

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

**FIRST REGULAR SESSION**

December 5, 1984 to June 20, 1985  
Chapters 384-End

AND AT THE

**FIRST SPECIAL SESSION**

November 13, 1985

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

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1985

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**SELECTED  
MEMORIALS  
AND  
JOINT RESOLUTIONS**

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## State of Maine

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In the Year of Our Lord Nineteen Hundred and Eighty-Five

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### JOINT RESOLUTION MEMORIALIZING THE FEDERAL GOVERNMENT CONCERNING THE AWARD OF MILITARY CONTRACTS TO FOREIGN COMPANIES INSTEAD OF UNITED STATES FIRMS

**We**, your Memorialists, the House of Representatives and Senate of the State of Maine of the One Hundred and Twelfth Legislature, now assembled, most respectfully present and petition the United States Congress, as follows:

**Whereas**, in January of 1985, the Pentagon awarded a sizeable contract for the manufacture of a certain handgun to an Italian firm; and

**Whereas**, the Saco firm called Saco Defense Systems, also known as the Maremont Corporation, was in competition for this contract; and

**Whereas**, Maremont Corporation has a solid tradition of producing quality defense weapons and has always provided employment for hundreds of workers at its Saco plant; and

**Whereas**, it appears that the Pentagon gave insufficient consideration to the negative impact the awarding of this contract to the Italian firm would have on the jobs, economic conditions and daily lives of the men and women at the Saco plant now and in the future; now, therefore, be it

**Resolved:** That We, Your Memorialists, respectfully urge and petition the Congress of the United States to support legislation to require the Department of Defense to consider the economic impact that will result to a United States firm when deciding whether to contract with a foreign firm or a domestic firm and to make this consideration one of the factors in their decision-making process; and be it further

**Resolved:** That a duly authenticated copy of this Joint Resolution be immediately submitted by the Honorable Secretary of State Rodney S. Quinn to the members of the Maine Congressional Delegation and to the United States Secretary of Defense.

#### House of Representatives

Read and Adopted

February 7, 1985

Sent up for Concurrence

EDWIN H. PERT

Clerk

#### In Senate Chamber

Read and Adopted

In Concurrence

February 8, 1985

JOY J. O'BRIEN

Secretary

## State of Maine

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In the Year of Our Lord Nineteen Hundred and Eighty-Five

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### JOINT RESOLUTION MEMORIALIZING THE FEDERAL TRADE COMMISSION CONCERNING OPPOSITION OF THE MAINE LEGISLATURE TO PROPOSED TRADE REGULATION RULES OF THE FEDERAL TRADE COMMISSION WHICH WOULD REMOVE EXISTING RESTRICTIONS IN THE STATE OF MAINE ON COMMERCIAL OPTOMETRIC PRACTICE

**We**, your Memorialists, the Senate and the House of Representatives of the State of Maine, now assembled in the First Regular Session of the One Hundred and Twelfth Legislature, most respectfully present and petition the Federal Trade Commission as follows:

**Whereas**, the Federal Trade Commission is currently considering rules relating to the corporate practice of optometry most recently set forth in 16 Code of Federal Regulations, Part 456; and

**Whereas**, the Maine Legislature has enacted comprehensive legislation regulating the practice of optometry in Maine, set forth in the Maine Revised Statutes, Title 32, chapter 34-A; and

**Whereas**, the State has specifically addressed the issue of the corporate practice of optometry in the Maine Revised Statutes, Title 32, sections 2434 and 2435; and

**Whereas**, the State of Maine and the Legislature have historically devoted extensive consideration to the issue of the corporate practice of optometry, beginning in Maine's first corporate practice law, enacted in 1939, and in subsequent legislation in 1951 and, most recently, in 1981 and 1982, during the 110th session of the Maine Legislature; and

**Whereas**, the Maine Legislature is empowered and directed by the citizenry of Maine to enact such legislation as will protect the health, welfare and interests of the citizens of Maine, and Maine Legislatures have done so in enacting laws related to the practice of optometry in the State; and

