

Public Lots

Maine's chance to right a history of wrongs

By BOB CUMMINGS

THE CITIZENS of Maine once owned nearly 8 million acres of land. In just over 150 years, the trustees of this great public heritage have managed to give away or sell off 95 per cent of it.

Between 1920, when Maine became a state, and 1978, its officials gave away two million acres. And they sold more than 3½ million acres at an average price of 56 cents an acre.

Now, in 1972, we watch in frustrated dismay as our coastline is chewed away by out-of-state developers and land speculators. And we struggle, through our state Parks and Recreation Department, to preserve at least minimal public access to our remaining lake and mountain country.

But the neglect and waste continue, at least as far as the recreational potential of 400,000 acres of wildlands the state already owns is concerned.

These lands, worth at least \$30 million and perhaps many times this amount, are treated as the private domain of the big timberland owners of the state.

THE USE and disposition of these public lands was the central issue raised in a series of Maine Sunday Telegram reports last spring.

Nine months later it continues to be probably the most pressing environmental decision facing Maine's elected and appointed officials, executors of this rich natural heritage.

An executive order issued by Gov. Kenneth M. Curtis has put at least a temporary stop to the sales and giveaways of these lands.

But barely begun is the monumental task of devising long range plans for the best use of this legacy from the birth of the state of Maine.

The tale of the public lands is one of giveaways and neglect dating back to the earliest days of statehood.

The lands were sold at auction to keep the state from raising taxes and given away as prizes in lotteries for the same purposes. Hundreds of thousands of acres went, after the Civil War, to veterans but wound up in the hands of speculators. And a whopping 700,000 acres was given to the North American Railway Company in return for a promise to build a railroad from Bangor to Vanceboro in extreme northern Washington County.

All that remains are the public reserved lots — in most instances 1,000 acres in each of the six mile square townships scattered through Maine's wildlands.

ORIGINALLY the reserved lands were to support the ministry and the public schools. They were required to be set aside under the terms of the articles of separation that became part of Maine's first constitution.

Later, when separation of church and state became an issue, the legislature decreed that the lands should be used exclusively for schools.

Under that plan the reserved lots were to be held in trust until such time as Maine became settled like all the other states in the eastern United States.

But the settlers never came. And Maine proved a poor trustee.

Maine as trustee in effect gave the lots to the state's big landholders until such time as the lands became settled. Since fewer rather than more people live in the wildlands each year, those temporary gifts in effect have come to be regarded as permanent. Only now are serious questions being raised.

The "gifts" were in the form of cutting rights to the grass and timber — sold in some instances for 10 cents an acre, in others for 17 cents and occasionally for as much as 30 cents.

The problem really boils down to two questions:

How best to get back the cutting rights so that the public can use its land without paying tribute to the timber owners? And thereafter, how to devise a plan so these 400,000 acres can be used again for public rather than private purposes.

Maine taxpayers have paid for the answer to the first question. But in what has to be one of the most bizarre aspects of a bizarre story, the answer is being kept secret by Atty. Gen. James S. Erwin.

Following the Sunday Telegram series came three meetings of a special interdepartmental committee on public lands appointed earlier by Gov. Curtis.

And out of the committee came a decision by State Attorney General Erwin to assign Asst. Atty. Gen. Lee M. Schepps to a three-month study of the history and legal ramifications of the reserved lots.

The report was completed early in September, but for reasons that are still unclear, Erwin won't let anyone read it. He won't give a copy to the governor, the legislature, the press or even the committee is presumably was written for in the first place.

The document is "incomplete and a working tool of my office," Erwin insists. "It never was intended to be made public."

So Maine citizens and taxpayers may end up paying for a second public lot study.

State Parks and Recreation Director Lawrence Stuart, who was named to head Gov. Curtis' special committee on public lands, says he is looking for a foundation grant to pay for his own public lot probe. But if he can't find one, he'll seek money in his budget to pay for a new study.

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'The first priority is to keep the chainsaws off the lots'

PHOTO: STEPHEN O. MUSKIE

SO FAR THE only official statement concerning the public lands study that has been made public is a three-page summary of the Schepps report sent to Gov. Curtis, members of

Got An Opinion?

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Stuart's committee and State Sen. Joseph Sewall, chairman of the legislative research committee.

This summary concludes that:

— Maine in fact still owns the nearly 400,000 acres of public reserved lands despite its long neglect of the property.

