

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

SECOND REGULAR SESSION
January 2, 2008 to March 31, 2008

FIRST SPECIAL SESSION
April 1, 2008 to April 18, 2008

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 2008

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 18, 2008

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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2008

SELECTED MEMORIALS AND JOINT RESOLUTIONS

**JOINT RESOLUTION MEMORIALIZING
THE MEMBERS OF THE UNITED STATES
CONGRESS TO ACT IN THE BEST
INTERESTS OF MAINE CITIZENS
CONCERNING MEDICAID CHANGES**

S.P. 845

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

WHEREAS, the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services has released a set of changes to Medicaid service reimbursements that would eliminate or reduce federal reimbursements for certain targeted case management, rehabilitation, hospital outpatient, administrative and transportation services and prohibit the opportunity for private services to earn federal matching funds; and

WHEREAS, the reductions in reimbursements will be catastrophic for our social safety net, for the mentally ill, for those who are aged and for children with special education needs; and

WHEREAS, the State and the Nation are facing challenging economic times and making difficult budgeting decisions due to a struggling economy; and

WHEREAS, the changes serve as an immediate \$45 million cut in funds to the State to provide services at a time when Maine is already facing at least a \$95 million shortfall in the state budget, and Maine property taxpayers will have to shoulder the burden of increased local costs to provide the services that will no longer be paid for by the Federal Government; and

WHEREAS, the Medicaid changes were issued with an extremely short timeline for states and local communities to adjust to the lost revenue and determine how to deliver the federally mandated services through their own budgets; and

WHEREAS, the changes will have a crippling effect of more than \$140 million to the very necessary health care service industry, which employs thousands of people in the State and provides crucial services to Medicaid recipients; and

WHEREAS, the cuts will have a severely negative economic impact on our local communities, our State and our Nation at a time when President George W. Bush is talking about the need for economic stimulus to keep our country out of a recession; and

WHEREAS, the policy decisions that were made to institute these changes seem to be short-sighted and will have a negative impact on the health, safety and economic potential of not only the State of Maine, but of the Nation; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the elected members of the United States House of Representatives and Senate defend the vulnerable citizens, children, seniors, service providers and taxpayers of Maine and the United States by working to withdraw these harmful changes before they go into effect; 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 Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

**Read and adopted by the Senate February 6, 2008
and the House of Representatives
February 7, 2008.**

**JOINT RESOLUTION COMMEMORATING
THE HOLOCAUST AND 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. 1617

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 of whom lost their lives and others of whom have experienced 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

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WHEREAS, March 12, 2008 has been designated as the Holocaust and Human Rights Center of Maine's Legislative Awareness Day; and

WHEREAS, each year there is a day designated internationally as a Day of Remembrance of the Victims of the Holocaust that is known as Yom HaShoah; and

WHEREAS, the national community, pursuant to an Act of Congress, will be commemorating the week of April 27 to May 4, 2008 as the Days of Remembrance of the Victims of the Holocaust, with "Do Not Stand Silent: Remembering Kristallnacht 1938" as the focus for the 2008 observance; 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 Twenty-third Legislature now assembled in the Second Regular 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 and Human Rights Center of Maine's Legislative Awareness Day and the 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 Holocaust and Human Rights Center of Maine and 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 House of Representatives March 12, 2008 and the Senate March 13, 2008.

**JOINT RESOLUTION IN HONOR OF THE
MAINE FARMER AND MAINE
AGRICULTURE**

H.P. 1622

WHEREAS, recent statistics show that Maine's 7,100 farms, the bulk of which are small, family-owned operations, provide full-time and part-time employment to more than 65,000 workers, approximately 10% of the State's workforce; and

WHEREAS, Maine's agricultural enterprises provide more than \$600,000,000 through the sale of farm products and contribute more than \$2,000,000,000 annually to the State's economy; and

WHEREAS, Maine farmers are the stewards of 1,360,000 acres of land, a vital resource in maintaining the food security of Maine people, and an

overwhelming majority of Maine people believe that buying local Maine agricultural products helps the State; and

WHEREAS, Maine is first in New England in the production of food, first in New England in the value of aquaculture sales, first in the world in the production of wild blueberries, the world leader in the production of brown eggs, second in the Nation in the production of maple syrup, eighth in the Nation in the production of fall potatoes, second in New England in milk and livestock production and the only state anywhere involved in the production of fiddleheads; and

WHEREAS, agriculture shaped Maine's past, maintains much of Maine's scenic open space, provides recreational opportunities, makes a significant contribution to the nature and character of Maine's many rural communities and provides for a strong future; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature now assembled in the Second Regular Session, pause in our deliberations to honor Maine farmers and innovators who have contributed so much to the betterment of our State, to pledge our support and encouragement and to urge the youth of Maine to pursue the growing opportunities for careers in today's technologically advanced agriculture industry; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Commissioner of Agriculture, Food and Rural Resources as a token of the esteem in which those in this vital field are held.

Read and adopted by the House of Representatives March 18, 2008 and the Senate March 18, 2008.