**Whereas**, the federal rule-making process and the rules now under consideration by the Federal Trade Commission will not reflect or address the needs of the citizens of the State, as does the legislation which has been enacted by Maine Legislatures; and

**Whereas**, the authority of Maine Legislatures, and now the 112th Maine Legislature, to enact legislation which protects the health, welfare and interests of the citizenry of the State of Maine should not be usurped by the federal rule-making process now under consideration by the Federal Trade Commission; now, therefore, be it

**Resolved:** That We, your Memorialists, do hereby respectfully urge that the Federal Trade Commission refuse to adopt the rules now under consideration which would preempt the laws of Maine regarding the commercial practice of optometry; and be it further

**Resolved:** That a copy of this resolution, duly authenticated by the Secretary of State, be transmitted by the Secretary of State to the President of the Senate and the Speaker of the House of Representatives in the Congress

of the United States, to each member of the Maine Congressional Delegation and to each member of the Federal Trade Commission.

**House of Representatives**

Read and Adopted

**March 28, 1985**

Sent up for Concurrence

EDWIN H. PERT

Clerk

H.P. 827

**In Senate Chamber**

Read and Adopted

In Concurrence

**March 29, 1985**

JOY J. O'BRIEN

Secretary

## State of Maine

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In the Year of Our Lord Nineteen Hundred and Eighty-Five

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### JOINT RESOLUTION MEMORIALIZING CONGRESS TO RESTORE FUNDING FOR THE SMALL BUSINESS ADMINISTRATION

**We**, your Memorialists, the Senate and the House of Representatives of the State of Maine in the One Hundred and Twelfth Legislative Session now assembled, most respectfully present and petition the Congress of the United States, as follows:

**Whereas**, 97% of all businesses in Maine are defined by the Small Business Administration as being small businesses; and

**Whereas**, in 1984, the Small Business Administration approved \$29.3 million in loans to 188 small businesses; maintained a portfolio of over 2,900 loans worth more than \$134 million; sponsored training programs for over 4,000 small business people; and, by establishing a revolving line of credit financing, made available working capital loans up to \$1 million to exporters; and

**Whereas**, the Small Business Development Center, whose principal source of funding is the Small Business Administration, provided counseling to more than 1,300 businesses, training programs for over 1,500 small business people and responded to more than 650 information requests through its Business Information Service; now, therefore, be it

**Resolved**: That We, your Memorialists, respectfully urge and request that the Congress of the United States restore the funding for the Small Business Administration, which has assisted Maine businesses throughout the years; and be it further

**Resolved**: That a copy of this Memorial duly authenticated by the Secretary of State, be transmitted forthwith by the Secretary of State to each member of the Maine Congressional Delegation and to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States.

**In Senate Chamber**

Read and Adopted

**March 28, 1985**

Sent down for Concurrence

JOY J. O'BRIEN

Secretary

**House of Representatives**

Read and Adopted

In Concurrence

**March 29, 1985**

EDWIN H. PERT

Clerk

## State of Maine

In the Year of Our Lord Nineteen Hundred and Eighty-Five

### JOINT RESOLUTION OF THE LEGISLATURE EXPRESSING SUPPORT OF FRENCH PROGRAMMING AND BROADCASTS ON CABLE TELEVISION

**Whereas**, the Legislature places the highest priority in maintaining close relations with the neighboring Canadian provinces; and

**Whereas**, the Legislature recognizes the importance of foreign languages and international studies; and

**Whereas**, federal and state educational authorities have recently stressed the need to improve these areas of study; and

**Whereas**, the State of Maine has a large population of French speaking citizens who are reaching for cultural fulfillment; and

**Whereas**, advances in cable television technology now allow for the fulfillment of such close relations and cultural needs; now, therefore be it

**Resolved:** That We, the Members of the 112th Legislature now assembled in the First Regular Session, take this opportunity to show our support and encouragement of French programming and broadcasts on cable television and express our hope that this service to the French speaking community and others not be diminished, curtailed or abandoned by cable owners and operators so long as there is a demonstrated need by subscribers.