— The grass and timber rights which were sold by the Maine legislature between 1850 and 1890 have either already reverted to the public or through proper legislative and legal steps can be made to do so.

— The lands and any income they may generate can be used for any public purpose, not exclusively for schools, as was presumed in the past.

The summary also insists that the public lots now scattered through each of the state's 395 wildland townships can be assembled into compact parcels, suitable for use as park lands, public forests or any other use the legislature may devise.

These are the key conclusions in what the attorney general has publicly described as an "excellent resume of the history, fact and legal consequences" of the public lands.

What remains is to test the validity of these findings in a court of law and in the halls of the legislature.

Yet once before when Maine had a chance to recover at least some of the rights to its public lands, the legislature promptly gave them away again.

This happened in 1905 when the rights of the holders of the cutting permits to harvest hardwoods and fir from the public lots was challenged. The argument was that when Maine was selling its cutting rights, timber meant only spruce, pine and oak. Before the courts even could rule, the legislature decreed that as far as the public lots went, timber meant anything that would grow.

ALL CUTTING rights automatically revert to the public when a township becomes organized either as a town or a plantation. An 1876 law restricts plantations to one township. But the Schepps study suggests that by repealing this limitation, the legislature could, for instance,

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recreate as one plantation all the unorganized townships in a county.

Schepps thinks this would be legal since at the time cutting rights were sold, there either were no statutory provisions limiting the area or population of plantations, or else cutting rights were to expire upon the organization of the township merely for the purpose of casting ballots in county, state and federal elections.

This isn't necessarily easy, one reason being that Maine's entire tax system is divided between organized and unorganized townships.

Unless the state wants to take a chance of imposing a tax break or a tax windfall on one group of taxpayers or another such conflicts have to be carefully checked out.

But time is running out. The legislative session is only five weeks away and legislators and the public can't seriously begin thinking about such ramifications until the attorney general's study is somehow made available.

And it is essential that the coming Maine legislature act, if for no other reason than to protect the status quo of the lots.

Too much delay could mean that when Maine finally gets around to reclaiming its public lands, it won't find a forest, but a barren wasteland of clearcut stumps.

Why? In the wake of the publicity, everyone who owns cutting rights on the public lands will want to harvest his crop of trees while he still can.

FOR SOME of the lands, public concern has come too late. This fall and winter Diamond International Corp. is cutting a thousand acre public lot deep in the heart of Piscataquis County — a lot that extends right to the edge of Gulf Hags, the remote wilderness canyon.

Diamond's decision — made before the lots' issue became public — illustrates the fate that may be in store for several hundred thousand acres of public lands in the coming weeks and months.

A Maine forest industry that is about to cut the equivalent of 16,000 acres in Baxter State Park isn't likely to show restraint when threatened with the loss of public lands it has treated as its own for more than a century.

The new concern with public lands also comes too late to save a 1,000 acre public lot traversed by the ancient foot path that carried Benedict Arnold's men to Quebec in one of the Revolutionary War's most famous battles.

The Arnold Expedition Historical Society two years ago laboriously traced the course of Arnold's march between the Kennebec River and Flagstaff Lake near the Carry Ponds and was getting ready to negotiate with adjacent landowners for a corridor preserve, when the lot was suddenly cut.

What had been a deeply worn foot path still visible a century after the last fur traders, trappers and hunters had used it became overnight a tangle of slash and bulldozer tracks. The trail is now extinguished, probably forever.

But these are exceptions rather than the rule. Most of the public lots are typical of most Maine forest lands. Some are overgrown, mature timber, some straggly second growth and some are recovering from recent timber harvests.

Some lots have never been cut. These are in out of the way places where cutting hasn't been economical — on mountain tops, steep slopes, marshes, bogs and lakeshores.

State law required the lots to be on land that represented the average value of a township. But human nature being what it is, sometimes land agents a century ago were less than diligent in carrying out their responsibilities.

ONE OF THE ironies of history is that much of what was worthless then has become the most valuable land around.

Hundreds of the lots were laid out on lake shores so that as much as possible of the public's 1,000 acres would be under water. Those strips of waterfront today are incredibly valuable.

Similarly, some of the fastest selling land in Maine often is on the steep slopes that become ski resorts and four-season condominium developments.

Sometimes this "worthless" land has become so valuable that developers have swapped it for "good" land.

On Squaw Mountain, the Scott Paper Company ski resort near Greenville, where a public lot interfered with the ski development, the forest department conveniently accepted in exchange a fine piece of timberland in a more accessibly cut area.

