

# MAINE STATE LEGISLATURE

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

**Volume II**

**First Regular Session**

May 18, 2001 – June 22, 2001

**Second Regular Session**

January 2, 2002 – March 6, 2002

Pages 890-1770

ONE HUNDRED AND TWENTIETH LEGISLATURE  
FIRST REGULAR SESSION  
67th Legislative Day  
Wednesday, June 13, 2001

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

Prayer by Honorable Ronald E. Usher of Westbrook.

Pledge of Allegiance.

The Journal of Monday, June 11, 2001 was read and approved.

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**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act Regarding Uninsured Drivers"

(S.P. 425) (L.D. 1380)

Bill and accompanying papers **INDEFINITELY POSTPONED** in the House on May 23, 2001.

Came from the Senate with the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-144) AS AMENDED BY SENATE AMENDMENT "A" (S-334)** thereto in **NON-CONCURRENCE**.

On motion of Representative FISHER of Brewer, the House voted to **RECEDE AND CONCUR**.

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**Non-Concurrent Matter**

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require a 2/3 Vote for the Maine Government Facilities Authority to Issue Securities

(H.P. 1298) (L.D. 1767)

Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS READ** and **ACCEPTED** in the House on June 8, 2001.

Came from the Senate with the Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS READ** and **ACCEPTED** and the RESOLUTION **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-699) AS AMENDED BY SENATE AMENDMENT "A" (S-339)** thereto in **NON-CONCURRENCE**.

Representative BERRY of Livermore moved that the House **ADHERE**.

Representative WATERHOUSE of Bridgton moved that the House **RECEDE AND CONCUR**.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative **WATERHOUSE**: Mr. Speaker, Men and Women of the House. I won't go over the whole debate. We had that a couple of days ago. Basically what this good amendment from Senator Nutting does is it takes out some of the concerns, especially from the good Representative from Harpswell, who supported in his testimony the two-thirds requirement for the governmental facilities authority, but it removes the lease arrangement. Basically it goes back to the governmental facilities authority or its successor. That is basic standard language put in this type of amendment in case there is another attempt to set up a similar entity to do the same thing. I hope that those who had concerns with the lease arrangements would go along with this amendment and I ask for a roll call.

The same Representative **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.

On motion of Representative BERRY of Livermore, **TABLED** pending the motion of Representative WATERHOUSE of Bridgton to **RECEDE AND CONCUR** and later today assigned. (Roll Call Ordered)

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**Non-Concurrent Matter**

JOINT ORDER - Relative to Recalling L.D. 1273 from the Legislative Files to the House

(H.P. 1374)

**READ** and **PASSED** in the House on June 11, 2001.

Came from the Senate **READ** and **FAILED OF PASSAGE** in **NON-CONCURRENCE**.

On motion of Representative TUTTLE of Sanford, the House voted to **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE**. Sent for concurrence.

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**Non-Concurrent Matter**

An Act to Provide for Variance Notification in the Shoreland Zoning Law (MANDATE)

(H.P. 704) (L.D. 919)

(C. "A" H-33; S. "A" S-327)

**FAILED OF ENACTMENT** in the House on June 11, 2001.

Came from the Senate **PASSED TO BE ENACTED** in **NON-CONCURRENCE**.

Representative WATERHOUSE of Bridgton moved that the House **ADHERE**.

Representative NORBERT of Portland moved that the House **RECEDE**.

On further motion of the same Representative, **TABLED** pending his motion to **RECEDE** and later today assigned.

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**COMMUNICATIONS**

The Following Communication: (S.C. 347)

**SENATE OF MAINE  
OFFICE OF THE SECRETARY  
3 STATE HOUSE STATION  
AUGUSTA, ME 04333-0003**

June 11, 2001

The Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised the Senate today Adhered to its previous action whereby it Indefinitely Postponed Resolve, to Establish the Commission to Develop and Finance Health Care Coverage for All Maine People (Emergency) (H.P.1121) (L.D. 1490) and accompanying papers.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ** and **ORDERED PLACED ON FILE**.

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The Following Communication: (S.C. 351)

**SENATE OF MAINE  
OFFICE OF THE SECRETARY  
3 STATE HOUSE STATION  
AUGUSTA, ME 04333-0003**

June 11, 2001

The Honorable Millicent M. MacFarland  
Clerk of the House  
2 State House Station  
Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised the Senate today Adhered to its previous action whereby it Indefinitely Postponed Bill, "An Act to Amend the Laws Governing Term Limits." (H.P. 697) (L.D. 901) and accompanying papers.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (S.C. 353)

**SENATE OF MAINE  
OFFICE OF THE SECRETARY  
3 STATE HOUSE STATION  
AUGUSTA, ME 04333-0003**

June 12, 2001

The Honorable Millicent M. MacFarland  
Clerk of the House  
2 State House Station  
Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised the Senate today Adhered to its previous action whereby Resolve, to Improve Child Development Services (H.P. 611) (L.D. 766) and accompanying papers was Indefinitely Postponed.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (S.C. 354)

**SENATE OF MAINE  
OFFICE OF THE SECRETARY  
3 STATE HOUSE STATION  
AUGUSTA, ME 04333-0003**

June 12, 2001

The Honorable Michael V. Saxl  
Speaker of the House  
2 State House Station  
Augusta, ME 04333

Dear Speaker Saxl:

In accordance with Joint Rule 506, please be advised that the Senate today confirmed upon the recommendation of the Joint Standing Committee on State and Local Government the nominations of M. Jane Sheehan of Kennebunkport, for appointment to the State Civil Service Appeals Board; John R. Hanson of Bangor, for appointment to the State Civil Service Appeals Board and James M. Connellan of Brunswick, for reappointment to the State Civil Service Appeals Board.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (S.C. 355)

**SENATE OF MAINE**

**OFFICE OF THE SECRETARY  
3 STATE HOUSE STATION  
AUGUSTA, ME 04333-0003**

June 12, 2001

The Honorable Millicent M. MacFarland  
Clerk of the House  
2 State House Station  
Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised the Senate today Adhered to its previous action whereby it accepted the Minority Ought Not To Pass Report from the Committee on Labor on Bill, "An Act to Restore an Injured Employee's Right to Sue an Employer for Damages " (H.P. 302) (L.D. 380).

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (S.C. 356)

**SENATE OF MAINE  
OFFICE OF THE SECRETARY  
3 STATE HOUSE STATION  
AUGUSTA, ME 04333-0003**

June 12, 2001

The Honorable Millicent M. MacFarland  
Clerk of the House  
2 State House Station  
Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised the Senate today Adhered to its previous action whereby it accepted the Minority Ought Not to Pass Report from the Committee on Labor on Bill, "An Act to Provide Parity of Representation in Workers' Compensation Claims " (H.P. 1130) (L.D. 1527).

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Christine Hastedt, of Freeport, recipient of the 2001 Kutak-Dodds Prize given by the National Legal Aid and Defender Association and the Robert J. Kutak Foundation for her remarkable vision, zealous advocacy and selfless devotion to empowering low-income citizens of the State. The award is among the most prestigious honors in the equal justice community and is given for significant contributions to the enhancement of human dignity and quality of life of those persons unable to afford legal representation. Christine works for the Maine Equal Justice Project. We extend our appreciation to Christine for her dedication to the citizens of this State and congratulate her on her receiving this prestigious honor;

(SLS 370)

On **OBJECTION** of Representative BULL of Freeport, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

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Walter Wheeler, Sr., of Kittery, a veteran of World War II, who will receive his high school diploma decades after his formal schooling was interrupted by the war. We send our congratulations to Mr. Wheeler and our appreciation for his service to his country;

(HLS 569)

Presented by Representative WHEELER of Eliot.  
Cosponsored by Representative ESTES of Kittery, Senator LEMONT of York.

On **OBJECTION** of Representative WHEELER of Eliot, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Wheeler.

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. It gives me a great deal of pleasure to rise today and to recognize an individual that left school to fight for our freedom. The individual is my father. It makes me very proud. We were going to recognize him yesterday, but we weren't in session, so the Speaker did bring him into his office and give him the special sentiment. I, just for the record, wanted to get up and thank the House for this legislation that we passed earlier this year. I never even realized that my father would be one of the recipients. After all these years, up until last week, I always believed that he had his high school diploma. If I had only known when I was younger, I would have been telling him a thing or to. Thank you for that legislation. It makes me very proud. My father was very, very happy. I know that at Traip Academy there was at least a couple of standing ovations for these veterans that did receive their diplomas. I think it is just a wonderful thing. It is probably the best thing that we have done all year. Thank you.

**PASSED** and sent for concurrence.

**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 Expand the Maine Mathematics, Science and Engineering Talent Search Venture"

(S.P. 280) (L.D. 991)

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

That they are **UNABLE TO AGREE.**

Signed:

Representatives:

SKOGLUND of St. George

BAKER of Bangor

WESTON of Montville

Senators:

MITCHELL of Penobscot

ROTUNDO of Androscoggin

CATHCART of Penobscot

The Committee of Conference Report was **READ** and **ACCEPTED.** Sent for concurrence.

**CONSENT CALENDAR**

**First Day**

In accordance with House Rule 519, the following item appeared on the Consent Calendar for the First Day:

(H.P. 1363) (L.D. 1820) Bill "An Act to Amend the Charter of the Limestone Water and Sewer District" Committee on

**UTILITIES AND ENERGY reporting Ought to Pass as Amended by Committee Amendment "A" (H-712)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

**ENACTORS**

**Emergency Measure**

Resolve, Directing the Department of Economic and Community Development to Study the Designation of Tourism Regions

(H.P. 1370) (L.D. 1827)

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. 102 voted in favor of the same and 14 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

**Acts**

An Act to Fund Community Health Access Programs

(H.P. 196) (L.D. 226)

(C. "A" H-698)

An Act to Provide Dairy Farmer Equity

(S.P. 648) (L.D. 1826)

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

An Act to Regulate Push Polling

(S.P. 308) (L.D. 1055)

(H. "G" H-708)

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

On motion of Representative DUPREY of Hampden, 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. 390**

YEA - Andrews, Annis, Ash, Bagley, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Bunker, Carr, Chase, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cote, Cowger, Crabtree, Cressey, Daigle, Davis, Desmond, Dorr, Dudley, Duncan, Dunlap, Duplessie, Duprey, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Glynn, Gooley, Green, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Kasprzak, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, MacDougall, Madore, Mailhot, Marley, Marrache, Mayo, McDonough, McGlocklin, McKee, McLaughlin, McNeil, Michael, Michaud, Mitchell, Morrison, Murphy E, Murphy T, Muse K, Nass, Norbert, Norton,

Nutting, O'Brien JA, O'Neil, Paradis, Patrick, Peavey, Perkins, Pineau, Pinkham, Povich, Richard, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Smith, Snowe-Mello, Stanley, Stedman, Sullivan, Tarazewich, Thomas, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Twomey, Usher, Volenik, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

NAY - NONE.

ABSENT - Baker, Canavan, Cummings, Dugay, Goodwin, Hall, Haskell, Landry, Lovett, Matthews, McGowan, McKenney, Mendros, Muse C, O'Brien LL, Perry, Quint, Richardson, Skoglund, Tessier, Watson, Mr. Speaker.

Yes, 129; No, 0; Absent, 22; Excused, 0.

129 having voted in the affirmative and 0 voted in the negative, with 22 being absent, and accordingly and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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An Act to Repeal the Requirement that School Employees be Fingerprinted

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

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

On motion of Representative GLYNN of South Portland, was **SET ASIDE**.

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

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An Act to Refine the Subdivision and Redistricting Authority of the Maine Land Use Regulation Commission

(S.P. 360) (L.D. 1198)

(H. "B" H-704 to C. "A" S-253)

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

On motion of Representative WATERHOUSE of Bridgton, 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. 391**

YEA - Annis, Bagley, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bruno, Bryant, Bull, Bunker, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Crabtree, Cummings, Daigle, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hawes, Hutton, Jacobs, Jodrey, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Marley, Marrache, Mayo, McDonough, McGlocklin, McKee, McLaughlin, McNeil, Michaud, Mitchell, Murphy E, Nass, Norbert, Norton, O'Neil, Paradis, Patrick, Peavey, Pineau, Povich, Richard, Rines, Savage, Simpson, Smith, Sullivan, Thomas, Tobin D, Tuttle, Twomey, Usher, Volenik, Mr. Speaker.

NAY - Andrews, Ash, Belanger, Berry DP, Bowles, Buck, Bumps, Carr, Chase, Clough, Collins, Cressey, Davis, Duncan, Duprey, Foster, Glynn, Gooley, Hatch, Heidrich, Honey, Jones, Kasprzak, Labrecque, Ledwin, MacDougall, Madore, McKenney, Michael, Morrison, Murphy T, Muse K, Nutting, O'Brien JA, Perkins, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-

Mello, Stanley, Stedman, Tarazewich, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

ABSENT - Baker, Canavan, Goodwin, Hall, Haskell, Landry, Lovett, Mailhot, Matthews, McGowan, Mendros, Muse C, O'Brien LL, Perry, Quint, Richardson, Skoglund, Tessier, Watson.

Yes, 78; No, 54; Absent, 19; Excused, 0.

78 having voted in the affirmative and 54 voted in the negative, with 19 being absent, and accordingly and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Expression of Legislative Sentiment recognizing Christine Hastedt, of Freeport.

(SLS 370)

Which was **TABLED** by Representative BULL of Freeport pending **PASSAGE**.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Bull.

Representative **BULL**: Mr. Speaker, Ladies and Gentlemen of the House. I don't often times rise on sentiments, but this one is truly special. Christine Hastedt, for those of you who know her, is somebody who has worked very tirelessly within this body, within this institution, on behalf of the needs of working men and women and particularly the poor here in Maine. She started work in 1971 for Pine Tree Legal Assistants. She has been working in this area for as long as I have been alive. I just wanted to rise very quickly to recognize my good friend and my tireless advocate, Christine Hastedt, who has shown so much dedication to the needs of people here in Maine. She speaks with a very strong, powerful voice. I would argue there are a few people within this institution that know more about the federal Medicare and Medicaid laws, know more about the ins and outs of these various, fairly archaic federal laws and knows how to use the federal laws and the systems to help the people most in need here in Maine. I am truly proud to call Christine Hastedt my friend and my constituent and I congratulate her on this very, very richly deserved award. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Manchester, Representative Fuller.

Representative **FULLER**: Mr. Speaker, Ladies and Gentlemen of the House. I am one of those people who has known Chris Hastedt going back many years, because she has not only been an effective advocate in this chamber or in the legislative arena, but in the Executive Branch of government she is also on the case of advocating for people for better services, for income for all kinds of issues. She and I worked together over many years and I will tell you that when I was the Medicaid Director, she was often a thorn in my side, but we understood each other, respected each other and she was a great person to work with. She has been very effective in protecting the interests of the disadvantaged in the state. I offer my congratulations on her award. Thank you.

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

Representative **KANE**: Mr. Speaker, Men and Women of the House. It is important to note the tremendous contribution that Christine Hastedt has made to the quality of work of the Health and Human Services Committee. There is no one that I know that has more credible and accurate information on almost any issue and whose credibility among all parties, all sides of the

issue, would rely on the accuracy and credibility of the data that Christine Hastedt would present. As a result, it often was a vehicle for bringing together conflicting viewpoints in arriving at common agreement. I thank her for her effort.

