

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1997

SELECTED MEMORIALS AND JOINT RESOLUTIONS

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO REMOVE TOBACCO SUBSIDIES

H.P. 1568

WE, your Memorialists, the Members of the One Hundred and Eighteenth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the President of the United States and the United States Congress, as follows:

WHEREAS, tobacco is addictive and detrimental to people's health; and

WHEREAS, people of all ages are affected by the use of tobacco; and

WHEREAS, the United States Secretary of Agriculture sets price supports for tobacco; authorizes loans to tobacco producers; provides noninsured crop disaster assistance; and, through the Commodity Credit Corporation, provides federal crop insurance for tobacco producers; and

WHEREAS, the State of Maine, the 49 other states and the Federal Government have spent billions of dollars collectively on health care costs related to tobacco; and

WHEREAS, farms with fertile soil grow over a ton of tobacco per acre; and

WHEREAS, 124,000 farms in the United States grow a total of 1.65 billion pounds of tobacco annually; and

WHEREAS, the \$358.5 billion settlement from tobacco companies to the states could be used by producers to grow food crops; and

WHEREAS, the tobacco quota rights program gives producers permission to grow tobacco at \$8 per pound and gives transition payments to producers who lease the quota rights; and

WHEREAS, the price paid to tobacco producers for tobacco will fall if the price support is eliminated; and

WHEREAS, federal price supports are critical and producers will not grow tobacco without this assistance; now, therefore, be it

RESOLVED: That We, your Memorialists, request the President of the United States and the United

States Congress to remove the financial assistance necessary to grow the tobacco crop; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Honorable William J. Clinton, President of the United States; the President of the United States Senate; the Speaker of the House of Representatives of the United States; the Speaker of the House or the equivalent officer in the 49 other states; the President of the Senate or the equivalent officer in the 49 other states; and each member of the Maine Congressional Delegation.

**Read and adopted by the House of
Representatives February 9, 1998 and the
Senate February 10, 1998**

JOINT RESOLUTION RECOGNIZING THE EXTRAORDINARY EFFORTS TO ALLEVIATE DAMAGE AND SUFFERING CAUSED BY THE SEVERE ICE STORM OF JANUARY 1998 AND THE EXEMPLARY CONDUCT OF THE PEOPLE OF THE STATE OF MAINE AND THE OTHER STATES THAT CONTRIBUTED SO GREATLY

JCR 1

WHEREAS, from Monday, January 5, 1998 through Saturday, January 10, 1998, the State of Maine endured an ice storm, the length and severity of which is unprecedented in living memory. The ice storm produced downed trees, tree limbs and power lines throughout the State; and

WHEREAS, on January 8, 1998, the Honorable Angus S. King, Jr., Governor of the State of Maine, declared that a State of Emergency existed throughout the State due to the severe conditions and the associated loss of electrical power to many citizens; and

WHEREAS, the storm crippled the State's electric utility infrastructure, leaving almost half of its residents without power at the peak of the storm, thousands of whom remained without power for a week or more; and

WHEREAS, the storm severely impacted road conditions, making many routes dangerous or impassable, requiring response from local, county and state road crews; the state and county emergency management agencies; and the Maine Army National Guard, among others. Many secondary roads

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remained impassable due to downed trees and power lines; and

WHEREAS, state government offices were closed on January 8 and 9, 1998; innumerable businesses were closed during at least part of the storm; and emergency shelters were established throughout the State; and

WHEREAS, many employees of local and county government, including public works, police and fire departments; the Department of Defense, Veterans and Emergency Management; the Department of Transportation; and the Department of Public Safety worked extraordinarily long hours to clear roads of ice and debris, to ensure public safety and to provide much-needed emergency services to Maine people; and

WHEREAS, the Finance Authority of Maine; the Department of Labor; the Department of Human Services; the Department of Professional and Financial Regulation; the Honorable Albert Gore, Jr., Vice President of the United States; the Honorable Angus S. King, Jr., Governor of the State of Maine; United States Senator Olympia J. Snowe; United States Senator Susan M. Collins; United States Representative John E. Baldacci; United States Representative Thomas H. Allen; and many other public officials have worked and continue to work to assist those Maine people who suffered physically and financially from the storm; and