The state lost on both ends of this transaction. It gave up a piece of valuable recreation property. And the timber on the piece given in exchange, Scott promptly cut. Because it owned the cutting rights to the lot that was swapped.

THE FIRST priority now is to somehow keep the chainsaws off the public lots while the state ponders which lots should remain as essentially timber — and to whom it belongs — and which have a higher potential for public recreation.

One way to achieve this might be a court test of Schepp's claim that what was sold in the grass and timber deeds of the 19th century may have been the right to cut and carry away the timber then standing.

Since this has long since been harvested, the present standing timber would be owned by the public.

Such litigation might take years, but by bringing action the state could seek an injunction halting further cutting until ownership of the trees is decided.

An equally important task for the next legislature is to provide funds for the parks department to inventory the public lands to see which have recreational potential and which do not.

In the long run, probably many of the lots should be traded off with the big timber growers in return for land better suited to public use.

But some of the public lands are extremely valuable just as they sit.

For instance, the public lands include such attractions as the scenic summit of Coburn Mountain near Jackman, a wild waterfall and gorge deep in the Carrabasset Valley and a spectacular waterfall on the Cupsuptic River in northern Oxford County near the Canadian border.

Another public lot encompasses 1,280 acres on East Kennebec Mountain near Rangeley Lake. Two lots provide potential public access to the fascinating Tumbledown Mountain near Mount Blue State Park in Weld.

ANOTHER 1,000-ACRE public lot wraps around the shoreline of Long Lake at the north end of the spectacular Barren-Chairback Mountain range in Piscataquis County.

And included in the roster of public lands is probably the most magnificent stand of big pines remaining in northern Maine — the pines of Gero Island at the northern end of Chesuncook Lake, near the traditional entrance to the Allagash wilderness canoe trip.

But perhaps the most important public lands are those lying at the base and on the slopes of the Bigelow Mountain range across Carrabasset Valley from Sugarloaf.

Bigelow, one of the finest mountain regions in the northeast, has been proposed by the committee of the Natural Resources Council, the Sierra Club and the Appalachian Mountain Club as a new mountain park and back country recreation area for hikers and wilderness campers.

If the courts uphold Schepps' opinions on the lots, the 3,000 acres the public already owns will provide a nucleus for the new park. Even more important is the huge trust fund created when Central Maine Power Company dammed the

Dead River to create Flagstaff Lake nearly 25 years ago.

The power company has been paying the state \$25,000 a year for the privilege of being allowed to flood a public lot and this kitty now stands at nearly three quarters of a million dollars — awaiting the time when civilization and schools come to the slopes of Bigelow.

Schepps has said that the legislature could use this fund to create a park if it wants to.

In any case it's worth the cost of a court test to find out.

THIS IS NOT the first time Maine has tried to use its public lands for recreation. When the state was buying the Allagash Wilderness Waterway, Stuart wanted to establish public lots along the river and lake shores to cut down the acreage the state had to buy.

The Allagash country includes some of the 150,000 acres of public lots which are recorded on the deeds but never physically laid out.

But Erwin ruled that the law requires the lots to be located on lands "average in quality, situation and value" with the other lands in the township.

"Anyone familiar with water courses such as the Allagash knows that the shoreline for long distances may be nothing but flowage, grass, swamp or other land of such character to be economically valueless," he wrote.

"In my opinion the Forest Commissioner not only ought not, but must not, ignore the quality, situation and value of the land when laying out public lots."

This was interpreted by Stuart and Forest Commissioner Austin Wilkins as meaning that the public lots couldn't be used as part of the waterway.

So instead of using land it always owned, the state bought its wilderness with cash. And it paid an average of \$120 an acre, or twice the then going Maine forest land price, for it. Economically valueless?

The public therefore continues to own a thousand acres in each of the Allagash region's dozen townships. But unless the legislature acts, these lands will remain the province of the big timber companies until such time, if ever, when the wilderness waterway becomes populated with year round residents requiring schools.

What this means is that the public can use its thousands of acres of public domain in the Allagash region only if the wilderness that taxpayers paid \$6 million for is destroyed by the arrival of civilization.

THERE ARE SIGNS that the public may at last be demanding some public use of its land legacy.

