

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TENTH LEGISLATURE
4

5 **Legislative Document**

No. 1734

6
7 H. P. 1745 Office of the Clerk of the House
8 Submitted by the Department of Finance and Administration pur-
9 suant to Joint Rule 24.

10 Reference to the Committee on State Government suggested and
1,400 ordered printed.

11 EDWIN H. PERT, Clerk
12 Presented by Representative Kane of South Portland.
13

14 STATE OF MAINE
15

16 IN THE YEAR OF OUR LORD
17 NINETEEN HUNDRED AND EIGHTY-TWO
18

19 **RESOLVE, Authorizing the Transfer of the Care and**
20 **Custody of Certain Property to Grand Falls Township**
21 **to the Bureau of Public Lands.**
22

23 **Preamble.**Whereas, Grand Falls Plantation was
24 deorganized by act of the Legislature, Public Law 1981,
25 chapter 39; and

26 Whereas, title to certain real estate, more specifi-
27 cally a lot with 2 buildings and a one acre parcel adjacent
28 to this lot, was in Grand Falls Plantation at the time of
29 its deorganization; and

30 Whereas, Title 30, section 5702 provides that the State
31 Tax Assessor shall have authority to sell or otherwise dis-
32 pose of any property, other than property formerly used or
33 still being used for school purposes, the title of which
34 rests in the town at the time of deorganization and provides
35 in Title 30, section 5704 that when the incorporation of a

1 rests in the town at the time of deorganization and provides
2 in Title 30, section 5704 that when the incorporation of a
3 municipality is repealed, the care and custody of the school
4 lands herein, including the public reserved lands, if not
5 previously disposed of, revert to the Director of the Bureau
6 of Public Lands to be held by him subject to the same powers
7 and responsibilities as apply to other lands in his custody;
8 and

9 Whereas, property owned by a municipality which is
10 deorganized is then held by the State in trust for the
11 inhabitants of the deorganized municipality; and

12 Whereas, the lot containing the 2 buildings is small
13 and the 2 buildings are located in close proximity of each
14 other; and

15 Whereas, one of the 2 buildings was used as a school-
16 house and the other is in a state of disrepair such that it
17 has little saleable value, and there is some ambiguity as to
18 whether land and the schoolhouse should revert to the Bureau
19 of Public Lands or whether the State Tax Assessor has
20 authority to dispose of the building; and

21 Whereas, the parcel of land behind the buildings was
22 given to Grand Falls Plantation by Robert L. Benson on
23 November 27, 1979 through a deed which contains a reversion-
24 ary interest in Robert L. Benson's heirs if the parcel is
25 not used as a public park, thereby greatly inhibiting its
26 resale value; and

27 Whereas, because of these factors, the Legislature has
28 concluded that its fiduciary obligations can best be carried
29 out by delegating the continual care, custody and control of
30 all the above described property to the Bureau of Public
31 Lands; now, therefore be it

32 Care, custody and control of certain real property del-
33 egated to the Bureau of Public Lands. Resolved: That the
34 Bureau of Public Lands is authorized to assume care, custody
35 and control of the following real property formerly held by
36 Grand Falls Plantation and now held by the State because of
37 the deorganization of Grand Falls Plantation:

38 "A certain parcel of land and buildings thereon, in
39 Grand Falls Plantation, Penobscot County, Maine bounded as
40 follows: Beginning at a point on the Bryant Ridge Road 20
41 feet north of the school house, thence easterly 40 feet;
42 thence southerly to the Harvey Stickney Road, thence west-

1 erly on said road to the Bryant Ridge Road; thence northerly
2 along said road to point of starting. Being part of Lot No.
3 --- Range --- and containing 1/2 acre more or less being
4 same lot on which the school house now stands; and"

5 A certain lot or parcel of land, situated in Grand
6 Falls Plantation, County of Penobscot and State of Maine,
7 bounded and described as follows:

8 "Commencing at the intersection of the southerly line
9 of Bryant Ridge Road with the northerly line of the Stickney
10 Road; thence easterly on and along the northerly line of
11 said Bryant Ridge Road, 150 feet to the easterly side of a
12 driveway, so-called, being the northwesterly corner of the
13 Saponac School lot; thence continuing easterly on and along
14 said Bryant Ridge Road 40 feet to a stake, being the north-
15 easterly corner of the Saponac School lot and being the
16 point of beginning of the herein conveyed premises; thence
17 from said point of beginning easterly on and along the
18 southerly side line of said Bryant Ridge Road 140 feet to a
19 large rock; thence continuing easterly on and along the
20 southerly side line of said Bryant Ridge Road 90 feet to a
21 stake; thence southwesterly 300 feet, more or less, to the
22 northerly side line of said Stickney Road; thence northwest-
23 erly on and along the northerly side line of said Stickney
24 Road 125 feet to the southeasterly corner of said Saponac
25 School lot, so-called; thence northeasterly on and along the
26 easterly line of said Saponac School lot 125 feet to the
27 point of beginning."

28 Being a part of Lot 25, Range 3, referred to as Parcel
29 2 in a deed from Leroy N. Bowers to Robert L. Benson, which
30 deed is dated June 20, 1952 and recorded in the Penobscot
31 County, Maine Registry of Deeds in Book 1354, Page 307.

32 Statement of Fact

33 This resolve transfers the care and custody of what was
34 formerly municipally-owned property in Grand Falls
35 Plantation to the Bureau of Public Lands. Grand Falls
36 Plantation was deorganized effective March 31, 1981.