

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

MAY 4, 1981 to JUNE 19, 1981

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"A" to SP 701 and moves its adoption.

Senate Amendment "A" (S-374) Read.

The PRESIDENT: The Senator has the floor. Senator DEVOE: Mr. President, all that this Amendment does is to make Sections 3 and 4 of the Bill an emergency measure in addition to Section 2 of the Bill as it presently is worded.

Senate Amendment "A" Adopted.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I would like to present Senate Amendment "B" and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Conley, offers Senate Amendment "B" to SP 701 and moves its adoption.

Senate Amendment "B" (S-375) Read.

The PRESIDENT: The Senator has the floor.

Senator CONLEY: Mr. President and Members of the Senate, I have spoken with the members of the Leadership in this Branch with respect to this particular Amendment. What it does, it clarifies any ambiguity presently under the Collective Bargaining Statutes dealing with municipal employees.

As we all know, we passed legislation earlier this year that dealt with collective bargaining for county employees. The County Employees Bill was amended to the Municipal Collective Bargaining Act. This clarifies that those who are appointees within county government are not exempt from collective bargaining.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: I'm a little confused about this, and I wonder if we might Table this, have somebody Table this until later in today's session.

On motion by Senator Pray of Penobscot, Tabled until later in today's session, pending Adoption of Senate Amendment "B".

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Paper from the House House Paper

Bill, "An Act to Make Allocations from the Highway Fund and Appropriations from the General Fund for the Fiscal Years Ending June 30, 1982, and June 30, 1983, to Establish a Local Road Assistance Program, to Continue the Maine Turnpike Authority and to Adjust Highway Fund Revenue." (Emergency) (H. P. 1696) (L. D. 1691)

Reference to the Committee on Transportation suggested.

Comes from the House, Passed to be Engrossed without reference to Committee and Ordered Printed.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that LD 1691 be given its First Reading at this time without Reference to Committee?

It is a vote.

Under Suspension of the Rules, the Bill Read Twice.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, this Bill represents a compromise. Like many compromises, it does not please most of us entirely. We are faced with a time limit over which we have no control. We have struggled valiantly in committees and super-committees, and in meetings of leadership, and in meetings with the Governor, to work out solutions that were more palatable to more of us.

The fact is that it takes a two-thirds vote of both Bodies and the signature of the Governor to make law in this area. If we go home tonight without any Highway Budget, we will not have performed that basic duty that every legislature has to pass budgets, to levy taxes.

I think, like most of us in this Chamber, I have mixed emotions about this Bill. I'm not going to dwell on them at length. If we are going to pass a Highway Bill, we have to swal-

low a number of our personal preferences. We have to take, what, for many of us, is a second best solution. So, I am going to support this Bill. I hope that the Senate will support this Bill, and that we will move ahead toward competing our business.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate, I also was very concerned with this particular piece of legislation. I attended our caucus on it. I think we had a very, very thorough evaluation by the three gentlemen involved in drafting this piece of legislation. I want the Record to be very clear that I appreciate their endeavors and their efforts. I think they were working with some of the existing bills we've had, if I understood correctly.

I do not concur with the final results of the piece of legislation before us. Number one, I don't think we should be pilfering any further the General Fund of the State of Maine to the tune of \$3.5 million. Number two, in my heart, I know the people of the State of Maine, in my discussions with them in various parts outside of my District, even, are fed up, fed up wholeheartedly with this fee increase on their motorcycle registrations, examinations, drivers' licenses, regardless of what class.

Those people say one thing. Maybe this is the time to emphasize it right now. We've had a 9 cent Gasoline Tax for many years. We've had a 9 cent Gasoline Tax when gas was 35 cents a gallon. Today it runs from \$1.41 to, or \$1.45 a gallon. We have to look at the long term of this particular legislation, not to immediate stop-gap measures, or as I referred to in caucus yesterday, a band-aid approach.

I realize the Governor's position on this particular Bill. He has his ideas. Maybe he has much more expertise surrounding his office down there to conduct a more thorough evaluation than I as an individual Senator.