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

Representative **O'BRIEN**: Mr. Speaker, Colleagues of the House. I stand from the other side of the aisle to honor Christine Hastedt and I have to say that on many, if not most, issues we are on opposite sides of the issue. However, Christine has always been, as mentioned before, an incredibly valuable source of information, facts and figures and history. I rely on her a lot. I respect and believe what she tells me. When she does lobby on the side of the issue, she does it with the utmost integrity. I very much appreciate her as a source of information and am proud and pleased to be able to honor her today. Thank you.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Duplessie.

Representative **DUPLESSIE**: Mr. Speaker, Ladies and Gentlemen of the House. It gives me a great honor and pleasure to get up and speak on behalf of my friend, Chris Hastedt, this morning. This marks the 30th year that Chris has been a passionate leader, a passionate leader and an advocate for low-income people in Maine. Her vision, depth of knowledge, attention to detail and gentle diplomacy has changed the lives of thousands of Maine people and has had ripple effects throughout the nation.

Chris began her legal career as a paralegal at Pine Tree Assistance in 1971, coincidentally at the same time as our current Chief Executive first came to Maine and started in advocacy work. Chris's vision and commitment to social and economic justice for low-income people has pushed policy in this state to new directions. Everything that Chris has done in her career has always focused on the primary goal of improving the lives of low-income people and all of her work has recognized that families, headed by women, are the households most vulnerable to poverty. Her work has inspired and empowered countless low-income women to take leadership roles themselves. She always sets a great example. These women have become powerful spokespeople for their own interests and the interests of others of their class and gender.

I have known Chris for probably 20 plus years, when I first started coming around the State House as an advocate, myself, for my profession as a fire fighter. My mentor that showed me a lot of things around here and taught me the process, early on introduced me to Chris and said, "Bob, this is a person that you need to get to know. This is someone who knows how the system works and how the system needs to work to be fair to everyone." Chris is someone who is a leader. She has the knowledge and the background of how to get things done. If you have questions, don't go to attorneys and stuff, go to Chris. She is a paralegal. She does her homework and her research well. That has lasted through these years. A lot of the advice that he gave me to talk to Chris and over the years Chris has more than proven that with her leadership and knowledge. It gives me great honor to do this today for Chris. Thank you.

The SPEAKER: The Chair recognizes the Representative from the Penobscot Nation, Representative Loring.

Representative **LORING**: Mr. Speaker, Men and Women of the House. I have known Chris for many years, back when I was Executive Director for the Central Maine Indian Association. It is truly an honor to get up and to say something about Chris. Over the years I have had numerous questions and she has been able to answer every single time and has helped the tribal communities a great deal. I believe that no one deserves this honor and recognition more than Chris Hastedt. Thank you.

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

Representative **TRACY**: Mr. Speaker, Ladies and Gentlemen of the House. It truly is an honor to stand up here today and speak briefly on Chris's behalf. I first met Chris when I came in as a freshman in the 113th Maine Legislature. She was an advocate for the poor and the needy of the state then and she is still an advocate for the poor and needy of the state today. She really does have her information together when she does speak to you.

On one occasion I remember that she got us some information from Washington DC on labor issues and the stuff was exactly precise and the people of the State of Maine are truly honored to have such a working person for the needy.

Congratulations and it has been an honor and I look forward to working with you in the future. Thank you.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. I, too, would like to add my congratulations to Chris. I have known her, as Representative Duplessie has, for over 20 years. I have always found her to be a tireless worker for a lot of those people who their voices would not be heard unless she would advocate for them. I think that she historically has had remarkable vision for her advocacy. I think it is sort of like a selfless devotion. I think she has made significant contributions to the enhancement of human dignity and I think for equal justice in Maine. She has really helped a lot of people who I think probably their voices would not have been heard unless she had taken up their cause for them. It is an extreme pleasure that I would add my congratulations and for many of my constituents over the years.

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

Representative **BRANNIGAN**: Mr. Speaker, Ladies and Gentlemen of the House. For those of you who have followed the Appropriations Committee over the years, you know that Chris is always there well into the night and back in the morning and if she is not in Appropriations, then she is in her office. Those of you have noticed, given the renovations, her office has moved from time to time, but is now well established, for now, on the bench right outside of the library. She is always here, but there is a problem. When we are putting this budget together, right now, Chris is leaving. She is going to Washington to accept this award. What are we going to do? For those of you who might wish to do harm to certain things that she follows, this is your chance. However, she does have back up. She will be backed up and we wish her well in Washington and we will take care of things while she is away.

The SPEAKER: The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. Being the Chair of Labor, I want you to know that I quickly learned about Chris and her abilities. I was quite pleased to have that kind of support for the committee. Many folks don't realize it, but I am probably one of the staunch supports of lobbyists, even though I might speak unkindly about some of them at different times, but I think they are an invaluable asset to this Legislature when they are used in the proper way. I want you to know what is really sad about the amount of lobbyists we have in the halls is there are not enough of them for those people that are most in need. Chris definitely does triple duty in that area. Don't be surprised. She is soft spoken and maybe short in stature, but she is head and shoulders above most of the lobbyists that we have out in the hall. She has earned that. I really congratulate her on this award. Thank you.

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I know we often have too many speakers on legislative sentiments and sighs and I am going to risk that now. As a third term member of the Appropriations Committee and presently Chair, I do appreciate Chris Hastedt as the resource that she has been. We worked with several issues with the commission that led to the Cub Care Program. Chris was a great resource in broad information in a way that we could see it as nonpartisan. It was excellent information to rely on. I know many people have said that and I don't mean to drag that out. She has worked in a way that has helped to provide solutions. I am especially happy that this is not a legislative sentiment that is expressing our appreciation on her retirement and that she will continue to fight the cause and as some of us experience the pleasures of term limits in the next session, I certainly hope she will continue in her efforts here to be a resource to future Legislatures. Thank you.

The SPEAKER: The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and Gentlemen of the House. I have known Christine Hastedt for quite a few years now. Christine Hastedt truly has earned the prestigious 2001 Kutak-Dodds Prize. In the years that I served on the Health and Human Services Committee, Christine has really been there for each and every one of us. Our committee has taken her advice every time she was involved with a bill, we would always ask Chris for her advice. Chris truly is a kind and compassionate person who I have leaned on quite heavily in the years that I have been up here. I thank her very much for her wonderful service to the state. We are truly blessed to have someone like her.

Subsequently, the Sentiment was **PASSED** in concurrence.

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

**SENATE PAPERS**

**Non-Concurrent Matter**

Resolve, to Create a Commission to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands, Including Camp Lot Lease Arrangements and Public Joyment (EMERGENCY)

(H.P. 1366) (L.D. 1823)

**PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-695)** in the House on June 8, 2001.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-695) AS AMENDED BY SENATE AMENDMENT "A" (S-340)** in **NON-CONCURRENCE**.

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

**Non-Concurrent Matter**

Bill "An Act to Clarify the Laws Regarding the Extension of Water and Wastewater Service to the Town of Raymond" (EMERGENCY)

(H.P. 1372) (L.D. 1828)

**REFERRED** to the Committee on **UTILITIES AND ENERGY** in the House on June 11, 2001.

Came from the Senate under suspension of the rules and **WITHOUT REFERENCE** to a committee the Bill **READ TWICE**

and **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-343)** in **NON-CONCURRENCE**.

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

**CONSENT CALENDAR**

**First Day**

In accordance with House Rule 519, the following item appeared on the Consent Calendar for the First Day:

(S.P. 385) (L.D. 1282) Resolve, to Change Route Designations of Certain Interstates and to Change the Interstate Exit Numbering System Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-183)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED as Amended** in concurrence.

**ORDERS**

On motion of Representative **POVICH** of Ellsworth, the following Joint Order: (H.P. 1375)

**ORDERED**, the Senate concurring, that Bill, "An Act Providing Funding for the Office of the State Fire Marshal and to Increase Certain Fire Inspection Fees," H.P. 1368, L.D. 1825, and all its accompanying papers, be recalled from the legislative files to the House.

**READ.**

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

Representative **POVICH**: Mr. Speaker, Men and Women of the House. Once again, LD 1825, is before us because of a disagreement from the other body. I think it is an unintentional disagreement, a parliamentary disagreement. It is here and I think at this point I wish to commit LD 1825 to the Joint Standing Committee on Criminal Justice.

Pursuant to Joint Rule 404, this Joint Order required the affirmative vote of two-thirds of those present for **PASSAGE**. 88 voted in the affirmative and 19 in the negative, and accordingly the Joint Order was **PASSED** and sent for concurrence.

Reference is made to Bill "An Act to Amend the Laws Governing Municipal Citizen Initiatives and Referenda" (EMERGENCY)

(S.P. 231) (L.D. 796)

In reference to the action of the House on June 6, 2001, whereby it Insisted and Asked for a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative **McDONOUGH** of Portland  
Representative **TWOMEY** of Biddeford  
Representative **TOBIN** of Windham

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

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

An Act to Repeal the Requirement that School Employees be Fingerprinted



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

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

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

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

The same Representative **PRESENTED House Amendment "A" (H-701)** which was **READ** by the Clerk.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The SPEAKER: The Representative may pose her question.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The SPEAKER: The Representative may pose her question.

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

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

The **SPEAKER**: The Representative from Wayne, Representative McKee has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Marley.

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

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

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

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

**ROLL CALL NO. 392**

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

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

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

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

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

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

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

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

**SENATE PAPERS**

**Non-Concurrent Matter**

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

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

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

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

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

**Non-Concurrent Matter**

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

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

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

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

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

**BILL RECALLED FROM LEGISLATIVE FILES**

(Pursuant to Joint Order - House Paper 1375)

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

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

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

**UNFINISHED BUSINESS**

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

An Act to Direct that a Percentage of Revenue That the State Receives Be Allocated to Community Forestry

(S.P. 362) (L.D. 1200)  
(C. "A" S-62)

TABLED – May 1, 2001 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING – **PASSAGE TO BE ENACTED.**

Subsequently, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

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

### ORDERS

On motion of Representative MATTHEWS of Winslow, the following Joint Resolution: (H.P. 1373) (Cosponsored by Representatives: HUTTON of Bowdoinham, MENDROS of Lewiston)

#### **JOINT RESOLUTION HONORING ARMENIAN AMERICANS AND COMMEMORATING THE ARMENIAN GENOCIDE OF 1915 TO 1923**

WHEREAS, Armenians living in their historic homeland in Asia Minor were subjected to severe persecution and brutal injustice by the Turkish rulers of the Ottoman Empire before and after the turn of the twentieth century, including widespread acts of destruction, mayhem and murder during the period from 1894 to 1896 and again in 1909; and

WHEREAS, the horrible experience of the Armenians at the hands of their Turkish oppressors culminated with what is known by historians as the "First Genocide of the Twentieth Century," or the "Forgotten Genocide"; and

WHEREAS, the Armenian Genocide began with the murder of hundreds of Armenian intellectuals, and political, religious and business leaders, who were arrested and taken from their homes in Constantinople before dawn on April 24, 1915; and

WHEREAS, the Young Turk regime then in control of the empire planned and executed the unspeakable atrocities committed against the Armenians from 1915 to 1923, including the torture, starvation and murder of 1,500,000 Armenians, death marches into the Syrian desert and the exile of more than 500,000 innocent people; and

WHEREAS, while there were some Turks who jeopardized their safety in order to protect Armenians from the slaughter being perpetrated by the Young Turk regime, the massacres of the Armenians constituted one of the most atrocious violations of human rights in the history of the world; and

WHEREAS, the United States Ambassador to the Ottoman Empire, Henry Morgenthau, Sr., stated, "Whatever crimes the most perverted instincts of the human mind can devise, and whatever refinements of persecutions and injustice the most debased imagination can conceive, became the daily misfortunes of other devoted people. I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915. The killing of the Armenian people was accompanied by the systematic destruction of churches, schools, libraries, treasures of art and cultural monuments in an attempt to eliminate all traces of a noble civilization with a history of more than 3,000 years"; and

WHEREAS, contemporary newspapers such as the New York Times carried headlines including, "Tales of Armenian Horrors Confirmed," "Million Armenians killed or in Exile" and "Wholesale Massacre of Armenians by Turks"; and

WHEREAS, Adolph Hitler, in persuading his army commanders that the merciless persecution and killing of Jews, Poles and other groups of people would bring no retribution declared, "Who after all speaks today of the annihilation of the Armenians"; and

WHEREAS, unlike other groups and governments that have admitted the abuses and crimes of predecessor regimes and despite the overwhelming weight of the evidence, the Republic of Turkey has denied the occurrence of the crimes against humanity committed by the Young Turk rulers, and those denials compound the grief of the few remaining survivors of the atrocities and desecrate the memory of the victims; and

WHEREAS, nations of the world have suffered reprisals and condemnations by Turkey because of efforts to commemorate the Armenian Genocide; and

WHEREAS, there have been concerted efforts to revise history through the dissemination of propaganda suggesting that Armenians were responsible for their fate in the period from 1915 to 1923 and by the funding of programs at Armenian educational institutions for the purpose of furthering the cause of this revisionism and to counter, in the words of a Turkish official, "the Armenian view"; and

WHEREAS, leaders of nations with strategic, commercial and cultural ties to the Republic of Turkey should be reminded of their duty to encourage Turkish officials to cease efforts to distort facts and deny the history of events surrounding the Armenian Genocide; and

WHEREAS, the accelerated level and scope of denial and revisionism, coupled with the passage of time and the fact that very few survivors remain who serve as reminders of indescribable brutality and tormented lives, compel a sense of urgency in efforts to solidify recognition of historical truth; and

WHEREAS, by consistently remembering and forcefully condemning the atrocities committed against the Armenians and honoring the survivors, as well as other victims of similar heinous conduct, we guard against repetition of those acts of genocide; and

WHEREAS, our State is home to people of Armenian descent, and those citizens have enriched our State through their leadership in the fields of business, agriculture, academia, medicine, government and the arts and are proud and patriotic practitioners of American citizenship; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twentieth Legislature now assembled in the First Regular Session, on behalf of the people we represent, pause in solemn memory of the victims of the Armenian Genocide of 1915 to 1923 and urge one and all to express our common desire to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Armenian Assembly of America in Washington.

**READ and ADOPTED.**

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

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

An Act to Provide for Variance Notification in the Shoreland Zoning Law (MANDATE)

(H.P. 704) (L.D. 919)  
(C. "A" H-33; S. "A" S-327)

Which was **TABLED** by Representative NORBERT of Portland pending his motion to **RECEDE**.

The **SPEAKER**: The Chair recognizes the Representative from Hallowell, Representative Cowger.

Representative **COWGER**: Mr. Speaker, Ladies and Gentlemen of the House. Just to remind everyone that this is a unanimous report from the Natural Resources Committee. I prefer to call this the 34 cent mandate. What this bill does and it has, again, the full support of municipalities as well as the Department of Environmental Protection. It merely requires that when a local community is considering a variance to their local shoreland zoning ordinance that they merely notify the Department of Environmental Protection about the action they are considering. I urge you to support the pending motion. Thank you.

