



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
BUREAU OF PARKS AND LANDS
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**TESTIMONY BEFORE THE JOINT STANDING COMMITTEE ON AGRICULTURE,
CONSERVATION AND FORESTRY**

NEITHER FOR NOR AGAINST LD 797

*Resolve, to Authorize the Conveyance of Real Property to the Capitol Area Recreation
Association*

March 13, 2023

Senator Ingwersen, Representative Pluecker, and honorable members of the Joint Standing Committee on Agriculture, Conservation and Forestry, my name is Bill Patterson, and I am the Deputy Director of the Maine Bureau of Parks and Lands (BPL). I am speaking today on behalf of the Department of Agriculture, Conservation and Forestry (DACF) neither for nor against LD 797, Resolve, to Authorize the Conveyance of Real Property to the Capitol Area Recreation Association (CARA).

The bill directs DACF to convey Nonreserved Public Land presently leased to CARA and used for community recreation. The parcel is located along Piggery Road in Augusta, and LD 797 directs DACF to convey the lease parcel to CARA without covenant for \$1. The lease parcel is currently comprised of athletic playing fields and other outdoor public recreation facilities, and it is the subject of a 100-year lease dated January 1, 1993, between DACF and CARA. DACF commends CARA for its long track record as an excellent steward of this land, noting that extensive effort has been put into developing playing fields for many sports and recreational activities that benefit 20 communities in the Augusta area. There is merit in giving CARA a greater degree of autonomy to manage the site, which would also reduce occasional demands on Department staff to monitor use or respond to new proposals for the facility from CARA.

As the Committee reviews this bill, there are several factors to consider. First, public land has historically been conveyed with variable levels of restrictions, depending on the conveyance circumstances and at a price commensurate with the level of restrictions placed on the parcel. I can provide, for your consideration, multiple examples of land sales approved by the Legislature over the decades that range from highly encumbered at little or no cost to completely unrestricted at appraised fair market value. It is appropriate for the Committee to consider the question of conveying public lands in relation to encumbrance and cost. Concerning potential restrictions, DACF recommends amending LD 797 to require the land be kept in non-profit, public recreational use and to specify that should the parcel no longer be used for that purpose by

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CARA, it would be offered to the City of Augusta with the same restrictions. Furthermore, should the City of Augusta decline to accept the parcel, LD 797 should require that the parcel revert to DACF.

Second, LD 797 references Piggery Road, which runs parallel to and south of the lease parcel. However, the road is not directly included in the lease. In discussion with the CARA board members, as well as staff at the adjacent Viles Arboretum (which is also on land under lease from DACF), DACF recommends that if LD 797 moves forward, it should be amended to include the conveyance of Piggery Road to CARA. Such a conveyance should be subject to the delineation of a boundary mutually agreed upon by CARA and DACF with input from the Viles Arboretum, which has rights to the road through its existing lease. The sale of land should include Piggery Road to its eastern extent where it intersects with a portion of that road conveyed by DACF to the Department of Motor Vehicles in 1991; this will need to be identified as part of a survey of the entire parcel.

Third, DACF recommends that LD 797 be further amended to require CARA to pay all conveyance costs, including survey and DACF legal costs.

Thank you for your consideration of this information. I would be glad to answer any questions at this time. I will also be glad to bring to the work session specific deed restriction language, in consultation with CARA, that ensures public access in perpetuity and addresses appropriate recreational uses on the property.