

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
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J.S. McCarthy Company
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**SELECTED
MEMORIALS**

AND

JOINT RESOLUTIONS

State of Maine

In the Year of Our Lord Nineteen Hundred and Ninety-Three

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES ON THE FUTURE OF THE UNITED STATES NAVAL SHIPYARD AT KITTERY, MAINE

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

Whereas, the Department of the Navy has maintained a shipyard at Kittery, Maine since June 12, 1800; and

Whereas, the United States Naval Shipyard at Kittery has performed duties in an exemplary manner throughout its almost 2 centuries of history; and

Whereas, the Kittery shipyard is one of the most up-to-date facilities available in the United States for the repair, overhauling and refueling of naval vessels; and

Whereas, the communities in Maine, New Hampshire and Massachusetts located near the Kittery shipyard offer an abundance of highly trained, skilled and experienced workers who have an outstanding work ethic; and

Whereas, the State of Maine is firmly committed to actively supporting the continuation of the United States Naval Shipyard at Kittery; now, therefore, be it

Resolved: That We, your Memorialists, respectfully recommend and urge the Congress of the United States to continue to operate, develop and diversify the United States Naval Shipyard at Kittery, Maine; and be it further

Resolved: That we further urge the Congress of the United States to take all necessary action to ensure that the Kittery shipyard remains an integral component in a post-Cold War defense strategy; and be it further

Resolved: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, 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 4, 1993
Sent down for Concurrence

JOY J. O'BRIEN
Secretary

House of Representatives
Read and Adopted
February 4, 1993
In Concurrence

JOSEPH W. MAYO
Clerk

State of Maine

In the Year of Our Lord Nineteen Hundred and Ninety-Three

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO ENACT EMERGENCY LEGISLATION WAIVING UNFUNDED FEDERAL MANDATES THAT HAVE BEEN IMPOSED ON THE SEVERAL STATES OR THEIR POLITICAL SUBDIVISIONS

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

Whereas, the Federal Government has mandated new programs and transferred the responsibility of funding these programs to the several states and their political subdivisions; and

Whereas, the Federal Government has also reduced or eliminated funding for certain programs administered at the state or local government level; and

Whereas, the several states and their political subdivisions, as a result of economic recession and the substantial costs of these programs are experiencing severe revenue shortfalls and budget imbalances that are further exacerbated by having to fund these unfunded federal mandates; and

Whereas, the several states, unlike the Federal Government, are required by their constitutions to balance their budgets, which further reduces their ability to absorb unfunded federal mandates; and

Whereas, the State of Maine, recognizing the inequity of passing unfunded mandates on to its political subdivisions amended its Constitution in November of 1992 to prohibit state legislation or state administrative rules that require additional local government expenditures unless the Maine State Legislature funds those mandates; and

Whereas, the federal practice of deferring program costs to the states is inherently unfair because many states, such as Maine, lack the resources to fund these programs; and

Whereas, relief from unfunded mandates is most especially needed in the federal laws and rules governing benefits and utilization for Medicaid recipients, benefit levels for other entitlements and environmental regulation so that the several states and their political subdivisions can regain greater authority over their respective budgets and increase their ability to create jobs; now, therefore, be it

Resolved: That We, your Memorialists, respectfully recommend and urge the Congress of the United States to enact legislation that provides waivers to unfunded federal mandates, be they wholly or partially unfunded; and be it further

Resolved: That this legislation direct the various agencies of the Federal Government to streamline the process by which federal mandates will be waived; and be it further

Resolved: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, 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, to the Governor of each state, the Speaker of the Lower House and the President of the Senate in each state and to each member of the Maine Congressional Delegation.

House of Representatives
Read and Adopted
March 4, 1993
Sent up for Concurrence

JOSEPH W. MAYO
Clerk

In Senate Chamber
Read and Adopted
March 9, 1993
In Concurrence

JOY J. O'BRIEN
Secretary

H.P. 576

State of Maine

In the Year of Our Lord Nineteen Hundred and Ninety-Three

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO REAFFIRM AND IMPROVE OUR NATION'S EFFORTS TO PROTECT AND RESTORE THREATENED AND ENDANGERED SPECIES

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

Whereas, the State of Maine has previously enacted legislation, commonly referred to as the Maine Endangered Species Act, aimed at protecting and promoting the recovery of threatened and endangered species, in part through evaluation of activities that affect habitat essential to those species; and