WHEREAS, Central Maine Power Company, Bangor Hydro-Electric Company, Bell Atlantic and other public and private entities, through their extraordinary organizational efforts, combined with long hours of work, did an exemplary job rebuilding and repairing an electric and telephone infrastructure ravaged by this unprecedented ice storm; and

WHEREAS, thousands of individuals from Maine and other states responded with assistance, including the American Red Cross; the Salvation Army; the United States Department of Defense; and hundreds of utility repair and tree-trimming crews from Asplundh Tree Expert Company; Baltimore Gas and Electric; Blackstone Valley Electric; Boston Edison Company; Cianbro; Delmarva Power and Light Company; EUA Service Corporation; GPU Energy; Granite State Electric Company; Henkels & McCoy; Jersey Central Power and Light Company; Kennebunk Light and Power; Lucas Tree Experts; Madison Electric Works; Maine Public Service Company; Massachusetts Electric Company; Metropolitan Edison Company; Nantahala Power and Light Company; The Narragansett Electric Company; New Brunswick Power; New England Electric System; New England Power Service; Northeast Utilities; Nova Scotia Power, Inc.; Pennsylvania Electric

Company; Potomac Electric Power Co.; Carolina Power and Light; Duke Power; Public Service of New Hampshire; the State's cable television companies; the Penobscot Nation; and the Passamaquoddy Tribe; and many others have provided disaster relief to thousands of Maine citizens; and

WHEREAS, the Maine state media reported and distributed safety and public service information, including WGME, WCSH, WMTW and FOX51 and radio stations WGAN, WZAN, WMGX, WVOM, Maine Public Broadcasting Network and all those other unnamed heroes; and

WHEREAS, the Honorable William J. Clinton, President of the United States, declared the Maine counties of Androscoggin, Cumberland, Franklin, Hancock, Kennebec, Knox, Lincoln, Oxford, Penobscot, Piscataquis, Sagadahoc, Somerset, Waldo, Washington and York and a portion of Aroostook major disaster areas, and the Federal Emergency Management Agency is providing emergency assistance; and

WHEREAS, the people of the State are to be commended for responding to these events with resolve, determination, ingenuity, compassion and generosity, for always finding the time and resources to assist their friends and neighbors in need and for demonstrating the strong sense of community that makes Maine a special place; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Eighteenth Legislature, now assembled in the Second Regular Session, take this opportunity to recognize the extraordinary efforts of local municipalities, including public works, police and fire departments; the Department of Defense, Veterans and Emergency Management; the Department of Transportation; the Finance Authority of Maine; the Department of Labor; the Department of Human Services; the Department of Professional and Financial Regulation; the Department of Public Safety; the Honorable Albert Gore, Jr., Vice President of the United States; the Honorable Angus S. King, Jr., Governor of the State of Maine; United States Senator Olympia J. Snowe; United States Senator Susan M. Collins; United States Representative John E. Baldacci; United States Representative Thomas H. Allen; Central Maine Power Company; Bangor Hydro-Electric Company; Bell Atlantic; the Honorable William J. Clinton, President of the United States; the Federal Emergency Management Agency; the American Red Cross; the Salvation Army; the United States Department of Defense; and hundreds of utility repair and tree-trimming crews from Asplundh Tree Expert Company; Baltimore Gas and Electric; Blackstone Valley Electric; Boston Edison Company; Cianbro Corporation; Delmarva Power and Light Company; EUA Service Corporation; GPU Energy;

