



128th MAINE LEGISLATURE

SECOND REGULAR SESSION-2018

Legislative Document

No. 1789

S.P. 668

In Senate, January 16, 2018

An Act Authorizing Changes to the Ownership and Leases of Certain Public Lands

Submitted by the Department of Agriculture, Conservation and Forestry pursuant to Joint Rule 203.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator DAVIS of Piscataquis.

1 **Preamble.** The Constitution of Maine, Article IX, Section 23 requires that real
2 estate held by the State for conservation or recreation purposes may not be reduced or its
3 uses substantially altered except on the vote of 2/3 of all members elected to each House;
4 and

5 **Whereas,** the real estate authorized for conveyance by this legislation is under the
6 designations described in the Maine Revised Statutes, Title 12, section 598-A; and

7 **Whereas,** the Director of the Bureau of Parks and Lands within the Department of
8 Agriculture, Conservation and Forestry may sell or exchange lands with the approval of
9 the Legislature in accordance with the Maine Revised Statutes, Title 12, sections 1837
10 and 1851; now, therefore,

11 **Be it enacted by the People of the State of Maine as follows:**

12 **Sec. 1. 12 MRSA §1852, sub-§10** is enacted to read:

13 **10. Leases granted by act of the Legislature transferred to the management of**
14 **the bureau.** Notwithstanding any other provision of law, those leases of public reserved
15 lands that were granted to lessees by an act of the Legislature prior to the establishment of
16 an agency in the executive branch of State Government for managing leases of public
17 reserved lands are transferred to and are managed by the bureau; the bureau shall manage
18 these leases in accordance with this section.

19 **Sec. 2. Director of Bureau of Parks and Lands authorized, but not**
20 **directed, to convey certain lands in Adamstown Township, Oxford County.**
21 The Director of the Bureau of Parks and Lands within the Department of Agriculture,
22 Conservation and Forestry may by quitclaim deed without covenant convey to a buyer for
23 appraised fair market value and other compensation and on such other terms and
24 conditions as the director may direct a certain parcel of land in Adamstown Township,
25 described as Parcel 0008W on the southwest side of West Richardson Pond, comprising
26 approximately 3.54 acres and a camp, which was previously a camp lot lease and which
27 was surrendered by the leaseholder to the Bureau of Parks and Lands by written
28 agreement. The sale of the lot constitutes a revocation of its designation as public
29 reserved lands under the Maine Revised Statutes, Title 12, section 598-A.

30 **Sec. 3. Director of Bureau of Parks and Lands authorized, but not**
31 **directed, to convey certain land in Township 12, Range 13 WELS in**
32 **exchange for other land in Township 11, Range 10 WELS.** The Director of the
33 Bureau of Parks and Lands within the Department of Agriculture, Conservation and
34 Forestry may by quitclaim deed without covenant convey to Clayton Lake Woodlands
35 Holdings, LLC all of the State's common and undivided interest in T.12 R.13 WELS,
36 which is approximately 6,000 acres, in exchange for all right, title and interest in and to
37 approximately 6,000 acres in T.11 R.10 WELS or T.12 R.13 WELS, which is currently
38 owned by Clayton Lake Woodlands Holdings, LLC. The resulting state fee ownership is
39 subject to the tax applied to forest land in Aroostook County under the Maine Tree
40 Growth Tax Law.

1 **Sec. 4. Resolve 2013, c. 56, §4** is amended to read:

2 **Sec. 4. Director of Bureau of Parks and Lands authorized, but not**
3 **directed, to convey certain land in Adamstown Township, Oxford County.**
4 **Resolved:** That the Director of the ~~Division~~ Bureau of Parks and ~~Public~~ Lands within
5 the Department of Agriculture, Conservation and Forestry may by quitclaim deed without
6 covenant convey for an appraised fair market value that is the higher of 2 appraisals or
7 the highest of more than 2 appraisals and on such other terms and conditions as the
8 director may direct certain lots or parcels of land, with a total of approximately 24 acres,
9 to the ~~West Richardson Pond Public Lot Association~~ individual camp lot lessees. The
10 sale of each lot constitutes a revocation of its designation as public reserved lands under
11 the Maine Revised Statutes, Title 12, section 598-A.

12 The parcels to be conveyed are located on a 24-acre lease lot subdivision portion of
13 the Richardson Lake public reserved lands. The 12 lots are on the southwestern shoreline
14 of West Richardson Pond and extend from the Lincoln Plantation and Adamstown
15 Township town line south to Route 16 and are also located between the Richardson Lake
16 public reserved lands access road and the shoreline of West Richardson Pond. The
17 parcels are currently leased to 10 camp lot lessees who are members of the West
18 Richardson Pond Public Lot Association. To ensure that the State retains public access to
19 West Richardson Pond, the director may not convey ownership of Lot 4-W as depicted on
20 the Richardson Pond cottage lots plan developed by Seven Islands Land Company.