Whereas, that legislation has made possible significant progress in restoration of the bald eagle population and that of other endangered species, and the continued success of these critical conservation efforts and similar efforts in states across the nation depends on federal support under the federal Endangered Species Act; and

Whereas, Congress is considering legislation this year to reauthorize the federal Endangered Species Act; and

Whereas, biodiversity, the fundamental objective of federal and state endangered species laws, ensures preservation and sustainable use of ecosystems upon which the well-being and natural heritage of the people of our State and of all Americans depend; and

Whereas, experience at both federal and state levels has shown that this vital conservation effort has not significantly impeded economic growth, as only one project reviewed under Maine's endangered species habitat protection laws and 18 of 17,650 projects under federal endangered species review from 1987 to 1991 have been prevented due to endangered species concerns; and

Whereas, state and federal endangered species laws involve economic and social considerations beyond the biological question of whether a species should be listed; and

Whereas, despite concerted state and federal efforts, dozens of species across the nation are at increased risk of extinction due to delays in the federal listing process, inadequate funding for states, stalled efforts to designate habitats necessary for the recovery of species and inadequate enforcement; now, therefore, be it

Resolved: That, We, your Memorialists, take this occasion to urge the Congress of the United States to reauthorize the federal Endangered Species Act with provisions to streamline the bureaucratic process for listing threatened and endangered species, to improve critical habitat designation and enhance recovery planning efforts, to ensure adequate funding for vital conservation activities at all levels, to strengthen enforcement provisions and to broaden the scope of the Act to prevent further degradation of biodiversity; and be it further

Resolved: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William Clinton, 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 9, 1993

Sent up for Concurrence

JOSEPH W. MAYO

Clerk

In Senate Chamber

Read and Adopted

March 10, 1993

In Concurrence

JOY J. O'BRIEN

Secretary

H.P. 624

State of Maine

In the Year of Our Lord Nineteen Hundred and Ninety-Three

JOINT RESOLUTION COMMEMORATING YOM HASHOAH, THE DAYS OF REMEMBRANCE OF THOSE WHO SUFFERED AS VICTIMS OF THE HOLOCAUST

Whereas, 51 years ago, 6,000,000 Jews were murdered in the Nazi Holocaust as part of a systematic program of genocide and millions of other people suffered as victims of Nazism; and

Whereas, April 19th is the 50th anniversary of the Warsaw Ghetto uprising; and

Whereas, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors are never repeated; and

Whereas, the people of the State of Maine should always remember those who liberated the Nazi concentration camps, some at the cost of their lives and others with lifelong emotional suffering, as holding an honored place in our history; and

Whereas, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people, remain eternally vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish; and

Whereas, April 18, 1993 has been designated internationally as a Day of Remembrance of the Victims of the Nazi Holocaust, known as Yom Hashoah; and

Whereas, the national community pursuant to an Act of Congress will be commemorating the week of April 18th to April 25th as the Days of Remembrance of the Victims of the Nazi Holocaust; and

Whereas, it is appropriate for the people of the State of Maine to join in this international commemoration; now, therefore, be it

Resolved: That We, the Members of the One Hundred and Sixteenth Legislature, now assembled in the First Regular Session, on behalf of the people we represent, pause in solemn memory of the victims of the Nazi Holocaust, and urge one and all to recommit themselves to the lessons of the Nazi Holocaust through this international week of commemoration and express our common desire to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

Resolved: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the United States Holocaust Memorial Council in Washington, D.C., on behalf of the people of the State of Maine.

House of Representatives
Read and Adopted
March 10, 1993
Sent up for Concurrence

JOSEPH W. MAYO
Clerk

In Senate Chamber
Read and Adopted
March 15, 1993
In Concurrence

JOY J. O'BRIEN
Secretary

State of Maine

In the Year of Our Lord Nineteen Hundred and Ninety-Three

JOINT RESOLUTION RECOGNIZING THE 50th ANNIVERSARY OF THE MAINE STATE EMPLOYEES ASSOCIATION

Whereas, the Maine State Employees Association began when 200 employees of the State of Maine gathered in the House of Representatives on March 18, 1943 to establish a labor organization that would represent their interests before the Legislature; and

Whereas, throughout its history, the Maine State Employees Association has been a strong advocate on behalf of state workers and other public employees; and

Whereas, the Maine State Employees Association was a pioneer in gaining collective bargaining rights for workers in the executive and judicial branches of State Government; and

Whereas, the citizens of the State benefit daily from the hard work and conscientious service of Maine State Employee Association members; and

Whereas, March 18, 1993 marks the 50th anniversary of the founding of the Maine State Employees Association; now, therefore, be it

Resolved: That We, the Members of the One Hundred and Sixteenth Legislature now assembled in the First Regular Session, take this occasion to recognize the Maine State Employees Association, a member of the Service Employees International Union and the AFL-CIO, on its 50th anniversary and commend the union for its dedicated representation of public employees; and be it further

Resolved: That when the Legislature adjourns for the day, it does so in honor of the Maine State Employees Association, a member of the Service Employees International Union and the AFL-CIO; and be it further

Resolved: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President and Executive Director of the Maine State Employees Association.