Subsequently, the House voted to **RECEDE AND CONCUR**.

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require a 2/3 Vote for the Maine Government Facilities Authority to Issue Securities

(H.P. 1298) (L.D. 1767)

Which was **TABLED** by Representative BERRY of Livermore pending the motion of Representative WATERHOUSE of Bridgton to **RECEDE AND CONCUR**. (Roll Call Ordered)

The **SPEAKER**: The Chair recognizes the Representative from Livermore, Representative Berry.

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I hope that you will join me in voting against the pending motion. The amendment from the other body, as it passed, is very similar to the original LD. The difference being the title. It changes the very last of the title, proposing an amendment to the Constitution of Maine to require two-thirds vote of the Maine Governmental Facilities Authority to issue securities. It was a very minor change to the title. It changes the title to Maine Facilities Authority borrowing. In Section 14E, the proposed change simply includes after the Maine Governmental Facilities Authority, it includes "or its successor". That is really the only difference with the addition to the Senate Amendment to the proposed bill.

My objection still stands to the bill. My argument remains, as I stated the other day, is that the debt that we incur by negligence of maintaining our bills. We are able to, by majority vote, appropriate money to perform ongoing maintenance and consider that our responsibility. In years past it has been neglected by needs of budget and by other needs. The use of the Governmental Facilities Authority has been used to maintain and renovate. We have eliminated the Department of Education building. That is where the grassy knoll lies now. It is part of a capital improvement plan. I have heard great criticism on the committee about not having a plan. I know the argument is why not do it by two-thirds? My experience has been that I don't think that would happen. We would still be sitting here at a time when the economy isn't as robust as it was. We would still be sitting and looking at buildings that were not maintained and repaired properly. We would still be looking at long lists of health and

safety issues that we are trying to get done, accessibility, ADA requirements that need to be done. I think the present use of the Governmental Facilities Authority will be very limited in the future. I think the major projects have been undertaken, at a time when we did have, or have seen a fairly decent economy. I want to encourage the members to vote against the pending motion. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Acton, Representative Nass.

Representative **NASS**: Mr. Speaker, Men and Women of the House. As usual, Mr. Speaker, I agree with the House Chair of Appropriations, Representative Berry. The problem with this situation, we had a debate on this a couple of days ago, is the two-thirds vote. The question is not should we maintain or not maintain state buildings. It is should we be authorized to do so or borrow to do so by the voters or should we do it by legislative action?

What we have done around this site, what we see everyday is a plus. It needed to be done. What I would ask you to do though is to focus on the future of this mechanism of financing. In this case, the maintenance of state buildings, but it could be something else two years from now. Focus on the future of the way we do that, not on what we have done in the past.

It is my suggestion that now having almost completed this project and moving forward, we ought to do the future efforts along this line with a two-thirds vote from the people, the same as we do other tax supported finances. Just to show, I think, how easy it is for us to get out of bounds on this, I think there was a number mentioned the other day and I want to repeat it today. To me, this says it all. We currently have a cap on the Governmental Facilities Authority of \$93 million. It is not my intention here to blame anybody for this, but let me tell you where our level of borrowing is right now. It is at \$211 million even though we have this cap of \$93 million. This is like a credit card for us collectively. We run the credit card up. We have run it up above what we collectively said should be the cap. We have done it with notwithstanding language. Again, it is not my purpose to point blame here. It just shows me that this is too easy to spend the money. Last summer, your Appropriations Committee heard a plan from the Executive Department about maintaining other state buildings. We have a huge liability out there. They wanted to increase the use of this Governmental Facilities Authority by another \$100 million to set up a program for capital maintenance or maintenance of buildings. It is a huge problem out there. It is going to be easy for the Legislature over a period of time to buy into that. I think before we embark on that program, we ought to get the voters involved.

This bill before you, now somewhat reduced by the amendment from the other body, to remove lease purchases would, I think, serve us well in the future. It is going to put a brake on this. It is going to be harder to accomplish that. I don't think we want to get out there \$500 or \$600 million, which would be easy to do in tax supported debt under this program without voter approval. I think it is time to vote for this. I would urge you to support Recede and Concur. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. The good Representative from Acton is entirely correct on this. If you remember the debate from a couple of days ago, one of the prime opponents against this measure, had concerns with the lease arrangements being in the bill. He said that he could support this with a two-thirds because that is what basically the good Representative supported in the past. Ladies and gentlemen, here it is. It is before us dealing with the simple two-thirds of both bodies, both houses of the

Legislature, to do this to get a larger consensus. Nobody is saying that some of the projects shouldn't be done. They should be done. In the past they were neglected through previous people who sat in these chairs or whatever. Like the good Representative from Acton, I don't want to point any fingers.

Let's look ahead on this. Here is a simple up and down two-thirds majority requirement. The previous Representative who was the chair of the Appropriations Committee in the debate, when we established this entity, said this is the way we get around the Constitution. We took that away from the people. That is gone. The people won't decide on any bonding under this facility and then we added a two-thirds requirement, which was in the statutes at the time. In fact, the Senate Chair of that committee, I talked with the other day, whose amendment this is by the way, said they had a talk on the two-thirds when this bill was coming forward and that they strongly supported that and then that was stripped off.

We took it away from the people. The people no longer have a say in this, because legislators up here said the people wouldn't do these jobs. We took that away and then we took away the two-thirds away from the body. I don't think either measure was correct, but this is a compromise measure from the other body and I certainly approve of it. It requires a two-thirds vote from both bodies to do this. It is more of a consensus. These large projects, these large expenditure of money, should require more of a consensus, not a simple majority of whoever happens to be in power at the time. That is power politics. That should not be the way we are running our financial situation in this state.

For all practical purposes, by us doing this without requiring more of a consensus, what we are doing is getting rid of the balanced budget provision. We don't have to have a balanced budget. We can spend money and then, well here is a nice project out here for \$15 or \$20 million. We will just go ahead and do this under this facility and we won't worry about a balanced budget. I am very concerned with the future, as the good Representative from Acton is, that where is our debt service going to end with a cap that doesn't exist because of notwithstanding language. Let's work together on this. Let's require a two-thirds and move on. I hope that you will support this Recede and Concur and go with the other body. Thank you.

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I just wanted to respond briefly. Again, I want to stress that I think we have been paying debts by neglecting our responsibilities. The funding that we have approved through Governmental Facilities bonding has been used to offset or to get out of one of the most expensive corrections systems in the nation, I understand. The result in operational savings, functional savings in different areas of state government, so there is as we look at how we spend our resources, we have taken some steps that will reduce our ongoing costs. In that sense, we are balanced. By voting for this motion, you would send this issue out for a referendum to require a two-thirds vote within the House and Senate. The people will have a vote on that measure. It won't be on each individual issue.

Again, I just want to stress that the facilities bonding has been used to meet some of the absolute needs that we haven't addressed in any other way. There is not going to be anyone out there that can do advertising for our prison systems or repairs to the State Office Building. I don't think there is a lobby or a great citizen movement that is going to drive those decisions.

Highways are slightly different. I think everybody can relate to that in their backyard. I had some other notes. I am still trying to dig out my notes. We have seen in the last few days when the

issue of mandates comes up, it flashing up on the screen up in the front of the chamber that there is a mandate. It automatically sends up a red flag to a number of us. The same thing when we do bond issues. There will be a number of members of this body that will vote against every bond issue, every budget. We know that there is a number of those people here. I would say that that is my concern when we limit ourselves to the two-thirds and saying that is the consensus of the body. There are other issues that surround everything that we do here. It complicates and quite often we don't act responsibly in the end. I think that we have taken responsible measures and we have taken some great steps in health and safety in addressing the facilities structural problems that we have.

Again, I encourage you to vote against the pending motion.

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

Representative **GOOLEY**: Mr. Speaker, Ladies and Gentlemen of the House. I won't take too long. This is a power play. It has been a power play. We need to move on with the Recede and Concur. If you have read in the newspapers the last two years, there have been several editorials in the *Maine Sunday Telegram*, the *Sun Journal* and other newspapers, supporting a Recede and Concur here. It should be a two-thirds vote. I see this as an issue that needs to go out to the voters because what we are doing here is circumventing the need for the people to vote on this particular issue.

It almost seems like we feel that the Maine citizens can't be depended upon to make the right choice. I certainly hope that we don't feel that way. I would support, and I hope that you would support, the Recede and Concur motion here today. Thank you.

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

Representative **O'BRIEN**: Mr. Speaker, Ladies and Gentlemen of the House. As I said last week, I was a cosponsor on the original bill. There is no issue with me with the projects that the authority has done. I was in full support of that. The beautiful renovations that have been done to this building and the area. This is in my district. I have no qualms about those. I am fully supportive of those issues. They were greatly needed.

The issue I have is that when I cosponsored the bill it was a two-thirds vote of each body. I felt comfortable with that because that was in line with what we did with bonding. As we have talked about one night at the end of the session, that was stripped off. It was strictly a simple majority, 51 percent. I feel that was done underhandedly. I really believe that whatever party is in control, I don't believe that a project of this size, magnitude and importance to the State of Maine should be done on a simple majority. They should be, no matter which party is in power, it should be a two-thirds. I feel that is a very good safeguard and would ask that you consider that seriously.

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I will be very brief. I have never heard that before. I want to comment to a comment that was made by the Representative from Farmington. I just want to make it clear that I do not work for the *Lewiston Sun Journal* or the *Portland Press Herald* or the *Bangor Daily News*. I subscribe to the *Sun Journal* only because it is the only thing going in my area. The *Sun Journal* is not elected by the citizens. Though I read and enjoy those opinions, my responsibility in this body is to take care of the condition of the state. I think that we have taken steps to do

that. I think I have been pretty clear. Thank you very much for your time.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Kasprzak.

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. I would like to answer the good Representative from Livermore's comment on whether or not he works for a newspaper. He does and I do and every member of this body does work for the State of Maine. Why should we not ask what the citizens of the State of Maine think about this question? I would remind members, and I wish that more were in their seats so that they would know what they were voting on when it comes to that point, that this bill does not change the way we do business in the State of Maine. It simply asks the citizens of the State of Maine, who supply all of the funds that we use in this building, whether or not they would like to have a two-thirds vote when it comes to these matters of great spending.

To address another issue, it was mentioned that some members vote against every mandate and every bond issue in this building. I would just answer that by saying that they have still passed, so I guess your fears would be allayed at that. Thank you very much.

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

Representative **ROSEN**: Mr. Speaker, Ladies and Gentlemen of the House. I would just like to make a couple of points. First of all, a comment concerning debts. Debt isn't good. It isn't bad. It is a tool. It is a useful tool. It is a valuable tool. It helps cash flow. It helps to fund long-term projects. That is what debt is. We are only talking about using debt in a prudent way. We are talking about whether it is a simple majority that decides or two-thirds. I think those of you should consider seriously from all reaches of the State of Maine, from either party, whether or not you want to have a voice in making a decision when it comes to obligations that bind future Legislatures and future budgets.

We are often told that one sitting Legislature cannot make a decision that will bind a future Legislature, but in the cases of the long-term borrowing, that isn't quite true. We can, in fact, obligate future Legislatures and budgets to have to pay for the funding for a minimum of 10 years, some 15 years and some 20 years. We have a variety of tools that we use in terms of the length of the payoff of the debt obligation to have to pay the debt to fund the projects. They are all worthy projects. It does force us to prioritize. It places our priorities on those future budgets. It obligates them and it reduces their options. Those are serious considerations. Those are considerations that are worthy of a two-thirds vote. Our two-thirds vote represents two-thirds of the population of the state. They represent two-thirds of the districts of this House.

If you think it is important for the constituents, whether they voted for you or not, whether they voted or not, whether they are registered or not, the taxpayers and the constituents in your district to be able to have a voice through your vote that impacts not only current budgets, but future budgets, then it seems reasonable to require the two-thirds vote. You have had your say and you have had your say on their behalf and that should satisfy the issue. Thank you.

The SPEAKER: A roll call having been previously 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. 393**

YEA - Andrews, Annis, Belanger, Berry DP, Bowles, Bruno, Buck, Bumps, Carr, Chase, Clough, Collins, Crabtree, Cressey, Daigle, Davis, Dugay, Duncan, Duprey, Etnier, Foster, Glynn,

Goodwin, Gooley, Heidrich, Honey, Jacobs, Jodrey, Kasprzak, Labrecque, Lovett, MacDougall, McKenney, McNeil, Mendros, Michael, Morrison, Murphy E, Murphy T, Muse K, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

NAY - Ash, Bagley, Baker, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Bryant, Bull, Bunker, Canavan, Chick, Chizmar, Clark, Cote, Cowger, Cummings, Desmond, Dorr, Dudley, Dunlap, Duplessie, Estes, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Hutton, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Marrache, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Michaud, Mitchell, Muse C, Norbert, Norton, O'Neil, Paradis, Patrick, Perry, Pineau, Richard, Rines, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Tuttle, Twomey, Usher, Volenik, Mr. Speaker.

ABSENT - Brooks, Colwell, Haskell, Landry, Ledwin, Matthews, O'Brien LL, Povich, Quint, Richardson, Watson, Wheeler GJ.

Yes, 61; No, 78; Absent, 12; Excused, 0.

61 having voted in the affirmative and 78 voted in the negative, with 12 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, the House voted to **ADHERE. ORDERED SENT FORTHWITH**.

On motion of Representative CARR of Lincoln, the House **RECONSIDERED** its action whereby it voted to **RECEDE AND CONCUR** on An Act to Provide for Variance Notification in the Shoreland Zoning Law (MANDATE)

(H.P. 704) (L.D. 919)  
(C. "A" H-33; S. "A" S-327)

The same Representative **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 Arundel, Representative Daigle.

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. I urge you to vote in support of the pending motion to Recede and Concur as was mentioned earlier by my good friend from Hallowell, Representative Cowger. This was a unanimous committee report. It deals with the ability for communities to have their shoreland zoning issues reviewed by the DEP prior to enactment. This provides a couple of good advantages. One of them is that things are consistent and also that the opinions of the DEP, if they are later on overturned, serve as some form of protection, as an advisory opinion given on these shoreland zoning issues. Shoreland zoning has always been regulated at the state level. It is very important because many of the lakes and rivers and so forth pass between many communities. You need that consistency between one town to another, for example. That is why this bill got unanimous support from the committee. I urge you to vote in support of Recede and Concur.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

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



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

Representative **WATERHOUSE**: Mr. Speaker, Men and Women of the House. Can the municipalities do this on their own without being told to do it?

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. In answer to the question of the good Representative from Bridgton regarding notification, having served at the local level on the town council, yes, that is absolutely an option in any town that feels so inclined. It can and does notify.

