

# MAINE STATE LEGISLATURE

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STATE OF MAINE

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REPORT

OF

LEGISLATIVE INTERIM  
COMMITTEE

ON

PUBLIC RESERVE LOTS



CHAPTER 112  
RESOLVES OF 1945

1947

In conformity with the provisions of Chapter 112, Resolves of 1945, a Legislative Interim Committee was appointed to investigate and study the public reserved lots of the State and report its findings and recommendations to the 93rd Legislature.

The history of the public reserved lots of Maine is as follows: In order to encourage the settlement of the District of Maine, the Legislature of Massachusetts in 1788 enacted a law providing that in the disposition of all towns thereafter four lots of 320 acres each should be reserved for certain purposes in each and every township, whether sold or granted. The purposes for which these lots were reserved were as follows: The first was for the first settled minister in the township and was known as the "Minister lot." The second was for the use of the ministry and known as the "Ministerial Lot." The third was for the support of the common schools in that township and became known as the "School lot." The fourth was reserved for the future disposition of the State and was known as the "State lot."

By the article of separation of 1820, when Maine became an independent State, it was provided that Maine should carry out all the regulations regarding the sale and settlement of the wild lands embraced in the plan originally adopted by Massachusetts unless the consent of that State was obtained for any change in policy.

Consequently, for several years after Maine became a State, in the sales or grants of all Maine towns, these several lots were reserved, in accordance with the plan adopted in 1788.

In 1831, Maine changed the law providing for the disposition of these lots for various reasons and purposes to take effect when Massachusetts consented to the new arrangement.

Massachusetts consented to the new arrangement June 20, 1831.

By the new law the minister's claim was ignored except in cases where the title had become vested. By the new provisions all the land reserved in each new township (acreage having been changed to 1,000 acres for each full township and at the same rate in all tracts

more or less than a full township) was to be for the support of the schools in that township. Hence all townships surveyed from 1788 to 1832 would have reserved lands of 1,280 acres. Three hundred and twenty acres of this for the state, leaving 960 acres for the benefit of the schools. All lands surveyed since 1832 would have 1,000 acres of land, in each township of six miles square and the same rate in all townships of more or less than a full township.

The law provided that the land agent could sell, from time to time, the timber and grass on the reserved lands and pay the money to the State Treasurer to be kept for school purposes.

In 1850 the Legislature of Maine passed an act authorizing the Land agent to sell the timber and grass on the reserved lands and give the purchasers the right to cut and take away the timber until the townships became organized as plantations or incorporated as towns.

Pursuant to that law, the timber on many of our school lots was sold and the purchasers were given the right to cut and take away the timber until the townships became organized as plantations or incorporated as towns.

We have approximately 395 unorganized townships in Maine and there are 161 townships where the school lands have never been surveyed and set aside. Therefore in the 161 townships, we have 161,000 acres of land that the timber, as well as the land, still belongs to the state of Maine for school purposes. Maine still owns the land on the townships where the timber and grass rights have been sold.

The Committee investigated and studied the matter and submits the following conclusions:

While we do not wish to prejudice any other agency, in a future study of this subject, preliminary consideration does not seem to warrant testing, by court action, titles of the grass and timber rights of the public reserved lots of the state. The wisdom of previous legislatures which authorized these sales might be questioned in the light of present and future values, but that should have no bearing on the legality of the titles, or sales.

Your Committee did not have sufficient funds to test the titles in court, and did not find in our limited investigation sufficient grounds to warrant such action.

In our general survey and consideration of matters pertaining to the public reserved lots of the state, several items were studied which seem to deserve attention.

In cases where the state owns an undivided part of a township, agreement should be reached between the several owners and the forest commissioner on stumpage prices before the other owners begin to cut on the undivided ownerships.

In the case of disagreement, arbitration could be arranged, but the stumpage price or arbitration agreed upon, should be settled before actual cutting. We recommend that major owners be notified periodically, or even annually, of this requirement, at the time of their tax notice.

We believe that the matter of leases on state owned land should be reviewed by the forest commissioner to assure the state of its fair revenue from said leases. This should apply to state owned land which is located, to undivided state ownership, and to land from which stumpage rights have been sold.

We do not wish to recommend procedure which may embarrass the State in future court action, but we do feel that a study of valuations by the State Tax Assessor would be advisable in the case of public reserved lots from which the stumpage and grass rights have been sold. The present system assigns a value to the soil, and a value to the standing stumpage. Inasmuch as the value of the stumpage deed is, in most cases, about as much as in the case of outright ownership, possibly a third factor, such as growth rights might well be considered.

While the value which is apparently escaping true valuation is not large, still an inequity seems to be there, and the committee suggests that a formula should be devised to correct it.

COMMITTEE

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