Although the state has yet to make any recreational use of these lands, at least one town has done so. The 980 residents of Mattawamkeag, northeast of Bangor, voted in 1971 to give their 1,000-acre lot to the state for a wilderness park. Mattawamkeag had gained title to the lands when it became an incorporate town as present law specifies. When the deal fell through, Mattawamkeag applied for and received a federal grant to create a wilderness preserve and canoe camping area of its own on the shores of the Mattawamkeag River.

The Mattawamkeag experience points the way to how these lands — originally preserved to assure eventual civilization for Maine's wild country — can become a major tool in preserving one of the scarcest commodities of the final decades of the 20th century — natural areas and wilderness.

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Public Lots: Maine's Chance To Get Them Back



PHOTO: BOB CUMMINGS

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SUN DEC 22 1974 TELEGRAM

Best of gifts -- land for Maine people

Public
Christmas means presents — gifts exchanged. And Maine has exchanged presents. If you will, with Great Northern Paper this December.

As a result of an agreement Great Northern Paper Co. transferred 60,000 acres to the State. Having reached that agreement a swap was arranged which left Maine with land particularly suited for recreational use and Great Northern with land especially suitable for timber operations.

The way the swap was made is important. Briefly, this newspaper first focused public attention on the fact that over 320,000 acres of public lands, which belonged to Maine people, were on the shelf, forgotten, unused, even mislaid. Result was interest, then action by the legislature, the governor's office. Then Great Northern came forward to help resolve their part of the issue through negotiations for transfer of lands followed by an exchange of lands more desirable to the state.

Add to this, the gift by Scott Paper of Squaw Mountain, plus the hotel and ski facilities.

But let not overmuch attention be focused on the rather temporary issues of a hotel, which will disappear; of ski lifts and trails, which will wear out; or cutting rights for the forest, which will replenish itself in 40 years.

Instead let our pleasure be focused on the land. The land is now Maine's in perpetuity; the land will not vanish. Maine people hundreds of years from now will own it still.

These are Christmas gifts of magnitude and duration. They are fitting gifts exchanged between Maine and people who live, work and profit from Maine.

The future of some 250,000 more acres of public lands is still subject to process of negotiations. We hope that the good pattern set by Great Northern and the State (and Scott and the State) will form a precedent others will follow.

Our public lots:

State's scenic jewels had a long journey home

By BOB CUMMINGS
Staff Writer

A DECADE ago only a handful of Maine residents had ever heard of public lots, a 400,000-acre public domain that the state reserved when it sold its public lands a century and a half ago — and then forgot.

Today, thanks to a historic Maine Supreme Court decision last week, the state has undisputed ownership of these long-neglected public lands.

The cutting rights to the public lands had been sold a century ago, and most had drifted into the hands of paper companies and large land-holding companies. The court ruled, however, that the state had sold only the timber that was growing at the time of the sales — and that this wood has long since either been harvested or died of old age.

About 250,000 of these acres were already owned by the state, thanks mostly to a series of out-of-court settlements during the eight years the case was winding through the court system. But the decision assures full state ownership of the 150,000 acres that had remained in dispute.

These acres are divided among several hundred small lots in the wildlands of Maine — lots ranging in size from 320 acres to about a thousand acres.

But altogether, the public lots now encompass some of the scenic jewels of eastern United States — the wild Bigelow, Mahoosuc and Deboulie Mountains, hundreds of miles of remote lake shores and streams and thousands of acres of remote forest lands.

And it was all achieved without the investment of any significant state money. In fact the public lands generated nearly \$1 million dollars in income last year and projections point to at least a \$3 million annual business in a few years.

Some of the public lots are not discrete parcels of land. Rather the state owns a one twenty-fourth interest in an entire township.

Essentially this means that whenever any land is harvested in these townships a 24th of the value of the harvested timber must go to the state.

In an era in which government activities are increasingly suspect, Maine's public lots qualify as a major government success story.

Ironically, it's a success story that remains little appreciated. Far more people have heard of public lots today than 10 years ago, but the vast new public domain has been largely ignored and neglected by the general public.

Each Legislature, for instance, is asked to give away a bit of the public domain. And each Legislature succeeds in doing so — largely because the public never shows up to protest.

Last spring was no exception. About 300 families lease cottage lots in the public lands. Originally these leases were valid for only 12 months. They were reissued each year just as most of the similar leases issued by the paper companies expire annually.

They granted the leaseholders the right

to use the lands for 12 months, and were renewable only if both parties chose to do so.