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

Representative **DAIGLE**: Mr. Speaker, Men and Women of the House. In further response to my good friend from Bridgton, Representative Waterhouse's question, it is absolutely true. Anybody can ask for an advisory opinion from the DEP, but some members of this body will be shocked to learn that sometimes towns wish to pass ordinances, which they know are not correct. They know that does not follow state law, but because of local issues they feel that they want to just try to push the envelope a little bit. Those towns may wish to do something, knowing that it is against state law and then look for once to see if the residents have followed those ordinances, then look for some protection. You pass an ordinance that isn't correct, somebody comes around and changes that ordinance and says, I have already put up my dock. I have already spent my money. That level of ignorance is sometimes intentional. That is one of the reasons why I felt in this matter, because of the way shoreland zoning crosses town borders, that consistency is important and we wish to have all towns go through this advisory opinion.

The **SPEAKER**: The Chair recognizes the Representative from Lincoln, Representative Carr.

Representative **CARR**: Mr. Speaker, Men and Women of the House. I just want to say that this has been touted as a mandate of 34 cents. I would just say that if it is that cheap, then let's just pay it.

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

Representative **TOBIN**: Mr. Speaker, Ladies and Gentlemen of the House. There isn't any one committee that serves local municipalities that can get that municipality into a court action any quicker than a zoning board of appeals. This is just one other tool, one way that they can check with DEP and it is not for the communities that have planning departments and legal attorneys on call. It is for the small community that may not even know that this is available to them. I think it is just good insurance for those small towns. 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.

In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

**ROLL CALL NO. 394**

**YEA** - Annis, Bagley, Baker, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Chick, Chizmar, Clark, Cote, Cowger, Crabtree, Cummings, Daigle, Davis, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hawes, Heidrich, Hutton, Jacobs, Jones, Kane,

Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lovett, Lundeen, Madore, Mailhot, Marley, Marrache, Mayo, McDonough, McGowan, McKee, McLaughlin, McNeil, Michaud, Mitchell, Murphy E, Muse C, Nass, Norbert, Norton, O'Neil, Paradis, Patrick, Peavey, Perry, Pineau, Quint, Rines, Savage, Schneider, Shields, Simpson, Skoglund, Smith, Stedman, Sullivan, Tessier, Thomas, Tobin D, Tracy, Twomey, Usher, Volenik, Winsor, Mr. Speaker.

**NAY** - Andrews, Ash, Belanger, Berry DP, Bowles, Buck, Carr, Chase, Clough, Collins, Cressey, Desmond, Duncan, Duprey, Foster, Glynn, Goodwin, Gooley, Hatch, Honey, Jodrey, Kasprzak, MacDougall, McGlocklin, McKenney, Mendros, Michael, Morrison, Murphy T, Nutting, O'Brien JA, Perkins, Pinkham, Richard, Rosen, Sherman, Snowe-Mello, Stanley, Tarazewich, Tobin J, Trahan, Treadwell, Tuttle, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Young.

**ABSENT** - Brooks, Colwell, Haskell, Landry, Ledwin, Matthews, Muse K, O'Brien LL, Povich, Richardson, Watson.

Yes, 92; No, 48; Absent, 11; Excused, 0.

92 having voted in the affirmative and 48 voted in the negative, with 11 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, the House voted to **ADHERE**.

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

An Act to Repeal the Requirement that School Employees be Fingerprinted

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

Which was **TABLED** by Representative COLWELL of Gardiner pending **PASSAGE TO BE ENACTED**.

Subsequently, the Bill was **PASSED TO BE ENACTED** and signed by the Speaker.

On motion of Representative GLYNN of South Portland, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENACTED**.

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 Wayne, Representative McKee.

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. I have an answer to the question, which I asked earlier that no one could answer. For edification on this issue, there are 289 school boards in the state. I asked the question in response that something that I heard that four school boards had gotten in touch with us. We do have 289 in the state. Thank you.

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

Representative **RICHARD**: Mr. Speaker, Men and Women of the House. I feel that I would be remiss if I did not speak in opposition to this particular bill. There have been a lot of things said on the floor of the House regarding fingerprinting. Some of them are accurate and a lot of them are inaccurate. We can't quite seem to keep up with it all. One thing that was stated previously, there are 389 states, plus New York City and Washington DC, that do fingerprinting. The papers this morning have a large article and there was a statement in that article that really bothers me. We have another amendment coming and a statement was made by a member of this body that that was okay, we would settle the major part of the battle and maybe take on the rest in two years when we have a different Governor.

That bothers me. If that is the plan that we are promoting here, to enact this and then two years from now when I am gone, along with the current Governor, then come back for a full repeal. If that is the plan, that disturbs me tremendously.

There was another quote in that article that I was disturbed by also regarding probably cause. We have spent a lot of time in this House talking about milfoil because we have to protect our lakes. I think we have to protect our children. While we have been debating this issue here in the House, there have been four school personnel who have been arrested and convicted for molesting or having sex with school children. That is four in the last month. Some of you say it is only four. I don't see it as only four. I see four as a big number. If it were your daughter or your niece or your grandchild, you would think it is a big number too. Think about that before you vote to repeal this.

We are not, in any way, condemning every teacher in the state. There are thousands of good teachers in the state, but we are saying that there are some bad apples and in some way or another, we have to eliminate them from our school systems. I would urge you to vote against this motion to repeal.

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. 395**

YEA - Annis, Ash, Berry DP, Blanchette, Bliss, Bryant, Buck, Canavan, Carr, Chase, Chick, Chizmar, Clark, Cote, Cowger, Crabtree, Cummings, Davis, Dorr, Dugay, Duplessie, Duprey, Estes, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Hatch, Hutton, Jacobs, Jones, Kasprzak, Koffman, LaVerdiere, Laverriere-Boucher, Lundeen, MacDougall, Madore, Marley, Marrache, Mayo, McDonough, McGlocklin, McGowan, McLaughlin, McNeil, Mendros, Michael, Michaud, Mitchell, Morrison, Murphy T, Nass, Norton, Paradis, Patrick, Peavey, Pineau, Pinkham, Rines, Sherman, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Trahan, Twomey, Volenik, Waterhouse, Wheeler EM.

NAY - Andrews, Bagley, Baker, Belanger, Berry RL, Bouffard, Bowles, Brannigan, Bruno, Bull, Bumps, Bunker, Clough, Collins, Cressey, Daigle, Desmond, Dudley, Duncan, Dunlap, Etnier, Foster, Glynn, Gooley, Hawes, Heidrich, Honey, Jodrey, Kane, Labrecque, Lemoine, Lessard, Lovett, Mailhot, McKee, McKenney, Murphy E, Muse C, Muse K, Norbert, Nutting, O'Brien JA, O'Neil, Perkins, Perry, Quint, Richard, Rosen, Savage, Schneider, Shields, Stedman, Tobin D, Tobin J, Treadwell, Tuttle, Usher, Weston, Wheeler GJ, Winsor, Young, Mr. Speaker.

ABSENT - Brooks, Colwell, Haskell, Landry, Ledwin, Matthews, O'Brien LL, Povich, Richardson, Watson.

Yes, 79; No, 62; Absent, 10; Excused, 0.

79 having voted in the affirmative and 62 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.

Reference was made to Bill "An Act to Authorize Release of Certain Information Pertaining to the Certification, Authorization and Approval of Educational Personnel" (EMERGENCY)

(H.P. 1295) (L.D. 1765)

In reference to the action of the House on June 7, 2001, whereby it Insisted and Asked for a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative RICHARDSON of Brunswick  
Representative LaVERDIERE of Wilton

Representative MADORE of Augusta

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

**ENACTORS**

**Emergency Measure**

An Act to Clarify the Laws Regarding the Extension of Water and Wastewater Service to the Town of Raymond

(H.P. 1372) (L.D. 1828)

(S. "A" S-343)

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. 112 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

Resolve, to Create a Commission to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands, Including Camp Lot Lease Arrangements and Public Enjoyment

(H.P. 1366) (L.D. 1823)

(S. "A" S-340 to H. "A" H-695)

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. 106 voted in favor of the same and 10 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

**Emergency Mandate**

An Act to Amend the Charter of the Limestone Water and Sewer District

(H.P. 1363) (L.D. 1820)

(C. "A" H-712)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of the same and 0 against, and accordingly the Mandate was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Resolves**

Resolve, to Change Route Designations of Certain Interstates and to Change the Interstate Exit Numbering System

(S.P. 385) (L.D. 1282)

(C. "A" S-183)

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

**Acts**

An Act Regarding Uninsured Drivers

(S.P. 425) (L.D. 1380)

(S. "A" S-334 to C. "A" S-144)

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

On motion of Representative MENDROS of Lewiston, 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.

Representative GLYNN of South Portland **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

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

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

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

Representative **MENDROS**: Mr. Speaker, Men and Women of the House. In reading this, it looks like everything has been gutted out of it and all the bill does now is notify the Secretary of State and increases the reinstatement fee for revoked license from \$25 to \$35, because the bill originally increased it from \$25 to \$30. Is that correct?

The **SPEAKER**: The Representative from Lewiston, Representative Mendros has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Brewer, Representative Fisher.

Representative **FISHER**: Mr. Speaker, Men and Women of the House. To answer that question, it goes a little beyond that. What was gutted was the offensive language, the language that was very punitive. Number two, it extends the time out for this to take place to 2003, July 1, which enables the Secretary of State's Office to go online and accept correspondence from the insurance companies electronically. That is the major two points. Those were the two areas that I think people found the most offensive. I believe now that it will be extremely workable at considerably less of a headache to the Secretary of State's Office. 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. 396**

**YEA** - Andrews, Annis, Ash, Bagley, Baker, Belanger, Berry DP, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bunker, Canavan, Chase, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Crabtree, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Glynn, Goodwin, Gooley, Green, Hall, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lessard, Lundeen, Madore, Mailhot, Marley, Marrache, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Michaud, Mitchell, Morrison, Murphy E, Murphy T, Muse C, Muse K, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Schneider, Shields, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Tuttle, Twomey, Usher, Volenik, Weston, Wheeler EM, Wheeler GJ, Mr. Speaker.

**NAY** - Carr, Clough, Cressey, Duprey, Kasprzak, MacDougall, Mendros, Perkins, Pinkham, Sherman, Snowe-Mello, Stedman, Trahan, Treadwell, Waterhouse, Winsor.

**ABSENT** - Berry RL, Buck, Bumps, Dugay, Haskell, Landry, Lemoine, Lovett, Matthews, Michael, Nass, Rosen, Watson, Young.

Yes, 121; No, 16; Absent, 14; Excused, 0.

121 having voted in the affirmative and 16 voted in the negative, with 14 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act to Enhance Tourism Promotion and Increase State Revenues"

(H.P. 1230) (L.D. 1677)

Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION** in the House on May 23, 2001.

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

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

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-344)** on Bill "An Act to Make Supplemental Highway 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, 2002 and June 30, 2003" (EMERGENCY)

(S.P. 388) (L.D. 1285)

Signed:

Senators:

SAVAGE of Knox  
O'GARA of Cumberland  
GAGNON of Kennebec

Representatives:

MARLEY of Portland  
McNEIL of Rockland  
FISHER of Brewer  
BOUFFARD of Lewiston  
McKENNEY of Cumberland  
BUNKER of Kossuth Township  
PARADIS of Frenchville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-345)** on same Bill.

Signed:

Representatives:

WHEELER of Bridgewater  
WHEELER of Eliot  
COLLINS of Wells

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-344)**.

**READ.**

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

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

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

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

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

Which was **TABLED** by Representative DUNLAP of Old Town pending **FURTHER CONSIDERATION**.

Representative COWGER of Hallowell moved that the House **RECEDE AND CONCUR**.

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

On motion of Representative BRYANT of Dixfield, the House voted to **RECEDE**.

The same Representative **PRESENTED House Amendment "I" (H-714)**, which was **READ** by the Clerk.

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

Representative **BRYANT**: Mr. Speaker, Men and Women of the House. House Amendment "I" will give us a better evasive aquatic control program, a program that is workable. The current problem with LD 1812 is that the bill would spend \$140,000 on stickers that no one can keep track of. Those questions are who is going to sell them and who is going to monitor the sales and who is responsible for returning the money? Another major problem with the legislation is that it has voluntary stops in it. We talked about warden vehicle stops last year. I don't think we need to go back into that. One of the other things is whenever we start to talk about the bills and the facts in the bill, you get the old watch the ball trick, which is basically Milfoil. While you are watching the ball, you can't really read the bill. I would encourage people to read the bill, LD 1812.

House Amendment "I" allows us to build on what we did last year. Last year we enacted laws that was against the law to have weeds on your boat, on the back of your motor. We put signs up. We put brochures at the toll booths at the turnpike. We have wardens that continuously through the summer monitor that. House Amendment "I" would require the DEP to undertake the programs and collaborate with all the groups that are in that bill. It further authorizes the commissioner to issue emergency restrictions on water bodies that they believe to be contaminated. Most importantly, it puts \$600,000 into the program and that revenue raiser doesn't interfere with other funding that we know we are going to have to have for IF & W just to keep our budgets solvent. We are not talking about being able to continue on. We are talking about are we going to raise taxes later on IF & W things.

I passed out a sheet earlier in the day and basically it tells the fees that are associated with what sportsmen will pay. Basically what you are looking at there is you are looking at a hunting license for \$19. You are looking at a boat registration for \$15. You are looking at a trailer registration for \$10 and it continues on. My only point here is that House Amendment "I" allows us to not go into the rainy day fund. It allows us not to have the sticker, but it gets the program going and it requires DEP to report back to the committees of jurisdiction and allows us to move forward. I would urge you to adopt House Amendment "I." Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Hallowell, Representative Cowger.

Representative **COWGER**: Mr. Speaker, Ladies and Gentlemen of the House. I am going to go on and explain in a moment here, but I would ask you to join the entire Natural Resources Committee and vote against the pending motion so we can go on and Recede and Concur and make some real progress, this year, this summer and on into next year, in keeping milfoil out of our state.

I think you are talking about a real serious threat here, a threat to our pristine lakes and rivers. We also have a real opportunity here with the bill that was passed in this House earlier to keep that threat at bay for a long time to come.

I would just like to remind members from a technical standpoint here that if we do adopt this amendment, I hope we don't, it would put us in non-concurrence with the other body and given the lateness of the session, in fact, we are almost done with our work here, this would seriously threaten the opportunity to have any legislation this year dealing with the control of milfoil and other invasive aquatic plants. The other body returned the bill to us with the three amendments that we added in this chamber the other day after nearly five hours of debate. They did not agree to commit it back to committee. The other body agreed to move forward and I think we need to concur with that motion.

I would just like to remind you also that we passed the original bill in this chamber with 109 affirmative votes and we adopted the three amendments that are currently attached to the bill with at least 102 votes. There is very strong support, clearly, in this chamber.

I just have a couple comments, specifically, on House Amendment "I." It does indeed create a position and a half at the Department of Environmental Protection. That is it. Those are all the new positions. It limits grants to municipalities to a total of \$50,000. I don't see that as a huge effort to go out and keep milfoil at bay. The total cost of the bill over the biennium is \$600,000, but if you read the amendment it is general fund money. I think you know what that means, given this time of the year with the budget coming together. I just don't think that money is going to be available. Again, if we adopt this amendment, I think we are going to go out of here without any legislation regarding milfoil. I think if this sort of money was around, I think the Appropriations Committee probably would have found a good use for it.

