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AMANDA E. BEAL
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TESTIMONY BEFORE THE JOINT COMMITTEE ON AGRICULTURE,
CONSERVATION AND FORESTRY

NEITHER FOR NOR AGAINST LD 1690

*An Act Directing the Bureau of Parks and Lands to Modify the Deed for a Parcel of Property
in the Town of Carrabassett Valley*

May 13, 2021

Senator Dill, Representative O'Neil, 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. I am speaking neither for nor against LD 1690 on behalf of the Department of Agriculture, Conservation and Forestry.

The bill would amend the deed transferring public reserved land from the State to the Town of Carrabassett Valley by removing the prohibition against using (a portion of) that land for a commercial purpose. The deed to the Town-owned 1203-acre lot is subject to restrictive covenants required by the legislature¹ when the State conveyed the lot to the Town in 2000, with subsequent deed amendments authorized by the legislature in 2015 and 2019.² LD 1690 pertains to only a 25 acre portion of the parcel on which the Town is permitted to develop municipal outdoor recreation facilities.

In March of 2021, the Carrabassett Valley Town manager asked the Bureau whether several potential improvements on the 25 acre parcel would be allowed under the deed restrictions. The stated intent of these improvements is to enhance and create more outdoor activities at the Sugarloaf Outdoor Center. The Bureau understands the proposed improvements to be within a reasonable definition of "outdoor recreation" as required within the designated 25-acre footprint for municipal recreational development. However, the Bureau notes that existing or potential future management agreements initiated by the Town might test the definition of "commercial development" if some of the new outdoor recreational uses are administered by a for-profit entity.

For this reason, the Bureau advised the Town that the deed would require amendment if they wish to contract commercial management of any new municipally owned recreational facilities. While the Department is generally in support of LD 1690, there are several factors that we encourage the Committee to consider. First, the deed has already been amended twice by the

¹ Pursuant to 12 M.R.S. § 1851 and Resolves 1999, ch. 41, sec. 1 effective September 19, 1999 and, Pursuant to L.D. 2334, Part Q effective August 11, 2000.

² Pursuant to Resolves 2015, ch 17, sec. 6 effective August 26, 2015, and Resolves 2019, ch. 73 sec. 4 effective September 17, 2019.

legislature in the last six years and it is important for all those involved to establish clear, enforceable deed restrictions that will not require continued amendment. Second, the land was originally sold by the State of Maine at fair market value, with the value based on an appraisal. The Committee should consider whether the proposed amendment significantly changes that valuation and if additional compensation to the State should be required or waived. Finally, given the importance of this resource to the local community, the Committee should consider requiring the Town to afford the opportunity for public input on new development as a replacement for the commercial use limitations on the 25 acres. The Bureau's role is to monitor and enforce these deed restrictions, and we would like them to be clear and enforceable.

I would be glad to answer any questions.