I know from the people that I've discussed this issue with, that 1 cent increase in the Gasoline Tax will produce about \$5 million, if the statistics are correct, 2 cents about \$10 million. If there's any relevancy that the figure is 17 percent of out-of-state use, or maybe 20 percent, that could be as high as \$1,600,000 for out-of-state use.

When you further correlate this with the State of New Hampshire, which I understand is going to 14 cents increase, 14 cents per gallon on their Gasoline Tax, effective in July of this year, then I don't see why the people of the State of Maine had to be a Good Samaritan for everybody else, to use this particular approach to address a very serious ongoing problem. The only way you can do this effectively is, and be responsible, is to look at it constructively at the present time. Stop hitting the people of the State of Maine with these fee increases, or premiums, as the term was used when discussing the legislation pertaining to booze.

I know my position this morning, amongst my party, is not the most popular, as I received telephone calls, I want that to be on the Record, also, I'm not here representing my party, I'm representing here the people in my District who have contacted me relevant to this thing.

Insofar as the Turnpike is concerned, just a few short days ago, we discussed this in depth. I indicated very clearly on the floor of this Senate, that that would be used as a vehicle, that would be used as a vehicle to address potholes and snow removal and everything else under block grants in other parts of the State of Maine. You know something, it's coming to pass, when I look at this piece of legislation today.

We were ripped off when I introduced that Bill in 1977, because I was a Good Samaritan then, thinking full well that subsequent legislative sessions would be ethical and honest in

addressing the needs of a large city who has put its foot forward in addressing industrial development. Which was interestingly brought up by the Commissioner of Transportation in our caucus yesterday, addressing the area of additional jobs producing Sales Tax Revenue, Income Tax Revenue, yes, and utilizing the skills and talents of the kids we're educating in our VTI's, which we are bonding ourselves to the point of oblivion. The end result is by the time kids get a job, they have to go out-of-state. They'll come back in 20 or 25 years. By that time, we'll be paying off the bond issues that educated them.

There's only one logical constructive way. I'm not talking about political expediency in this particular manner, and that is addressing it constructively, facing up front, what the people of the State of Maine fully expect and fully would want, because they know the devastating situation in the Department of Transportation. We know the devastating effects it's going to have upon our municipalities in the State of Maine. That is taking that 2 cent increase in the Gasoline Tax, if you can't buy a 2 cent increase, at least buy a 1 cent increase, which is \$5 million, or \$800,000 paid by your out-of-staters, and address it that way. Then relieve the people of the State of Maine with these fee increases.

I'll never be satisfied with this piece of legislation, only because I've been so deeply hurt with the strategies used on that Turnpike issue, where we are fully cognizant of one thing. That was simply that when those bonds were paid off, that road would be toll free, as in the existing law. Yet, we are being deprived of that and using this as a vehicle that addresses everybody else's problems, but never addressing our particular problem which is, in a constructive fashion, addressing the needs of our municipality and addressing what it can do for the State of Maine and its people as a whole.

This morning, the way this thing stands at the present time, and again, it's no reflection upon the people who drafted this, because they did this in good conscience based upon what material they had to work with. Unless there's a radical change in this particular Bill, I can assure you right now this morning that I'm not voting for it.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate, it's the 102nd day, I believe, of this Legislative Session, or the 103rd. Everyone knows, only too well, the problems that have been confronted in this Legislative Session, as well as the previous Legislature, the 109th, with respect to funding highways.

The political realities are that there will be no gas tax passed in this Session of the legislature. The political realities are that there will be no large sums of General Fund monies being used to finance DOT over the next two years.

Last week, when we were coming to a conclusion to this Session, we said, let's try, let's just try one more time to see if some type of a package can be put together free of input from those of us who share different political views with respect to the financing of this package. The fact that Commissioner Campbell, Mr. Schlosser, and a former Commissioner of DOT, got together and worked for a number of days. Personally, I must commend them. I commend them for the proposal that they brought before us yesterday. It meets the needs of financing DOT over the next two years.