#### House of Representatives

Read and Adopted

May 6, 1985

Sent up for Concurrence

EDWIN H. PERT

Clerk

#### In Senate Chamber

Read and Adopted

In Concurrence

May 6, 1985

JOY J. O'BRIEN

Secretary



## State of Maine

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In the Year of Our Lord Nineteen Hundred and Eighty-Five

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JOINT RESOLUTION MEMORIALIZING THE SECRETARY OF  
TRANSPORTATION, THE PRESIDENT OF THE UNITED  
STATES AND THE CONGRESS OF THE UNITED STATES  
TO ESTABLISH A SAFETY REQUIREMENT PROVIDING FOR  
THE INSTALLATION OF SEAT BELTS FOR PERSONS RIDING  
IN OPEN-BACK VEHICLES

**We**, your Memorialists, the Senate and House of Representatives of the State of Maine in the One Hundred and Twelfth Legislature, now assembled, most respectfully present and petition the Honorable Elizabeth Dole, Secretary of Transportation; the Honorable Ronald W. Reagan, the President of the United States; and the Congress of the United States, as follows:

**Whereas**, the United States Code, Title 15, Section 1392.(d), outlines the supremacy of federal safety standards for all types of motor vehicles; and

**Whereas**, these federal standards do not require seat belts in open-back motor vehicles; and

**Whereas**, as a result, no state, or political subdivision of a state, has the authority to require safety equipment beyond the federal standard; and

**Whereas**, there is great concern over injuries and death of people being thrown from or falling out of the back of open-back vehicles and the inability of the State of Maine to correct this problem; now, therefore, be it

**Resolved:** That We, your Memorialists, do hereby respectfully urge the Secretary of Transportation, the President of the United States and the Congress of the United States to establish a safety requirement by regulation or legislation to provide for installation of seat belts for all persons riding in open-back vehicles (pickups); and be it further

**Resolved:** That a copy of this resolution, duly authenticated by the Secretary of State, be transmitted by the Secretary of State to the Secretary of Transportation, the President of the United States, the President of the Senate and the Speaker of the House of Representatives in the Congress of the United States and to each member of the Senate and House of Representatives in the Congress from this State.

### House of Representatives

Read and Adopted

May 17, 1985

Sent up for Concurrence

EDWIN H. PERT

Clerk

### In Senate Chamber

Read and Adopted

In Concurrence

May 20, 1985

JOY J. O'BRIEN

Secretary

## State of Maine

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In the Year of Our Lord Nineteen Hundred and Eighty-Five

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### JOINT RESOLUTION REQUESTING LIMITATIONS ON INVESTMENT AND DIVESTITURE OF PUBLIC FUNDS IN THE REPUBLIC OF SOUTH AFRICA AND NAMIBIA

**Whereas**, The Republic of South Africa practices a policy of racial segregation known as apartheid, which discriminates against Blacks, persons of mixed race and persons of Asian origin, who comprise more than 80% of the population of the Republic of South Africa; and

**Whereas**, this practice results in these groups being denied South African citizenship; places severe restrictions on freedom of speech and movement; and restricts access to education, housing and public facilities; and

**Whereas**, apartheid and the policies associated with apartheid are used to separate nonwhite family members from each other, to justify the torture of and destruction to Blacks, Asians and persons of mixed races and to deprive nonwhites of a decent standard of living; and

**Whereas**, many citizens of the State of Maine have expressed concern regarding these inequities and injustices and are of the opinion that corporations in which public funds are invested should treat all of their employees in a socially responsible manner; and

**Whereas**, persons responsible for the management and investment of funds held in trust for others must exercise their duties in accordance with the "Prudent Man" Rule, of the Maine Revised Statutes, Title 18-A, section 7-302; and

**Whereas**, the Sullivan Principles, as developed by Reverend Leon H. Sullivan, attempt to provide some minimal form of employment protection and opportunity to Blacks, Asians and persons of mixed races; and

**Whereas**, most of the recent "reforms" of the government of the Republic of South Africa are not substantive reforms and are intended only to give the appearance of reform; now, therefore, be it

