

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2010 to April 12, 2010

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 12, 2010

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

Augusta, Maine
2010

SELECTED MEMORIALS AND JOINT RESOLUTIONS

**JOINT RESOLUTION
MEMORIALIZING THE
PRESIDENT OF THE
UNITED STATES AND THE
UNITED STATES
CONGRESS TO FULFILL
THE INTENT TO FUND 40%
OF THE COSTS OF SPECIAL
EDUCATION AND TO END
UNFUNDED MANDATES**

S.P. 691

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

WHEREAS, the United States Congress has found that all children deserve a high-quality education, including children with disabilities; and

WHEREAS, the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq., provides that the Federal Government and state and local governments are to share in the expense of education for children with disabilities and commits the Federal Government to provide funds to assist with the excess expenses of education for children with disabilities; and

WHEREAS, the United States Congress has committed to contribute up to 40% of the average per-pupil expenditure of educating children with disabilities and the Federal Government has failed to meet this commitment to assist the states; and

WHEREAS, the Federal Government has never contributed more than a fraction of the national average per-pupil expenditure to assist with the excess expenses of educating children with disabilities under the Individuals with Disabilities Education Act; and

WHEREAS, this failure of the Federal Government to meet its commitment to assist with the excess expenses of educating a child with a disability contradicts the goal of ensuring that children with disabilities receive a high-quality education; and

WHEREAS, the imposition of unfunded mandates by the Federal Government on state governments interferes with the separation of powers between the 2 levels of government and the ability of each state to determine the issues and concerns of that state and what resources should be directed to address these issues and concerns; and

WHEREAS, the Federal Government recognized the inequalities of unfunded mandates on state governments when it passed the Unfunded Mandates Reform Act of 1995; and

WHEREAS, since the passage of the Unfunded Mandates Reform Act of 1995, however, the Federal Government continues to impose unfunded mandates on state governments, including in areas such as special education requirements; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the President of the United States and the United States Congress either provide 40% of the national average per-pupil expenditure to assist states and local education agencies with the excess costs of educating children with disabilities or amend the Individuals with Disabilities Education Act to allow the states more flexibility in implementing its mandates; and be it further

RESOLVED: That We, your Memorialists, on behalf of the people we represent, respectfully urge and request that the United States Congress revisit and reconfirm the Unfunded Mandate Reform Act of 1995 and put the intent and purpose of the Act into practice by ending the imposition of unfunded federal mandates on state governments; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, 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 17, 2010
and the House of Representatives
February 18, 2010.**

**JOINT RESOLUTION
HONORING THOSE MAINE
FISHERMEN LOST AT SEA**

H.P. 1325

WHEREAS, every day, men and women along Maine's coast leave safe harbors to go and fish for the diverse array of species with which the Gulf of Maine has been blessed; and

WHEREAS, lobstermen, ground fishermen, shrimpers, scallopers, sea urchin harvesters and others set out each day to pursue their livelihoods in a challenging and often treacherous environment; and

WHEREAS, sadly, there are inevitably some who do not return home. Commercial fishing is one of the most dangerous occupations one can pursue, and

SELECTED MEMORIALS AND JOINT RESOLUTIONS

even the most experienced fisherman can fall victim to treacherous conditions; and

WHEREAS, 46 of Maine’s commercial fishermen have been tragically lost at sea since 1993, when a tradition of memorializing these individuals was begun at the Maine Fishermen’s Forum to ensure that they are not forgotten; and

WHEREAS, the Maine Fishermen’s Forum is a long-standing Maine institution dedicated to educating the public, fishing industry members and managers about marine resource issues and providing a neutral platform for constructive discussion and decision-making; and

WHEREAS, the loss of these brave and hard-working men reverberated through their communities and altered the lives of their family members forever. We acknowledge their passing with deep regret and express our sympathy to all who knew and loved them; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fourth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to honor the memory of the Maine men who lost their lives in pursuit of their livelihood from the sea:

Mark Doughty	Rockland	August 5, 2001
Thomas Fronteiro	Rockland	August 5, 2001
James Sanfilippo	Rockland	August 5, 2001
Frank Parker	Bailey Island	March 23, 2003
Philbert Buteau	Bar Harbor	April 14, 2003
Roy Bickford		October 13, 2003
Gary Thorbjornson	Port Clyde	July 14, 2005
Steven Smith	Hollis	September 13, 2006
James Weaver	Port Clyde	November 26, 2006
Sean Cone	Bar Harbor	January 31, 2007
Daniel Miller	Bar Harbor	January 31, 2007
Byron Gross	Little Deer Isle	October 26, 2007
Christopher Whittaker	Matinicus Island	October 27, 2008
Loren Lank	Roque Bluffs	March 25, 2009
Logan Preston	Roque Bluffs	March 25, 2009
Joseph Jones	Lubec	October 21, 2009
Darryl Cline	Lubec	October 21, 2009
Norman Johnson	Lubec	October 21, 2009
Christopher Hanahann	Harpwell	December 31, 2009

; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Fishermen’s Forum.

Read and adopted by the House of Representatives April 7, 2010 and the Senate April 7, 2010.

Name	Home Port	Date lost at sea
Carroll MacLean		March 24, 1993
Donald Costain	Newagen	August 19, 1993
Thomas Schwartz	Harpwell	August 31, 1993
Matthew Rice	Jonesport	October 16, 1993
David Maxwell	Biddeford	November 3, 1993
Ronald Haskell	Little Deer Isle	November 11, 1993
Christopher Caramihalis		January 14, 1994
Jerry Moody	Roque Island	March 7, 1995
Roy Hutchins	Petit Manan Point	September 9, 1995
David Fahey	Bailey Island	March 19, 1996
Milton Anthony	Roque Bluff	July 29, 1996
Joseph Smith		October 15, 1997
Lewis Green	Mt. Desert	February 6, 1999
James Huntley	Jonesport	August 9, 1999
Winfred Alley	Great Wass Island	August 16, 1999
Paul Wood	Jericho Bay	August 20, 1999
Allen Ayers	Mackerel Cove	October 19, 1999
Larry Rich	Raymond	January 25, 2000
Harry Ross	Raymond	January 25, 2000
Geoffrey Martin	Freeport	June 6, 2000
Sean McDougall	Freeport	June 6, 2000
David Stortz	Rockland	August 29, 2000
Carlyle Minott		October 24, 2000
Dawson Allen	Jonesport	December 14, 2000
Michael Laytart	Jonesport	December 14, 2000
Dwayne Smith	Jonesport	December 14, 2000
Edgar Mcleod	Portland	January 19, 2001