A few years ago legislators voted to, in effect, give the cottagers free ownership rights to the public domain. Leased lots could now be bought and sold like any other property. Leases could be canceled only if the state could show major wrongdoing or if the owners failed to pay annual lease fees.

The Legislature last spring went a step further. It took away the authority of the Bureau of Public Lands even to set the lease fees. Fees are now established by the Bureau of Taxation.

The public lands are now "taxed," rather than leased.

Why? Because 200 leaseholders showed up at the legislative hearing — while only a handful of speakers urged the public rights to its lands be protected.

BUT THE leases represent only a tiny percentage of the public lands. Most remain open to general public use.

A book could — and should — be written about the saga of Maine public lands. Maine inherited or purchased 9.5 million acres when it separated from Massachusetts in 1820.

Within three decades of gaining statehood most of this vast public domain had disappeared. It had been given away as lottery prizes, donated as subsidies to railroads — some of which never got built — and sold for pennies an acre.

Some simply disappeared — along with the records of their existence in the state archives. Land agents charged with protecting the public lands ended up owning great acres of public lands themselves.

The late Percival Baxter, who served as governor from 1920 to 1925 used to call it the "great land steal."

Strangely the records of the state land office are missing from 1868 to 1890, the era when the last of the public domain disappeared. The records are intact for earlier and later dates, but can't be found for the 23-year period, according to "A History of Lumbering in Maine," by David C. Smith, a professor of history at the University of Maine at Orono.

Public lots escaped almost by accident. Early Legislatures considered public lands a liability. Their aim was to get rid of them as quickly as possible.

But the articles of separation under which Maine split away from Massachusetts required that four lots of 320 acres each be reserved when each 24,000 acre township of the public domain was sold or given away.

Early Legislatures followed the dictates of the articles of separation, largely because they thought it illegal to do otherwise.

Later Legislatures had fewer scruples. Large blocks of the long-neglected public domain were sold shortly before they were "rediscovered" in 1972.

In theory anyway, the "reserved lands" were to supply income to the church, the clergy, town governments and the schools when settlers finally came to the Maine wildlands.

But settlers never came to much of Maine. More than half the state remains unorganized "wildlands" today.

THE RESERVED lots were mostly a nuisance to the early Legislatures. People kept ripping off the public's wood and squatting on the public land.

And with no local governments and no large populations living nearby there wasn't much anyone could do about it — not until about 1850 anyway. That's when the Legislature hit on a solution.

The public lands couldn't legally be sold, or so they thought, but cutting rights to the public's trees could be sold — and were.

By 1900 all but about 50,000 acres of timber rights had been sold. The state, for much of the next seven decades, took the position that by selling the cutting rights, they had lost all surface rights to the land — that the public then only owned the minerals under the soil.

Even these weren't particularly protected, however. Gravel pits on the public lands were regularly excavated to build logging roads.

Change didn't begin until 1972, when a story in the Sunday Telegram first called attention to the neglected public domain.

"Maine is pondering the disappearance of its coastline to out-of-state developers and speculators," the Telegram reported. "And is struggling to buy enough land to preserve some minimum of public access to its lake and mountain country."

"But at the same time the recreational potential of 400,000 acres the public already owns continues to be neglected, sold and given away."

The article essentially argued that there is more to be done with land than to cut its trees. Land can be walked upon, developed for campsites, used for access to lakes and streams, and protected as wildlife habitat, even though cutting rights had been sold.

The story touched off a major squabble. Then Gov. Kenneth Curtis appointed a committee of state commissioners to investigate, the Legislature created the Bureau of Public Lands and the Maine Supreme Court issued an advisory opinion.

Most importantly, however, several claimants filed suit in Kennebec County Superior Court asking that the state be ordered to stop interfering with their claims to the century-old cutting rights.

And the state filed a countersuit claiming early Legislatures had only sold the cutting rights to the trees that were then growing. Since these had already died, the cutting rights had long since expired.