**Resolved**: That We, the Members of the 112th Legislature, now assembled in the First Regular Session, request the Board of Trustees of the Maine State Retirement System and all other persons who serve as trustees for public funds to divest their accounts, within 2 years and within the constraints of the "Prudent Man" Rule, of all securities issued by companies and corporations doing business in South Africa and Namibia which have not signed the Sullivan Principles; and be it further

**Resolved**: That the Maine Legislature requests the board of trustees and all other persons who serve as trustees for public funds to establish a policy prohibiting further investments in companies and corporations doing business in South Africa and Namibia which have not signed the Sullivan Principles and that the trustees consider the means by which existing investments in companies and corporations doing business in South Africa and Namibia may be divested over time in the future; and be it further

**Resolved**: That the Maine Legislature requests the Treasurer of State to divest, within the constraints of the "Prudent Man" Rule, the funds and

accounts of which he is the administrator and for which the Treasurer of State, by law, is responsible; and be it further

**Resolved:** That the Executive Director of the Maine State Retirement System and the Treasurer of State report the results of their divestment efforts to the Joint Standing Committee on State Government on January 1, 1986; and be it further

**Resolved:** That suitable copies of this Joint Resolution be prepared and transmitted forthwith by the Secretary of State to the Board of Trustees of the Maine State Retirement System and the Treasurer of State.

**House of Representatives**

Read and Adopted

**June 3, 1985**

Sent up for Concurrence

EDWIN H. PERT

Clerk

**In Senate Chamber**

Read and Adopted

In Concurrence

**June 4, 1985**

JOY J. O'BRIEN

Secretary

H.P. 1117

## State of Maine

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In the Year of Our Lord Nineteen Hundred and Eighty-Five

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### JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO REEXAMINE CERTAIN REGULATIONS OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY RELATING TO SOLID WASTE

**We**, your Memorialists, the House of Representatives and Senate of the State of Maine of the One Hundred and Twelfth Legislature now assembled, most respectfully present and petition the Members of Congress of the United States as follows:

**Whereas**, municipalities throughout the country face severe problems in the disposal of solid waste; and

**Whereas**, these problems impinge most severely upon states with many rural communities that lack the resources of larger communities; and

**Whereas**, there are many small communities that now face the possibility of having to close their existing dumps because of the regulations of the United States Environmental Protection Agency; and

**Whereas**, the experience of numerous Maine communities has been that the alternative of sanitary landfill has been costly, ineffective and far more polluting than the existing system of open dump burning; now, therefore, be it

**Resolved**: That We, your Memorialists, respectfully urge the Members of Congress of the United States to provide appropriate assistance in causing the United States Environmental Protection Agency to reexamine its rules relating to solid waste disposal, particularly as they apply to small communities, to make necessary revisions and to provide technical assistance to the communities to help find efficient, workable, cost-effective and environmentally sound solutions to the problems of solid waste disposal; and be it further

**Resolved**: That a suitable copy of this resolution be transmitted by the Secretary of the Senate to the President of the Senate and to the Speaker of the House of Representatives in the Congress of the United States and to each Member of the Maine Congressional Delegation.

**House of Representatives**

Read and Adopted

**May 28, 1985**

Sent up for Concurrence

EDWIN H. PERT

Clerk

**In Senate Chamber**

Read and Adopted

In Concurrence

**June 10, 1985**

JOY J. O'BRIEN

Secretary

## State of Maine

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In the Year of Our Lord Nineteen Hundred and Eighty-Five

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JOINT RESOLUTION MEMORIALIZING RONALD W. REAGAN,  
PRESIDENT OF THE UNITED STATES AND JOHN S. HERRINGTON,  
SECRETARY OF THE UNITED STATES DEPARTMENT OF ENERGY  
NOT TO LOCATE A HIGH LEVEL RADIOACTIVE WASTE REPOSITORY  
WITHIN THE STATE OF MAINE

