

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**September 27, 2011**

**SECOND REGULAR SESSION**  
**January 4, 2012 to May 31, 2012**

**THE EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**LAWS IS**  
**SEPTEMBER 28, 2011**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 30, 2012**

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

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**Augusta, Maine**  
**2012**

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**SELECTED MEMORIALS AND JOINT RESOLUTIONS**

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**JOINT RESOLUTION  
MEMORIALIZING THE  
PRESIDENT OF THE  
UNITED STATES AND THE  
UNITED STATES  
CONGRESS TO ENACT THE  
SOCIAL SECURITY  
FAIRNESS ACT OF 2011**

**S.P. 631**

**WE**, your Memorialists, the Members of the One Hundred and Twenty-fifth 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 members of the United States Congress as follows:

**WHEREAS**, under current federal law, an individual who receives a Social Security benefit and a public retirement benefit derived from employment not covered under Social Security is subject to a reduction in the individual's Social Security benefit; and

**WHEREAS**, these laws, known as the Government Pension Offset and the Windfall Elimination Provision, greatly affect public employees and the Government Pension Offset requires a reduction in the spousal benefit received under Social Security equal to 2/3 of the surviving spouse's benefit under another government pension plan even though the spousal benefit was fully earned; and

**WHEREAS**, the Windfall Elimination Provision reduces the Social Security benefit of a person who is also receiving a pension from a public employer that does not participate in Social Security; and

**WHEREAS**, the Government Pension Offset and the Windfall Elimination Provision are particularly burdensome on the finances of low-income and moderate-income public service workers such as school teachers, clerical workers and school cafeteria employees; and

**WHEREAS**, the Government Pension Offset and the Windfall Elimination Provision both unfairly reduce benefits for those public employees and their spouses whose careers cross the line between the private and public sectors; and

**WHEREAS**, since many lower-paying public service jobs are held by women, both the Government Pension Offset and the Windfall Elimination Provision have a disproportionately adverse effect on women; and

**WHEREAS**, in some cases, additional support in the form of income, housing, heating and prescription drug assistance and other safety net assistance from state and local governments is needed to make up for the reductions imposed at the federal level; and

**WHEREAS**, other participants in Social Security do not have their benefits reduced in this manner; and

**WHEREAS**, to participate or not to participate in Social Security in public sector employment is a decision of employers, even though both the Government Pension Offset and the Windfall Elimination Provision directly punish employees and their spouses; and

**WHEREAS**, although the Government Pension Offset was enacted in 1977 and the Windfall Elimination Provision was enacted in 1983, many of the benefits in dispute had been paid into Social Security prior to the enactment of those laws; and

**WHEREAS**, H.R. 1332, the Social Security Fairness Act of 2011, a bipartisan bill introduced in the United States House of Representatives, would repeal these 2 unfair federal pension offsets, which penalize so many people in Maine and the rest of the Nation; 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 work together to enact the Social Security Fairness Act of 2011, permitting retention of a combined public pension and Social Security benefit with no applied reductions; 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; the President of the United States Senate; the Speaker of the United States House of Representatives; and each Member of the Maine Congressional Delegation.

**Read and adopted by the Senate February 16, 2012  
and the House of Representatives February 22,  
2012.**

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**JOINT RESOLUTION  
MEMORIALIZING THE  
PRESIDENT OF THE  
UNITED STATES AND THE  
CONGRESS OF THE  
UNITED STATES TO  
ADEQUATELY FUND THE  
LOW-INCOME HOME  
ENERGY ASSISTANCE  
PROGRAM**

**S.P. 651**

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

**WHEREAS**, the Low-income Home Energy Assistance Program is a necessary federal program that was created in 1981 to replace a patchwork of federal energy assistance programs that arose from the energy crisis of the 1970s, and since that time this program has helped the people of Maine who need fuel assistance; and

**WHEREAS**, Maine, one of the most oil-dependent states in the nation, has received \$39,981,695 to fulfill its program obligations, down from \$56,600,000 last year; and

**WHEREAS**, approximately 64,000 families in Maine receive aid through the Low-income Home Energy Assistance Program, with an average benefit last year of \$804, and 53% of the households served include low-income senior citizens or persons with disabilities; and

**WHEREAS**, the decrease in funding will disproportionately affect the New England states, which are already facing a 25% increase in the cost of home heating oil this year, and these states have a dire need to have the funding restored; and

