

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

RESOLVES

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

Effective September 29, 1987.

CHAPTER 42

H.P. 1316 — L.D. 1795

Resolve, Requiring the Department of Conservation to Study the Problem of Submerged Watercraft in Coastal Waters of the State.

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

Whereas, there are numerous sunken, abandoned watercraft in the coastal waters of the State; and

Whereas, many of these watercraft create visual blight, a hazard to navigation and a source of water pollution; and

Whereas, in considering a bill concerning this subject the Joint Standing Committee on State and Local Government was unable to determine the scope of the problem or identify a responsible governmental agency; 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

Department of Conservation to conduct study. Resolved. That the Commissioner of Conservation shall study the subject of sunken vessels in the coastal waters of the State and shall make a report of his findings with any necessary legislation to the Joint Standing Committee on State and Local Government by February 1, 1988.

The commissioner shall consult with and seek the advice of the Department of Marine Resources, the Department of Transportation, the United States Coast Guard and the United States Army Corps of Engineers.

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

Effective June 24, 1987.

CHAPTER 43

S.P. 287 — L.D. 814

Resolve, to Compensate Thomas P. Peters, II, Attorney-at-law, for Professional Services Rendered in the Adoption of Benjamin B., Heather B. and Lucas B.

Thomas P. Peters, II, as guardian ad litem in the adoption of Benjamin B., Heather B. and Lucas B.; compensated by the State. **Resolved:** That the Governor of the State is authorized and directed, upon receipt of the necessary releases, to pay \$3,288, from funds appropriated to the Department of Finance, miscellaneous Acts and resolves, in fiscal year 1987-88 in the amount of \$3,288, to Thomas P. Peters, II, attorney-at-law, for services rendered as guardian ad litem in the adoption of Benjamin B., Heather B. and Lucas B. The \$3,288 payment authorized by this resolve shall be in full satisfaction of any and all claims by Thomas P. Peters, II, against the State, in the matter of the adoption of Benjamin B., Heather B. and Lucas B.

Effective September 29, 1987.

CHAPTER 44

H.P. 870 — L.D. 1171

Resolve, to Amend the Reporting Date of the Special Commission to Study Teacher Training in the University of Maine System.

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

Whereas, the Legislature, in Resolve 1985, chapter 52, created the Special Commission to Study Teacher Training in the University of Maine System, which was to submit a report to the First Regular Session of the 113th Legislature; and

Whereas, much of the information requested in the resolve has been collected, but some information remains to be collected, including a survey on teacher attitudes which is crucial to the veracity of the final report; and

Whereas, many reforms are being currently implemented in the education programs at the various campuses of the University of Maine and consequently more time is needed to analyze the impact of these new programs; 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

Resolved: That the date for the submission of the report to the First Regular Session of the 113th Legislature is changed so that the commission shall report to the Second Regular Session of the 113th Legislature.

Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1987-88

LEGISLATURE

All Other \$4,800

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

Effective June 25, 1987.

CHAPTER 45

H.P. 471 — L.D. 638

Resolve, Compensation to Sharon Trafton Duthie for Damage to her Car Caused by an Escapee.

Sharon Trafton Duthie; reimbursed. Resolved: That there is appropriated from the General Fund the sum of \$786.58 to be paid to Sharon Trafton Duthie of Charleston as a full and final settlement of her claim against the State for damage to her car by an escapee from the Charleston Correctional Center; and be it further

Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1987-88

FINANCE, DEPARTMENT OF

Miscellaneous Acts and Resolves — Finance \$786.58

Effective September 29, 1987.

CHAPTER 46

H.P. 1235 — L.D. 1687

Resolve, Authorizing Dorothy Gammon to Bring Civil Action Against the State and Cumberland County.

Action against the State and Cumberland County Authorized. Resolved: That, notwithstanding the Maine Tort Claims Act, the Maine Revised Statutes, Title 14, chapter 741, Dorothy Gammon, of Portland, be authorized to bring suit against the State and its political subdivision, Cumberland County, for damages caused by alleged negligence of the State and Cumberland County in maintaining or failing to maintain custody of Dwayne Lakin and in failing to notify Dorothy Gammon when Dwayne Lakin was returned to custody.

Action is to be brought within one year of the passage of this resolve in Superior Court of Cumberland County. Liability of and damages against the State and Cumber-

land County shall be determined according to state law, just as in litigation between individuals.

Any judgment that may be awarded in this civil action against the State shall be payable from the Treasurer of State on final process issued by the Superior Court or, if applicable, the Supreme Judicial Court. Any judgment that may be awarded in this civil action against Cumberland County shall be payable from the Treasurer of Cumberland County upon final process issued by the Superior Court or, if applicable, the Supreme Judicial Court. Total recovery by Dorothy Gammon from all sources in this civil action shall not exceed \$50,000, except that, if either governmental entity has procured insurance against liability, that governmental entity may be liable to the limits of the insurance coverage. Hearing shall be before a Justice of the Superior Court with or without a jury.

Notwithstanding this resolve, an action against an employee of the State or Cumberland County shall continue to be governed by the Maine Tort Claims Act, the Maine Revised Statutes, Title 14, chapter 741.

Effective September 29, 1987.

CHAPTER 47

S.P. 167 — L.D. 471

Resolve, to Establish a Commission to Study the Feasibility of Constructing a 4-lane Highway from Interstate 95 to the St. John Valley.

Commission established. Resolved: That the Commission on the Feasibility of Constructing a Highway to the St. John Valley be established. The commission shall be composed of the Commissioner of Transportation; the Commissioner of Agriculture, Food and Rural Resources; the Director of the State Planning Office; the Director of the Regional Planning Commission and the Commissioner of Economic Development, if that position is created before the effective date of this resolve. One member of the transportation committee is to be appointed by the President of the Senate and another member from the committee is to be appointed by the Speaker of the House of Representatives. The President of the Senate and the Speaker of the House of Representatives shall jointly appoint 2 residents of Aroostook County, one person from the northern part of the county and the other person being from the central part of the county. The commission shall elect a chairman from among its members. The members of the commission shall receive reimbursement for expenses upon application to the Executive Director of the Legislative Council. The commission shall request staff assistance from the Legislative Council. The chairman of the Legislative Council shall convene the first meeting of the commission; and be it further