**We**, your Memorialists, the House of Representatives and Senate of the State of Maine of the One Hundred and Twelfth Legislature, now assembled, most respectfully present and petition the Honorable Ronald W. Reagan, President of the United States, and John S. Herrington, Secretary of the United States Department of Energy, as follows:

**Whereas**, there are 31 crystalline rock bodies in Maine being considered by the United States Department of Energy in their search for a national high level radioactive waste disposal site; and

**Whereas**, there are serious environmental concerns about the suitability of this crystalline rock for waste disposal; the Department of Energy itself says "fractures may provide pathways for unacceptable levels of ground water flow," and "little data are available about fractures and the presence or absence of ground waer at repository depths (1,500 to 3,000 feet below the surface)"; and

**Whereas**, many of the crystalline rock bodies in Maine must be disqualified under the United States Department of Energy's own criteria, for example:

- Baxter State Park, Acadia National Park and Moosehorn National Wildlife Refuge are state or federally protected lands;
- The Biddeford, Auburn and Ellsworth areas are in areas of high population; and
- The Sanford and Windham areas are in areas of relatively high and growing population density (nearing 1,000 persons per square mile); and

**Whereas**, a large fraction of the crystalline rock bodies present significant water problems. Several (6) are located around major lakes, for example: Sebago, Belgrade, Rangeley, Flagstaff, Great Moose Pond and Moosehead; and several (3) are located in major river valleys and other major ground water discharge zones, for example: Saco River, Penobscot River and St. Croix River; and several (3) are located in major wetland areas, including the Great Heath and the coastal Waldoboro area; and

**Whereas**, recent geodetic, geologic, historic and archeological evidence reveals that the crust in coastal Maine is subsiding, which indicates neotectonic activity; and

**Whereas**, the explanation for the unusual cluster pattern for earthquake epicenters in Maine may be another expression of neotectonic activity and possible crustal strain; and

**Whereas**, the 50 to 250-year probability computations for high magnitude earthquakes should be recalculated to include 5 to 10,000-year events; and

**Whereas**, transportation problems will be severe. Several (3) of the crystalline rock bodies are located on islands which are inaccessible by truck or rail; and over half of the crystalline rock bodies are located further than 30 miles from the interstate highway, which will make transportation to them exceedingly difficult and unsafe unless major expenditures are made on new roads; and the hostile climate in the State makes transportation dangerous especially during the winter; and the transportation routes from other states to Maine go in or near the most densely populated regions of the United States, thereby increasing the risk to the public; and

**Whereas**, several (4) of the crystalline rock bodies are located on the Canadian border; and a significant number (at least 7) of the crystalline rock bodies are located on Indian lands of the Penobscot and Passamaquoddy tribes; and several (4) of the crystalline rock bodies are located along the Appalachian Trail, a national treasure associated with the national park system; and

**Whereas**, high level radioactive waste requires isolation from the accessible environment for 10,000 years; and Maine's geology has changed dramatically in a similar length of time. The last glacier covered the State only 18,000 years ago and only left 13,000 years ago, producing heavy stress on the rocks; and

**Whereas**, the first high level waste repository is not expected to be operational until 1998 at the earliest, while Maine's only source of high level radioactive waste, the Maine Yankee Nuclear Power Plant will reach the end of its license soon after that, in 2008; and

**Whereas**, a significant part of the nation's high level waste is generated by the weapons program and none of that waste is generated in or near Maine; and

**Whereas**, Maine makes a very small contribution to the national high level waste problem. Maine will generate less than ½ of 1% of the nation's high level waste through the high level waste program planning period (i.e., through 2020); and

**Whereas**, the solution to this national problem should be carried out in an equitable fashion; and

**Whereas**, the risk to public health and safety should be minimized; and

**Whereas**, there is little likelihood of finding an environmentally suitable site in Maine; and

**Whereas**, the Legislature, beginning in 1981 (the Maine Revised Statutes, Title 38, chapter 14-A) indicated its intent to conduct close oversight over the federal process for siting high level radioactive waste repositories; and

