

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

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SECOND REGULAR SESSION
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J.S. McCarthy Company
Augusta, Maine
2000

SELECTED MEMORIALS AND JOINT RESOLUTIONS

**JOINT RESOLUTION
MEMORIALIZING THE PRESIDENT
OF THE UNITED STATES, THE
SECRETARY OF THE INTERIOR
BRUCE BABBITT, THE SECRETARY
OF COMMERCE WILLIAM DALEY
AND THE CONGRESS OF THE
UNITED STATES TO RECONSIDER
THE METHOD TO PROTECT AND
RESTORE THE ATLANTIC SALMON**

H.P. 1794

WE, your Memorialists, the Members of the One Hundred and Nineteenth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the President of the United States, the Secretary of the Interior Bruce Babbitt, the Secretary of Commerce William Daley and the Congress of the United States as follows:

WHEREAS, the Federal Government, through the United States Fish and Wildlife Service and the National Marine Fisheries Service, has proposed to list the Atlantic salmon in 8 Maine rivers under the federal Endangered Species Act and has indicated a potential to include additional Maine rivers to the detriment of the agriculture, manufacturing, forest products and aquaculture industries of Maine on the basis of limited scientific evidence; and

WHEREAS, Maine is strongly committed to the restoration of the Atlantic salmon to its waters, as demonstrated through the development of a comprehensive and cooperative Salmon Conservation Plan, which was produced over the course of 3 years with input from federal officials, relevant state departments, local conservation groups, affected businesses, farmers and riverside residents; and

WHEREAS, since the area covered by these 8 rivers and other rivers that may be included in the listing in the future contains 1/3 of the human population of Maine and virtually all of the aquaculture industry, all of Maine will feel the impact of the naming of the Atlantic salmon to the Endangered Species List; and

WHEREAS, adding the Atlantic salmon to the Endangered Species List in order to help the return of the Atlantic salmon in significant numbers to Maine's waters compromises a promising partnership between Maine and the Federal Government, which has had a history of good faith; and

WHEREAS, there exist many significant threats to the Atlantic salmon that lie beyond the influence of

Maine that also affect the prospects of long-term Atlantic salmon restoration to the rivers of Maine; and

WHEREAS, Maine is strongly committed to the restoration of the Atlantic salmon to its waters, has committed millions of dollars to its plan to produce this result and feels that the naming of the Atlantic salmon to the Endangered Species List is premature; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the President of the United States, the Secretary of the Interior Bruce Babbitt, the Secretary of Commerce William Daley and the Congress of the United States reconsider the intent to include the Atlantic salmon on the Endangered Species List as it would benefit neither the Atlantic salmon nor the people of Maine and allow Maine to continue to execute its own comprehensive plan to restore the Atlantic salmon to its waters; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States, to the President of the United States Senate, to the Speaker of the House of Representatives of the United States, to the Secretary of the Interior Bruce Babbitt, to the Secretary of Commerce William Daley and to each Member of the Maine Congressional Delegation.

**Read and adopted by the Senate January 24,
2000 and the House of Representatives
January 24, 2000**

**JOINT RESOLUTION EXPRESSING
SUPPORT FOR A NEW ENGLAND
COALITION ON PRESCRIPTION
DRUG PRICES**

H.P. 1812

WHEREAS, prescription drugs provide essential treatment to all our citizens and are the most rapidly growing component of health care in the New England region and in the country; and

WHEREAS, retail expenditures on prescription drugs in most New England states have approximately doubled over the past 6 years, and national pharmaceutical expenditures during that time have grown at a rate approaching 15% each year, while inflation has ranged below 3% a year; and

WHEREAS, the pricing of most prescription drugs marketed and developed in the United States is

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clearly excessive, especially for those drugs still under patent protection and therefore not subject to government regulation as a monopoly or to price competition in an open market, allowing the pharmaceutical manufacturers to be among the most profitable industries in the world; and

WHEREAS, the response of the Federal Government has been to enact legislation only to ensure that federal programs, such as the Veterans Administration and Medicaid, enjoy lower prices for prescription drugs while continuing constitutional barriers to states that may similarly wish to protect their citizens and upholding federal policies that have exacerbated the excessive prescription drug prices imposed on most citizens of the states; and

WHEREAS, in the United States, in the absence of any form of national regulation of prices of patented drugs, pharmaceutical manufacturers can and do charge ordinary Americans monopoly-like prices that exceed those charged in any other country in the world; and

WHEREAS, on average, in the United States prescription drugs are priced 34% higher than the same products sold in Canada, and a congressional study of the 10 prescription drugs most purchased by senior citizens in the United States found that such drugs cost on average 80% more than the same drugs in Canada; and

WHEREAS, United States citizens pay the highest prices in the world for prescription drugs, and such excessive prescription drug prices are particularly harmful to the people of this State who can least afford them, the uninsured and senior citizens, working families and families confronting serious illnesses like cancer and AIDS and chronic health problems; and