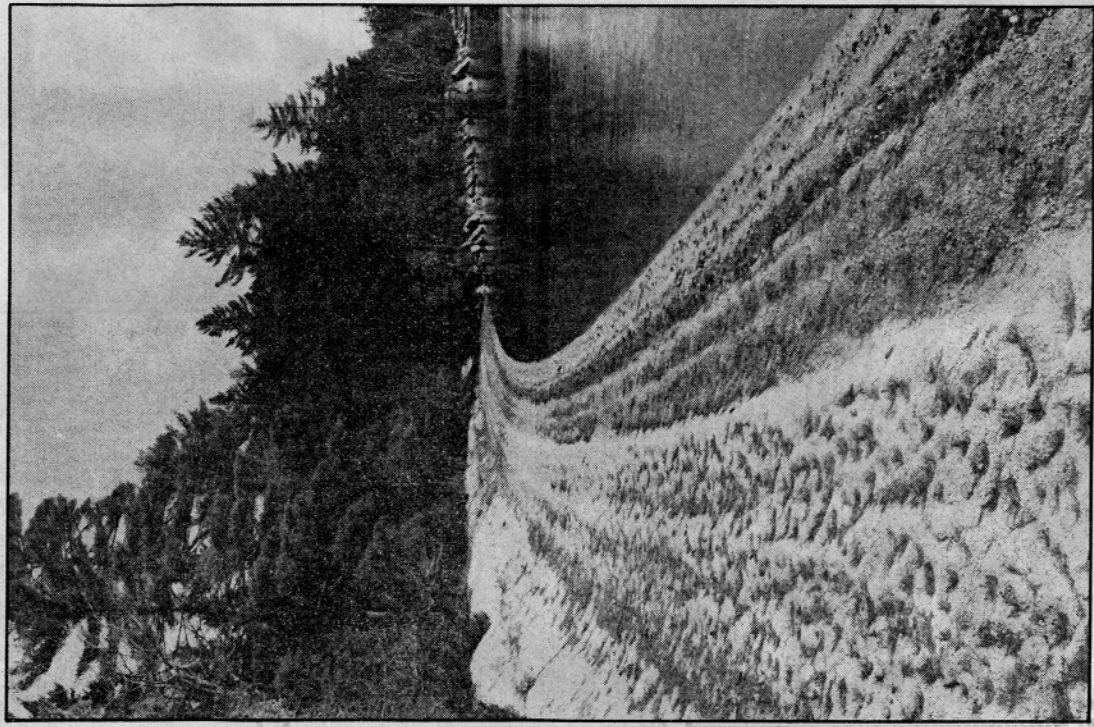
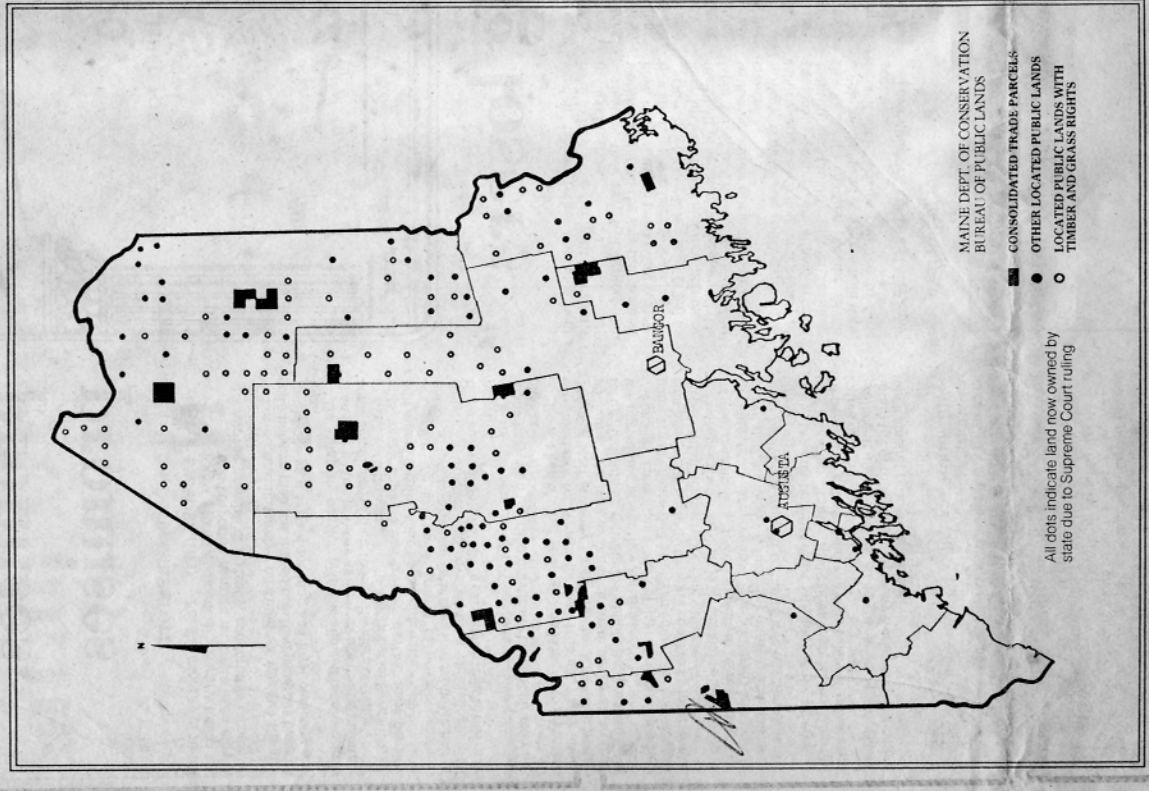
THIS SUIT and countersuit have been around nearly 10 years. The state lost in the initial rounds. The Superior Court ruled that the cutting rights continued indefinitely, until settlers finally arrived in the wildlands and organized governments were formed.

