

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST SPECIAL SESSION**

August 21, 1989 to August 22, 1989

and

**SECOND REGULAR SESSION**

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
July 14, 1990

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

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J.S. McCarthy Company  
Augusta, Maine  
1990

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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 Ninety

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## JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO TAKE ACTION TO PREVENT THE CLOSING OF THE DEPARTMENT OF VETERANS AFFAIRS REGIONAL OFFICE AT TOGUS, MAINE

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

**Whereas**, the United States Department of Veterans Affairs has a plan to consolidate the regional office facility located at Togus, Maine with a similar facility in Manchester, New Hampshire; and

**Whereas**, this transfer will impose hardships on the veterans of our large and diverse state and will result in a loss of benefits to many as services routinely provided at Togus will no longer be provided there, requiring some veterans to travel great distances to New Hampshire to apply for certain services and to receive others; and

**Whereas**, these new hurdles will discourage eligible veterans from obtaining benefits to which they are rightfully entitled and will predictably result in a reduction in benefits received by Maine veterans and place new burdens on state veterans services and benefit programs; and

**Whereas**, such a consolidation may result in fewer inpatient and outpatient visits to the Togus medical facility, thus resulting in a further reduction of operating funds and services; and

**Whereas**, many positions and services may be eliminated by this consolidation resulting in a reduction in the number of caring and experienced employees, a loss which will directly and indirectly affect Maine veterans, veterans' families and the other citizens of this State; now, therefore, be it

**Resolved:** That We, your Memorialists, respectfully urge and request the President and the Congress of the United States to intervene and take all appropriate actions to abandon any such consolidation plan; and be it further

**Resolved:** That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States, 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.

*In Senate Chamber*

Read and Adopted

As Amended

In Non-concurrence

January 19, 1990

Sent down for Concurrence

*House of Representatives*

Receded and Concurred

January 22, 1990

JOY J. O'BRIEN  
Secretary

EDWIN H. PERT  
Clerk

S.P. 847

# State of Maine

In the Year of Our Lord Nineteen Hundred and Ninety

## JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO PROVIDE FUNDING FOR FEDERAL MANDATES

We, your Memorialists, the Members of the One Hundred and Fourteenth 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, the State of Maine is currently experiencing a drastic decline in sales and other tax revenues; and

Whereas, this Legislature and the people of Maine are curtailing state spending to conform to available revenues; and

Whereas, the imposition of new demands upon those who struggle for preservation of financial stability would be a hardship for our citizenry; now, therefore, be it

**Resolved:** That We, your Memorialists, respectfully urge and request the Congress of the United States not to pass any law or issue any federal mandate that has a fiscal impact on Maine without providing adequate funding; and be it further

**Resolved:** That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States, 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.

In Senate Chamber

Read and Adopted

January 26, 1990

Sent down for Concurrence

JOY J. O'BRIEN  
Secretary

House of Representatives

Read and Adopted

January 29, 1990

In Concurrence

EDWIN H. PERT  
Clerk

# State of Maine

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In the Year of Our Lord Nineteen Hundred and Ninety

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## JOINT RESOLUTION MEMORIALIZING CONGRESS TO PROTECT WORKERS AT THE PORTSMOUTH NAVAL SHIPYARD IN KITTERY, MAINE

**Whereas**, the Portsmouth Naval Shipyard, located in Kittery, Maine, has received news that the overhaul of the nuclear submarine Sea-Devil, which was to be conducted at the Portsmouth Naval shipyard, may now be cancelled; and

**Whereas**, this action may result in the loss of jobs for 1,000 to 3,000 workers, many of them Maine residents; and

**Whereas**, the seacoast region of Maine and New Hampshire has already sustained a potentially severe economic dislocation with the announced closing of Pease Air Force Base; and

**Whereas**, workers will have to be rehired for future overhauls at the Portsmouth Naval Shipyard that are already planned and scheduled; and

**Whereas**, there was no advance warning that the United States Navy might take such action and no opportunity to plan for an orderly transition for the displaced workers; and

**Whereas**, no concerted governmental action has been taken to alleviate the effects of defense budget cuts, or to work for conversion of defense industries to a peacetime economy; now, therefore, be it

**Resolved:** That the 114th Legislature of the State of Maine requests that Maine's Congressional Delegation make all diligent efforts to defer the action of the United States Navy in this instance and institute measures that will lessen the impact of defense cuts on industries in the State through planning for alternative use and will provide governmental assistance to workers during periods of transition; and be it further



**Resolved:** That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States, 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.

