

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**THIRD SPECIAL SESSION**

October 1, 1992 to October 6, 1992

**FOURTH SPECIAL SESSION**

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

**FIRST REGULAR SESSION**

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR  
FIRST REGULAR SESSION  
NON-EMERGENCY LAWS IS  
OCTOBER 13, 1993

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  
1993

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**RESOLVES**  
**OF THE**  
**STATE OF MAINE**  
**AS PASSED AT THE**  
**FIRST REGULAR SESSION**  
**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**  
**1993**

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**Whereas**, quantitative data is needed to assess the impact of unfunded federal mandates on the budget of State Government; and

**Whereas**, this data must be presented to the United States Congress at the earliest opportunity in an effort to gain fiscal relief as the State struggles with its budget problems; 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

**Sec. 1. Data on unfunded federal mandates.**

**Resolved:** That all departments and agencies of State Government, including independent agencies and the institutions of higher education that receive an appropriation from the General Fund, shall collect data on the federal mandates that have been imposed on those agencies for which no or partial funding has been provided. Data must be organized in such a way as to identify individual mandated activities, the federal statutes or rules that created each mandate and the estimated cost to fulfill each mandate for state fiscal years 1993-94 and 1994-95.

For the purposes of this resolve, "federal mandate" means any federal legislation or administrative rule adopted by a federal agency that has necessitated a state department or agency to make additional expenditures; and be it further

**Sec. 2. Report to the Joint Standing Committee on Appropriations and Financial Affairs.**

**Resolved:** That each department or agency subject to the provisions of section 1 of this resolve shall report its findings to the Joint Standing Committee on Appropriations and Financial Affairs no later than April 1, 1993.

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

Effective April 8, 1993.

## CHAPTER 6

### H.P. 726 - L.D. 985

**Resolve, Approving the 1993 Draft and Arrangement of the Constitution of Maine Made by the Chief Justice of the Supreme Judicial Court and Providing for its Publication and Distribution**

**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 1993 recodification of the Constitution of Maine has been completed by the Chief Justice of the Supreme Judicial Court and submitted to the Legislature; and

**Whereas**, the recodification must be made available to the public as soon as possible and before the expiration of the 90-day period; 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

**Sec. 1. Constitution; approval of 1993 draft and arrangement, enrollment, publication, distribution.** **Resolved:** That the draft and arrangement of the Constitution of Maine, as amended, made by the Chief Justice of the Supreme Judicial Court, pursuant to the Constitution of Maine, Article X, Section 6, is approved and that the same be enrolled on parchment or other suitable material and deposited in the office of the Secretary of State; and be it further

**Sec. 2. Enrollment on durable material.** **Resolved:** That the Secretary of State is authorized and directed to cause the Constitution of Maine, as amended and arranged, to be enrolled on parchment or other suitable material and upon final approval of the Chief Justice of the Supreme Judicial Court attest to the correctness of that enrollment under the seal of the State; and be it further

**Sec. 3. Publication.** **Resolved:** That the Secretary of State is authorized and directed to cause to be published in pamphlet form, subject to the approval of the Chief Justice of the Supreme Judicial Court, copies of the Constitution of Maine in such numbers as the Secretary of State determines necessary and that one copy of the pamphlet be forwarded to the municipal officers of each city and town and to the assessors of each plantation within the State.

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

Effective May 12, 1993.

## CHAPTER 7

### H.P. 661 - L.D. 899

**Resolve, to Direct Elected and Appointed Officials of the State to Work to Maintain Canadian Atlantic Railway Service through 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,** Canadian Pacific Limited has filed notice of intent with the National Transportation Agency in Canada for authority to abandon operations of the Canadian Atlantic Railway, a business unit of the Canadian Pacific Railway system, on the railway's main line and connecting rail lines east of Sherbrooke, Quebec, including its main line through the State; and

**Whereas,** Canadian Pacific Limited will seek similar authority from the United States Interstate Commerce Commission to discontinue operations and abandon the railway's main line in the State; and

**Whereas,** the Canadian Atlantic Railway traverses the State for 201.2 miles from the Quebec-Maine border near T-2 R-8 passing through the towns of Jackman, Greenville, Brownville, Mattawamkeag, Kingman, Wytovitlock, Danforth, Forest Station, Lambert Lake to Vanceboro on the Maine-New Brunswick border; and

**Whereas,** the Canadian Atlantic Railway interchanges with the Bangor and Aroostook Railroad at Brownville Junction and the Springfield Terminal Railway Company at Mattawamkeag, providing essential east-west connections for freight shipments to and from mills of Bowater Corporation, Fraser Paper Limited and Georgia Pacific Corporation; and

**Whereas,** the rail trackage of the Canadian Pacific Railway system through the State is utilized by VIA Rail providing rail passenger service between St. John, New Brunswick and Montreal and points west with station stops at Vanceboro, Mattawamkeag, Brownville Junction, Greenville and Jackman; and

**Whereas,** 93 Maine citizens are employed by Canadian Atlantic Railway and abandonment will mean the loss of those jobs; 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

**Sec. 1. Request denial of abandonment authority. Resolved:** That the Governor, the Commissioner of Transportation, the Commissioner of Economic and Community Development and other state officials work with Canadian officials, affected shippers, affected municipalities, affected labor unions and other interested parties to request the United States Interstate Commerce Commission and the National Transportation Agency of Canada to deny abandonment authority to Canadian Pacific Limited; and be it further

**Sec. 2. Reverse railway decision. Resolved:** That the Governor, the Commissioner of Transportation, the Commissioner of Economic and Community Development and other state officials work with Canadian Pacific Limited in order to reverse the railway's decision to abandon operations of the Canadian Atlantic Railway, to maintain current rail freight and passenger service and to prevent economic hardship on the State, on the employees of the railway and on state businesses dependent on the railway to economically move their freight shipments.

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

Effective May 18, 1993.

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## CHAPTER 8

### H.P. 747 - L.D. 1014

#### **Resolve, to Continue the Commission to Study the Feasibility of a Capital Cultural Center**

**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 is still important work to be carried out by the Commission to Study the Feasibility of a Capital Cultural Center; 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,

**Sec. 1. Resolve 1991, c. 46, §9, amended. Resolved:** That Resolve 1991, c. 46, §9, is amended to read:

**Sec. 9. Capital Cultural Center location. Resolved:** That a Capital Cultural Center may not be constructed within the Capitol Area, as defined in the Maine Revised Statutes, Title 1, section 814-; and be it further

; and be it further

**Sec. 2. Resolve 1991, c. 46, §10, enacted. Resolved:** That Resolve 1991, c. 46, §10, is enacted to read:

**Sec. 10. Additional report. Resolved:** That, in addition to the report required under section 7, the commission shall submit a report to the First Regular Session of the 117th Legislature no later than November 1, 1994.

; and be it further