I'm sure, if we want to sit back, and pick here and pick there, that we could all tear this package apart. No one comes from a community that uses the Maine Turnpike as much as the Cities of Lewiston and Auburn, than the City of Portland. The truth be known that back in 1952, when the Turnpike Bill was first, or the Maine Turnpike Authority was first established, that the Turnpike was to go from Kit-

tery right through to Fort Kent. Right through to Fort Kent. Then the federal government passed a so-called "interstate highway system." Those that lived north of Augusta got the biggest break of their lives, in a sense.

In all honesty, it would be like throwing the baby out with the bath water, if tolls were removed from the Maine Turnpike. We know what the breakdown is with respect to revenue coming into the Turnpike Authority. They have that pretty well established, that during the summer time, it's approximately 75 percent out-of-state money. During the non-months of the year, it breaks down almost to a 50-50 breakdown. What we're doing is we've got a Turnpike that's being financed primarily by out-of-staters.

I share some of the concerns with the good Senator from Androscoggin, but on the other hand, the things that Androscoggin have been asking for mostly over these years have been the access roads from the pike into their communities for industrial park development. This Bill here expedites that process by almost three years. What does that mean to Lewiston and Auburn? It means higher revenues and Property Taxes. It means more jobs. What does it mean to the State? It means more Income Tax, Corporate Taxes, etc., down the line. It makes good common sense to pass this legislation, to expedite that process, and to solve, most importantly, a dilemma that this Legislative Session has been in since the first day we came here.

I know the good Senator from Penobscot, Senator Emerson, has worked diligently since they organized the Joint Standing Committee on Transportation, both in this Session and in the last. If you'll recall the last Session, we had unanimous Committee Reports coming out from the Joint Standing Committee on Transportation that couldn't pass either Body.

I think, sometimes you either the politicians from the arena and allow those who are mostly in command or in charge, who really know the financial problems of the State, and the needs for DOT, and taking into view the parameters that the ten of us in Leadership asked them to try to meet, was one, to stay away from a Gas Tax, and secondly, not a general raid on the General Fund. I commend them on the fact that they have brought to us a highway program that will keep DOT going for two years, and I believe, remove many of the objections that those of us may have personally had with respect with either or two or one of those two major funding areas.

It would be my hope that this morning that the Senate would accept this Bill. Keep in mind that if we fail today, if we fail today, DOT meets a financial crisis in another week, or week and a half. It means that we'll be back here again, trying to put together a package by politicians that may not be acceptable at all. I would again urge the Senate to vote for passage of this Bill. Mr. President, when the vote is taken on the Engrossment of this Bill, I request it be taken by the Yeas and Nays.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President and Members of the Senate, the Democratic Minority Leader states very clearly that the political realities today say that there's going to be no Gas Tax. There's going to be no Gas Tax, because the Governor of the State of Maine made a promise, promise that he would veto any tax increases. Today, the Governor puts his promise above the best interests of the State of Maine. Democratic leadership supports the Governor, right or wrong. That's the political reality.

The reality of the situation here that we're facing today is that Governor Brennan is mis-managing State government by not allowing the highways to be funded properly on a long term basis by an increase in the Gas Tax. The only long term solution that I see today to funding the highways properly is the election of a

new governor.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate, let me make one point clear to the good Senator from Cumberland, Senator Conley, relevant to the City of Portland, who endorsed the concept that my City had at the time. The whole city council endorsed the concept of a barrier system on the Turnpike. Whether their delegation to Augusta did is not the point here today.

It's not a matter of picking here or picking there. The matter is very simple, that Portland, in the highway budget, has \$50 million going to it. Bangor has another \$50 million. The area of Lewiston and Auburn has about \$13.6 million going to it. What I'm saying about this whole thing is equity and fair play. By no indication has equity and fair play materialized in my particular part of the City, or my part of the State.

