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Easton, Representative Kneeland.

Representative KNEELAND: Mr. Speaker, Men and Women of the House. I stand to echo what the good chair on Appropriations has told you. This is a supplemental budget that has to be passed in order to pay the bills between now and when our budget goes into effect. I would ask you to vote in favor of this amendment.

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

SENATE PAPERS

Bill "An Act to Establish Requirements for the Removal of Directors of Certain Maine Business Corporations before the Expiration of Their Established Terms" (EMERGENCY)
(S.P. 1089) (L.D. 2693)

Came from the Senate, **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed.

On motion of Representative THOMPSON of Naples, the Bill was **REFERRED** to the Committee on **JUDICIARY** and the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** in

NON-CONCURRENCE and sent for concurrence. **ORDERED SENT FORTHWITH.**

ENACTORS

Acts

An Act to Limit Mandatory Overtime

(H.P. 729) (L.D. 1019)

(H. "A" H-1145 to C. "A" H-893)

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.

REPORTS OF COMMITTEE

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Ensure that Certain Land Transfers Accomplished through Stock Transfers are not Exempt from the Transfer Tax"

(S.P. 661) (L.D. 1883)

has had the same under consideration, and asks leave to report:

That they are **UNABLE TO AGREE.**

Signed:

Senators:

MILLS of Somerset

NUTTING of Androscoggin

DAGGETT of Kennebec

Representatives:

COLWELL of Gardiner

LEMOINE of Old Orchard Beach

CIANCHETTE of South Portland

Came from the Senate with the Committee of Conference Report **READ** and **ACCEPTED.**

READ.

On motion of Representative COLWELL of Gardiner, the Committee of Conference Report was **ACCEPTED** in concurrence.

ENACTORS

Acts

An Act to Establish a Patient's Bill of Rights

(H.P. 543) (L.D. 750)

(H. "D" H-1165 to C. "A" H-1061)

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

On motion of Representative CLARK of Millinocket, 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: The Chair recognizes the Representative from Manchester, Representative Fuller.

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

The SPEAKER: The Representative may pose her question.

Representative FULLER: Mr. Speaker, Men and Women of the House. I am totally in support of this bill and I do not in any way want to upset the hard work of the Banking and Insurance

Committee, however, I would like to know with the right to sue in this bill, in any way restrict, reduce or abridge the existing common law and statutory rights of state employees to sue their health insurance carrier? Thank you.

The SPEAKER: The Representative from Manchester, Representative Fuller has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Brunswick, Representative Richardson.

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. This will not abridge or take away any of the common law or statutory rights for state employees to sue their HMO.

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. 671

YEA - Ahearn, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gerry, Goodwin, Green, Hatch, Honey, Jacobs, Kane, LaVerdiere, Lemoine, Lemont, Lovett, Madore, Mailhot, Martin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McNeil, Mendros, Mitchell, Murphy E, Muse, Norbert, O'Brien LL, O'Neal, Peavey, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Rosen, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Mr. Speaker.

NAY - Bowles, Buck, Bumps, Cianchette, Clough, Cross, Duncan, Foster, Gillis, Glynn, Gooley, Heidrich, Jodrey, Kasprzak, Kneeland, Labrecque, Lindahl, MacDougall, Mack, Marvin, McKenney, Murphy T, Nass, Nutting, O'Brien JA, Pinkham, Richardson E, Savage C, Shields, Shorey, Snowe-Mello, Stanwood, Trahan, Treadwell, Waterhouse, Winsor.

ABSENT - Bragdon, Campbell, Carr, Frechette, Gagnon, Jabar, Jones, Joy, O'Neil, Plowman, Sirois, Stedman.

Yes, 103; No, 36; Absent, 12; Excused, 0.

103 having voted in the affirmative and 36 voted in the negative, with 12 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

Emergency Measure

An Act to Make Emergency Appropriations or Allocations in Fiscal Year 1999-00 only for the Emergency Items

(H.P. 1953) (L.D. 2692)

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

Representative WATERHOUSE of Bridgton **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.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 672

YEA - Ahearn, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Duplessie, Etnier, Fisher, Foster, Fuller, Gagne, Gerry, Gillis, Glynn, Gooley, Green, Hatch, Heidrich, Honey, Jacobs, Jodrey, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Martin, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, Peavey, Perkins, Perry, Pieh, Povich, Quint, Richard, Richardson E, Richardson J, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Skoglund, Snowe-Mello, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, Tripp, True, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Goodwin, Kasprzak, Pinkham.

ABSENT - Bragdon, Campbell, Carr, Cowger, Dunlap, Frechette, Gagnon, Jabar, Jones, Joy, O'Neil, Plowman, Powers, Rines, Sirois, Stedman.

Yes, 132; No, 3; Absent, 16; Excused, 0.

132 having voted in the affirmative and 3 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. **ORDERED SENT FORTHWITH.**

On motion of Representative SCHNEIDER of Durham, the House adjourned at 5:45 p.m., until 3:00 p.m., Wednesday, April 26, 2000.