

Amendment to LD 1724
Resolve, Authorizing the Baxter State Park Authority to Convey Certain Land
in Cumberland County
Proposed by Representative Golek
May 2, 2025

Amend the bill in the preamble as follows:

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

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

Whereas, the State of Maine, through the former Maine Forest Authority, acquired fee title to an approximately 228-acre parcel of land known as the Austin Cary Lot in the Town of Harpswell in Cumberland County through 2 conveyances; and

Whereas, the first conveyance occurred in 1973 and gifted to the State by deed recorded in the Cumberland County Registry of Deeds, Book 3496, Page 215 a 5/6 common and undivided interest subject to deed restrictions; and

Whereas, the 2nd conveyance occurred in 1974 and transferred to the State by deed recorded in the Cumberland County Registry of Deeds, Book 3524, Page 171 the remaining 1/6 common and undivided interest subject to deed restrictions; and

Whereas, the deed restrictions on the property require that the Austin Cary Lot be used for a demonstration forest, wildlife management area or other educational and scientific uses for 99 years from the dates of the conveyances in 1973 and 1974; and

Whereas, the Maine Forest Authority paid for the 1/6 common and undivided interest in 1974 using funds from the inter vivos trust of Percival Proctor Baxter, which were designated for acquisition of additional lands for Baxter State Park and additional lands, not for inclusion in Baxter State Park for recreational and reforestation or scientific forestry purposes, or as wildlife sanctuaries; and

Whereas, in 1984 the Maine Forest Authority was abolished, and ownership and management responsibilities of the Austin Cary Lot were legislatively transferred first to the Bureau of Public Lands and then later in 1984 to the Baxter State Park Authority, which retains ownership and management responsibilities to the present day; and

Whereas, the Austin Cary Lot is located more than 220 miles driving distance from the Scientific Forest Management Area in Baxter State Park in Piscataquis County, and 180 miles driving distance from Baxter State Park's headquarters and only physical office in Millinocket, and Baxter State Park has no staff presence in or near Cumberland County; and

Whereas, the geographic distance of the Austin Cary Lot from Baxter State Park's headquarters and the Scientific Forest Management Area has for many years presented a challenge for Baxter State Park staff to manage the Austin Cary Lot; and

Whereas, the Baxter State Park Authority manages the Austin Cary Lot primarily for the purpose of demonstrating sustainable forestry with the assistance of a contracted licensed forester and in the past has relied on other state agencies to perform land management activities at the Austin Cary Lot to demonstrate sustainable forestry; and

Whereas, it will benefit the people of Maine to convey the Austin Cary Lot to an entity that has the presence to uphold the same management responsibilities that the Baxter State Park Authority is committed by deed to uphold. If the interest in the parcel is sold for cash, it will benefit the people of Maine to purchase alternative lands within Cumberland County that can be managed for the same purposes as dictated by the parcel's deed as a demonstration forest, wildlife management area or for other educational and scientific uses; and

Whereas, the Baxter State Park Authority requests legislative approval to convey the Austin Cary Lot; and now therefore, be it

~~**Whereas**, the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry may sell, lease or exchange lands with the approval of the Legislature in accordance with the Maine Revised Statutes, Title 12, sections 1814, 1837 and 1851; now, therefore, be it~~

Sec. 1. Baxter State Park Authority authorized to convey State's interest in Austin Cary Lot in Town of Harpswell in Cumberland County. Resolved: That the Baxter State Park Authority may, upon a majority vote and contingent upon receiving any necessary court approval, authorize the Baxter State Park Director to convey by quitclaim deed without covenants, a parcel of land totaling approximately 228 acres in the Town of Harpswell in Cumberland County, which is known as the Austin Cary Lot or Austin Cary Forest, together with all appurtenant rights and easements located on that property.

Sec. 2. Restrictions. Resolved: That the property described in section 1 must be conveyed to a person or entity capable of managing the property subject to the following perpetual deed restrictions for the benefit of the people of this State. The property must be used for the primary purposes of sustainable forestry or wildlife management. The property may be used for other scientific and educational uses that are related to these primary purposes and must allow for public recreational use that is compatible with these primary purposes.

Sec. 3. Consideration. Resolved: That consideration for the sale of the Austin Cary Lot described in section 1 may be for appraised fair market value of the land as determined by an independent assessment of the timber and other values or for an amount that the Baxter State Park Authority, in its sole discretion, determines to be in the public interest. Notwithstanding the Maine Revised Statutes, Title 12, section 901, all money received from the sale of the Austin Cary Lot must be deposited in the Public Reserved Lands Acquisition Fund, in the Maine Revised Statutes, Title 12, section 1850, subsection 2, and must be used by the Department of Agriculture, Conservation and Forestry Bureau of Parks and Lands ~~All money received from the sale of the Austin Cary Lot must be used exclusively for the purchase of additional real estate in Cumberland County for the primary purposes of sustainable forestry or wildlife management and may be used for other scientific and educational uses that are related to, and must allow for public recreational use that is compatible with, these primary purposes.~~

SUMMARY

This resolve authorizes the Baxter State Park Authority to convey the State's interest in the Austin Cary Lot in the Town of Harpswell subject to certain restrictions. This amendment strikes from the preamble a provision relating to the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands which is not relevant to this resolve. The amendment also provides that all money received from the sale of the lot must be deposited into the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands Public Reserved Lands Acquisition Fund rather than entrusting the funds to Baxter State Park.