**Whereas**, the Governor of the State of Maine has publicly stated his strong opposition to the siting of any high level radioactive waste repository in Maine ever since 1980, when Maine was first included among the regions being considered; now, therefore, be it

**Resolved**: That We, your Memorialists, do hereby, respectfully but strenuously, oppose location of any high level radioactive waste repository within the borders of the State of Maine; and be it

**Resolved**: That the President of the United States and the Secretary of Energy be respectfully urged not to attempt to locate a high level radioactive waste repository within the State of Maine; and be it further

**Resolved:** That duly attested copies of this Joint Resolution be immediately transmitted by the Secretary of State to the President of the United States, to the Secretary of the United States Department of Energy and to Members of the Maine Congressional Delegation.

**In Senate Chamber**

Read and Adopted

**November 13, 1985**

Sent down for Concurrence

JOY J. O'BRIEN

Secretary

**House of Representatives**

Read and Adopted

In Concurrence

**November 13, 1985**

EDWIN H. PERT

Clerk

S.P. 647

## State of Maine

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In the Year of Our Lord Nineteen Hundred and Eighty-Five

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### IN MEMORIAM

**Whereas**, there was a beaming sensitive child from Manchester, Maine, who would not accept man's inhumanity to man; and

**Whereas**, this then 11-year-old school girl stood fast in the belief that peace and brotherhood could abide in her lifetime; and

**Whereas**, her heralded correspondence in 1983 with then President Yuri Andropov brought the world to her door, but did not change nor deter her; and

**Whereas**, with optimistic innocence Samantha Smith, with the support of her devoted father and mother, carried her inspiring message for peace to Russia and other nations of the world; and

**Whereas**, the lives of Samantha and Arthur Smith came to a tragic end on Sunday, August 25th, 1985, cutting short a future of promise, now, therefore, be it

**Resolved:** That We, the Members of the 112th Legislature now assembled in First Special Session, let our highest tribute to her be the remembrance of her vision and the will to achieve it; and be it further

**Resolved:** That we pause in a moment of understanding and prayer to inscribe this token of sympathy and condolence to all who share this great loss and respectfully request that when the Legislature adjourns this date it do so in honor and lasting tribute to the deceased.

#### House of Representatives

Read and Adopted

November 13, 1985

Sent up for Concurrence

EDWIN H. PERT

Clerk

#### In Senate Chamber

Read and Adopted

In Concurrence

November 13, 1985

JOY J. O'BRIEN

Secretary



## State of Maine

In the Year of Our Lord Nineteen Hundred and Eighty-Five

### IN MEMORIAM

**Whereas**, few words of tribute to E. B. White could captivate more effectively or shine more brightly than the body of works he bequeaths; and

**Whereas**, the passing at age 86 of this consummate wordsmith recalls to us his love for the beauty and serenity of coastal Maine which he sought over the literary limelight; and

**Whereas**, the carefully selected and lovingly crafted words of E. B. White brought to the hearts of young and old, and all cultural levels an inestimable joy and a clearer understanding; and

**Whereas**, in all of his writing there is honesty and humor and clarity; in a style which will not merely linger but endure; and

**Whereas**, E. B. White's life and works bespeak a simple eloquence paralleled by few and aspired to by many; now, therefore, be it

**Resolved**: That We the Members of the 112th Legislature now assembled in First Special Session enter upon our journals with deep regret the passing on October 1, 1985, of Elwyn Brooks White, and recall these words once cited in his honor: "If we are to be remembered as a civilized era, . . . it will be partly because of Elwyn Brooks White. The historians of the future will decide that a writer of such grace and control could not have been produced by a generation wholly lacking in such qualities, and we will shine by reflection in his gentle light." and be it further

**Resolved**: That a copy of this Joint Resolution, suitably engrossed, be immediately transmitted with our deepest sympathy to his family.

**In Senate Chamber**

Read and Adopted

**November 13, 1985**

Sent down for Concurrence

JOY J. O'BRIEN

Secretary

**House of Representatives**

Read and Adopted

In Concurrence

**November 13, 1985**

EDWIN H. PERT

Clerk