Granite State Electric Company; Henkels & McCoy; Jersey Central Power and Light Company; Kennebunk Light and Power; Lucas Tree Experts; Madison Electric Works; Maine Public Service Company; Massachusetts Electric Company; Metropolitan Edison Company; Nantahala Power and Light Company; The Narragansett Electric Company; New Brunswick Power; New England Electric System; New England Power Service; Northeast Utilities; Nova Scotia Power, Inc.; Pennsylvania Electric Company; Potomac Electric Power Co.; Carolina Power and Light; Duke Power; Public Service of New Hampshire; WGME; WCSH; WMTW; FOX51; WGAN; WZAN; WVOM; WMGX; Maine Public Broadcasting Network; the State's cable television companies; the Penobscot Nation; and the Passamaquoddy Tribe to alleviate damage and suffering caused by the severe ice storm of January 1998 and to recognize the exemplary conduct of the people of the State of Maine; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to representatives of the Department of Defense, Veterans and Emergency Management; the Department of Transportation; the Finance Authority of Maine; the Department of Labor; the Department of Human Services; the Department of Professional and Financial Regulation; the Department of Public Safety; the Honorable Albert Gore, Jr., Vice President of the United States; the Honorable Angus S. King, Jr., Governor of the State of Maine; United States Senator Olympia J. Snowe; United States Senator Susan M. Collins; United States Representative John E. Baldacci; United States Representative Thomas H. Allen; Central Maine Power Company; Bangor Hydro-Electric Company; Bell Atlantic; the Honorable William J. Clinton, President of the United States; the Federal Emergency Management Agency; the American Red Cross; the Salvation Army; the United States Department of Defense; Asplundh Tree Expert Company; Baltimore Gas and Electric; Blackstone Valley Electric; Boston Edison Company; Cianbro Corporation; Delmarva Power and Light Company; EUA Service Corporation; GPU Energy; Granite State Electric Company; Henkels & McCoy; Jersey Central Power and Light Company; Kennebunk Light and Power; Lucas Tree Experts; Madison Electric Works; Maine Public Service Company; Massachusetts Electric Company; Metropolitan Edison Company; Nantahala Power and Light Company; The Narragansett Electric Company; New Brunswick Power; New England Electric System; New England Power Service; Northeast Utilities; Nova Scotia Power, Inc.; Pennsylvania Electric Company; Potomac Electric Power Co.; Carolina Power and Light; Duke Power; Public Service of New Hampshire; WGME; WCSH; WMTW; FOX51; WGAN; WZAN; WMGX; WVOM; Maine Public Broadcasting Network; the State's cable television companies; the Penobscot Nation; and the

Passamaquoddy Tribe as tangible tokens of our appreciation.

Read and adopted by the Senate February 26, 1998

**JOINT RESOLUTION RECOGNIZING THE
150TH ANNIVERSARY OF THE WOMEN'S
RIGHTS MOVEMENT**

S.P. 846

WHEREAS, 1998 marks the 150th Anniversary of the Women's Rights Movement in the United States, a courageous civil rights movement that began at the first Women's Rights Convention in 1848 in Seneca Falls, New York and that has changed this nation and the hopes of its women and girls irrevocably; and

WHEREAS, the Women's Rights Movement has had a profound impact on all aspects of American life and has offered new and well-deserved opportunities for women in all endeavors, including medicine, commerce, athletics, business, education, religion, the arts, scientific exploration and politics; and

WHEREAS, the girls and boys of today lead richer lives as a direct result of the Women's Rights Movement, yet they have scant opportunity to know the heroes and lessons of this vital movement through the textbooks in most classrooms; and

WHEREAS, the 21st century will find an ever-increasing need for women and men to share in the fundamental responsibilities for our nation and the resulting rewards of full participation in society; and

WHEREAS, there still remain substantial barriers to the full equality of America's women before our freedom as a nation can be called complete; and

WHEREAS, this month of March 1998 is National Women's History Month, celebrated with the theme "Living the Legacy"; and

WHEREAS, on March 3, 1998, we recognize Maine girls, our future leaders, who are learning about political participation through the Second Annual Girls' Day at the State House, sponsored by the Women's Development Institute; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Eighteenth Legislature, now assembled in the Second Regular Session, take this occasion to celebrate the 150th Anniversary of the Women's Rights Movement under the national theme "Living the Legacy: Women's Rights Movement 1848-1998" and call on educators, government

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officials, businesses and all citizens to mark this year of celebration with appropriate activities to remember with gratitude those who have contributed to equality, fairness, justice and freedom in our State and in our nation; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Angus S. King, Jr., Governor of Maine, to the Maine Human Rights Commission and to each member of the Maine Congressional Delegation.

