

Testimony On LD 486

By Douglas Denico Of Madison Maine

Senator Dill, Representative O'Neil, members of the Agriculture, Conservation and Forestry Committee: The purpose of the bill, LD 486, before you today, is to start the final process to consolidate the Public Lot acreage and to bring it fully under the control of the Bureau of Parks and Lands. The bill before you may need further revision. Discussions over the last few days have altered the ways in which the process to consolidate the public lot on T12, R13, WELS as well as locate that consolidated lot have markedly changed. This has occurred to increase the chances a consolidation and relocation will take place. At this point, a brief history of the Public Lots may be helpful.

To assist in settling the wild parts of Maine, both Massachusetts and later the State of Maine established Public Lots on unsettled townships. This was done to assist early settlers in having a basic infrastructure to provide public services such as schools. The early public lots were laid out on the ground but later the Public Lots designated in more remote areas of Maine were not located. The size of the unlocated lots was referenced as a percent of the township or as an acreage figure. This unlocated type of designation is called "Common and Undivided ownership." This type of ownership is like two people owning the same house. No one person owns the kitchen or bathroom. Both people own these rooms in "common." For the State of Maine, this type of ownership came to cause difficulty after the Supreme Court of Maine, in the mid 1970's, established ownership of the timber rights on Public Lots in favor of the State of Maine. The located Public Lots were far more easily dealt with than those in Common and Undivided ownership. The process of turning over the Public lots to the State progressed reasonably well. Unfortunately, since State ownership was established over 45 years ago, not all public lots are under the full control of the Bureau of Parks and Lands. Some Public Lot acreage still remain under the control of private landowners. The last progress made on reducing Public Lot acreage under private control, occurred about three years ago. This bill is meant to re – start the final process of consolidation. The township mentioned in the bill title, Township 12, Range 13, WELS (T 12, R 13, WELS), has the largest concentration of Public Lot acreage left to consolidate, being approximately 24% of T12 R13, WELS or approximately 5,000 acres. It is hoped that with the majority owner of T12, R13, WELS having acquired other minority interests in this Township, the time is now right for the State's minority interest to be resolved as well.

Why is it important for the Bureau of Parks and Lands to gain total control of the 5,000 acres? Without separating out the 5,000 acres, it is impossible for the Bureau to initiate its management objectives on these lands belonging to the people of Maine. Management of the common and undivided interest falls to the majority owner, in this case Clayton Lakes Woodlands. Such important management decisions as how much, where and how to cut are under private control. Very key public concerns such as recreation and wildlife management can't be addressed.

Four ways come to mind that can address the State's interest of the common and undivided acreage in T12, R13, WELS. One, continue negotiations, which have a poor track record so far. Second, a procedure involving the county's Superior Court, which requires the Bureau to Partition for the division of the State's share of T12, R13, WELS. Third, an outright purchase of the 5,000 acres by Clayton Lake Woodlands with the revenue set aside for the Bureau to purchase additional public forest land. And four, the Bureau could withhold any permission for harvesting on T12, R13, WELS which could force the issue to a conclusion. This fourth method is not being advocated herein but is an option for this

Committee to consider. The Committee may want to reach out to the AG's office for a better understanding of the court supervised process mentioned in the second option above. In the interest of having movement on this issue take place, either the court supervised process or the outright sale appear most reliable. If nothing else, I hope by bringing this situation to the attention of the Committee, the people of Maine will gain their rightful control over 5000 acres of forestland. I have brought up concepts and glimpses into a part of history perhaps unfamiliar to the Committee. At this time, I would be pleased to answer any questions. I greatly appreciate your time and consideration.