21 **Sec. 5. Resolve 2015, c. 29, §1** is amended to read:

22 **Sec. 1. Director of Bureau of Parks and Lands authorized, but not**
23 **directed, to convey certain interests in lands in Aroostook County in**
24 **exchange for other interests or properties. Resolved:** That the Director of the
25 Bureau of Parks and Lands within the Department of Agriculture, Conservation and
26 Forestry may by quitclaim deed without covenant, for negotiated value, and on such other
27 terms and conditions as the director may direct, convey or release all interests held by the
28 bureau in the ~~following~~ properties described under subsection 1 to Prentiss and Carlisle
29 Company, Inc. ~~and Prentiss and Carlisle Management Company, McCrillis Timberland,~~
30 LLC and Greentrees, Inc., collectively referred to in this section as "the partitioners," in
31 exchange for conveyance of property or interests in properties described under subsection
32 2 or other consideration of equivalent value from ~~Prentiss and Carlisle Company, Inc. and~~
33 ~~Prentiss and Carlisle Management Company~~ the partitioners.

34 1. The property interests to be conveyed by the Department of Agriculture,
35 Conservation and Forestry, by and through the Bureau of Parks and Lands, to ~~Prentiss~~
36 ~~and Carlisle Company, Inc. and to Prentiss and Carlisle Management Company on behalf~~
37 ~~of other minority interests~~ the partitioners are all of the State's minority common and
38 undivided interest in ~~forested acres without flowage easements in T.10 R.4 SE/4, which is~~
39 ~~approximately 1,329 equivalent acres~~ a tract in T.10 R.4 WELS SE/4, Maine Revenue
40 Services Tax Map AR018, Plan 01, Lot 1.2, comprising approximately 3,970 acres of
41 upland and 270 acres of flowed land in Scopan Lake, depicted as Parcel B on the March
42 28, 2017 Survey Plan by Plisga & Day Land Surveyors, the State's undivided interest
43 being approximately equivalent to 1,222 acres.

1 The Director of the Bureau of Parks and Lands within the Department of Agriculture,
2 Conservation and Forestry is authorized to reconfigure the tracts described in this
3 subsection as may be needed to adjust the equivalent value of undivided interests in T.10
4 R.4 WELS land being released by the State and the interests being released by the
5 partitioners to the State, as described in subsection 2.

6 2. The property interests to be conveyed by ~~Prentiss and Carlisle Company, Inc. and~~
7 ~~Prentiss and Carlisle Management Company on behalf of other minority interests the~~
8 ~~partitioners~~ to the State acting by and through the Department of Agriculture,
9 Conservation and Forestry, Bureau of Parks and Lands are:

10 A. All of ~~Prentiss and Carlisle Company, Inc.'s the partitioners'~~ common and
11 undivided interests in ~~forested acres without flowage easements in T.10 R.4 SE/4~~
12 ~~north of Scopan Lake and all of the remaining minority common and undivided~~
13 ~~interests in forested acres without flowage easements in T.10 R.4 SE/4 north of~~
14 ~~Scopan Lake by and through Prentiss and Carlisle Management Company, which is~~
15 ~~together approximately 16 equivalent acres; the following tracts in T.10 R.4 WELS:~~

16 (1) SE/4 north of Scopan Lake, part of Maine Revenue Services Tax Map
17 AR018, Plan 01, Lot 1.2, comprising approximately 23 acres of upland and 221
18 acres of flowed land in Scopan Lake;

19 (2) SE/4 setoff, part of Maine Revenue Services Tax Map AR018, Plan 01, Lot
20 1.2, comprising approximately 605 acres of upland and 240 acres of flowed land
21 in Scopan Lake, depicted as Parcel A on the March 28, 2017 Survey Plan by
22 Plisga & Day Land Surveyors;

23 (3) NE/4 west of Scopan Lake, Maine Revenue Services Tax Map AR018, Plan
24 01, Lot 2.1, comprising approximately 995 acres, including portions flowed by
25 Scopan Lake; and

26 (4) NE/4 east of Scopan Lake, Maine Revenue Services Tax Map AR018, Plan
27 01, Lot 2, comprising approximately 5,462 acres, including portions flowed by
28 Scopan Lake.