**House of Representatives**

Read and Adopted

February 2, 1990

Sent up for Concurrence

EDWIN H. PERT

Clerk

**In Senate Chamber**

Read and Adopted

February 5, 1990

In Concurrence

JOY J. O'BRIEN

Secretary

H.P. 1644

# State of Maine

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In the Year of Our Lord Nineteen Hundred and Ninety

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## JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO AID THE PEOPLES OF EASTERN EUROPE AND ELSEWHERE TO CONTINUE THEIR EFFORTS FOR FREEDOM

**We**, your Memorialists, the Members of the One Hundred and Fourteenth Legislature of the State of Maine, now assembled in the Second Regular Session, most respectfully petition the President and Congress of the United States to aid the peoples of Eastern Europe and other areas under the control of single party communist states who are now or have been in the process of changing their system, as follows:

**Whereas**, the people of Maine have watched with admiration during the past 6 months as the peoples of Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, Romania and Yugoslavia have, in one form or another, courageously stood for the cause of freedom and political plurality in changing their form of government; and

**Whereas**, this movement for freedom has even developed within the Union of Soviet Socialist Republics; and

**Whereas**, such expressions of freedom have also erupted, only to be put down with brute force, in Albania and the People's Republic of China; and

**Whereas**, the people of Maine are preparing to attend our local town meetings, a cherished Maine tradition and the purest expression of democratic government; and

**Whereas**, individual expressions of conscience and humanity have touched responsive chords in millions of fellow citizens of communist countries who have been inspired to add their voices to the collective demand for freedom of assembly, freedom of the press, freedom of religion, representative self-government and market-based economies; and

**Whereas**, on our own behalf, and on behalf of the people of the State of Maine, we wish to express our support for this evolving process, which is bringing new vitality, and the adoption of democratic values, decentralized governance and pluralistic self-representation to these countries; and

**Whereas**, we express our admiration for the efforts of these people and wish to encourage them in these efforts and to continue to move forward toward a world of reduced tension in which all governments recognize individual liberties and promote human dignity; and

**Whereas**, the long-neglected economies of these nations require not only fundamental restructuring, but also an infusion of funds to aid in the transition to market-based systems; now, therefore, be it

**Resolved:** That We, your Memorialists, urge the President and Congress of the United States to support the efforts of the people of these nations to forge governments of their own choosing, to help them with sufficient moral and financial aid to ensure the success of those who have already achieved their freedom and to bolster the hopes and aspirations of those whose thirst for freedom has yet to be fulfilled; and be it further

**Resolved:** That we further urge the President and the Congress of the United States to enact a new Marshall Plan to provide aid and assistance to the people and progressive institutions of those countries now engaged in changing from centrally planned economic systems and authoritarian governments to market economies and democratic representative governments; and be it further

**Resolved:** That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States, 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.

**House of Representatives**

Read and Adopted

As Amended

February 14, 1990

Sent up for Concurrence

EDWIN H. PERT  
Clerk

**In Senate Chamber**

Read and Adopted

As Amended

February 16, 1990

In Concurrence

JOY J. O'BRIEN  
Secretary

# State of Maine

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In the Year of Our Lord Nineteen Hundred and Ninety

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JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND THE CONGRESS  
OF THE UNITED STATES TO PROTECT THE ENVIRONMENTAL,  
ECONOMIC AND HEALTH AND SAFETY INTERESTS OF THE PEOPLE  
OF MAINE IN REGARD TO THE CLEAN AIR ACT AMENDMENTS OF 1989  
NOW BEFORE THE UNITED STATES SENATE

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

**Whereas**, on December 20, 1989, the United States Senate Committee on Environment and Public Works reported Senate Bill 1630 and Report number 101-228; and

**Whereas**, Section 303 of Senate Bill 1630, known as the Clean Air Act Amendments of 1989, includes a new provision that prohibits state and local governments from controlling forms of radioactive air pollution; and

**Whereas**, if adopted, Section 303 would transfer the power to regulate radioactive air emissions from Maine's Department of Environmental Protection, where it now resides, to the Nuclear Regulatory Commission and gives that commission exclusive authority to regulate the health hazards from the materials that it licenses; and

**Whereas**, Section 303 would exempt all radioactive substances regulated by the Nuclear Regulatory Commission from the legal definition of "air pollutant" in the Clean Air Act Amendments of 1989; and

**Whereas**, when the United States Congress transferred authority to regulate radioactive air emissions from the Nuclear Regulatory Commission to the Environmental Protection Agency in the Clean Air Act of 1977, Congress expressly stated that it did not intend to deny the right of any state or political subdivision of that state to adopt or enforce any standard or limitation respecting emissions of air pollutants; and

**Whereas**, any air emissions ordinances in existence or proposed in this State with respect to radioactive air emissions standards would be rendered invalid; and

