

MAINE STATE LEGISLATURE

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CHAPTER 233

PUBLIC RESERVED LOTS

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§ 4151. Location by agreement

In every township there shall be reserved, as the Legislature may direct, 1,000 acres of land, and at the same rate in all tracts less than a township, for the exclusive benefit of such township or tract, to average in quality, situation and value as to timber and minerals with the other lands therein. In townships or tracts sold and not incorporated, the public reserved lots may be selected and located by the Forest Commissioner and the proprietors, by a written agreement, describing the reserved lands by metes and bounds, signed by said parties and recorded in the commissioner's office. The plan or outline of the lands so selected shall be entered on the plan of the township or tract in the commissioner's office, which shall be a sufficient location thereof.

R.S.1954, c. 36, § 48; 1961, c. 43.

§ 4152. Location without agreement

When the Forest Commissioner and proprietors of a township or tract described in section 4151 cannot agree on such location and if the right to cut the timber and grass thereon has not been sold and until the township or tract is incorporated as a town or

organized as a plantation, the commissioner may petition the Superior Court for the appointment of commissioners to make the location. The petition may be filed and the proceedings under it had in any county.

R.S.1954, c. 36, § 49.

§ 4153. Location by grantee

When in the grant of townships or parts thereof certain portions of them are reserved for such townships or for public uses, and they have not been lawfully located in severalty by the grantee for the purposes expressed in the grant, the Superior Court in the county where the land lies, on application of the Forest Commissioner, may appoint 3 disinterested persons, and issue to them a warrant, under the seal of the court, requiring them, as soon as may be, to locate in separate lots the portions reserved for such purposes and to designate the use for which each lot is so reserved and located, such lots to be of average quality with the residue of lands therein.

R.S.1954, c. 36, § 56.

§ 4154. Proceedings by committee; record

The members of the said committee mentioned in section 4153, before acting, shall be sworn before a justice of the peace, and a certificate thereof shall be indorsed on the warrant. They shall give notice of their appointment, and of the time and place of their meeting to execute it, by publishing it in some newspaper in the State, to be designated by the court, and by posting written notification in 2 or more public places in the same plantation or town, if so ordered by the court, at least 30 days next prior to their meeting. They shall make return of said warrant and their doings thereon, under their hands, to the next Superior Court in the county after having completed service; which, being accepted by the court and recorded in the registry of deeds in the county or registry district where the land is situated, within 6 months, shall be a legal assignment and location of such reserved portions for the uses designated.

R.S.1954, c. 36, § 57.

§ 4155. Confirmation by court

When the grantee of any such land mentioned in section 4153 severs and locates such reserved portions thereof for the purposes mentioned in the grant, designating the use for which

each lot is located, and presents it to said court, the court may confirm it, and such location shall then be legal and conclusive, being recorded as mentioned in section 4154.

R.S.1954, c. 36, § 58.

§ 4156. Location on partition

The severance and location provided for in section 4155 may be made and completed in the manner prescribed in section 4158.

R.S.1954, c. 36, § 59.

§ 4157. Appeal filed

In a proceeding for the location of such public reserved lots as provided for in sections 4153 to 4156, an appeal may be taken to the law court as in other actions.

R.S.1954, c. 36, § 60; 1959, c. 317, § 12.

§ 4158. Subdivided lands

When portions or lots are reserved for public uses in a tract of land to be divided, they shall first be set out, of an average quality and situation, and a return made thereof to the Forest Commissioner's office, with a description of its quality and location. The commissioners' return of partition, accepted and recorded as provided, shall be a valid location of such reserved lands.

R.S.1954, c. 176, § 28.

§ 4159. Location by Superior Court

When in the grant of any townships or parts of townships certain portions are reserved for public uses, and such portions have not been located in severalty prior to the incorporation of the same into a town, the Superior Court in the county where the land lies, on application of the assessors of the town, may appoint 3 disinterested persons of the county and issue to them its warrant under seal of the court, requiring them, as soon as may be, to locate such reserved portion according to the terms of the grant, and if the use or purpose of the reservation is prescribed in the grant, they shall set off and locate the lots accordingly, designating the use or purpose for which each lot is so reserved and located. The committee, before acting under such warrant, shall be sworn to the faithful discharge of the duty assigned them and a certificate thereof shall be indorsed on the warrant.

R.S.1954, c. 57, § 62.

§ 4160. Notice of appointment and meeting

The members of the committee shall give notice of their appointment and of the time and place of their meeting to execute the same, by publishing the same in some newspaper in the State to be designated by the court, and by posting written notifications in 2 or more public places in the same town, at least 30 days before making such location.

R.S.1954, c. 57, § 63.

§ 4161. Report of committee action

The members of the committee shall make return of said warrant and their doings thereon, to the Superior Court in the county, after having completed the service; which, being accepted by the court and recorded in the registry of deeds in the county or registry district where the land is situated, within 6 months, shall be a legal assignment and location of such reserved proportions, for the uses designated. Thereafter the lands so set off and located shall be under the care and oversight of the trustees of the ministerial and school funds of the town, with all the powers and subject to the duties prescribed in this chapter and Title 13, chapter 93, including the power to sell and convey the same.

R.S.1954, c. 57, § 64; 1961, c. 317, § 159.