**JOINT RESOLUTION IN SUPPORT OF
THE EXPANSION OF DOWNEASTER
RAIL SERVICE IN MAINE**

S.P. 911

WHEREAS, since its inception in 2001, the Downeaster rail service operated by Northern New England Passenger Rail Authority has proven indispensable to the economy of Maine; the train now makes 5 round trips daily from Boston to Portland and is carrying more than 350,000 passengers per year; and

WHEREAS, communities along the route have enjoyed substantial economic development directly resulting from regular and reliable rail service, and this service offers to Maine citizens and visitors a travel option that is convenient, environmentally clean and safe; and

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WHEREAS, the Downeaster allows commuters to work productively in a pleasant environment while traveling at speeds as high as 79 miles per hour, and rail service allows families to vacation together cheaply, safely and free from the stress and expense of travel by car; and

WHEREAS, the State of Maine's transportation policy encourages movement of freight and passengers by rail to relieve truck impact on roads, to mitigate highway congestion and to provide environmental advantages; and

WHEREAS, improvements to the rail bed, switching systems and other elements of infrastructure related to the Downeaster have enhanced and accelerated freight service for Maine manufacturers, and, since the extension of Downeaster service to Brunswick will provide similar track improvements along that route, additional benefits will accrue to Maine freight rail customers; and

WHEREAS, increases in fuel costs are a challenge to many Maine consumers and to industries, including tourism, Maine's largest industry, and enhancement of rail systems is a proven strategy to meet the challenge of increased energy costs for business commuters, for tourists and for freight forwarders; and

WHEREAS, the Downeaster's privately owned rail line pays property taxes to each municipality through which it passes and yet retains responsibility for purchasing and maintaining its own infrastructure; and

WHEREAS, it is not possible for privately owned passenger rail systems to survive without subsidy when competing with carriers using highway systems built and maintained with tax revenue; and

WHEREAS, the Downeaster passenger service was successfully launched and has since grown with the aid of federal subsidies that will end in 2009; and

WHEREAS, the benefits of passenger rail service into Maine can be greatly enhanced by extending the service north of Portland to Freeport and Brunswick, thus permitting passengers to travel between Boston and Brunswick on a single seat ticket; and

WHEREAS, an extension to Brunswick will permit passengers to connect with an existing line already servicing communities from Bath to Rockland and the extension may later permit adding service to other important locations in Maine, such as from Brunswick through Augusta to Bangor; and

WHEREAS, extensions could also occur from Yarmouth through Auburn to Lewiston, from Yarmouth to Bethel and from Portland to Fryeburg using the line known as the Mountain Division Rail, with a commitment to look at further expansions of

passenger rail as they become feasible and economical; and

WHEREAS, since powerful demographic and market forces are driving the national growth of transit-oriented development, investment in passenger rail service will sustain transit-oriented development in currently served communities and could lay the groundwork for transit-oriented development across midcoast Maine and northward; and

WHEREAS, implementation of the Downeaster's business plan will greatly increase ridership, will bring more commuters and tourists into Maine, will relieve highway congestion, will encourage transit-oriented development along the rail corridor and will improve freight service; and

WHEREAS, while the current Downeaster business plan will require substantial public subsidies, the expansion will significantly increase ridership, which, through economies of scale, will reduce the subsidy per passenger mile and enhance the net public benefit; and

WHEREAS, according to a recent study by the Center for Neighborhood Technology, by 2030 development associated with Portland-Boston Downeaster service will generate \$3,200,000,000 in cumulative construction investment, create more than 8,100 jobs and contribute an additional \$55,000,000 in tax revenues annually to Maine; and

WHEREAS, also by 2030, the additional benefits associated with expanded service to Brunswick, with connections to Rockland, will generate an additional \$1,000,000,000 in construction investment, create an additional 2,400 jobs and add an additional \$16,500,000 in annual state tax revenues; and

WHEREAS, the counties through which the Downeaster line currently passes, and will pass in the future, are the primary benefactors of those developments, and so methods of capturing the increased economic benefits should be explored; and

WHEREAS, the existing Portland-Boston service and the proposed Brunswick link are essential foundations for future extension of freight and passenger rail services northward in Maine; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature now assembled in the First Special Session, on behalf of the people we represent, take this opportunity to express our support of the intent that, upon the conditions specified below, the State will provide its share of operating subsidy for Downeaster rail service of approximately \$8,000,000 per year beginning in fiscal year 2010; and be it further

RESOLVED: That, upon the conditions specified below, the State will provide its share of debt

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service subsidy for a term of 25 years to amortize up to \$31,500,000 in capital investment to expand rail service from Portland to Brunswick; and be it further

RESOLVED: That this intention by the State to fund subsidies and capital improvements is conditioned on an exercise of best efforts by Northern New England Passenger Rail Authority and the Department of Transportation to obtain such further capital and operating support for the Downeaster service as may be available from federal funds, other participating states and private and governmental sources.

**Read and adopted by the Senate April 1, 2008 and
the House of Representatives April 2, 2008.**