Also, between I-295, which starts at Portland North, the people of Portland have access along the coastal route. Also, US 1 goes through the City of Portland. Isn't that fine? All we have is the Turnpike. You know something, all the roads around the area from Lewiston coming to Augusta, Lewiston going to Lisbon, or Topsham, have never had any reconstruction work for a number of years. You talk about getting ripped off? I think it's about time we stand firm on what we believe in and start getting our fair share of this entire pot, instead of becoming conformists to what has been materializing here for a number of years.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President and Members of the Senate, when the good Senator from Penobscot, Senator Trotzky, spoke, I attempted to stay in my chair. The longer I thought about it, I just couldn't do that. The good gentleman from Penobscot is the same Senator who advocated and supported that we pass legislation to give Jet Fuel Tax Relief for the City of Bangor. On the other hand, he had the case of Gas Tax increase.

It's the consistency such as that, which I think the Governor weighed in his campaign promise, that there would not be a Gas Tax. I'd just like to assure the good Senator, or whom-ever passed around this editorial from the Bangor Daily newspaper a few days ago, which in its closing remarks, basically advocates that the voters remember this Session well, and use their best judgment when they go back to the voting booths in the following year, when legislators, and particularly legislative leadership, and the Governor, are up for re-election.

I have faith in the voters. I think that the voters will consider the campaign promises, those that are kept, those that are broken. They'll consider the actions of this Chamber, upon either solving a problem, or not solving a problem. I think when we work in the parameters of what we have, we try to come down here. There's 184 individuals with different viewpoints and different opinions, representing different constituencies. It's the Legislative Process which allows the meeting of minds.

Not always are they the way that we advocate. I know that the Senator from Penobscot, Senator Trotzky, has for years advocated a Gas Tax increase. I suppose, if I had a district as small as his, and my people didn't have to travel as far to work, and had the economic base in such a small geographical area, that a

Gas Tax would be a sensible way to solve the transportation problem with the major highways in this State.

When we look at the State of Maine, I think we're all aware of how large we are. When I take a ride through my Senatorial District, it's in excess of 200 miles from one end to the other. Some of the Senators in here have more state highway mileage than I do, some of them into the 600 and 700 miles of state roads. Mine is around 560. The Senator from Penobscot, Senator Trotzky, is somewhere around 12.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President and Members of the Senate, Senator Pray mentions that he has 560 miles of roads in his District. People who buy a new car today, it costs \$6000 or more. When people have bad roads, they may not be paying the Gas Tax, but they're paying it in fees to garage mechanics and so on to maintain their cars. The front ends get out of line and everything else takes place with the car.

On this Bill here, it also does everything else. I want to state first of all, I'm voting for this Bill today. I'm voting for it under protest, because I realize the political realities that Senator Conley mentioned. There is no choice. There is no choice. We've got to do something. Consequently, the Governor is going to veto a Gas Tax. We're going to have to use the term "fee", and charge the people of Maine increased fees. There's no difference whether it comes out of the Gas Tax or it comes out of fees it comes out of their wallets, out of their pockets. It's dollars.

I want to say something because I think it's important. This Bill takes \$1.1 million, that's \$3.5 million out of the General Fund, to fund highways. I stood on this floor before and I said again, that we're funding Local Leeway, support of education, \$2 million in the Local Leeway Program less than we funded it last year. Last year! \$2 million less. Yet we can afford, by not increasing the Gas Tax, to take money out of the General Fund, which should have gone to funding Local Leeway, at least at the level that it was funded last year. We couldn't seem to fund it that way.

I will say that I am voting for this Bill, because there are certain political realities. The political realities are due, in my opinion, to mismanagement of State government, because a man wanted to keep his promise.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Violette.

Senator VIOLETTE: Mr. President and Members of the Senate, today I am an opponent to the proposed Highway Allocation Act. The present Maine Department of Transportation's transportation improvement program for 1982-1983, reflects, in my opinion, the present administration's negative attitude for Aroostook County as well as northern Maine as a whole. Aroostook County represents 8.5 percent of Maine's population. Yet, this administration and its Department of Transportation directs only 3.9 percent of its effort and its transportation improvement program for 1982-1983 for Aroostook County.

Aroostook County has 12.8 percent of the total lane miles of State highway and State aid roads, and 19 percent of all State highways in the State of Maine. Yet, we receive 3.9 percent of the monies under the Allocation Act in the Road Improvement Program.