§ 4162. Care of lots; sales and permits

The Forest Commissioner shall have the care of the public reserved lots in all townships or tracts until they are incorporated and the fee becomes vested in the town. He may from time to time sell for cash for such sum as may be consented to by the assessors of any plantation or by the county commissioners in the county in which any unorganized territory is situated, the timber and grass thereon, or the right to cut the same, and any gravel existing in the soil of such lands, and excepting that such gravel shall be sold only for the construction of public highways or other public works in the vicinity of the location of the land from which the gravel is taken, and then only when, in the opinion of the commissioner, there will be an increase in the value of said lands by reason of the construction of said public highways or public works. Until incorporated into a town, except the grass growing on improvements made by an actual settler, and excepting that when so sold he shall give the purchaser a permit under his hand and seal, setting forth the terms of the contract, which permit shall be recorded in his office. No timber shall be so sold until

the same has been advertised for sale and a notice thereof published for 3 weeks successively in some newspaper published in the county where the land is situated, and if no such paper is published in such county then in the state paper. This section shall not apply to cases where the public reserved lots have not been located.

R.S.1954, c. 36, § 50.

§ 4163. Accounts; commissioner

The Forest Commissioner shall keep an account with each township and tract wherein there are public reserved lots, in which shall be entered all expenditures made on account thereof and all sums received therefrom. In making deposits with the Treasurer of State, he shall specify each township and tract from which such deposits were received.

R.S.1954, c. 36, § 51.

§ 4164. —Treasurer

The Treasurer of State shall keep a separate account with each such township or tract wherein there are public reserved lots, in which account he shall enter all sums by him received and paid on account thereof. The balance shall remain in the treasury until such township or tract is by law authorized to receive it, and thereupon it shall be paid to the proper officers thereof.

R.S.1954, c. 36, § 52.

§ 4165. Establishment of funds

The money arising from the sale of timber and grass or from trespasses on public reserved lots, paid into the treasury of the county in which the township is situated or into the State Treasury, shall be held by the Treasurer of State in 2 separate funds, the income of which only shall be expended and applied as is by law provided for school purposes.

Upon the first fund to be known as the Unorganized Townships Fund, the State shall allow interest annually as earned. The income from said fund shall be allocated as follows:

1. Improving public reserved lots. \$10,000 allocated annually for the use of the Forest Commissioner in managing and improving the growth of public reserved lots; and

1959, c. 123.

2. List of interest earned. The balance then remaining shall be added to the Unorganized Territory School Fund. The Treasurer of State shall file with the Commissioner of Finance and Administration, on or before January 15th of each year, a list of interest earned by the Unorganized Townships Fund during the preceding calendar year. Such list shall be arranged to show the principal amount held for each unorganized township and the interest earned thereon. The Commissioner of Finance and Administration shall thereupon transfer the total amount of such list, less the allocation provided for in subsection 1, to the Unorganized Territory School Fund for the fiscal year following the date of such list. A copy of said list shall be transmitted to the Commissioner of Education by the Treasurer of State.

Upon the second fund to be known as the Organized Townships Fund, the State shall allow interest annually as earned, the income from said fund to be dealt with as provided in section 4166.

R.S.1954, c. 36, § 53; 1959, c. 123.

§ 4166. Disposal of fund income

The income of the Organized Townships Fund, as provided in section 4165, shall be added to the principal of the funds, respectively, until the inhabitants of such township or tract are incorporated into a town or organized as a plantation and establish in such plantation one or more schools, and until the first day of January next preceding the date upon which the treasurer of said plantation shall call for such interest, unless previously expended according to law. When any such township is incorporated as a town, said funds belonging to it shall be paid by the Treasurer of State to the treasurer of the trustees of the ministerial and school funds therein, to be added to the funds of that corporation and held and managed as other school funds of that town are required to be held and managed. If such township or tract is organized as a plantation, the interest of said fund shall be paid annually by the Treasurer of State to the treasurer of such plantation to be applied toward the support of schools according to the number of scholars in each school. Before interest of said fund is so distributed to the treasurers of such plantations an amount equalling 10% of the determined total interest sum on the accrued principal fund shall be allocated annually to the Forest Commissioner for use in managing and improving the forest growth of the public reserved lots in said organized plantations. Said interest shall be computed to the first day of each January by the Treasurer of

State. The Commissioner of Education shall file in the office of the State Controller a list of such plantations with the amount due for interest for the preceding year according to a record of such amounts to be furnished to him by the Treasurer of State. The Commissioner of Education shall be satisfied that all such plantations are organized, and that schools have been established therein according to law, that assessors are sworn and qualified and that the treasurers of such plantations have given bonds as required by law. The State Controller shall thereupon insert the name and amount due such plantations in one of the first warrants drawn in that year.

R.S.1954, c. 36, § 54; 1961, c. 9; 1963, c. 321.

§ 4167. Trespass; duty of assessors

If any person unlawfully enters and trespasses upon the public lands or upon any public reserved lots, while under care of the Forest Commissioner, and cuts, takes or carries away any trees or grass upon said lands, he and all persons who furnish teams, implements, apparatus, or supplies of provisions or of other articles used in committing and carrying on such trespasses, are trespassers, jointly and severally liable in damages for such trespasses, and they may be sued therefor in any county. The measure of damages is the highest price which such timber, logs or other lumber or hay would bring at the usual place of sale thereof. Nothing in this section affects the right of the State to seize and sell any timber, logs, lumber or hay cut. At such sale, no person who was in any way concerned in committing such trespass, or in supplying or aiding those who committed it, shall become a purchaser directly or indirectly.

The assessors in the organized plantations of the State shall help police the said reserved public lots within the boundaries of their respective plantations without any expense to the commissioner. Any cutting or removal of timber or other materials of value will immediately be reported to the commissioner in writing.

R.S.1954, c. 36, § 61.

§ 4168. Damages, actions by individuals

When an action for such trespass is prosecuted in the name of the State for the benefit of an individual, the principles of decision and the measure of damages shall be the same as in like actions between individuals.

R.S.1954, c. 36, § 62.