**WHEREAS**, the Low-income Home Energy Assistance Program is crucial to those Maine families who are relying on the federal program to help with weatherization costs for their homes and with winter fuel bills, and this reduction in funding is a devastating blow to people already hit hard by the recession; now, therefore, be it

**RESOLVED:** That We, your Memorialists, respectfully urge that legislation be enacted by the Congress of the United States to restore funding in the 2013 fiscal year budget to at least \$4,700,000,000, as provided in the 2011 fiscal year budget; 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, the President of the United States Senate and the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

**Read and adopted by the Senate March 12, 2012  
and the House of Representatives March 13, 2012.**

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**JOINT RESOLUTION IN  
RECOGNITION OF THE  
CONTRIBUTIONS THAT  
WOMEN MAKE TO MAINE  
AND TO THE UNITED  
STATES**

**S.P. 675**

**WHEREAS**, American women of every race, class and ethnic background have made historic contributions to the growth and strength of our nation in countless recorded and unrecorded ways, especially in the areas of political and social change; and

**WHEREAS**, the United States boasts a rich history of women whose vast and courageous achievements speak to the sense of excellence and potential shared by all Americans; and

**WHEREAS**, our country would not have attained its greatness without the strength, bravery, insight and persistence of the women who have come before us; and

**WHEREAS**, American women have played, and continue to play, critical economic, cultural, political and social roles in every sphere of the life of the nation by constituting a significant portion of the labor force working inside and outside of the home and in professions from educator to astronaut; and

**WHEREAS**, women have played a major role in the defense of our nation, both on and off the battlefield; and

**WHEREAS**, American women have been leaders, not only in securing their own rights of suffrage and equal opportunity but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement and other movements that create a more fair and just society for all; and

**WHEREAS**, women not only have played critical economic, cultural and social roles in our society but also have permanently changed the face of American government and politics; and

**WHEREAS**, Maine has a rich and vibrant history of women in leadership, including former Senator Margaret Chase Smith, perhaps best known for her contribution to the well-being of the United States and its people with her consistent stand for the condemna-

SELECTED MEMORIALS AND JOINT RESOLUTIONS

tion of bigotry and injustice wherever she found them; and

**WHEREAS**, Senator Margaret Chase Smith was the first woman from Maine to serve in the United States Congress, the first woman in the nation elected to both houses of the United States Congress and the first woman to be placed in nomination for the presidency at a major party's convention; and

**WHEREAS**, the Maine Legislature has had several women elected to leadership positions, including the Honorable Elizabeth "Libby" Mitchell, the first woman in the United States to have been chosen as both House Speaker and Senate President, the 2nd-highest political position in the State, and the Honorable Betheda "Beth" Edmonds, the 2nd female Senate President in Maine history and the first to serve a 2nd term as Senate President, and the Honorable Hannah Pingree, the youngest woman to hold the position of House Speaker; and

**WHEREAS**, Maine currently has some of the strongest women leaders in the nation, including Senator Olympia J. Snowe, the first woman to serve in both houses of a state legislature and both houses of the United States Congress, Senator Susan Collins, the first woman to run for Maine Governor from a major party and Congresswoman Chellie Pingree, the first woman elected to Congress from Maine's First Congressional District; and

**WHEREAS**, within our state judicial system, Chief Justice Leigh I. Saufley is Maine's first woman Chief Justice of the Supreme Judicial Court; and

**WHEREAS**, the Honorable Janet T. Mills is the first woman to have served as Maine's Attorney General, as well as being a former District Attorney and Legislator; and

**WHEREAS**, we must take every action possible to promote women in leadership so that we can achieve fair representation in our State Government, including recognizing Maine women's contributions to our state history; and

**WHEREAS**, in recognition of the contributions of women, the United States Congress has passed a resolution each year since 1987 designating the month of March as "Women's History Month"; now, therefore, be it

**RESOLVED:** That We, the Members of the One Hundred and Twenty-fifth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize March 2012 as Women's History Month in Maine; and be it further

**RESOLVED:** That we encourage the residents of this State to observe Women's History Month by participating in programs, ceremonies and activities to foster an awareness of and appreciation for the contri-

butions made by women that have benefited and improved society.

**Read and adopted by the Senate March 23, 2012  
and the House of Representatives March 26, 2012.**

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