WHEREAS, lowering the prices of prescription drugs and providing more affordable access to needed prescriptions will lower overall health care costs by helping to avoid the necessity of hospital and emergency care, surgery and other expensive medical treatments; and

WHEREAS, the Commission to Study Bulk Purchasing of Prescription Drugs and Medical Supplies, an interim study commission of the 119th Legislature, recommended that the State investigate the possibility of joining with other states in the region to lower prescription drug costs to consumers; now, therefore, be it

RESOLVED: That, We, the Members of the One Hundred and Nineteenth Legislature, now assembled in the Second Regular Session, in order to address this problem of excessive drug prices, seek and demand fair prescription drug prices for all our citizens; and be it further

RESOLVED: That, although the most effective solutions are national and the responsibility of Congress, we recognize we must seek to build a multi-state or regional coalition of New England states and beyond, perhaps including the neighboring Canadian province of Quebec and the Maritimes; and be it further

RESOLVED: That, as a coalition, we must explore strategies to lower prescription drug costs in the near term and target the excessive pricing by manufacturers of prescription drugs, which is the underlying cause of high prescription drug costs. These strategies include:

1. Coordinating the passage and adoption of model state legislation to reduce prescription drug prices and guarantee to our citizens access to prescription drugs at lower prices;
2. Working with other states in the New England region and elsewhere to establish joint prescription drug pricing and purchasing agreements;
3. Developing multi-state proposals, agreements or compacts for price regulation of prescription drugs for all citizens;
4. Coordinating with other states to exercise the states' economic power in a way that causes drug companies to set lower prices; and
5. Working with other states to coordinate education of health professionals on the subject of cost-effective prescribing of drugs; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Speaker of the House and the President of the Senate, or their equivalents, of each of the other New England states.

**Read and adopted by the Senate February 8,
2000 and the House of Representatives
February 8, 2000**

**JOINT RESOLUTION
MEMORIALIZING THE SECRETARY
OF DEFENSE AND THE SECRETARY
OF THE NAVY TO SUPPORT THE
CUTLER NAVAL STATION AS A
CRITICAL PART OF OUR NATION'S
DEFENSE**

H.P. 1826

WE, your Memorialists, the Members of the One Hundred and Nineteenth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the United

States Secretary of Defense and the United States Secretary of the Navy as follows:

WHEREAS, the Naval Computer and Telecommunications Station located in the Town of Cutler, referred to in this Joint Resolution as the "NCTS," is vital to our national defense as the NCTS handles all Very Low Frequency and High Frequency shore-to-ship, submarine and airplane communications in the North Atlantic theater; and

WHEREAS, the NCTS employs only 224 people but this mix of naval and civilian personnel maintains a 99.999% naval efficiency rating; and

WHEREAS, because of the lean and efficient operation of the NCTS, the United States Navy will not realize any significant savings by downsizing the staff or privatizing the NCTS operations; and

WHEREAS, because of the vital role the NCTS plays in our nation's defense and the high efficiency of the present staff, any downsizing of the staff or privatizing of the NCTS operations threatens the ability of the NCTS to perform its functions to present standards and endangers our national security; and

WHEREAS, the NCTS maintains a solid presence in the Town of Cutler and the surrounding area and a reduction of staff will adversely affect not only the local economy but also the fabric of the local community through the closing of churches and schools; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the Secretary of Defense and the Secretary of the Navy support current operations at the Naval Computer and Telecommunications Center in the Town of Cutler as a critical part of our nation's defense; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the Honorable William S. Cohen, United States Secretary of Defense, the Honorable Richard Danzig, United States Secretary of the Navy and to each Member of the Maine Congressional Delegation.

**Read and adopted by the Senate February 15,
2000 and the House of Representatives
February 15, 2000**

**JOINT RESOLUTION HONORING
THE HONORABLE GEORGE J.
MITCHELL**

JCR1

WHEREAS, George J. Mitchell, who was born in Waterville, Maine, attended Bowdoin College and received his law degree from Georgetown University Law Center, is one of the most respected and renowned Maine citizens of our time; and

WHEREAS, George J. Mitchell started his professional career as a trial attorney in the antitrust division of the United States Justice Department in 1960, joined the Congressional staff of Senator Edmund Muskie in 1962, entered private practice with the Portland law firm of Jensen, Baird, Gardner and Henry in 1965 and was appointed Assistant Cumberland County Attorney in 1970, United States Attorney by President Jimmy Carter in 1977 and United States District Judge by President Carter in 1979; and

WHEREAS, Senator Mitchell served in the United States Senate from 1980 to 1995, being reelected with overwhelming majorities and serving as Senate Majority Leader from 1988 to 1995 with great distinction and responsibility; and