House of Representatives
Read and Adopted
March 22, 1993
Sent up for Concurrence

JOSEPH W. MAYO
Clerk

In Senate Chamber
Read and Adopted
March 23, 1993
In Concurrence

JOY J. O'BRIEN
Secretary

State of Maine

In the Year of Our Lord Nineteen Hundred and Ninety-Three

JOINT RESOLUTION HONORING THE UNIVERSITY OF MAINE BLACK BEARS HOCKEY TEAM

Whereas, the University of Maine's hockey team has capped a record-breaking season by winning the National Collegiate Athletic Association Division 1 championship and bringing home to Maine the first Division 1 team championship of any kind; and

Whereas, in a 42-1-2 season filled with glorious moments, the Black Bears saved the best for last, combining their renowned speed and depth, their discipline and their creativity with an extraordinary demonstration of teamwork and perseverance; and

Whereas, many members of this team achieved significant individual milestones during the championship series, but never lost sight of their shared dream; and

Whereas, along the way to their championship, this team of young men comprised of Reg Cardinal, Barry Clukey, Mike Dunham, Eric Fenton, Chris Ferraro, Peter Ferraro, Tony Frenette, Craig Gwinn, Greg Hirsch, Chris Imes, Cal Ingraham, Paul Kariya, Dave LaCouture, Mike Latendresse, Dave MacIsaac, Brad Mahoney, Blair Marsh, Matt Martin, Martin Mercier, Jim Montgomery, Dan Murphy, Brad Purdie, Jack Rodrigue, Kent Salfi, Mike Santonelli, Lee Saunders, Andy Silverman, Garth Snow, Pat Tardif, Chuck Texiera, Jaime Thompson, Justin Tomberlin and Jason Weinrich, head coach Shawn Walsh and coaches Red Gendron, Bruce Major and Grant Standbrook showed not only their prowess in competition, but as ambassadors for the State of Maine, capturing the imagination and support of their host state as well as their home state and country; and

Whereas, they have demonstrated not only their athletic skills, but the heart, soul and imagination that sets apart the best of champions; now, therefore, be it

Resolved: That We, the Members of the 116th Legislature of the State of Maine, now assembled in the First Regular Session, take this occasion to recognize and celebrate the outstanding victory and achievement of the Maine Black Bears, and to welcome this "team of destiny" home to the State whose honor they have brightened, and to extend our heartiest congratulations; and be it further

Resolved: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to each member of the team and the coaching staff and to the President of the University of Maine at Orono.

House of Representatives
Read and Adopted
April 12, 1993
Sent up for Concurrence

JOSEPH W. MAYO
Clerk

In Senate Chamber
Read and Adopted
April 12, 1993
In Concurrence

JOY J. O'BRIEN
Secretary

State of Maine

In the Year of Our Lord Nineteen Hundred and Ninety-Three

JOINT RESOLUTION COMMEMORATING BATH AS ONE OF THE BEST SMALL TOWNS IN AMERICA

Whereas, Bath is a charming and historic small town located in the scenic county of Sagadahoc;
and

Whereas, Bath has had a colorful and interesting history. Settled in 1664, Bath is believed to have received its name in honor of Bath in Somersetshire, England. It has the distinction of being the first town to be incorporated in the District of Maine under the new Massachusetts Constitution of 1780. For more than two centuries, shipbuilding has been an integral facet of the life of the community. In 1743, the first large vessel, a schooner, was built in Bath by Jonathan Philbrick and his sons. The industrious and talented citizens of Bath have continued the shipbuilding tradition to the present day and now Bath enjoys worldwide recognition as a major shipbuilding center; and

Whereas, Bath is an ideal example of America's distinctive "small town," one of the enduring bedrock institutions of this country. A small town is considered by many to be the best environment to live, work, play and actively participate in the democratic process; and