**Read and adopted by the Senate March 3, 1998
and the House of Representatives March 4,
1998**

JOINT RESOLUTION MEMORIALIZING THE FEDERAL ENERGY REGULATORY COMMISSION TO USE EXISTING UTILITY RIGHTS-OF-WAY IN SITING A NATURAL GAS PIPELINE WHEN TECHNOLOGICALLY FEASIBLE

H.P. 1638

WE, your Memorialists, the Members of the One Hundred and Eighteenth Legislature of the State of Maine, now assembled in the Second Regular Session, most respectfully present and petition the Federal Energy Regulatory Commission as follows:

WHEREAS, the Federal Energy Regulatory Commission regulates the construction, sale and acquisition of natural gas pipeline facilities; and

WHEREAS, land throughout the State is currently being sought for rights-of-way for a natural gas pipeline; and

WHEREAS, consideration must always be given to the impact that right-of-way clearings may have on trees and other vegetation; and

WHEREAS, the exercise of eminent domain to acquire land for rights-of-way is often an arduous procedure and objectionable to a majority of citizens; now, therefore, be it

RESOLVED: That We, your Memorialists, recommend and urge the Federal Energy Regulatory Commission to continue its policy of using existing utility rights-of-way for siting natural gas utility routes whenever technologically feasible and environmentally appropriate, and giving due consideration to safety; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be

transmitted to James J. Hoecker, chair of the Federal Energy Regulatory Commission, and to each Member of the Maine Congressional Delegation.

**Read and adopted by the Senate March 12,
1998 and the House of Representatives
March 13, 1998**

JOINT RESOLUTION URGING PEACE IN IRELAND

S.P. 861

WHEREAS, Ireland has been torn by violence for at least the past 2 1/2 decades; and

WHEREAS, the United States presidential envoy, George Mitchell, currently chairs talks aimed at resolving the Anglo-Irish conflict; and

WHEREAS, United States support for peace in Ireland is demonstrated with the words and deeds of no less than 7 recent Presidents, Members of Congress, state legislators and local officials across the nation; and

WHEREAS, this concern for peace in Ireland is supported by American taxpayer investment in the International Fund for Ireland; and

WHEREAS, mutual respect for human and civil rights and a fundamental change in governmental institutions and practices are key to peace in Ireland; now, therefore, be it

RESOLVED: That We, the members of the 118th Legislature now assembled in the Second Regular Session, endorse the interest and involvement of the United States in the Irish peace process and the pursuit of a new democracy in Ireland through peace, justice and reconciliation; and be it further

RESOLVED: That the President of the United States, the Prime Minister of Great Britain and the Taoiseach of Ireland encourage the coming together of the people of Ireland to promote the end of partition, emergency legislation, religious discrimination and the corruption of law that sustains it; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States, the Prime Minister of Great Britain and the Taoiseach of Ireland.

**Read and adopted by the Senate and the House
of Representatives March 17, 1998**

**JOINT RESOLUTION IN HONOR OF THE
MAINE FARMER AND MAINE AGRICULTURE**

S.P. 869

WHEREAS, farmers and others employed in associated industries make up 10% of the Maine work force, with about 7,400 farms operating on 600,000 acres of cropland; and

WHEREAS, Maine farmers provide \$500,000,000 in total farm income and are credited with a contribution of \$1,300,000,000 to Maine's economy; and

WHEREAS, Maine is first in the world in the production of wild blueberries, first in the world in the production of brown eggs, home of the world's largest bioagricultural firm, first in New England in the production of food, 3rd in the country in the production of maple syrup and 8th in the country in potato production; and

WHEREAS, Maine farms provide not only food for families but scenic views, open spaces, employment opportunities and a tangible link to our culture and heritage; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Eighteenth Legislature of the State of Maine, now assembled in the Second Regular Session, pause in our deliberations to honor Maine farmers and innovators who have contributed so much to the betterment of our State and to pledge our support and encouragement, and urge the youth of Maine to pursue the growing opportunities for careers in today's technologically advanced agricultural industry; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Commissioner of Agriculture, Food and Rural Resources in token of the esteem in which those in this vital field are held.