WHEREAS, Senator Mitchell achieved a notable legislative record, particularly in the areas of the environment and health care, sponsoring the Clean Water Act of 1987 and the Clean Air Act of 1990, and served with distinction on the Iran-Contra committee; and

WHEREAS, Senator Mitchell was held in the highest esteem by his Senate colleagues and congressional staff, who repeatedly voted him Most Respected Senator and Most Effective Legislative Leader; and

WHEREAS, upon leaving the Senate in 1995, Senator Mitchell was prevailed upon by President Clinton to be Special Advisor to Northern Ireland, where his special talents in mediation helped him play a key role in the years-long process of attempting to bring peace to a land riven with conflict and where he earned the gratitude of the Irish people; and

WHEREAS, George J. Mitchell has demonstrated a lifelong support for education and through his personal efforts helps many Maine students each year attend college through the Senator George J. Mitchell Scholarship Research Institute; and

WHEREAS, George J. Mitchell has been praised for his talents and honored for his accomplishments all over the world, including an honorary knighthood bestowed by Queen Elizabeth II of England and the Presidential Medal of Freedom presented by President Clinton; now, therefore, be it

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RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature, now assembled in the Second Regular Session on behalf of the people we represent, take this opportunity to honor and applaud one of Maine's most famous native sons and to extend our heartfelt congratulations in recognition of a most distinguished career devoted to the service of the people of Maine, the people of this nation and the people of the world; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George J. Mitchell on behalf of the people of Maine as a token of their esteem and affection.

**Read and adopted in convention
March 28, 2000**

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

H.P. 1890

WHEREAS, from 1933 to 1945, 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, 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, May 2, 2000 has been designated internationally as a Day of Remembrance of the Victims of the Nazi Holocaust, and is known as Yom HaShoah; and

WHEREAS, the national community pursuant to an Act of Congress will be commemorating the week of April 30th to May 7th 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 Nineteenth Legislature, now assembled in the Second Regular Session, on behalf of the people we represent, pause in solemn memory of the victims of the Nazi Holocaust, 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.

**Read and adopted by the Senate March 15,
2000 and the House of Representatives
March 15, 2000**

**JOINT RESOLUTION
MEMORIALIZING LOCAL
WORKFORCE INVESTMENT
BOARDS TO REPORT THEIR
ACTIVITIES TO THE LEGISLATURE**

S.P. 1068

WE, your Memorialists, the Members of the One Hundred and Nineteenth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the local workforce investment boards created under the federal Workplace Investment Act of 1998, as follows:

WHEREAS, the federal Workforce Investment Act of 1998, or the "Act," comprehensively reforms and restructures federal job training programs; and

WHEREAS, the Act assigns significant authority and responsibility to local workforce investment boards, or "local boards," to set policy for the workforce investment system in their local areas; and

WHEREAS, the duties of the local boards include developing a local strategic workforce investment plan, identifying and certifying providers of training services, developing budgets and employing staff, conducting oversight, establishing local performance measures and coordinating with economic development activities; and

WHEREAS, the local boards are selected by local officials and are composed of representatives of

business, local educational entities, labor, community-based organizations, economic development agencies and many federally authorized training programs but do not include representatives of the Legislature; and

WHEREAS, these local boards are not required by federal law to report directly to the Legislature; and

WHEREAS, the Legislature has an interest in ensuring that funds are spent as efficiently and effectively as possible to train Maine citizens for the workforce and that job training programs in the State are coordinated and complementary; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the local workforce investment boards report their activities to the First Regular Session of the 120th Legislature not later than January 1, 2001 and that such boards continue to annually inform the Legislature of their efforts; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Commissioner of the Department of Labor for distribution to the local workforce investment boards.

**Read and adopted by the Senate March 30,
2000 and the House of Representatives
March 31, 2000**

**JOINT RESOLUTION DECLARING
2000 THE YEAR OF THE NATIVE
AMERICAN WOMAN**

S.P. 1086

WHEREAS, Maine's Wabanaki peoples have proclaimed 2000 as the Year of the Native American Woman; and

WHEREAS, we recognize the strength of the Native American Woman and we acknowledge that the Native American Woman is the cohesive force that is the foundation of her family relationships and community alliances; and

WHEREAS, the Native American Woman is the giver of life and her mental, physical, emotional and spiritual well-being determines the direction of the next 7 generations; and

WHEREAS, the Members of the One Hundred and Nineteenth Legislature enacted Public Law 613, "An Act Concerning Offensive Names," and sent their best wishes to Maine's Native American women; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature, now assembled in the Second Regular Session, join Maine's Wabanaki peoples in declaring 2000 the Year of the Native American Woman; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to each of Maine's Tribal Communities.

**Read and adopted by the Senate April 14, 2000
and the House of Representatives April 14, 2000**
