

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST SPECIAL SESSION**  
**August 21, 2003 to August 22, 2003**

**The General Effective Date For**  
**First Special Session**  
**Non-Emergency Laws Is**  
**November 22, 2003**

**SECOND REGULAR SESSION**  
**January 7, 2004 to January 30, 2004**

**The General Effective Date For**  
**Second Regular Session**  
**Non-Emergency Laws Is**  
**April 30, 2004**

**SECOND SPECIAL SESSION**  
**February 3, 2004 to April 30, 2004**

**The General Effective Date For**  
**Second Special Session**  
**Non-Emergency Laws Is**  
**July 30, 2004**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2004**

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## SELECTED MEMORIALS AND JOINT RESOLUTIONS

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### JOINT RESOLUTION COMMEMORATING THE HOLOCAUST HUMAN RIGHTS CENTER OF MAINE'S LEGISLATIVE AWARENESS DAY AND YOM HASHOAH, THE DAY OF REMEMBRANCE OF THOSE WHO SUFFERED AS VICTIMS OF THE HOLOCAUST

#### H.P. 1423

**WHEREAS**, from 1933 to 1945, 6,000,000 Jews were murdered in the 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**, March 11, 2004 has been designated as the Holocaust Human Rights Center of Maine's Legislative Awareness Day; and

**WHEREAS**, April 18, 2004 has been designated internationally as a Day of Remembrance of the Victims of the 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 18th to April 25th as the Days of Remembrance of the Victims of the Holocaust, with the theme of "For Justice and Humanity"; and

**WHEREAS**, it is appropriate for the people of the State of Maine to join in the national and international commemorations; now, therefore, be it

**RESOLVED:** That, We, the Members of the One Hundred and Twenty-first Legislature now assembled in the Second Special Session, on behalf of the people we represent, pause in solemn memory of

the victims of the Holocaust, urge one and all to recommit themselves to the lessons of the Holocaust through the Holocaust Human Rights Center of Maine's Legislative Awareness Day and the national 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., and the Holocaust Human Rights Center of Maine, on behalf of the people of the State of Maine.

**Read and adopted by the House of  
Representatives March 11, 2004 and the Senate  
March 11, 2004.**

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### JOINT RESOLUTION ENDORSING OPERATION COMMUNITY SUPPORT

#### H.P. 1424

**WHEREAS**, the President of the United States has activated and deployed thousands of men and women from throughout the nation to assignments and missions related to the ongoing global war on terror and in support of Operation Iraqi Freedom; and

**WHEREAS**, the State of Maine now ranks 2nd highest in the nation in percentage of National Guard personnel deployed in Iraq; and

**WHEREAS**, citizens throughout the State support and appreciate the brave men and women serving in the United States military and wish them well in their dangerous missions and a safe return to their families and friends; and

**WHEREAS**, we gratefully acknowledge that we live in freedom today because of the many sacrifices that have been made by the valiant servicemen and servicewomen in the Armed Forces and their families; and

**WHEREAS**, a statewide movement, Operation Community Support, has been established with the mission of easing burdens of the families of our citizen soldiers serving overseas with community resources from those wishing to express their support to the families by extending complimentary admissions to selected community cultural and sporting events,

SELECTED MEMORIALS AND JOINT RESOLUTIONS

museums, camps, schools and other events and programs; now, therefore, be it

**RESOLVED:** That We, the Members of the Senate and House of Representatives of the 121st Legislature now assembled in the Second Special Session, urge communities throughout the State to become a "Battle Buddy" and join Operation Community Support; and be it further

**RESOLVED:** That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Department of Defense, Veterans and Emergency Management to be given to military family assistance programs throughout the State.