The legislation that we passed without this amendment is self-funded. We are borrowing money from the rainy day fund to get going right now. There are boats coming into the state every hour. It is summer. We will be paying back that money to the rainy day fund and it will be self-funding an entire program. House Amendment "I" envisions a very different program. There would be no inspections of boats crossing the border into Maine and there would be no inspections at selected boat landings. This is a critical element of the unanimous committee report that we inspect boats coming into the state and going from lake to lake. This inspection program is not in this amendment.

There is also not an interagency task force on invasive species. I think from what you have heard here there are cross-jurisdictional issues and we need to have the agencies talking to each other and the interagency task force in the bill, the committee bill, involves various stakeholders. It includes boat owners, municipalities, public water supplies and sporting associations. I think these are all groups among others that need to have a voice at the table when they are talking about invasive species. This is not in the amendment.

I urge you to help support an aggressive education program starting this summer and an inspection program starting this

summer and ramping up to a more aggressive program next summer and also an enforcement campaign that will start this year, but really the enforcement won't begin until next year. We have time to get the word out. If you have seen in the handouts that have gone out, we don't want to be in a position of harvesting milfoil from our lakes or dumping toxic chemicals in our waters. I don't want to be there. I hope you don't want to either. Please vote against this amendment and go on and support the original bill and we will keep milfoil out of Maine. Thank you.

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

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. I think after five hours of debate last Thursday, there was certainly a sense among all the members of the chamber that something did, in fact, need to be done. The only remaining question was whether LD 1812 was truly the vehicle. There are a lot of concerns about LD 1812. There are a lot of loose ends in that bill. We have been in intense discussions over the last week or so trying to sort out what those problems are and how we can address them.

House Amendment "I" is a product of some of those discussions. There is still not consensus, as we have already seen. I am not going to relive all of LD 1812, but the amendment does do a great deal to get at the problem this year. Remember the original bill calls for rainy day fund money, which we have already been told by good friend from Hallowell that general fund money is not available. I am not exactly sure how rainy day fund money is available if general fund money is not. That doesn't make much sense to me.

My friend from Dixfield, Representative Bryant, alluded to a major problem with the sticker program. I think the members of the Natural Resources Committee in championing the sticker program by saying that anyone can sell them. Campground owners can sell them. General store owners can sell them. The issue is engagement in getting them out there. They are also funding the program with the sticker. What is the accountability for someone distributing stickers? The fiscal note includes enough money for a sticker for every boat in the State of Maine, about \$140,000 worth of stickers. The trouble with that is that if you are going to actually cover all the distribution points, you really need about ten times that many. There goes your fiscal note out the window. Furthermore, how are you getting the money from the distributors? What is the collection component? If you are a licensed agent for the Department of Inland Fisheries and Wildlife, we give you 100 hunting licenses to sell and you sell 90 of them, then you are liable for the other 10. If you lose one, you have to pay for it. They all have serial numbers and they are all tracked. Can we do that with these stickers? I don't see that in the bill.

The sticker component is a very vital one in this debate and I will tell you why. We are familiar with these issues and we are talking about the stickers, we are not talking about milfoil. What are the people in the public going to be talking about when this comes on line? Are they going to be talking about milfoil or are they going to be talking about stickers? I lay that before you to consider. The debate has only begun on this. We do have time, regardless of whether this amendment is adopted or the bill passes as is, but I will tell you this, we will be debating it now or we will be debating it in special session next June. There aren't many things that will bring them to the capitol with pitchforks and torches, but this is one of them. They will be asking you the question, what is \$10 going for? You got a brochure didn't you? I think the amendment is a little bit clearer in terms of maintaining the integrity of the program, the educational component, the inspection component. It is progressive. LD 1812 as it stands,

its own proponents say it will only capture 80 to 90 percent of the vote.

Another misconception, I think, is the milfoil spread itself. One of the examples has been Vermont. Vermont has this terrible problem. Vermont did not get this problem in the year 2000. They have actually had this problem since the '50s. They now have it in 53 lakes. Think about how boaters use their crafts. I have a watercraft. I take it mostly in a couple stretches of the Penobscot River and every couple of years I go out to Pushaw Lake. It is fairly typical usage. People take their boat to camp and they leave it there. They go to one or two familiar places, maybe every weekend or maybe every month or maybe every day. They don't go from Sebago to Meddybemps Lake to East Chamberlain Lake to Pushaw Lake and then to Branch Lake all in a week. It is unheard of. To have the idea that Milfoil is somehow going to spread like a crown fire across the state and if we don't stop it right this second, it is guaranteed that next year we are going to have milfoil is a bit misleading, but either way it may yet happen, either version of this legislation, it may yet happen. If you are going to have a situation where people feel like you are doing nothing, then maybe the doing nothing, if that is your fear, is one that doesn't cost your constituents \$10 a boat. I would lay that before this body to consider.

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

Representative **BRYANT**: Mr. Speaker, Ladies and Gentlemen of the House. Just to respond to the good Chair of Natural Resources, when you talk about stops, and this bill is going to fund stops close to the border, is it a mandatory stop? Are you going to take all your boats in and check them or is it a voluntary stop? I think that bill is flawed and you spend a lot of money on having boats setting up shop with no requirement for anybody to stop. The other thing is, if you look at the ongoing work that we have already done that hasn't been recognized is that last year we put up signs, we put brochures up and we continued to work on that and get more people involved in that. We don't need to create a great big program, with a sticker program to it, that all it does is check people. It just checks for that sticker. If you haven't got that sticker, then you are going to get a fine. That is the way you generate your revenue.

I think that House Amendment "I" is a lot better. It allows us to move forward in a progressive way. The tax that we are putting on here is a regressive tax. It is not a progressive tax for \$10 and \$20. I would urge you to adopt House Amendment "I."

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Millinocket, Representative Clark.

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

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

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. To anyone that may care to answer, one of the previous speakers said about boats going from Pushaw Lake all around the state. Do we have bass tournaments in this state that have the bass boats going from lake to lake throughout the summer?

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. In response to the question from the good gentleman from Millinocket, obviously, yes. In fact, it is more than just bass tournaments. We also have a few campgrounds where many people I know have a favorite

summer pastime of traveling across the state from one campground to another and bringing their boats from one lake to another to another.

I want to spare you all a point by point rebuttal. We can stand up here all afternoon and say that the previous speaker said this and this is the point against it. Somebody else can jump up and say that too. You have heard it before and, frankly, I think it would be a waste of our time. There is nothing discussed in House Amendment "I" that wasn't brought before the Natural Resources Committee that wasn't fully viewed in public hearings, two of them, that wasn't discussed over many, many hours of previously announced workshops and were resolved in a unanimous committee report, which is before you, in addition to some well thought through amendments that were presented recently.

The core decision to be made today is, do you want to just have a study or an education program? We all know that is how we deal with bills around here. We really don't want to do it so let's do a study with it. If we want to do what the Natural Resources Committee said to do, which is to have an inspection program. It is not an inspection program with stickers, but an inspection program of boats and stickers, but with boats, the stickers don't come until 2002. We will all be back here next session to make adjustments to this thing. We can do what has been done in 47 other states and we can fail like 47 other states. It is really coming down to that. If you believe that the definition of insanity is doing the same thing over and over and expecting a different outcome, then you probably would like House Amendment "I." You might get a different outcome if we just do the same thing.

Thirteen members of Natural Resources spending an inordinate amount of time and everyone was invited to come to those meetings, nobody was rejected, every input was received gratefully. We decided with the bill in front of you, LD 1812. If you look at our work this session, I think all of it has been pretty good. I would hope that that has some confidence with this body also and that you would then vote to oppose adoption of House Amendment "I."

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

Representative MUSE: Mr. Speaker, Men and Women of the House. I would just like to point out that if this invasive milfoil is as hard to get rid of as this bill is to vote on the floor, we are in a whole lot of trouble. We ought to do everything we can, including vote on it as quickly as we can, and move on. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Pembroke, Representative Goodwin.

Representative GOODWIN: Mr. Speaker, Men and Women of the House. I rise to answer the question of the good Representative from Millinocket, Representative Clark. He asked the question about bass boats and boats in general going from lake to lake. I see by looking at the window that the trophy that we fished for every June has been removed from the House. It has been picked by the folks who will deliver it to the winners of Saturday's bass tournament, which will be held in Winthrop. I might be wrong in the town. That trophy is given out to the winner, whether it is the House or the other body, in a tournament. We will fish from bass boats. In last year's derby we had boats come from all over North America that were put in Lake Cobbosseecontee.

I am from Down East Maine. We have lakes that border on Canada. We have the St. Croix River, which is the border between Canada and Maine. We have boats entering our bodies of water from Canada. They can enter at East Grand Lake and in three days time they can be in Ellsworth by traveling

through the chain of lakes, down the rivers and up the rivers. We are bordered in the north by Canada. We have lakes and streams entering both countries. We are bordered on the west by New Hampshire with lakes and streams. There are no chains across those lakes in the north, the west or the east. There is free access. What we are talking about is a system whereby it is going to take several years and several different methods to determine what we can best do to patrol the areas and get educational material out as to what milfoil is and how it gets here and this legislation will not do that. I thank the Speaker.

Representative McKEE of Wayne moved that **House Amendment "I" (H-714) be INDEFINITELY POSTPONED.**

The same Representative REQUESTED a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "I" (H-714).**

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

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

Representative MCKEE: Mr. Speaker, Men and Women of the House. The good Representative from Old Town, Representative Dunlap, asked somewhat historically, would we be talking about milfoil or would we be talking about stickers? The citizens of Maine will be talking about what we, as a Legislature here today, say is important, our lake's economy. We won't be talking about milfoil or stickers. We will be saying that we are trying to save the lake's economy. It might be easy for some to talk about this effort and to encourage a slow and easy approach, unless you live in a town where it takes seven of its nine lakes with excellent water quality to float a school budget, then you are not talking about a slow and easy approach. You are talking about strong, aggressive, fast action. That is what in the lakes communities of the State of Maine are asking you. We have not asked you this before. We have not come before you for such a bold request. It is not such a big request.

Listen to this, it represents only one-fifth of 1 percent of the \$1.2 billion of direct expenditures into our economy on the part of this lakes economy. That is one-fifth of 1 percent of \$1.2 billion economy. Would you take a slow and easy approach if that was your source of your tax base? Our tax base is only as healthy as our lakes are. In so far as the water quality of those lakes is good, our tax base is healthy, property values remain good, our investments remain good and we can do what we have to do in our communities who have no Old Port. We have no BIW. We have no business. We have general stores and gas stations and that is it besides our lakes. We are asking you to take our request and our economy seriously here today.

By the way, that sticker program, I don't look upon it in the same way that the good Representative from Old Town looks upon it. I look upon it as a visual, visible unifying theme for the state. It is what people are going to see and be reminded of. There is going to be an active, aggressive campaign using that sticker to tell people what they are doing. They, and we, will be saving Maine's lakes. That sticker will represent our efforts. It won't be milfoil or stickers. It will be saving Maine's lakes and saving our economy. I see the approach of the amendment as being far weaker in its approach to the funding. We have stable funding with the sticker approach, but yet we also have the state assuming its responsibility too. By the way, I don't mind taking money out of the rainy day fund. It is our money. It is our money. We put it there. We put it there just for this reason. We need not feel any guilt about using rainy day money for this.

Only three states in the entire United States are without Eurasian milfoil and Maine is one of those. We can learn from history or we can let history repeat itself. History will repeat itself when we don't learn from the experiences of the other states.

Through this program this summer, we will learn what our risks are and we will learn how to manage those risks. We will galvanize our state to do what the other states did not have the foresight to do. They didn't have others to learn from. It became a quickly moving, almost invisible invasion and they were not prepared for it. We want to learn from history and we do not want to make the same mistakes.

The other thing about the amendment is that it doesn't have that broad-based commission that is necessary in order to galvanize all of those groups across the state. That is an integral part of the bill itself. I would urge you to join our colleagues in the other body who wholeheartedly approved the approach that we originally had when it left this body and to Indefinitely Postpone this amendment and move on as quickly as we can to address what is the real problem and what is at stake here today. That is the lakes economy of the State of Maine.

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

Representative **TOBIN**: Mr. Speaker, Ladies and Gentlemen of the House. We have a very, very serious problem on our hands and LD 1812 is a step to taking care of it. It provides the education, the inspection for milfoil and the planning for what to do after we get milfoil in the state. We have debated this far, far too long. I think we should vote and decide whether we are serious about this or whether we just want to throw marshmallows at it.

I was at a Rod and Gun Club in my hometown last Sunday. A person from the Portland Water District was there whose job it is to be on the launch ramp all day long. Last weekend there were two boats launched into Sebago Lake with milfoil on them. The problem isn't a boat to come, the problem is already here. I urge you to vote to Indefinitely Postpone this and try to make some action that will take care of this problem. Thank you Mr. Speaker.

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

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

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

Representative **TRAHAN**: Mr. Speaker, Men and Women of the House. To the gentleman from Windham, if these two boats were launched into Sebago Lake with milfoil on them and someone knew about it, I would consider that a travesty and probably an injustice to our lakes. Can you explain to me why he would allow that to occur?

The **SPEAKER PRO TEM**: The Representative from Waldoboro, Representative Trahan has posed a question through the Chair to the Representative from Windham, Representative Tobin. The Chair recognizes that Representative.

Representative **TOBIN**: Mr. Speaker, Ladies and Gentlemen of the House. Of course the boats weren't launched in with the milfoil on them. They were about to be launched. They took the milfoil off them. They have taken the milfoil to the lab. They have to grow the milfoil before they can identify what type it is. They know it is milfoil, but they do not know the type. I hope and pray that it is not Eurasian. Thank you.

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

Representative **HAWES**: Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to add to what the good Representative Tobin was talking about. At the Portland Water District today you can actually go to their Student Study Center and see on the wall a map where they have identified the variable milfoil, both in the Sticky River on the Standish end and

up on the Locke River, I believe that is what they call it, where it is actually growing. It is a variable milfoil, which is different than the Eurasian milfoil. The variable is what was sent around today, the pictures of it. Not only is it potentially coming in on boats, but it is also coming out of Sebago Lake on boats, unless somehow they can avoid it. From what I understand, it is pretty unavoidable. I would urge you to support the Indefinite Postponement and go on to Recede and Concur with the other body. Thank you.

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

Representative **BRYANT**: Mr. Speaker, Ladies and Gentlemen of the House. I would encourage you to vote against the pending motion. The more I have worked on this bill, the more I understand the issues around some of the fear. What we are going to do is we are going to keep that milfoil, we don't really talk about the bill or how this bill is going to help anything, but we talk about milfoil and keep everybody looking up here. When you are looking up here, we back the truck in and fill it up. You fill it up with the sportsmen's money in the State of Maine. I think there is other ways to do this. That truck is about 99 percent loaded. We are going to let it go out of here and we are going to have a sticker program that can't really be enforced. We are going to be putting people on to enforce that sticker program. When you talk about bodies of water that divide the state, is it going to be illegal to have a sticker along the eastern side near the border with Canada. Do they have to have a sticker to be on that lake? There is a tremendous amount of unclarity on LD 1812. I think that House Amendment "I" focuses in and puts resources there and it allows us to move forward. I think the actual bill is going to be a nightmare. Thank you.