Whereas, Norman Crampton, in his nationwide guide entitled "The 100 Best Small Towns in America," identified Bath and gave it a rank of 32nd in the country. This remarkable tribute to Bath is given for several reasons. There is a strong and growing economic base, in particular, Bath Iron Works and the tourist industry; a wide variety of educational opportunities; proximity to beautiful scenic areas, including a number of State parks; access to nearby urban areas; access to high-quality health care; a high per-capita income; extensive local recreation activities; and a low crime rate; and

Whereas, these attributes and the significant cultural contributions Bath makes in several capacities, including the Maine Maritime Museum and the Center for Performing Arts at the Chocolate Church, contribute to make Bath an ideal place to live; now, therefore, be it

Resolved: That We, the Members of the One Hundred and Sixteenth Legislature, now assembled in the First Regular Session, take this special opportunity to recognize the City of Bath and congratulate the inhabitants of the City of Bath for receiving this remarkable commendation and extend to each our sincere hopes and best wishes for continued achievement as one of the best small towns in America; and be it further

Resolved: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the citizens and municipal officers of this proud city in honor of the occasion.

House of Representatives
Read and Adopted
May 4, 1993
Sent up for Concurrence

JOSEPH W. MAYO
Clerk

In Senate Chamber
Read and Adopted
May 6, 1993
In Concurrence

JOY J. O'BRIEN
Secretary

State of Maine

In the Year of Our Lord Nineteen Hundred and Ninety-Three

JOINT RESOLUTION RECOGNIZING JOSHUA L. CHAMBERLAIN AND THE 20th MAINE VOLUNTEER REGIMENT ON THE OCCASION OF THE 130th ANNIVERSARY OF THE BATTLE OF GETTYSBURG

Whereas, the State of Maine contributed 73,000 soldiers and sailors to the defense of the Union during the Civil War; and

Whereas, July 1st to July 3rd is the 130th anniversary of the pivotal engagement of that horrible conflict, the Battle of Gettysburg; and

Whereas, on July 2nd, the 2nd day of that battle, the 20th Maine Volunteer Regiment under the command of Colonel Joshua L. Chamberlain held its position on the extreme left of the Army of the Potomac on a rocky hill called Little Round Top with great heroism, sacrifice and resourcefulness against repeated Confederate assault, thereby preventing an enemy flanking of the Union line and contributing greatly to the eventual Union victory at Gettysburg; and

Whereas, the courage and achievement of the 20th Maine Volunteer Regiment is one shining example of the contributions of Maine regiments at Gettysburg and at other battles of the Civil War, citizen soldiers from farms and villages across Maine whose names are now largely forgotten but whose deeds will live forever in the annals of the free nation they fought to preserve; and

Whereas, Colonel Joshua L. Chamberlain, born in Brewer, Maine in 1828; scholar at Bowdoin College; soldier, wounded 6 times, cited 4 times for heroism and awarded the Congressional Medal of Honor for his actions at Little Round Top; promoted to Brigadier General in the field at Petersburg by General Ulysses S. Grant and promoted to Major General after Five Forks; Union officer who received the surrender of the defeated Army of Northern Virginia at Appomattox and led the last Grand Review in Washington, D.C.; Governor of Maine, who was elected 4 times by unprecedented popular margins and who served with vision, independence and character; who advocated academic innovation as President of Bowdoin College; Major General of the State Militia who defended the public peace without use of force during the 1880 state electoral crisis known as The 12 Days; speaker on Maine: Her Place in History at the 1876 Philadelphia Centennial Exposition; representative of Maine and the United States at national and international expositions; commissioner to the 1878 Universal Exposition in Paris; and author of the memoir The Passing of the Armies, published after his death in 1914, was during his 85 years a man of courage as he had been on the bloody slopes of Little Round Top; and

Whereas, Joshua L. Chamberlain and the 20th Maine Volunteer Regiment contributed significantly to their State and their nation; now, therefore, be it

Resolved: That We, the members of the One Hundred and Sixteenth Legislature now assembled in the First Regular Session, salute the memory of Joshua L. Chamberlain and the 20th Maine Volunteer Regiment on the 130th anniversary of the Battle of Gettysburg; and be it further

Resolved: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to schools and libraries throughout the State of Maine.

House of Representatives
Read and Adopted
July 1, 1993
Sent up for Concurrence

JOSEPH W. MAYO
Clerk

In Senate Chamber
Read and Adopted
July 1, 1993
In Concurrence

JOY J. O'BRIEN
Secretary

H.P. 625