**Read and adopted by the House of Representatives March 11, 2004 and the Senate March 11, 2004.**

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**JOINT RESOLUTION  
MEMORIALIZING THE PRESIDENT  
OF THE UNITED STATES AND THE  
CONGRESS OF THE UNITED  
STATES TO ENSURE THE  
PROTECTION OF CIVIL LIBERTIES  
AND THE SECURITY OF THE  
UNITED STATES**

**H.P. 1433**

**WE**, your Memorialists, the Members of the One Hundred and Twenty-first Legislature of the State of Maine now assembled in the Second Special Session, most respectfully present and petition the President of the United States and the United States Congress, as follows:

**WHEREAS**, the State of Maine recognizes that the Constitution of the United States is our charter of liberty and that the Bill of Rights enshrines the fundamental and inalienable rights of Americans, including the freedoms of religion, speech, assembly and privacy; and

**WHEREAS**, each of Maine's duly elected public servants has sworn to defend and uphold the Constitution of the United States and the Constitution of Maine; and

**WHEREAS**, the State of Maine denounces and condemns all acts of terrorism, wherever occurring; and

**WHEREAS**, attacks against Americans such as those that occurred on September 11, 2001 have necessitated the crafting of effective laws to protect the public from terrorist attacks; and

**WHEREAS**, any new security measures of federal, state and local governments should be carefully designed and employed to enhance public safety without infringing on the civil liberties and rights of any citizen of the State of Maine and the nation; and

**WHEREAS**, matters relating to immigration are primarily federal in nature; and

**WHEREAS**, certain provisions of the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001," commonly referred to as the USA PATRIOT Act, allow the Federal Government more liberally to detain and investigate citizens and engage in surveillance activities that may violate or offend the rights and liberties guaranteed by our state and federal constitutions; now, therefore, be it

**RESOLVED:** That We, your Memorialists, on behalf of the people we represent, take this opportunity to inform the President of the United States and the United States Congress that the Maine State Legislature supports the government of the United States of America in its campaign against terrorism and affirms its commitment that the campaign not be waged at the expense of essential civil rights and liberties of citizens of this country contained in the Constitution of United States and the Bill of Rights; and be it further

**RESOLVED:** That We, the Members of the Maine State Legislature reaffirm our sworn oaths to defend the Constitution of the United States and the Constitution of Maine and our solemn commitment to continue to protect and champion the rights and liberties of Maine citizens that are guaranteed under the state and federal constitutions, including freedom of expression; the right to free access to public information; freedom of association, including the ability to attend meetings without being monitored or belong to an organization without fear of reprisal; freedom from unreasonable searches and seizures, including wiretapping and monitoring of medical records and library records; due process protections, including protection against detention without charges or targeting based on race, religion, ethnicity or national origin; and the right to property, including protection against seizure or freezing of assets; and be it further

**RESOLVED:** That the Maine State Legislature urges the Federal Government to continue to exercise its jurisdiction over immigration matters and encourages the Federal Government to work cooperatively with the states to provide assistance and training necessary to protect our country; and be it further

**RESOLVED:** That laws passed by the United States Congress to specifically combat the threat of

international terrorism should not be used in conducting domestic law enforcement; and be it further

**RESOLVED:** That the Maine State Legislature implores the United States Congress to review provisions in the USA PATRIOT Act and other measures that may infringe on civil liberties and ensure any pending and future federal measures do not infringe on Americans' civil rights and liberties; and be it further

**RESOLVED:** That the Legislature calls upon our United States Representatives and Senators to monitor the implementation of the USA PATRIOT Act and related federal actions and, if necessary, repeal those sections of the USA PATRIOT Act and related federal measures that may infringe upon fundamental rights and liberties as recognized in the United States Constitution and its amendments; and be it further

**RESOLVED:** That official copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States; the Honorable John Ashcroft, Attorney General of the United States; the Honorable John E. Baldacci, Governor of the State of Maine; Richard Cheney, President of the United States Senate; Dennis Hastert, Speaker of the United States House of Representatives; and each member of the Maine Congressional Delegation.

**Read and adopted by the House of  
Representatives March 19, 2004 and the Senate  
March 23, 2004.**

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