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "I" (H-714). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 397

**YEA** - Annis, Ash, Baker, Berry RL, Blanchette, Bliss, Brannigan, Brooks, Bruno, Buck, Bull, Bumps, Bunker, Canavan, Chizmar, Clark, Clough, Colwell, Cote, Cowger, Crabtree, Cressey, Cummings, Daigle, Desmond, Dorr, Dudley, Duplessie, Estes, Foster, Fuller, Gagne, Goodwin, Gooley, Green, Hall, Hatch, Hawes, Heidrich, Hutton, Jodrey, Jones, Koffman, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Mailhot, Marrache, Mayo, McGlocklin, McKee, McLaughlin, McNeil, Mendros, Michael, Michaud, Mitchell, Morrison, Murphy E, Muse C, Muse K, Nass, Norbert, Norton, O'Brien JA, O'Brien LL, Paradis, Peavey, Perry, Pineau, Povich, Richard, Richardson, Savage, Schneider, Shields, Simpson, Skoglund, Smith, Snowe-Mello, Sullivan, Tarazewich, Tobin D, Tobin J, Twomey, Volenik, Waterhouse, Weston, Winsor.

**NAY** - Andrews, Bagley, Belanger, Berry DP, Bouffard, Bowles, Bryant, Carr, Chase, Chick, Collins, Davis, Dugay, Duncan, Dunlap, Duprey, Etnier, Fisher, Gerzofsky, Glynn, Honey, Jacobs, Kasprzak, Labrecque, LaVerdiere, MacDougall, Madore, Marley, McDonough, McGowan, McKenney, Murphy T, Nutting, Patrick, Perkins, Pinkham, Rines, Rosen, Sherman, Stanley, Stedman, Thomas, Tracy, Trahan, Treadwell, Tuttle, Usher, Wheeler EM, Wheeler GJ.

**ABSENT** - Haskell, Kane, Landry, Lovett, Matthews, O'Neil, Quint, Tessier, Watson, Young, Mr. Speaker.

Yes, 91; No, 49; Absent, 11; Excused, 0.

91 having voted in the affirmative and 49 voted in the negative, with 11 being absent, and accordingly **House Amendment "I" (H-714) was INDEFINITELY POSTPONED.**

Representative McKEE of Wayne **REQUESTED** a roll call on the motion to **CONCUR**.

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

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. We heard language the other day and we heard language also today, strong, fast, vigorous action. This will prevent. I think as you take a look at this bill, you will see that that is not the reality. I think the hype and the overselling of this bill that those that have done that could go up to the Artic Circle and see refrigerators in that area. We have even heard discussions about likening this to going to war. We even had advocates invoking the names of FDR the other day. I didn't know FDR and FDR wasn't a friend of mine, but I will tell you that he wouldn't have called this proposal going to war.

The other day after looking at it, analyzing it, drew an analogy that it was almost as if instead of putting the men in the land of gruff to head to the beach, you put them in canoes. I have to revise those comments, having had a couple hours extra to look at this. It would be like putting the fighting men over the side in an inner tube and pushing them to the beach. It almost has the feel of an old Mickey Rooney movie. Let's form a new bureaucracy. Let's go out and spend \$140,000 for stickers so we can look at the stickers and feel inspired. If you begin to do the math and looking at the math of 5,000 man hours and 10 entry inspection points, two people per inspection point, forgetting about the launching sites, which the advocates talk about, if you do that only for the summer, you are only going to be at that launching or at that inspection site three to four hours a day.

I had a busy weekend, or that day off, mowing, so I didn't have a chance to go out to the Turnpike and watch the traffic go by, but on the way home I watched it. I guarantee you there is as many boats at 9:00 at night as there is at 2 a.m. or 3 a.m. and no one is going to be there handing out the brochure, washing down the boat and talking about milfoil, especially when it is a voluntary stop. If you are going to do the fall, then you are down to two hours a day, two hours out of every twenty-four hours. A previous speaker discussed the different votes we took the other day and neglected to tell you the most important vote that many of us felt that the two committees involved in this issue for the next five or six years or 50 years need to begin to work together and find a plan that will work. This House voted for it to go back to both those committees and to come back with a better bill. The other end of the hall, they know better, so they have told us to disregard that vote, which was a fairly strong vote.

This is one of those cases where you throw the money and print the stickers, you are going to think you have done something, but can you honestly go to those folks who are on the lakes and are fearful of this milfoil and tell them that this will keep it out. We have heard that promise on the floor and through their lobbyists they have been told that. Is that the real reality? We have also heard on the floor we can come back next year and continue to work on this. Is this the third, fourth or fifth year that we are working on fingerprinting?

In summary, Mr. Speaker, this bill is about as effective as taking a half full child's squirt gun and trying to hose down a milfoil covered boat. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Hallowell, Representative Cowger.

Representative **COWGER**: Mr. Speaker, Colleagues of the House. With all due respect to the Representative from Kennebunk, I vehemently disagree with his summary of the legislation that we put forth with a great deal of work from our committee. The bill, I do encourage you to read LD 1812 and the

three amendments that we did put on here the other day. You will see a comprehensive program of education, inspection, planning for perhaps the inevitable day sometime in the future when we might have milfoil in some of our lakes, the invasive Eurasian milfoil and an aggressive enforcement program for those boats that might get launched in Sebago Lake. Does this plan go far enough? No. Are there enough hours in here to catch all the boats that come into Maine? No. Are we going to guarantee that milfoil is going to stay out of the State of Maine? Absolutely not. Is today the time to take action and to vote for some aggressive legislation to look at this problem? Yes, today is the day to keep milfoil out of Maine for the longest time that we possibly can.

Our committee balanced the resources of the state and the need to keep our lakes and our rivers free of invasive plants. We would have loved to spend millions and millions of dollars, but I don't think we could garner the support of two-thirds of this body when it comes to enactment. I hope you will strongly vote for the current motion and concur with the action of the body and we can go on and get this legislation in place.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. Let me spare you the common rhetorical question, where I would ask whether or not this is the last shot? This is the last shot. This isn't a vote to concur. Without a two-thirds support from this body, there will be no milfoil program this year. It has to be an emergency for us to start. We are obviously going into summer and we all want to be home. Please when you vote in the next few moments, keep in mind that this is it. There will either be a milfoil program or there will not.

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

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I missed, as I said earlier, most of the discussion on this that has gone on prior to last week. I have some questions that I just need to have answers to. There seems to me to be a series of enigmas that are plaguing this whole bill. May I pose some questions through the chair?

If a boat is brought into the state and it gets by an unmanned check point and is later found on a lake in Maine, will the owner be sold a ticket, fined or both? Secondly, if a Maine resident is found without a sticker on a lake or a pond with no lake association, no check point, no public boat landing will the owner be fined or sold a sticker or both? If the stickers are unnumbered and only for a sort of decoration on the boat, how will they keep track of how many are sold?

The **SPEAKER PRO TEM**: The Representative from Hartland, Representative Stedman has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. To answer the questions, I think my familiarity with how these types of laws are enforced would lead me to believe that if an individual came here from out of state without a sticker and launched a contaminated boat, under the language of LD 1812, that individual could be subject to fines up to \$5,000 for operating a contaminated watercraft and under the amended version of the bill, if they did not have a sticker, that would be up to \$250 in fines, whether there was a manned check point or not. For a resident not displaying a sticker, again, the fines are up to \$250, whether there is an inspection program or not. Finally, I think the problem in terms of tracking the stickers



is very vague in the language of the bill as how they are to be tracked. They cannot be tracked. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Hallowell, Representative Cowger.

Representative **COWGER**: Mr. Speaker, Ladies and Gentlemen of the House. It was our committee's hope that these stickers will be widely distributed. They will be available not just at checkpoints and not just when you register your boat and not just when you get a fishing or a hunting license, but through lake associations and through any group that wants to sell them. These groups will be able to retain the \$1 agent fee. The idea is to have the stickers widely available throughout the state so that people will have opportunities to get them. Also keep in mind that the enforcement doesn't go into effect until 2002 so we have all this year to get the word out to the visitors that come to our great state and for Maine residents that this will be something that they will have to have next year. It is incumbent upon all of us to go back to our district, hopefully once this legislation passes, and help inform our constituents that this is a new program on the books. Thank you.

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

Representative **MAILHOT**: Mr. Speaker, Ladies and Gentlemen of the House. I rise to say that I really think that I really think that the milfoil is a problem in the State of Maine. I do not rise to ask you to vote for nor against this bill. I just rise to have us all think that if we were driving in the State of Maine from another state, as a citizen of another state, and we were pulled over to the side with a little car or boat behind on a little trailer and we were asked to pay \$20 for a sticker, I want to address this as LD 1812 being an attribute to road rage. I don't think I would like it. I want you to think seriously on how you would like it if you were to drive through another state, whether you will anchor your boat in one of our lakes or just going through the state to be accosted as such. As I said, I think milfoil is a problem. I think this is the wrong way to go about it. It is the wrong way to fund it. We are going to make a whole lot of enemies. Thank you Mr. Speaker.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. To respond to my good Representative seated behind me, that is as far from the kind of program that we have in mind or as I can possibly imagine. In my district we call these people from away, as I have said, good friends, taxpayers, contributors to our economy, consumers in our local stores in our area and in our state. That is not going to be our approach. We have talked about this. We expect to conduct courtesy inspections to welcome people to the State of Maine to tell them about what we are trying to do and how we are going to save Maine lakes, if possible, and what the sticker program is. We will send them on their way with a message that these stickers can be purchased at various places throughout the state. We are starting off with an educational program that will be followed by the sticker program. Just bear in mind that we will not be conducting a negative campaign. We hope that people will support this if they have ever enjoyed Maine lakes. We trust that they will. Sixty percent of the people who will be buying stickers, it is true, will be from away. Forty percent will be from here.

It is a good program. It is visible. It is unifying. It is the logo of the campaign. Let's go forward. I urge you to concur. Thank you very much.

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. In a previous life, I did graduate work in English

literature. There is a very common question to ask when studying one particular writer or another, people would start to analyze the writing and they would ask the question, what does the writer mean in this particular piece? I had one professor who was very tired of that question and he said, "The writer wrote what he meant. Had he meant something different, he probably would have written something different." In response to my good friend from Wayne, who said that they don't intend for this to be implemented this way, then I would have urged them to have written something different than \$5,000 fines into the legislation. If you read the bill, it embodies the theme expressed here today, aggressive. It is aggressive. It is not a big hug and a kiss. It is a hammer on the voters of the State of Maine. They are unaware of this and when they are aware of it, they will speak.

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

Representative **COWGER**: Mr. Speaker, Ladies and Gentlemen of the House. To respond to the previous comment, I apologize for prolonging debate, the fines are a minimum, you are hearing talk about the maximum levels, of \$100 for not displaying a sticker. There are fines of \$500 for launching a contaminated watercraft and also a \$500 minimum fine for operating a watercraft in a quarantined area. There are also minimum fines that are significantly less than the maximum numbers you may be hearing.

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

Representative **TRACY**: Mr. Speaker, Ladies and Gentlemen of the House. I remember a while back here that we had a debate on a certain issue dealing with a certain couple of committees that had a little debate over whose jurisdiction was where, what, how and whatever. The good Representative from Auburn, Representative Michael, brought up an issue that was dealing with the air emission standards that the federal government imposed on us or held us hostage to say if we did not vote to implement that program that the highway funding would be \$35 million without funding. I would dare say that if there was an outcry, I am not saying there is not a problem here, ladies and gentlemen, or a potential problem, I have a problem with the way we are going about funding this. Getting back to the air emissions, you people are going to have the same outcry as there was dealing with the federal air emissions and if you don't think so, ladies and gentlemen, when the truth gets back to the individuals back in the hinderlands where I represent, the Belgrade Lakes area, where there are many, many lakes, you are in for one rude awakening. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Yarmouth, Representative Buck.

Representative **BUCK**: Mr. Speaker, Ladies and Gentlemen of the House. We have discussed this now for, well, it seems like a month and I must say that with the level of lobbying that has gone on with this particular issue, this is a bad idea whose time has come.

Several days ago, both eloquent speakers on both sides of the aisle compared the needs with a commitment similar to the one that this nation had in World War II. One of the speakers even invoked the name of a past president indicating that the issue certainly rises to the level of seriousness. Unfortunately the proposal we have before us does not compare to the efforts in World War I, but it reminds me rather of our effort in Vietnam where we weren't committed to that particular war and we all know the result of that. This bill is the Vietnamization of milfoil for as I am concerned. We have no serious commitment to fight

it. It is a haphazard method of selecting certain boats that come into our state and we don't know whether or not it is going to be effective at all. One thing it is certainly going to do is it is going to give another black eye to the tourist industry when they find out that just because they live south of Kittery, we are going to charge them double for their sticker. It reminds me of the old adage that if a thing is worth doing, it is worth doing badly.

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

**ROLL CALL NO. 398**

YEA - Annis, Ash, Baker, Bliss, Brannigan, Brooks, Bruno, Buck, Bull, Bumps, Bunker, Canavan, Chizmar, Clark, Colwell, Cote, Cowger, Crabtree, Cressey, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Duplessie, Estes, Etnier, Fuller, Gagne, Gerzofsky, Glynn, Green, Hall, Hatch, Hawes, Heidrich, Hutton, Jodrey, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Madore, Marley, Marrache, Mayo, McDonough, McGlocklin, McKee, McLaughlin, McNeil, Michaud, Mitchell, Morrison, Murphy E, Muse C, Muse K, Nass, Norbert, Norton, O'Brien JA, O'Brien LL, Paradis, Peavey, Perry, Pineau, Povich, Quint, Richard, Richardson, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Snowe-Mello, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Trahan, Twomey, Volenik, Waterhouse, Weston, Winsor.

NAY - Andrews, Bagley, Belanger, Berry DP, Berry RL, Blanchette, Bouffard, Bowles, Bryant, Carr, Chase, Chick, Clough, Collins, Dugay, Duncan, Dunlap, Duprey, Fisher, Foster, Goodwin, Gooley, Honey, Jacobs, Jones, Kasprzak, Labrecque, MacDougall, Mailhot, McGowan, McKenney, Mendros, Michael, Murphy T, Nutting, Patrick, Perkins, Pinkham, Rines, Rosen, Stanley, Stedman, Tobin J, Tracy, Treadwell, Tuttle, Usher, Wheeler EM, Wheeler GJ.

ABSENT - Haskell, Landry, Lovett, Matthews, O'Neil, Watson, Young, Mr. Speaker.

Yes, 94; No, 49; Absent, 8; Excused, 0.

94 having voted in the affirmative and 49 voted in the negative, with 8 being absent, and accordingly the House voted to **CONCUR**.

