

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND TENTH LEGISLATURE  
4

5 **Legislative Document**

**No. 2059**

7 H. P. 2159 House of Representatives, March 9, 1982  
Approved for introduction by the Legislative Council pursuant to  
Joint Rule 26.

8 Speaker laid before the House and referred to the Committee on  
Energy and Natural Resources. Sent up for concurrence and ordered  
printed.

EDWIN H. PERT, Clerk  
Presented by Representative Livesay of Brunswick.  
Cosponsor: Representative Holloway of Edgecomb.

9  
10 STATE OF MAINE  
11

12 IN THE YEAR OF OUR LORD  
13 NINETEEN HUNDRED AND EIGHTY-TWO  
14

15 **RESOLVE, Authorizing the Commissioner**  
16 **of Marine Resources to Convey an Easement**  
17 **over Certain State Land.**  
18

19 **Commissioner of Marine Resources; authorized to convey**  
20 **an easement over certain state lands. Resolved:** That the  
21 Commissioner of Marine Resources is authorized to grant to  
22 Jane Flower such easements as may be mutually agreeable,  
23 subject to the terms in this resolve, for the purpose of  
24 conveying sewage across state-owned land at McKown Point,  
25 Boothbay Harbor, which land is described in a deed recorded  
26 at the Lincoln County Registry of Deeds, book 973, page 43,  
27 hereinafter referred to as "deed."

28 1. The Flower sewage system serviced by the sewage  
29 pipeline shall be subject to approval by the Department of  
30 Environmental Protection and the Department of Marine  
31 Resources.

32 2. The sewage pipeline shall be installed below ground  
33 if requested by the Department of Marine Resources.

1 3. All costs, including, but not limited to, grounds  
2 repairs incurred during installation or maintenance of the  
3 sewage pipeline, shall be paid by Jane Flower.

4 4. In the event that future construction or other ac-  
5 tivities of the Department of Marine Resources require  
6 removal of the sewage pipeline, Jane Flower shall pay all  
7 costs for removal of the pipeline.

8 5. This authorization for conveyance of an easement  
9 shall be contingent upon the written approval of the United  
10 States Department of Education, successor in function to the  
11 original grantor of the property, the United States Depart-  
12 ment of Health, Education and Welfare, as required by condi-  
13 tion 2 of the deed.

14 STATEMENT OF FACT

15 This resolve authorizes the Commissioner of Marine  
16 Resources to grant an easement to Jane Flower, subject to  
17 the conditions of the resolve, so that Jane Flower may  
18 install a sewage pipeline across state-owned land at McKown  
19 Point, Boothbay Harbor, the site of the Boothbay Marine Lab-  
20 oratories. The resolve is required in this unique situation  
21 in order to further the strong state policy of encouraging  
22 environmental protection. With this easement, Jane Flower,  
23 owner of landlocked property abutting the state-owned McKown  
24 Point property, will be able to install the best available  
25 sewage disposal system. Without an easement, Jane Flower  
26 will be forced to install an inferior system, likely to  
27 result in eventual pollution of this area. The easement  
28 conditions listed in the resolve will ensure that Jane  
29 Flower will assume all costs attendant upon installation,  
30 maintenance or removal of the sewage pipeline.

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