

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**  
AS PASSED BY THE

**ONE HUNDRED AND TENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
December 3, 1980 to June 19, 1981

**AND AT THE**

**FIRST SPECIAL SESSION**  
August 3, 1981

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**RESOLVES**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION

of the  
ONE HUNDRED AND TENTH LEGISLATURE

1981

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## CHAPTER 1

H. P. 697 — L. D. 731

**RESOLVE, Concerning the Authority of the Attorney General to Seek Adjudication of the Nature and Scope of Cutting Rights Claimed by Private Parties on Public Lots of the State of Maine.**

**Emergency preamble.** Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Great Northern Nekoosa Corporation, International Paper Company, Prentiss & Carlisle Company, Inc., and other private parties who are successors-in-interest to the original grantees of cutting rights granted by the State of Maine between 1850 and 1875, for the cutting of timber and grass on public reserved lands, the so-called "public lots," brought suit to adjudicate the nature and scope of such cutting rights; and

Whereas, the State subsequently became a party to such suit and, through the Attorney General, affirmatively sought adjudication, by way of counterclaims, of the same issues presented for determination by the private parties; and

Whereas, on appeal from a decision of the Superior Court in favor of the private parties, the Supreme Judicial Court, in *Cushing v. Cohen*, Me., 420 A.2d 919 (1980), *sua sponte*, raised questions as to the applicability of the doctrine of sovereign immunity to the lawsuit without reaching the merits of the appeal; and

Whereas, it is the judgment of the Legislature that the doctrine of sovereign immunity is inapplicable to the adjudication of the 2 issues presented to the court for determination; and

Whereas, it is the further judgment of the Legislature that it is in the interest of the State to obtain a final adjudication of the merits of those issues, even if sovereign immunity were applicable; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore be it

**Consent of Legislature. Resolved:** That to the extent that consent of the Legislature is necessary for the Attorney General to seek a final adjudication of the issues presented by the State for determination in *Cushing v. Cohen*, Law Court Docket No. Ken. 81-31, such consent is hereby granted. The Attorney General, on behalf of the State of Maine, is authorized to proceed, in his discretion, with such suit, and all prior involvement of the State in the proceedings, both in the Superior Court, Kennebec County, Civil Action Docket

No. 1740-73, and in the Law Court, Docket Nos. Ken. 79-31 and 81-31, is hereby confirmed and ratified.

**Emergency clause.** In view of the emergency cited in the preamble, this resolve shall take effect when approved.

Effective February 18, 1981

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## CHAPTER 2

S. P. 82 — L. D. 179

**RESOLVE, Designating the Scenic Overlook on Interstate 95 in T1-R6 WELS as "The Albert J. 'Allie' Cole Memorial Scenic Overlook."**

**Preamble:** Whereas, Allie Cole was a Maine pioneer in transportation, and his endeavors created significant economic benefits to the State of Maine; and

Whereas, Allie Cole plowed the road from Lincoln to Houlton for the first time during the winter of 1928-29; and

Whereas, the Department of Transportation has constructed an outstanding scenic overlook in T1-R6 WELS overlooking Salmon Stream Lake and viewing Mt. Katahdin; and

Whereas, this location is in close proximity to the location where winter plow crews were stationed, and the areas of most difficult early snowplowing; now, therefore, be it

**Albert J. "Allie" Cole Memorial Scenic Overlook designated. Resolved:** That the scenic overlook on Interstate Route 95 in T1-R6 WELS be designated as the Albert J. "Allie" Cole Memorial Scenic Overlook; and be it further

**Resolved:** That appropriate plaques designating the name of this area may be erected and maintained at no expense to the State and subject to the approval of the Department of Transportation; and be it further

**Resolves 1959, c. 54, amended. Resolved:** That resolves 1959, chapter 54, as last repealed and replaced by resolves 1967, c. 32, is amended to read:

**Designation of Interstate Highway System. Resolved:** That in recognition of the outstanding and unselfish service rendered by the late Brian M. Jewett to the State of Maine that the Interstate Highway System in Maine, except for the bridges across the Kennebec River from Fairfield to Benton and except for the bridges across the Penobscot River in the Town of Medway and except for the other bridges from Stillwater to Houlton and except for the Maine Turnpike from