

TESTIMONY IN OPPOSITION OF LD 486
Resolve, Directing the Bureau of Parks and Lands To
Convey Certain Land in Township 12, Range 13 WELS in
Exchange for Other Land in Township 11, Range 10 WELS

Testimony submitted by:
Benjamin D. Carlisle
Prentiss & Carlisle Management Co.

March 9th, 2021

Distinguished members of the Agriculture, Conservation and Forestry Committee, my name is Ben Carlisle and I am President of Prentiss & Carlisle. Headquartered in Bangor, P&C is a forest manager and forestry services provider. We represent forestland owners large and small, in Maine and beyond, and we ourselves have owned timberland since the company's founding in 1924. I am submitting my written testimony today to express my **opposition to LD 486**.

The common-and-undivided ownership pattern is common throughout the forests of Maine, with each landowner owning a shared interest in every rock, tree, or mineral on the property. Originally, common-and-undivided ownership was a technique adopted by the lumbering pioneers of Maine as a diversification strategy and a way to spread risks of the era – fire, pests, and disease – among a larger group. Each owner takes a fractional share in the assets rather than having an autonomous control of any portion of the property. Although the common-and-undivided model can be effective when each of the landowners share common land management goals, when those goals diverge the property becomes difficult to manage, and sometimes impossible for any co-tenant to act with any kind of autonomy. These days, many owners of timberland consider the common-and-undivided landownership pattern outdated, burdensome, and unnecessary.

Land exchanges are the typical mechanism employed to unwind common ownership, and my firm has orchestrated land exchanges on hundreds of thousands of acres in the past 10 years. Exchanges of this nature can be extremely complex and time consuming, but when done properly and amicably they can yield enormous value to both sides – each side can get what it wants and relieve themselves from the burden of joint tenancy. In 2018 my firm completed a transaction to exchange common & undivided interests with the Bureau of Public Lands in several unorganized towns near Scapan Lake (refer to LD 1424 from the 127th Legislature, <http://www.mainelegislature.org/LawMakerWeb/summary.asp?ID=280056945>). That transaction was the result of many years of negotiation, adjustments, and concessions by both sides, and in fact took two legislative actions (see also LD 1789 from the 128th Legislature, <http://www.mainelegislature.org/LawMakerWeb/summary.asp?ID=280067435>). It was a great accomplishment for both the State and P&C, and was an example of a highly successful transaction in which both sides got what they wanted.

Another recourse common-and-undivided landowners have is the court system – one party can file a partition action against their common owner to forcibly extricate their ownership with a 3rd party determining the solution. This process is much less flexible, can lead to unwanted & undesired outcomes, and is costly. Therefore, it is most often used as a last resort.

LD 486 seems to propose that the State avoid the important negotiation process, and instead forces a certain exchange solution on both parties. While I have no opinion on the fairness of the specific trade proposed by the legislation, I do not believe the State is best served by a shotgun wedding approach. We have seen time and time again that amicable exchanges can result in big wins for both sides, and we recommend the parties instead work out a win-win solution while seated at the negotiating table. Forcing an unwanted trade on a co-tenant is heavy-handed and sets a poor precedent for the State.

Therefore, I kindly request your vote of **Ought Not To Pass** on LD 486.

Thank you for your time & consideration.

Respectfully submitted,



Benjamin D. Carlisle, President
Prentiss & Carlisle Management Co., Inc.