Economic development has been a difficult prospect in Aroostook County. The relative isolation of the area has resulted in high fuel and power costs, major impediments to economic development. A lack of a limited access highway, we'd gladly take a Turnpike, when Androscoggin doesn't want theirs, are major impediments to economic development. The lack of a limited access highway running north to the area from southern Maine has stifled business and recreational traffic.

Knowing this, the present Transportation Im-

provement Program calls for practically no major programs to Route 1, Aroostook County's primary artery. Transportation is one of the most critical factors affecting Aroostook's economy and lifestyle. Northern Maine has an inadequate highway network. There is a need, which, for whatever reasons, this administration does not consider a priority. That need is to upgrade the major arterial highways and connector. There is an immediate need to improve US Route 1 in Aroostook County. This work would deal with roads classified as critical and poor already by the Department of Transportation. This would vastly improve access to Aroostook, to southern markets, and spin off other economic benefits. This is essential to the only county in Maine whose population, according to the 1980 census, decreased. The only county in the State of Maine, also, the lowest county in the State of Maine when it comes to the average State wage, only 77 percent of the State average.

I'm very concerned about the continued economic vitality of northern Maine. The transportation network is vital to the stabilization of an economically deteriorating region. I'm, also, concerned about the present emphasis on reducing the State's obligation to rural roads by turning them over to municipalities under the guise of a so-called "block grant program," will cost small towns more money, and a further deterioration of the transportation network.

The use of General Funds tends to be a stop gap measure and requires annual legislative action, unless there is a permanent legislation of the dedication of those General Funds. I can not support additional General Funds and fee increases going to the Department until the priority of that Department changes. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Ault.

Senator AULT: Mr. President and Members of the Senate, I have many friends and constituents who work in the Department of Transportation. Their livelihood depends on what we do up here in the Legislature. I voted for a Gas Tax increase last week, because I think it was the cheapest way out and the most responsible way out. I think it would take advantage of the people that come here in the summer and in the winter from out of state.

In addition to the exorbitant fee increases in this so-called compromise, which the Governor, for some reason, can rationalize aren't tax increases, I understand that winter maintenance is being further cut under this proposal. A young man was killed on Route 202 in Winthrop last winter, due directly to the fact that the Department of Transportation had not sanded Route 202 during the morning commuting hours.

Apparently, the Governor knows something I don't know or we don't know. He won't support a Gas Tax increase, because there's no dire emergency down there in DOT. Since there's no emergency, I can't vote for this proposal.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is Engrossment of LD 1691.

A Yes vote will be in favor of Engrossment of LD 1691.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Brown, Bustin, Carpenter, Charette, Clark, Collins, Conley, Devoe, Dutremble, Huber, Kerry, Najarian, O'Leary, Pray, Traf-ton, Trotzky, Usher, Wood.

NAY — Ault, Emerson, Gill, Hichens, McBreairty, Minkowsky, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague, Violette.

ABSENT — None.

A Roll Call was had.

18 Senators having voted in the affirmative and 14 Senators in the negative, with No Senator being absent, L. D. 1691 is Passed to be Engrossed in concurrence.

Orders of the Day

The President laid before the Senate:

Bill, "An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine." (Emergency) (S. P. 701) tabled earlier in today's session, on motion by Senator Pray of Penobscot, pending Adoption of Senate Amendment "B".

Senate Amendment "B" Adopted. The Bill, as amended, Passed to be Engrossed, without reference to Committee and Ordered Printed.

Sent down forthwith for concurrence.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Orders

Expressions of Legislative Sentiment recognizing:

Leslie G. Merrill of Stetson, member of the 88th, 94th and 101st Maine Legislatures, who celebrated his 94th birthday on June 4, 1981. (S. P. 703) presented by Senator EMERSON of Penobscot (Cosponsor: Representative REEVES of Newport).

Lila G. Lincoln, who is retiring after 40 years of dedicated service to the Town of Wayne; including service as town clerk and tax collector. (S. P. 704) presented by Senator AULT of Kennebec (Cosponsor: Representative DAMREN of Belgrade).