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

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

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

**COMMUNICATIONS**

The Following Communication: (S.C. 357)

**SENATE OF MAINE  
OFFICE OF THE SECRETARY  
3 STATE HOUSE STATION  
AUGUSTA, ME 04333-0003**

June 12, 2001  
The Honorable Millicent M. MacFarland  
Clerk of the House  
120th Legislature  
Augusta, ME 04333  
Dear Clerk MacFarland:

Please be advised that President Michaud has appointed the following conferees to the Committee of Conference on the

disagreeing action between the two branches of the Legislature on the Bill, "An Act to Amend the Laws Governing Municipal Citizen Initiatives and Referenda." (S.P. 231) (L.D. 796)

Senator Youngblood of Penobscot  
Senator Mills of Somerset  
Senator Daggett of Kennebec

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (S.C. 360)  
**SENATE OF MAINE  
OFFICE OF THE SECRETARY  
3 STATE HOUSE STATION  
AUGUSTA, ME 04333-0003**

June 13, 2001  
The Honorable Millicent M. MacFarland  
Clerk of the House  
2 State House Station  
Augusta, ME 04333  
Dear Clerk MacFarland:

Please be advised the Senate today Adhered to its previous action whereby Joint Order (H.P. 1374) Relative to Recalling Bill, "An Act to Repeal the Presidential Preference Primary Elections," (H.P. 960) (L.D. 1273) from the Legislative Files to the House Failed Passage.

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (S.C. 362)  
**SENATE OF MAINE  
OFFICE OF THE SECRETARY  
3 STATE HOUSE STATION  
AUGUSTA, ME 04333-0003**

June 12, 2001  
The Honorable Millicent M. MacFarland  
Clerk of the House  
120th Legislature  
Augusta, ME 04333  
Dear Clerk MacFarland:

Please be advised that President Michaud has appointed the following conferees to the Committee of Conference on the disagreeing action between the two branches of the Legislature on the Bill, "An Act to Authorize Release of Certain Information Pertaining to the Certification, Authorization and Approval of Educational Personnel." (H.P. 1295) (L.D. 1765)

Senator Rotundo of Androscoggin  
Senator Nutting of Androscoggin  
Senator Davis of Piscataquis

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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

**HOUSE DIVIDED REPORT - Majority (10) Ought to Pass as Amended by Committee Amendment "A" (S-344) - Minority (3) Ought to Pass as Amended by Committee Amendment "B" (S-345) - Committee on TRANSPORTATION on Bill "An Act to Make Supplemental Highway 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, 2002 and June 30, 2003" (EMERGENCY)**

(S.P. 388) (L.D. 1285)

Which was **TABLED** by Representative FISHER of Brewer pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended Report**.

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

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. I urge you to vote against the pending motion so we may move onto an amendment that will be presented if we do get that far. The difference between the two is just a matter of \$2 on a title fee. I am trying to stay within the lines.

What is in the Majority Report is basically, well to cut a lot of corners and to get to the basics, is an \$8 increase in the title fees. This increase was the most debated part of the budget really for the longest period of time because of the different revenues that this brought in. At \$8 it brought in enough to fund everything that was needed within the majority budget, including all of the sand and salt storage sheds, which was a commitment made by a previous Legislature, which we were held responsible for. What the amendment would do is fund everything that in the Majority Report, but it is done by unallocated revenues and projections that are going to be coming in by the end of the month of about \$6.6 million, which is not uncommon in the budget process. The Minority Report, basically we feel that we should be using these revenues. These are above and beyond what is collected, a surplus and will come in use to saving the taxpayers an extra \$2 in title fees.

You had passed out to you a blue sheet that indicated the different fee increases that we have had over the past few years. In July 1, 1997, the title fee increased from \$10 to \$15 and that is a 50 percent increase. In June 2001, the budget would increase from \$15 to \$23 and that would be another 53 percent increase if we pass the majority Report. Within the past four years the title fee would be from \$10 to \$23, which is a total of 130 percent increase in the title fee. This will effect business that has a title fleets of vehicles, for example, if you buy 10 new vehicles for your company cars, you would be increasing your costs by \$80. I remind you we are talking a difference of a couple of dollars, but the Minority Report was trying to save as much money as we could and using the revenues that will be available to us by the end of the month. Some may argue that these are revenues that may not come in. All indications from department heads when we asked the question of how revenues are coming in so far in the month of June, they were coming in at the same rate if not better of the projected \$6.6 million in surplus that we will have in the Highway Fund.

This wasn't an easy task for the whole committee, as was last year. None of us want to see any kind of increases at all. The demands are getting higher and the amount of deficit in the debt from year to year is getting bigger and bigger. We feel this would be the best way and have the least impact to our constituents and we would get as much as the majority budget would for the same amount of money, but without using the \$2

extra increase in the title fees. I urge you to vote against the pending motion so we can move along and accept the Majority Report and still fund the same programs in the Highway Fund as the Majority Report does. Mr. Speaker, when the vote is taken, I request a roll call.

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

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

The **SPEAKER**: The Chair recognizes the Representative from Brewer, Representative Fisher.

Representative **FISHER**: Mr. Speaker, Men and Women of the House. To first of all address the comments made by my friend from Eliot on the sand and salt storage facilities. Yes, they were demanded by an earlier Legislature. Some have been built and some absolutely need to be built. I will get back to that subject in a few moments.

On the use of unallocated funds, if the money isn't in the bank, you can't use them. It is pretty simple. On the fee increases, yes, there were fee increases. I remind you of a couple of years ago when we tried to get a nickel on the gas tax and we could only get 3 cents. That extra 2 cents would make this fee increase not necessary. We couldn't do it then. If we are going to do the projects necessary that I will outline in a moment, we need that extra money. As far as one of the fees mentioned on the blue sheet, the increase from \$6.50 to \$12.50, I will suggest to you that it isn't an increase to \$12.50. It is an increase from \$6.50 to \$7.50, that above \$7.50 is up to the option of the man who is going to do your inspections.

Let me talk to you just for a moment about some of the things in this program. We have three major categories, public safety, highways and environment and a little money put into salary increases. Public safety, this is one of the items on the budget that none of us have any problem with, minimum shifting, at any given time, right now, there is probably no more than 30 to 32 state police officers on the road in rural Maine. Think about that. Do we owe our people a little better protection than that? Minimum shifting will allow increasing money for more officers on the road at any given time. Are these officers going to be equipped with the type of communications devices necessary for them to do their job properly. This budget includes some money for that. Those two lines alone, \$3 million in additional money for highway and bridge improvements, I want you to keep in mind that the money that we allocate on this budget for highway and bridge improvements gathers us some \$40 million in extra federal dollars. The return is pretty great for this. Keep in mind that every one of us has constituents that are demanding better roads. Are we serving our people if we cut any of this money out of there? By saving them a couple of dollars a year on title fees, it costs them many dollars a year on front end alignments, the tire problems, broken rims and any other types of problems that come with hitting pot holes or going off the shoulders of the road. I believe we owe it to our constituents and to the people who visit the State of Maine to provide them with a relatively safe road. We will talk a little bit more about this on another budget item later on.

The environmental part, we have a substantial number of sand and storage sheds that have already been built that have not been paid for. Let me give you just a brief reading of them. Some of them have been built and some of them are unbuilt, Alexander, Brownfield, Carthage, Cherryfield, China, Corinna, Corinth, Cornish, Fayette, Hope, Jonesboro, Leeds, Lowell, Otisfield, Princeton, Upton, Warren, Westport, Winter Harbor and Whitefield. These communities, in many cases, have already committed dollars, others have been raising dollars. If

we don't take care of their problems, the liability difficulties from infiltrated wells, some of which has already happened, may far outsize the \$1.1 million that we have in the budget for this. Couple that with \$1.1 million in the budget for DOT sand, salt and storage. Facilities that need to be built in the minds, at least, of the Transportation Committee, facilities in Alfred, Auroria, Brooks, Carmel, Cherryfield, Truman, Sherman, Sidney and Woodland. A couple of these storage facilities are along salmon rivers. If you have been paying attention to news the last couple of days, that has been on. It is a pretty hot subject. A year ago we debated this subject at great length what is going to happen to the salmon on the Maine rivers. Are we going to continue to see the rivers close? If we don't protect these rivers, I am afraid we may never have a salmon fishery back here again. What is our responsibility to the environment? What is DOT's responsibility to the environment and also to protect itself from the liability it might incur if wells are infiltrated and community's water supplies are damaged.

I believe we have put together here a good budget. We have done a lot of sweating over it. There has been a lot of discussion amongst the members of the committee. We could very easily cut the \$2 that was mentioned in that other document that was brought up a moment or two ago. If we are going to do that, according to the priorities of the committee, there may be some sand, salt and storage facilities that aren't funded. There may be state police not out on the streets where they are needed. There may be roads and bridges that are not fixed up.

We have a long-term problem in the Department of Transportation, public safety, and that is a problem of rather flat funding. Unlike the general fund, which has its moments of glory and as we are facing today, not so glorious moments, our revenue flow remains fairly flat. More miles are driven on our roads and cars that get better gas mileage. The money just doesn't come in unless we raise taxes or fees. How do we prevent that? Maybe we don't listen to our constituents when they call us and ask us to fix the roads and the bridges. Maybe we don't take care of their needs of public safety and maybe we don't take care of the environment. I guess it is up to us. I, for one, will be supporting the Majority Report. I hope you will all follow my light. Thank you. I am apologizing now. This is the longest I have spoken in seven years.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Tuttle.

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

The SPEAKER: The Representative may pose his question.

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. Reviewing the document that I was given from the Office of Fiscal and Program Review, I noticed that there are two position transfers from the Department of Liquor Enforcement. My question is, where are they being transferred to and why the Committee on Legal and Veterans Affairs has not been notified?

The SPEAKER: The Representative from Sanford, Representative Tuttle has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Eliot, Representative Wheeler.

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. I would like to thank the good Chair, Representative Fisher, for his comments. He basically has stated exactly what the three of us on the Minority Report have stated. We both agree on this budget, but it is just how we fund it. If we are going to be consistent on budgets in Augusta here, then I think we ought to start either using unallocated surpluses, projected revenues, or not. We use those presently. Those are used to fund new programs that are the revenues are expected in, if they do come in, then they are funded on new programs or

items that are one-time monies. I don't know how the rest of you feel, but projected revenues for the Highway Fund is \$6.6 million. That is a lot of money to just be laying around out there and increasing title fees when you have the money there. We asked the question, I will repeat myself, to the department heads, the Secretary of State's Office brings in most of the revenues for the Highway Fund and I asked the Secretary of State how the revenues were flowing and what would have to happen for us not to get the \$6.6 million in surplus money? Everybody would have to stop registering their cars for the rest of the month. Is that going to happen? No. Let's be real about this. We raised taxes. We raised fees and we raise this and that up here. Let's start being a little bit more conservative and looking after our constituents and using money that we do have. I don't know how the rest of you run a household budget, but I don't go out and borrow \$50,000 if I have \$40,000 in the bank. Please be consistent with what you would do with your own budget and vote against the pending motion. You will still get your roads paved, your sand, salt and storage sheds done and whatever special programs in the Highway Budget. They will all get done if you go with the other report. Thank you.

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

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The SPEAKER PRO TEM: The Chair recognizes the Representative from Sanford, Representative Tuttle.

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

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. I had asked a question and I asked about a position in the Department of Liquor Enforcement that has not been answered. As a matter of courtesy, I would table this until an answer has been given by somebody in this body.

The SPEAKER PRO TEM: The Representative from Sanford, Representative Tuttle has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Lewiston, Representative Bouffard.

Representative **BOUFFARD**: Mr. Speaker, Ladies and Gentlemen of the House. In answer to Representative Tuttle's question, these positions are in the Department of Public Safety, which comes under the Transportation Department's budget.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bridgton, Representative Waterhouse. For what reason does the Representative rise?

Representative **WATERHOUSE**: Point of order, Mr. Speaker. Is a tabling motion debatable?

The SPEAKER PRO TEM: The Chair did not hear a tabling motion. The Chair heard conversation with the word tabling in it. I did not hear a tabling motion.

The Chair recognizes the Representative from Lewiston, Representative Bouffard.

Representative **BOUFFARD**: Mr. Speaker, Ladies and Gentlemen of the House. In answer to Representative Tuttle's question, these two positions here are in the Department of Public Safety and is under the jurisdiction of the Transportation Department's budget. It is being funded partly by the general fund and partly by the Transportation Department. You will note that what it is is an allocation and then a de-allocation of a position that has gone from full-time to being part time. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Wells, Representative Collins.

Representative **COLLINS**: Mr. Speaker, Ladies and Gentlemen of the House. We all know why we are here. We represent the people of Maine. We do the people's business here in the people's building, the State Capitol. We also spend the people's money. Anytime we can save the people's money, we should do so and such is the case today. We have the opportunity to save the people of Maine \$1.6 million. There are two proposals before you today. One is to increase the vehicle title fee by \$8 and the other by \$6. The \$6 increase is the one that I have chosen to endorse, because if you add up all the total savings of \$6 versus \$8, the total is \$1.6 million. An increase in the vehicle title fee is necessary to overcome a shortfall in the Maine Department of Transportation Highway Fund. The Highway Budget has two dedicated revenue sources. One is the gas tax and the other are fees collected by the Secretary of State's Office. The highway budget will always have shortfalls because gas tax revenues are at a flat line. Our modern day vehicles definitely get better gas mileage. We can cut back on the highway budget and eliminate a shortfall, but Maine needs good roads and bridges to maintain our infrastructure.

Let me get back to the vehicle title fee. They both accomplish basically the same things, but one does it asking for \$2 less. Let's do the right thing and vote for the Minority Report that leaves less of an increase in the vehicle title fee, but accomplishes the same thing by keeping our roads and bridges in the good working order.

Before I sit down, I would like to say a few words concerning the Transportation Committee, of which I am a member. The committee is diligent to ensure that Maine's roads and bridges are maintained in good working order. Usually we are unanimous in our decision making, but this time we have disagreed. I just wanted the body to realize that this is a very unusual circumstance. Thank you.

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

Representative **PARADIS**: Mr. Speaker, Men and Women of the House. I will be brief. The good Representative and our Chair, the Representative from Brewer, has done a very good job outlining the majority position. I just want to expand on the minimum shift coverage, except for Madawaska in my district, all other towns depend on the State Police and the Sheriff's Department. We rely mostly on the State Police. It is crucial in our area that this be funded. The Minority Report does not give any guarantee for full coverage. I would urge you to vote with the Majority Report. Thank you.

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

Representative **CHICK**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to say a few words here this evening about my memory of highways in the State of Maine. My first recollection would be some that have route numbers now that were too muddy ruts when I first remembered them. Each year, including the time since I have served during the Legislature that I travel about the State of Maine, I see improvement every year by the Highway Department, DOT. While I am standing, I want to pay a compliment to the employees of the DOT from the ones that here in the Engineering Officers in Augusta to those people that are out there in the heat of the summer and the cold of the winter to keep our highways passable. The highways, as far as I am concerned, serve the working people mostly in the State of Maine. I have said for a long time that there are two things that a working person has would be the food that he eats and the automobile that he rides in. High on the list of our necessity in

the State of Maine are our highways. I will certainly support the Majority Report and encourage all of you here this afternoon to support this program for the very lifeblood of our state. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Rockland, Representative McNeil.