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Our public lots:

State's scenic
jewels had a long
journey home

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Duck Lake, a public lot in northern Hancock County

Our public lots:

State's scenic
jewels had a long
journey home



Rocky Lake, also a public lot, in Washington County

Photos by Christopher Ayres

But, on Monday the Supreme Court, in a 3-1 decision, agreed with the state that the deeds covered cutting rights only for existing timber, not future growth. In what then Gov. Joseph Brennan called a victory of "historic importance for the people of Maine," the court rejected claims by paper companies and other large landowners that the deeds granted by the state gave them the right to harvest subsequent growth of grasses and timber.

Monday's Supreme Court decision noted that under ordinary circumstances, deeds to timber or cutting rights do not include future growth.

Maine's high court tried to duck the decision initially, ruling that the state enjoyed immunity from suits and therefore the landowners had no claims.

The Legislature last spring voted to waive its immunity so the issue could finally be resolved. While awaiting the Supreme Court ruling, a dozen companies gave back their cutting rights voluntarily, in what were, in effect, out-of-court settlements.

That's why Maine now owns 250,000 acres free and clear, including some of the most spectacular landscape in the East.

Richard Barringer negotiated the first land swap as founding director of the Bureau of Public Lands in 1974.

Great Northern Paper Co. gave back the cutting rights on nearly 60,000 acres of scattered public lots and then swapped these scattered lots for land of equal value in larger blocks.

From Great Northern, Maine got title to the township that connects Baxter State Park with the Allagash Wilderness Waterway, a big chunk of the wild Penobscot River shoreline, a portion of a popular canoeing river and lake system near Jackman, and much of the remote Deboullie Mountains in Aroostook County.

But the bulk of the public lot transactions, were engineered by Lee Schepps, who replaced Barringer when the latter became commissioner of the Department of Conservation.

Under Schepps Maine got nearly 33,000 acres from International Paper Co., 21,000 from Scott Paper Co., 16,000 from St. Regis, 15,000 from Brown Co., 14,000 from Huber Corp., 10,000 from Boise-Cascade, 8,000 from Diamond International and 1,500 from Dead River.

SCHEPPS QUIT two years ago to return to his native Texas. Until last week the current director was Lloyd Irland.

Irland, however, quit to become state economist just before the court announced its decision. He is being replaced by Bernard J. Schruender, a forester on loan from the U. S. Forest Service, where he specialized in public recreation matters.

Irland had continued the slow negotiations that lead to the voluntary return of the cutting rights on most of the lands. But Irland, a forest economist, saw his major role as beginning the management of the public lands.

He divided the lands into a half-dozen districts and hired foresters and forest planners to sell and supervise the harvesting of trees from the public forests.

"I see my principle role as producing raw materials for the Maine economy, while protecting recreational uses, and wildlife," he said.

The law creating the Bureau of Public Lands requires it to be self-supporting.

Income from the sale of timber supports wildlife and recreational use of the lands, as well as the cost of managing the lands for timber production.

Irland expects nearly 40 separate logging operations this year to generate nearly \$1 million dollars in income.

It's not all profit, however. The department now employs eight foresters and management of the lands will "cost about three-quarters of a million," he says.

"We had a \$200,000 surplus, but we aren't sitting on a gold mine."

His comment came as legislators eyed the public lands surplus last spring as a way to resolve a tight state budget.

Irland, however, persuaded them that the money is needed to finance more public land harvesting activity.

He predicted that eventually the public lands could earn \$1 million dollars a year for the state to use as it wants.