**Whereas**, Section 303 will have a direct negative impact on the ability of the Department of Environmental Protection to protect the health and welfare of the citizens of this State; and

**Whereas**, if the enforcement power of the Environmental Protection Agency is removed pursuant to the Clean Air Act of 1977, the states will lose the authority to enforce standards set by the Environmental Protection Agency; now, therefore, be it

**Resolved**: That We, your Memorialists, respectfully recommend and urge the President and the Congress of the United States to:

1. Amend United States Senate Bill 1630, known as the Clean Air Act Amendments of 1989, to allow the continued control of radioactive air emissions by the State of Maine;
2. Reaffirm the action taken by Congress in the Clean Air Act of 1977 that expressly disavowed any intent to preempt state and local authority in the matter of radioactive air emissions;
3. Support an amendment to Senate Bill 1630 that allows state and local regulation of radioactive air emissions from facilities regulated by the Nuclear Regulatory Commission;
4. Not allow any duties currently under the authority of the Environmental Protection Agency to be transferred to the Nuclear Regulatory Commission;
5. Specifically preserve the traditional rights of state and local governments to protect against health hazards by expressly not preempting state and local laws that provide for the protection from and control of hazards of any form of radioactive emissions; and
6. Protect the environmental, economic and health and safety interests of the citizens of the State of Maine by protecting and expanding the rights of our citizens under the Clean Air Act Amendments of 1989; and be it further

**Resolved**: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States, 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.

*In Senate Chamber*

Read and Adopted

February 14, 1990

Sent down for Concurrence

JOY J. O'BRIEN

Secretary

*House of Representatives*

Read and Adopted

February 16, 1990

In Concurrence

EDWIN H. PERT

Clerk

# State of Maine

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In the Year of Our Lord Nineteen Hundred and Ninety

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## JOINT RESOLUTION COMMEMORATING THE 150th ANNIVERSARY OF THE CITY OF OLD TOWN, MAINE

**Whereas**, one of the anchor communities of the central part of our State is the City of Old Town, known throughout the country as the home of the Penobscot Nation, of White and Old Town canoes and of generations of Maine lumberjacks, millers and guides; and

**Whereas**, the Penobscot Indians have maintained their principal settlement at this location, also known as Panawamske, since time immemorial, and as Old Town was first permanently settled by Europeans at Marsh Island in 1774 by John Marsh; and

**Whereas**, Old Town was also settled by a large number of Franco-American pioneers, and as these hardworking immigrants and their descendants have given selflessly of their skills and energy and have made critical contributions to the vitality of this community; and

**Whereas**, the first sawmill in Old Town was constructed in 1798 by Richard Winslow, and as Old Town's sawmills have been a principal industry ever since and were recognized by Thoreau in 1846 as the riddle through which "the arrowy Maine forest . . . is relentlessly sifted till it comes out boards, clapboards, laths and shingles"; and

**Whereas**, the area was first settled as part of Orono, then set off and incorporated as Old Town on March 16, 1840, and later chartered as the City of Old Town on February 19, 1891; and

**Whereas**, as Old Town and its citizens have long exemplified the Maine virtues of self-sufficiency and industry, and as the excellence of its products is recognized everywhere; now, therefore, be it

**Resolved:** That We, the Members of the One Hundred and Fourteenth Legislature of the State of Maine, now assembled in the Second Regular Session, take this occasion to recognize the sesquicentennial anniversary of Old Town, and to commend the inhabitants and officials of this city for the success which they have achieved together for one hundred and fifty years, and to extend to each our sincere hopes and best wishes for continued achievement; and be it further

**Resolved:** That suitable copies of this Resolution, duly authenticated by the Secretary of State, be transmitted to the citizens and officials of this proud community in honor of the occasion.

*In Senate Chamber*

Read and Adopted

*February 14, 1990*

Sent down for Concurrence

JOY J. O'BRIEN

Secretary

*House of Representatives*

Read and Adopted

*February 16, 1990*

In Concurrence

EDWIN H. PERT

Clerk

S.P. 912

# State of Maine

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In the Year of Our Lord Nineteen Hundred and Ninety

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## JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO URGE THE REVISION OF THE "TAKE TITLE" PROVISION CONCERNING LOW-LEVEL RADIOACTIVE WASTE IN PUBLIC LAW 99-240

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

**Whereas**, current federal law obligates states to take title to, own and be liable for damages associated with low-level radioactive waste; and

**Whereas**, low-level radioactive waste can cause untold amounts of damage to health, property and the environment; and

**Whereas**, the costs of the liability for these damages could be enormous and might possibly bankrupt the State; and

**Whereas**, the largest portions and the most dangerous classes of low-level radioactive waste are produced by private corporations; now, therefore, be it

**Resolved**: That We, your Memorialists, respectfully recommend and urge the President and Congress of the United States to take action to amend the provision in Public Law 99-240 obligating states to take title and be held liable for low-level radioactive waste to remove a dangerous financial risk to the State; and be it further

**Resolved**: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States, 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.