Wendy B. Brown, of Brunswick, Miss Teen Maine for 1981. (S. P. 705) presented by Senator CLARK of Cumberland (Cosponsors: Representative MARTIN of Brunswick and Representative LIVESAY of Brunswick).

Rev. John F. Crozier, Pastor of St. Mary's Church, Orono, for his devoted service to parishioners and townspeople of Orono. (S. P. 706) presented by Senator DEVOE of Penobscot.

Robert J. Shinnars of Millinocket, Vice President of Operations, Great Northern Paper Company, an outstanding leader in industry and the community. (S. P. 707) presented by Senator PRAY of Penobscot (Cosponsors: Representative CLARK of Millinocket and Representative MICHAUD of East Millinocket).

Which were Read and Passed.

Sent down forthwith for concurrence.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Papers from the House Joint Orders

Expressions of Legislative Sentiment recognizing:

Anne D. Stimpson who is retiring after 30 years of dedicated service as librarian of the Mark and Emily Turner Memorial Library in Presque Isle. (H. P. 1697)

Arnold and Lillian Forsman of New Sweden who will celebrate their 50th wedding anniversary on July 12, 1981. (H. P. 1698)

Frank Stevens, upon retirement after 33 years' service with the Kennebunk Police Department, 23 of those years as Chief of Police. (H. P. 1700)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Paper from the House Non-concurrent Matter

Bill, "An Act to Make Allocations from the Highway Fund and Appropriations from the General Fund for the Fiscal Years Ending June 30, 1982, and June 30, 1983, and to Establish a Local Road Assistance Program." (Emergency) (S. P. 609) (L. D. 1607)

In the Senate, May 26, 1981. Passed to be Engrossed as amended by Senate Amendment "B" (S-285).

Comes from the House. Bill and accompanying papers Indefinitely Postponed, in non-concurrence.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I move the Senate Recede and Concur.

The PRESIDENT: The Senator from Knox, Senator Collins, moves that the Senate Recede and Concur with the House.

Is this the pleasure of the Senate?

The motion prevailed.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

AN ACT to Amend the Maine Tree Growth Tax Law. (H. P. 801) (L. D. 955)

Which was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

AN ACT to Clarify the Status of Certain Real Estate Titles in the State. (S. P. 598) (L. D. 1594)

The PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator SEWALL: Thank you, Mr. President. Members of the Senate, if I might take a few minutes of your time this morning, as the original sponsor of this piece of legislation, LD 1594, I'd like to explain House Amendment "A".

The Amendment provides a procedure whereby a party may apply to the Bureau of Public Lands for a declaration that certain land was filled in prior to October 1, 1975. This declaration may then be filed in the appropriate Registry of Deeds.

In the process of making this change, the entire Bill was redrafted. Most of this is merely a change in writing style rather than a change in substance. For example, the legislative intent and purpose in Subsection 1 was not intended to make any substitutive changes in Section 1 of LD 1594, as approved by a majority of the Judiciary Committee.

In addition, the House Amendment changed the word "conveyed" to "released" in the subsection entitled "Declaration of Clear Title." This change was not intended to make any substitutive change but only to use modern language to reflect the fact that this is a Release or Quitclaim Conveyance of the State's interests.

Finally, I wish to explain the source of the October 1, 1975 date. This is the effective date of the Submerged Lands Act of 1975. In an opinion of the Attorney General, dated March 26, 1981, it was concluded that the emergency clause included on the Submerged Lands Act was unconstitutional, therefore, the effective date of that Act was October 1, 1975, 90 days after the legislative recess, rather than May 19, 1975, the date the Act was finally passed. Thank you.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Kerry.

Senator KERRY: Just very briefly Mr. President and Ladies and Gentlemen of the Senate, as I indicated to you before that as a member of the Judiciary Committee, I opposed this legislation not because of the intent of it, per se, but because I believe this is a matter of sufficient importance to be considered by the Supreme Court. I think there are many unanswered questions here that deal with the 3000 miles of our coastline and our great ponds.

Once again, I would encourage the Governor, once it reaches his desk, to submit this question to the Supreme Court to remove all clouds and doubt and ambiguity from this issue. Thank you.

The PRESIDENT: The Chair recognizes the