29 The partitioners' undivided interest in the T.10 R.4 WELS tracts described in this
30 paragraph is approximately equivalent to 1,296 acres; and

31 B. ~~All of Prentiss and Carlisle Company, Inc.'s minority common and undivided~~
32 ~~interests in forested acres without flowage easements in T.10 R.4 NE/4 by and~~
33 ~~through Prentiss and Carlisle Management Company, which is approximately 309~~
34 ~~equivalent acres;~~

35 C. ~~All of the minority common and undivided interests in T.11 R.4 E/2 by and~~
36 ~~through Prentiss and Carlisle Management Company, which is together~~
37 ~~approximately 254 equivalent acres; and~~

38 D. ~~All or a portion of Prentiss and Carlisle Company, Inc.'s interests in T.13 R.5,~~
39 ~~T.13 R.13 and T.12 R.13, or other parcels or other consideration from Prentiss and~~
40 ~~Carlisle Company, Inc. as may be needed in combination with the foregoing to be of~~
41 ~~equivalent value, as determined by the director, to the conveyance of the State to~~

1 ~~Prentiss and Carlisle Company, Inc. in T.10 R.4 SE/4 as described in subsection 1;~~
2 ~~and be it further~~

3 E. Two parcels in T.13 R.5 WELS, Maine Revenue Services Tax Maps AR027, Plan
4 01, Lot 1.1 and AR027, Plan 01, Lot 1.2, owned solely by Prentiss and Carlisle
5 Company, Inc. and McCrillis Timberland, LLC and totaling approximately 192 acres,
6 or other parcels or reconfigurations of the parcels described in this subsection, or
7 other consideration from the partitioners as may be needed in combination with the
8 foregoing to be of equivalent value, as determined by the director, to the conveyance
9 of the State to the partitioners in T.10 R.4 WELS SE/4 as described in subsection 1;
10 and be it further

11 **Sec. 6. Resolve 2015, c. 29, §6** is amended to read:

12 **Sec. 6. Director of Bureau of Parks and Lands authorized, but not**
13 **directed, to convey Halfway Rock Island in Casco Bay, Cumberland County.**

14 **Resolved:** That the Director of the Bureau of Parks and Lands within the Department of
15 Agriculture, Conservation and Forestry may convey, for fair market value and on such
16 other terms and conditions as the director may direct, Halfway Rock Island in Casco Bay
17 in the Town of Chebeague Island, being approximately 1.5 acres, to the United States
18 General Services Administration or its assignee; and be it further

19 **Sec. 7. Resolve 2015, c. 29, §7** is enacted to read:

20 **Sec. 7. Director of Bureau of Parks and Lands authorized, but not**
21 **directed, to acquire certain interests in lands in Aroostook County.**

22 **Resolved:** That the Director of the Bureau of Parks and Lands within the Department of
23 Agriculture, Conservation and Forestry may negotiate to acquire and acquire all of the
24 minority common and undivided interests in T.11 R.4 WELS E/2 owned by parties whose
25 interests are managed by Prentiss and Carlisle Management Company.

26 SUMMARY

27 This bill transfers those leases of public reserved lands granted by an act of the
28 Legislature before the establishment of an agency in the executive branch of State
29 Government for managing leases of public reserved lands to the Department of
30 Agriculture, Conservation and Forestry, Bureau of Parks and Lands.

31 It authorizes the Director of the Bureau of Parks and Lands to sell certain parcels of
32 public reserved lands on the southwest side of West Richardson Pond to the individual
33 lessees, sell another lot in that area via public sale and enter into a land exchange to
34 separate common and divided interests in a parcel of land in Aroostook County.

35 It amends Resolve 2015, chapter 29, which authorized the partitioning and
36 consolidation of common and undivided interests in the Scopan Unit and other locations.
37 Chapter 29 involved lands in Township 11, Range 4 WELS, Township 13, Range 13
38 WELS and Township 12, Range 13 WELS, which are not owned by the same group of
39 owners as those lands involved in the proposed partition of interests in Township 10,
40 Range 4 WELS and Township 13, Range 5 WELS. At present, the partitioning and

1 exchange of interests in Township 10, Range 4 WELS and Township 13, Range 5 WELS
2 are ready to move forward. The bill amends chapter 29 to allow the Township 10, Range
3 4 WELS and Township 13, Range 5 WELS transaction to take place and further
4 authorizes negotiations by the bureau for the State's acquisition of all of the minority
5 common and undivided interests in Township 11, Range 4 WELS E/2 owned by parties
6 whose interests are managed by Prentiss and Carlisle Management Company.