**Read and adopted by the Senate and the House
of Representatives March 19, 1998**

**JOINT RESOLUTION HONORING BISHOP-
ELECT CHILTON R. KNUDSEN UPON
BECOMING THE VIIIITH BISHOP OF THE
EPISCOPAL DIOCESE OF MAINE**

S.P. 870

WHEREAS, Bishop-elect Chilton R. Knudsen was ordained as a priest in the Episcopal Church on February 24, 1981; and

WHEREAS, Bishop-elect Chilton R. Knudsen is an admired spiritual leader, whose ministry throughout the years including her tenure as Vicar of the St. Benedict Church in Bolingbrook, Illinois and as Canon for Pastoral Care for the Episcopal Diocese of Chicago have earned her the respect of the members of her congregations and her esteemed colleagues; and

WHEREAS, Bishop-elect Chilton R. Knudsen's responsibilities while serving on the Diocesan Council, the Stewardship Commission, the Mission Strategy Commission and the commissions on racism, mental illness, aging, health and insurance and her duties involving the pastoral care of clergy and clergy families, including crisis ministry, exemplify her dedication, commitment and professionalism; and

WHEREAS, on March 28, 1998, Chilton R. Knudsen will be ordained and consecrated as the Bishop of the Episcopal Diocese of Maine, becoming the VIIIth Bishop and the first woman Bishop of the Episcopal Diocese of Maine; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Eighteenth Legislature now assembled in the Second Regular Session, extend our best wishes to Bishop-elect Chilton R. Knudsen as she assumes her position as the Bishop of the Episcopal Diocese of Maine; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to Bishop-elect Chilton R. Knudsen as an expression of our esteem.

**Read and adopted by the Senate and the House
of Representatives March 20, 1998**

**JOINT RESOLUTION COMMEMORATING
YOM HASHOAH, THE DAY OF
REMEMBRANCE OF THOSE WHO SUFFERED
AS VICTIMS OF THE HOLOCAUST**

H.P. 1656

WHEREAS, from 1933 to 1945, 6,000,000 Jews were murdered in the Nazi Holocaust as part of a systematic program of genocide and millions of other people suffered as victims of Nazism; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors are never repeated; and

WHEREAS, the people of the State of Maine should always remember those who liberated the Nazi concentration camps, some at the cost of their lives and others with lifelong emotional suffering, as holding an honored place in our history; and

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WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people, remain eternally vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, April 23, 1998 has been designated internationally as a Day of Remembrance of the Victims of the Nazi Holocaust, known as Yom HaShoah; and

WHEREAS, the national community pursuant to an Act of Congress will be commemorating the week of April 23rd to April 30th as the Days of Remembrance of the Victims of the Nazi Holocaust; and

WHEREAS, it is appropriate for the people of the State of Maine to join in this international commemoration; now, therefore, be it

RESOLVED: That, We, the Members of the One Hundred and Eighteenth Legislature, now assembled in the Second Regular Session, on behalf of the people we represent, pause in solemn memory of the victims of the Nazi Holocaust, and urge one and all to recommit themselves to the lessons of the Nazi Holocaust through this international week of commemoration and express our common desire to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the United States Holocaust Memorial Council in Washington, D.C., on behalf of the people of the State of Maine.

**Read and adopted by the House of
Representatives March 23, 1998 and the Senate
March 24, 1998**

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO PRESERVE THE CURRENT FAIR HOUSING ACT

H.P. 1660

WE, your Memorialists, the Members of the One Hundred and Eighteenth Legislature of the State of Maine, now assembled in the Second Regular Session, most respectfully present and petition the Congress of the United States as follows:

WHEREAS, 10 years ago the Fair Housing Amendments Act of 1988 amended Title VIII of the Civil Rights Act of 1968, to extend the principle of

equal housing opportunity to people with disabilities and to families with children; and

WHEREAS, on February 12, 1998, the Fair Housing Amendments Act of 1998 was introduced for the purpose of repealing the federal protections for people with mental retardation and other disabilities; and

WHEREAS, the accomplishments that have been made during the last 30 years to protect people with disabilities and families with children should be celebrated and improved upon, not weakened; now, therefore, be it

RESOLVED: That the important civil rights protections extended by the Fair Housing Amendments Act of 1988 must be preserved; and be it further

RESOLVED: That suitable copies of this memorial, duly authenticated by the Secretary of State, be transmitted to Charles Canady, Chair of the House Judiciary Subcommittee on the Constitution, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation.

**Read and adopted by the House of
Representatives March 24, 1998 and the Senate
March 25, 1998**