House of Representatives

Read and Adopted

March 27, 1990

Sent up for Concurrence

EDWIN H. PERT

Clerk

In Senate Chamber

Read and Adopted

March 27, 1990

In Concurrence

JOY J. O'BRIEN

Secretary



# State of Maine

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In the Year of Our Lord Nineteen Hundred and Ninety

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## JOINT RESOLUTION COMMEMORATING THE 125th ANNIVERSARY OF THE BATH MILITARY AND NAVAL CHILDREN'S HOME

**Whereas**, the care and education of children is a primary responsibility of all civilized societies; and

**Whereas**, in fulfillment of that responsibility the Bath Military and Naval Orphan Asylum was founded in 1866 by the Bath Soldiers' Orphans' Home Association, was incorporated by Private and Special Laws 1866, Chapter 163, and was formally opened on November 19, 1866; and

**Whereas**, the Bath Military and Naval Children's Home, which is being renamed the Bath Children's Home, will celebrate the occasion of its one hundred and twenty-fifth anniversary this August; and

**Whereas**, the Home has been an honored institution of the State since 1870, and since that time has enjoyed the special confidence of the Legislature in fulfillment of its vital duties; now, therefore, be it

**Resolved:** That We, the Members of the One Hundred and Fourteenth Legislature, now assembled in the Second Regular Session, take this occasion to recognize the one hundred and twenty-fifth anniversary of the Bath Military and Naval Children's Home, and to commend the residents, alumni and officials of this institution for the success which they have achieved over the past one hundred and twenty-five years, and to extend to each our sincere hopes and best wishes for continued achievement by the Home in the 21st century; and be it further

**Resolved:** That suitable copies of this Resolution, duly authenticated by the Secretary of State, be transmitted to the Director and Board of Visitors of this proud institution in honor of the occasion.

House of Representatives

Read and Adopted

April 6, 1990

Sent up for Concurrence

EDWIN H. PERT

Clerk

In Senate Chamber

Read and Adopted

April 6, 1990

In Concurrence

JOY J. O'BRIEN

Secretary

# State of Maine

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In the Year of Our Lord Nineteen Hundred and Ninety

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## JOINT RESOLUTION CONGRATULATING THE ST. ANDRE HOME, INC. ON THE OCCASION OF ITS FIFTIETH ANNIVERSARY

**Whereas**, St. Andre Home, Inc. is celebrating fifty years of continuous service to women, rendered in a spirit of compassion and dedication; and

**Whereas**, St. Andre Home was established through the vision and foresight of the Sisters - Servants of the Immaculate Heart of Mary, also known as the Good Shepherd Sisters of Quebec; and

**Whereas**, St. Andre Home originated out of faith and compassionate respect for life at all levels; and

**Whereas**, St. Andre Home provided care to thousands of young women experiencing unplanned pregnancies and women in crisis; and

**Whereas**, St. Andre Home first provided institutional and hospital services at 407 Pool Road in Biddeford from 1940 to 1974; and

**Whereas**, through an Act of the 106th Legislature of the State of Maine funds were appropriated for St. Andre Home to establish residential group homes in Biddeford, Lewiston and Bangor; and

**Whereas**, over the last half century St. Andre Home has facilitated the placement of more than 1,500 infants in warm, loving, adoptive families throughout the State of Maine; and

**Whereas**, St. Andre Home has profited greatly by the tireless dedication and unselfish devotion of hundreds of friends, coworkers, board members, church, government and civic agencies; now, therefore, be it

**Resolved**: That We, the Members of the One Hundred and Fourteenth Legislature, now assembled in the Second Regular Session, hereby extend sincere congratulations to St. Andre Home, Inc. for outstanding humanitarian contributions since its inception on the occasion of its fiftieth anniversary and best wishes for continued success in all its endeavors over the next fifty years; and be it further

**Resolved:** That suitable copies of this Joint Resolution, duly authenticated by the Secretary of State, be sent to Reverend Sister Theresa Couture, SCIM, Provincial Superior and Dr. Gregory C. Foltz, Executive Director of St. Andre Home, Inc.

*House of Representatives*

Read and Adopted

April 10, 1990

Sent up for Concurrence

EDWIN H. PERT  
Clerk

*In Senate Chamber*

Read and Adopted

April 10, 1990

In Concurrence

JOY J. O'BRIEN  
Secretary

H.P. 1825