"But right now we need all the income to bring the lands into production."

Maine forests traditionally have grown more trees than the state's industry could use. As a result, much of the public lands are overstocked with overmature and low-quality trees.

Such trees just take up space in the forest, while growing slowly or not at all, Irland says.

"The immediate priority should be to harvest this low-grade wood so the forest will be healthier."

THOUGH THE emphasis is on cutting trees, Irland says the recreational and wildlife values of the public domain should be preserved.

Before major cutting is carried out, detailed inventories are made of each public lot.

The report for Squa Pan Lake in northeastern Aroostook County is typical. The land is mostly useful for timber harvesting, but the bureau sees "a potential to develop hiking and skiing trails traversing the ridgeline of Garland Hill and Squa Pan mountain. Through improvements to the old fire warden trail, access to Squa Pan Lake can be achieved.

"Both the mountain and lakeshore afford options for future recreation use and should be preserved for this purpose."

A report on Bigelow mentions use of the area by hikers and notes that the Appalachian Trail traverses the summits of the major Bigelow peaks.

"Subalpine and dwarf shrub heath communities dominate the vegetation," the Bureau of Public Land found. Recorded are numerous rare plants, including a rare alpine club moss, found mostly on the barrens of Labrador and Greenland.

Also cited is a rare bentgrass, "small and rather inconspicuous," but important to protect. It is found just below the summit of one of the major peaks.

Other rare plants surveyed include alpine sweetgrass, a mountain sandwort of the carnation family, Bigelow sedge, and a high mountain rush.

And on the shores of Horns Pond and Cranberry Pond, located high on the Bigelow ridgeline, specimens of the rare squashberry, a small shrub with maple-like leaves, and an acid berry, are reported.

Bigelow has a rare animal too, the bureau reports, the yellow nose vole. It looks something like a common meadow vole — except for its yellow nose — but it's considered one of the world's rarest and least-known mammals.

The vole has been sighted as far south as

North Carolina, always in high mountain terrain. Only 12 specimens have ever been trapped in Maine — two in Bigelow col near the Avery Peak lean-to of the Maine Appalachian Trail Club.

BIGELOW, THE Mahoosucs and other mountain public lots are justifiably famous. But the public lands include dozens of equally spectacular, but less well-known attractions.

Scraggly Lake, located northeast of Baxter Park, is a crystal clear pond with an unusually large population of loons. The state owns most of the lake shore and much of the surrounding forest land.

In the latter can be found a rare white lady slipper orchid, sometimes known as the "fairy slipper."

But the big attraction is the lake, and its several miles of almost undeveloped shoreline.

A small campsite is located near the road access and bureau plans call for a small expansion of the facilities.

In Washington and Hancock counties are Rocky Lake and Duck Lake, major lakes within easy driving distance of Ellsworth and southern Washington County communities, and the spectacular Great Heath, one of the largest peat bogs in Maine.

The latter contains a rare baked appleberry and a swamp pink orchid, as well as at least 10-million tons of peat, which is being eyed by the state as a major new energy source.

Though recovery of the remaining cutting rights on the public lands had slowed, Irland was confident that eventually all would be returned, even if the Supreme Court hadn't ruled favorably.

The state a century ago sold the right to "carry away the timber and grass" only until the lands are organized "for plantation purposes."

A plantation now is sort of a primitive town government. But when most of the public lands were sold, plantations were primarily a device to enable residents to vote in state and national elections.

A series of large plantations, organized around structures where voting booths can be erected, probably would qualify as a plantation, thus ending the cutting rights for all time.

A similar proposal was defeated by the Legislature when the public lots first attracted public notice. But it was widely predicted that sooner or later a majority of legislators would vote to recover the final 150,000 acres of its public domain.

The question, of course, is moot now. The public lands have returned without the necessity of tampering with the organization of the wildlands of the state.

MAINE ONCE had more public lands than any other state in the East. Most was sold, given away or stolen.

But a tiny bit of this public domain remains, the lands preserved to support the costs of municipal governments.

As the first public lot story reported in 1972: "It may be one of the ironies of history that these lots set up to insure eventual civilization may become a major tool in preserving one of the rarest commodities of the final decades of the 20th century — natural areas and wildness.

It's a goal that the Bureau of Public Lands is well on its way to achieving, while, remarkably, generating income and providing jobs and economic activity simultaneously.

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Articles by Bob Cummings on the Public Lands of Maine