

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

AS PUBLIC LAWS AND CONSTITUTIONAL RESOLUTIONS

at the

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 1988

AND

AS PRIVATE AND SPECIAL LAWS AND RESOLVES

at the

FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 1988

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

Twin City Printery
Lewiston, Maine
1989

**PRIVATE AND
SPECIAL LAWS**

OF THE

STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the

ONE HUNDRED AND THIRTEENTH LEGISLATURE

1987

authorized but not issued, or for which bond anticipation notes have not been issued within 5 years of the ratification of this Act, shall be deauthorized and may not be issued, provided that the Legislature may, within 2 years after the expiration of the 5-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

Sec. 10. Statutory referendum procedure; submission at general election; form of question; effective date. This Act shall be submitted to the legal voters of the State of Maine at the next general election in the month of November following passage of this Act. The city aldermen, town selectmen and plantation assessors of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

“Do you favor a \$13,000,000 bond issue for the investigation, abatement, clean up and mitigation of uncontrolled hazardous substance sites, for cleaning up and closing solid waste landfills, and for the removal of underground oil storage tanks, all of which pose a hazard to public health, the environment and ground water quality?”

The legal voters of each city, town and plantation shall vote by ballot on this question, and shall designate their choice by a cross or check mark placed within a corresponding square below the word “Yes” or “No.” The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if it appears that a majority of the legal voters are in favor of the Act, the Governor shall proclaim that fact without delay, and the Act shall become effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purpose of this referendum.

Effective pending referendum.

CHAPTER 127

H.P. 1861 — L.D. 2559

AN ACT to Fund the Office of Child Welfare Services Ombudsman.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, many people have serious concerns and complaints regarding their involvement in Maine's child welfare services system; and

Whereas, thorough review of these concerns needs to occur; and

Whereas, no formal mechanism exists to highlight these concerns and facilitate their resolution; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1988-89

EXECUTIVE DEPARTMENT

Office of Child Welfare Services Ombudsman

Positions	(2)
Personal Services	\$29,500
All Other	3,500
Capital Expenditures	2,000
Total	\$35,000

Provides funds for an ombudsman and one support position to the Office of Child Welfare Services Ombudsman, effective January 1, 1989.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 28, 1988.

CHAPTER 128

H.P. 1605 — L.D. 2196

AN ACT to Provide Funds for the Seed Potato Breeding Program.

Be it enacted by the People of the State of Maine as follows:

Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1988-89

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Maine Seed Potato Board

All Other \$30,000

This appropriation provides funds for the
Seed Potato Breeding Program.

Effective August 4, 1988.

CHAPTER 129

H.P. 1914 — L.D. 2613

AN ACT to Establish the Maine Information Commission on Agent Orange and Radiation.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, in order for the commission to complete the initial phase of its work before the First Regular Session of the 114th Legislature; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. Commission established. The Maine Information Commission on Agent Orange and Radiation is established. The commission shall consist of 7 members, 3 of whom shall be appointed by the Governor to include 2 Vietnam veterans and one atomic veteran as defined in section 2; one veteran appointed by the Governor from a list of 3 veterans selected by the Maine Veterans' Coordinating Committee; and the Director of Disease Control or the director's designee. The President of the Senate shall appoint a member of the Senate and the Speaker of the House shall appoint a member of the House of Representatives. The President of the Senate and the Speaker of the House shall jointly appoint one of the members as chairman.

Sec. 2. Definitions. For the purposes of this Act, the following terms have the following meanings.

1. "Atomic veteran" means a person who:

A. Participated in the occupation of Japan between August 1, 1945 and August 1, 1946;

B. Was an American prisoner of war used by the Japanese to clean up Hiroshima or Nagasaki prior to the surrender of the Japanese empire; or

C. Was a veteran of the Armed Forces of the United States who participated in the atmospheric testing of nuclear weapons.

2. "Radiation" means any fissionable material used in the composition of a nuclear weapon and any fissionable material created as a result of a nuclear detonation.

3. "Toxic chemicals" means any of those insecticides and herbicides used in Southeast Asia during the Vietnam War, including, but not limited to:

A. Agent Orange containing trichlorophenoxy acetic acid and dichlorophenoxy acetic acid;

B. Agent White, containing picloram;

C. Agent Blue, containing cacodylic acid, including arsenic;

D. Lindane, mirex, dichlorodiphenyltrichloroethane, chlordane, dieldrin, dapsone, malathion, hexachlorobenzene, dinoxol, trinoxol, diquat, bromacil, monuron, tander and dalapon; and

E. Any form of dioxin or tetrachlorodibenzo-p-dioxin.

4. "Vietnam veteran" means any person who served on active duty in the Armed Forces of the United States during the Vietnam War, August 5, 1964 to May 7, 1975.

Sec. 3. Tasks to be performed. The commission shall:

1. Compile information concerning:

A. The use of toxic chemicals in Southeast Asia; and

B. The effect of radiation on atomic veterans and their children;

2. Develop a medical form for a medical history to be used by medical personnel treating Vietnam and atomic veterans and their families to record pertinent medical information. Veterans will be responsible for having the forms completed. In developing the form the commission shall request assistance from the Division of Disease Control and from agencies in other states which are dealing with veterans who have been exposed to Agent Orange or radiation;

3. Develop procedures for the establishment of a registry of all Vietnam veterans and atomic veterans in the State. The registry should establish a data base of information containing the medical history information on veterans and their families;

4. Make an assessment of the availability and adequacy of health and social services for Vietnam and atomic veterans in Maine; and

5. Publicize the existence of the commission and the commission's interest in having Vietnam and atomic veterans who wish to participate in the registry to contact the commission.