Representative **MCNEIL**: Mr. Speaker, Ladies and Gentlemen of the House. I am on the Majority Report. I would like to explain to you why. Although we have been told that there may be surpluses at the end of year, we were also warned not to spend them prematurely. In this budget there is \$1.1 million for municipal salt and sand and there was \$1.1 million for the state's obligation of salt and sand. They are priority one and twos. Most of them are in the northern part of the state. One of them in Aurora and one in Cherryfield are now polluting salmon rivers. Last year in the 119th Legislature many of us and I think most of us at least sat in this chamber and listened to presentation from the federal government on listing the Atlantic salmon. A lot of us that served on committees that were appropriate, went to our communities and listened endlessly to why they should or should not be closed. In every meeting that I went to, it was brought up that the state does not totally cover their obligation to the salmon issue. I think this is extremely important for the State of Maine that we fully fund these as a 100 percent guarantee and not if we have some money left if we can do that. That is why I am on the Majority Ought to Pass Report. I think it is extremely important issue for those people up in Washington County that are on these streams and rivers. I think it is extremely important for the people who use those rivers and lakes for other things other than salmon. Salt damage in the rivers is a health issue and a health problem. I also believe that the DEP is taking a look at the issues of salt drainage into our lakes. I would urge you strongly to support the Majority Report. Two dollars whenever you purchase your car, it is not every year, but \$2 more whenever you purchase a car, could be divided out for most of us by buying a car every four or five years. It is a small price to pay for the ecological and environmental damage that we could be doing otherwise. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. I know it is late and I want to go home, but it is important to understand the difference between these two budgets. The bottom line if you take that little blue sheet that is in front of you and you cross out all the numbers that are on there and you replace it with what the Minority Report does, there is only \$2, as you have heard from the prior person speaking. There are only \$2 between us and them. It sounds like one of those Pizza Hut commercials. Ladies and gentlemen, for two bucks you got public safety and you got the environment protected. The most important part of the \$2 is the fact that we are not going to dip into the unallocated reserves and the monies that are still there because we are going to look into the biennium with a \$40 million deficit in the Transportation budget. I just don't want to clean out all of our accounts knowing we are walking into that next time and would be facing a bigger hill to climb next year because our roads are so important to everybody in this body. I would ask you to support the Majority Report and also look forward to trying to solve the dilemma for next time around. Thank you.

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

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. It is not fun standing up here going against your committee when all year we have pretty much agreed on things. It is only \$2, I hear. That \$2 adds up to \$1.6 million of our

taxpayer's money. When we can save \$2 of our taxpayer's money, we should be doing it, as far as I am concerned. I was sent down here to watch out for taxpayer's money. I grew up as a real poor person. My parents didn't have enough money to put bread on the table lots of times. I grew up respecting the dollar. There are a lot of people out there and today I am a little better off than I was then, but that was because I was frugal with my money. There are a lot of people out here that don't have the money that I have here or you have sitting down here. Two dollars means a lot to us. I think we need to sit down and back up and say, listen, we have money here, \$6.6 million in unallocated balance. It is like my good friend, Representative Wheeler, said. We have to think. We have already spent \$3 million of that in the Part I Budget, the unappropriated balance. We have already used it. What is wrong with using what we have now? Our budget has exactly what the Majority Report does. It is using the unappropriated balance of funds. I think \$2 is worth fighting for. That is why I am on the Minority Report. I would ask you to think about it and vote against the pending motion and go with the Minority Report. Thank you.

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

Representative **BOUFFARD**: Mr. Speaker, Men and Women of the House. Two dollars is only two dollars. I have a figure here that says that the title fee having been raised by \$8 is a fee that is paid every four years if you replace your vehicle about every four years, which amounts to \$2 per year. If we use the same scenario of the \$2 difference, that means that the figure now must be only about 50 cents difference, rather than \$2, at least when I went to school. If there is a difference of \$2 between \$6 and \$8, then instead of a \$2 fee increase, I guess it is only \$1.50. That is what it would amount to if you went to the Minority Report. Looking at the other pink sheet, when you look at the bottom line, the Majority Report does everything that needs to be done, guaranteed. You will find that the bottom line says that there is a difference. There is only a surplus of \$90,000 left in the Majority Report and yet there is a surplus of \$293,000 left in the Minority Report, which does not include those sand and salt sheds for the Department of Transportation that are sorely needed. They are priority ones and twos. Please accept the Majority Report. It takes care of all of the problems that we had and we fought over. Thank you.

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

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. Not to prolong the debate, but you should have all the facts as they are. There was a sheet passed out from MMA, who have actually discouraged me this year with some of their stances. They are supposed to represent our municipalities and they don't always represent all of them. In the report that was written by K-4, it was stated that the Minority Report did not fund the salt and sand storage shed. As the Representative from Lewiston, Representative Bouffard just stated, the Minority Report did not fund that. That is absolutely false. We do fund them all. We fund the state salt storage shed and we fund the municipality ones. That, folks, is a fact. If anybody in this chamber does not believe it, then maybe we should stop and go ask Fiscal and Program Review Office because they write the budget up and they proofread it and it is stated right in front of you what our budget does. I urge you to just use a little bit a common sense and save the constituents some money and still get the same amount of work done for \$6 as you would for \$8. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Brewer, Representative Fisher.

Representative **FISHER**: Mr. Speaker, Men and Women of the House. It funds all salt and sand storage if the money comes in. That is not a for sure. My guess is that it will. I probably ought not to say that. It isn't a for sure. We cannot guarantee that those salt storage areas along the river in Aurora and Cherryfield will be taken care of.

A couple things as the debate has gone on, I do want to express my appreciation to the good Representative, the former Speaker Pro Tem, for his comments about the DOT. They have done a great job. Our budget this year, the Part I Budget and the Part II Budget, is up I believe one-half of 1 percent. It is a rather remarkable number, I think. Through efficiencies, they have been able to do more in the past couple of years than they have done in the last good number of years and in this year's program, as you will hear as we go on in the next week. It is a rather ambitious program for the next biennium that is going to take place. This is just part of the foundation of that program.

Let me remind you again that this budget, which I have in front of me, will give us a great deal of federal money, \$40 million of it. This will be matching money for \$13 million of highway money. This budget will take care of the public safety needs. It will take care of sand and salt storage. It will take care of our highways and bridges or at least get the process started.

One thing that we have not talked about yet is the care and feeding of a very ailing building from across the street. It is a building that has been slowly, but surely becoming uninhabitable. There is some discussion as to how to do this. There is also money in there to get that rehabilitation started in the near future.

I do appreciate all the comments made my members of the committee, members on both sides of this issue, are very sincere in their way. It is not often that this committee has been divided this year. I thank all the members of the committee for their time and effort in this, whether you are on my side or not. Thank you very much.

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

#### ROLL CALL NO. 399

**YEA** - Ash, Bagley, Baker, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Colwell, Cote, Cowger, Crabtree, Cummings, Daigle, Desmond, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gerzofsky, Glynn, Green, Hall, Hatch, Hawes, Heidrich, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Michaud, Mitchell, Murphy E, Muse C, Norbert, Norton, O'Brien LL, Paradis, Patrick, Peavey, Perry, Pineau, Quint, Richard, Richardson, Rines, Savage, Shields, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Trahan, Volenik, Weston.

**NAY** - Andrews, Annis, Belanger, Bowles, Bruno, Buck, Clark, Clough, Collins, Cressey, Davis, Duncan, Duprey, Foster, Goodwin, Gooley, Honey, Jodrey, Kasprzak, Labrecque, MacDougall, Mendros, Michael, Morrison, Murphy T, Muse K, Nass, Nutting, O'Brien JA, Perkins, Pinkham, Povich, Rosen, Sherman, Snowe-Mello, Stedman, Tobin J, Tracy, Treadwell, Tuttle, Twomey, Usher, Waterhouse, Wheeler EM, Wheeler GJ, Winsor.

**ABSENT** - Dorr, Gagne, Haskell, Landry, Ledwin, Lovett, Marrache, Matthews, O'Neil, Schneider, Watson, Young, Mr. Speaker.

Yes, 92; No, 46; Absent, 13; Excused, 0.

92 having voted in the affirmative and 46 voted in the negative, with 13 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-344)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-344)** in 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:

**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 Require Certain Employers to Provide Certification for Employees Who Dispense Medications"

(H.P. 603) (L.D. 758)

has had the same under consideration, and asks leave to report: That the Senate **Recede** from **Acceptance** of the Minority **Ought Not to Pass** Report. Substitute the Bill for the Committee Reports. Under Suspension of the Rules **Read Twice**. **Read** and **Adopt** Conference Committee Amendment "A" (S-346) and **Pass to be Engrossed as Amended by Conference Committee Amendment "A" (S-346)** in **Non-Concurrence**. That the House **Recede** and **Concur** with the Senate.

Signed:

Senators:

SHOREY of Washington  
YOUNGBLOOD of Penobscot  
PENDLETON of Cumberland

Representatives:

HUTTON of Bowdoinham  
RICHARDSON of Brunswick  
CLOUGH of Scarborough

Came from the Senate with the Committee of Conference Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY CONFERENCE COMMITTEE AMENDMENT "A" (S-346)** in **NON-CONCURRENCE**.

**READ.**

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

Representative **RICHARD**: Mr. Speaker, Men and Women of the House. In reading this particular amendment that was prepared by the committee, it indicates that finally it requires the Commissioner of Education to submit to provisionally adopted rules to the Joint Standing Committee on Business and Economic Development. I am curious as to why that goes to the Committee on Business and Economic Development when we are talking about giving medications in schools? If somebody could answer that question, I would appreciate it.

The **SPEAKER PRO TEM**: The Representative from Madison, Representative Richard has posed a question through

the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bowdoinham, Representative Hawes.

Representative **HAWES**: Mr. Speaker, Men and Women of the House. I am not quite sure of the answer, but I am going to try to the best of my ability to answer it. It is that it started with the Committee on Business and Economic Development and it was hopefully going to stay with them and that was what the Committee of Conference decided. It was our consensus.

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

Representative **RICHARD**: Mr. Speaker, Ladies and Gentlemen of the House. This is a 20A MRSA subsection of state law and 20A is education. This problem has been dealt with by the Education Department and by the Education Committee. I would move that we table this item until later in today's session.

Representative **TRACY** of Rome **REQUESTED** a roll call on the motion to **ACCEPT** the Committee of Conference Report.

On motion of Representative **STEDMAN** of Hartland, **TABLED** pending **ACCEPTANCE** of the Committee of Conference Report and later today assigned. (Roll Call Requested)

The Speaker resumed the Chair.

The House was called to order by the Speaker.

**CONSENT CALENDAR**

**First Day**

In accordance with House Rule 519, the following item appeared on the Consent Calendar for the First Day:

(H.P. 1352) (L.D. 1809) Bill "An Act Concerning the Penalties for Late Filing of Accelerated Campaign Reporting Under the Maine Clean Election Act" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-718)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

**SENATE PAPERS**

The following Joint Resolution: (S.P. 650)

**JOINT RESOLUTION ACKNOWLEDGING JUNE 17, 2001 AS FATHER'S DAY**

WHEREAS, on Sunday, June 17, 2001, the Nation and the State of Maine will continue the time-honored tradition of celebrating Father's Day; and

WHEREAS, the celebration of Father's Day is a call upon all Americans to thank and honor fathers for the love, nurturing and guidance they have given and the sacrifices they have made on behalf of our daughters and sons; and

WHEREAS, fathers have long been an important thread in the social fabric that binds together the citizens of the State of Maine and of the United States; and

WHEREAS, the psychological, emotional and spiritual development and the well-being of children are known to be significantly rooted in the continued presence and commitment of fathers and father-figures; and

WHEREAS, the State's private and public sectors have joined to raise public awareness of the importance of fatherhood

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

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

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

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

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

#### SENATE PAPERS

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

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

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

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

#### SENATE PAPERS

##### Non-Concurrent Matter

An Act to Repeal the Requirement that School Employees be Fingerprinted

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

Representative **WESTON** of Montville **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Chair declared a Quorum was not present.

The Chair ordered a quorum call.

More than half of the members responding, the Chair declared a Quorum present.

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

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

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

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

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

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

The SPEAKER PRO TEM: The Representative from Lewiston, Representative Mendros has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from St. George, Representative Skoglund.

Representative **SKOGLUND**: Mr. Speaker, Ladies and Gentlemen of the House. Of course it is very apparent that some

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

**ROLL CALL NO. 400**

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

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

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

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

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

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

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

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

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

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

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

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

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

**ROLL CALL NO. 401**

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

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

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

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

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

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

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

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

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

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

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

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

**ROLL CALL NO. 402**

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

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

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

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

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

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

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

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

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

An Act to Repeal the Requirement that School Employees be Fingerprinted

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Representative **TRAHAN**: Mr. Speaker, Men and Women of the House. In answer to the question, the answer is no. All that this does is that it requires those who let their certification lapse will have to reapply and be fingerprinted like everyone else.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Chair recognizes the Representative from Winterport, Representative Brooks.

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

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

The Chair recognizes the Representative from Bangor, Representative Baker.

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

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

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

The SPEAKER PRO TEM: The Representative from Bangor, Representative Baker has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Waldoboro, Representative Trahan.

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

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

**ROLL CALL NO. 403**

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

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

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

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

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

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

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

Representative MAILHOT of Lewiston **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE Senate Amendment "A" (S-347).**

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

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

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

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

#### ROLL CALL NO. 404

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

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

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

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

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

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

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

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

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

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

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The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

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

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

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

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

#### ROLL CALL NO. 405

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

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

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

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

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

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

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

**COMMITTEE OF CONFERENCE REPORT** - Bill "An Act to Require Certain Employers to Provide Certification for Employees Who Dispense Medications"

(H.P. 603) (L.D. 758)

Which was **TABLED** by Representative STEDMAN of Hartland pending **ACCEPTANCE** of the Committee of Conference Report and later today assigned. (Roll Call Requested)

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 Acceptance of the Committee of Conference Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 406**

**YEA** - Annis, Ash, Baker, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chick, Clark, Clough, Collins, Colwell, Cote, Cowger, Cummings, Daigle, Davis, Desmond, Dudley, Duncan, Dunlap, Duplessie, Duprey, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Glynn,

Gooley, Green, Hall, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Labrecque, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, MacDougall, Madore, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Mendros, Michael, Michaud, Mitchell, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, Paradis, Patrick, Peavey, Perkins, Pineau, Pinkham, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Sherman, Shields, Simpson, Skoglund, Snowe-Mello, Stanley, Stedman, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Trahan, Twomey, Usher, Volenik, Weston, Wheeler EM, Winsor, Mr. Speaker.

**NAY** - Cressey, Waterhouse.

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

Yes, 125; No, 2; Absent, 24; Excused, 0.

125 having voted in the affirmative and 2 voted in the negative, with 24 being absent, and accordingly the Committee of Conference Report was **ACCEPTED**.

Subsequently, the House voted to **RECEDE AND CONCUR**.

On motion of Representative GERZOFKY of Brunswick, the House adjourned at 10:38 p.m., until 9:00 a.m., Monday, June 18, 2001 pursuant to the Joint Order (S.P. 649).