

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 198

H. P. 133

House of Representatives, January 17, 1973

Referred to the Committee on Public Lands. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Dyar of Strong.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Creating a Committee to Locate All of the Public Reserved Lands in the State.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. Committee. The President of the Senate and the Speaker of the House shall jointly appoint 2 members of the 106th Legislature, who may be either Senators or Members of the House of Representatives, from each of the following counties: Aroostook, Franklin, Hancock, Penobscot, Piscataquis, Oxford, Somerset and Washington. No member of the Legislature with land holdings of 5,000 acres or more shall be appointed to the committee. Each member of the committee shall receive \$25 per day while engaged in the performance of the committee's duties and actual expenses incurred. The Forest Commissioner and the Attorney General, or their designees, shall be members of the committee. The committee shall appoint a chairman from its membership.

Sec. 2. —duties. The committee shall locate the public reserved lands not previously located in all townships or tracts and shall describe such lands by metes and bounds. Each such public reserved land shall consist of 1,000 acres and shall represent a value consistent with values of the unorganized territory where located as to accessibility, terrain and productivity. Any public reserved land which has been previously located and which does not represent the true value as to accessibility, terrain and productivity may be relocated by the committee to show a value consistent with surrounding lands in the unorganized territory.

Sec. 3. Administer oaths; subpoena; witnesses. In the discharge of any duty imposed, the committee shall have the authority to administer oaths.

issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, either residing within or without the State, to be taken in the manner prescribed by law for taking depositions in civil actions in the Superior Court. In case of disobedience on the part of any person to comply with any subpoena issued in behalf of the committee, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of the Superior Court of any county, on application of a member of the committee, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein. Each witness who appears before the committee by its order, other than a state officer or employee, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers sworn to by such witness and approved by the chairman of the committee.

Sec. 4. State departments to aid. Each state department shall furnish to the committee such documents, material or information as may be requested by the committee.

Sec. 5. Personnel. The committee may employ such expert and professional advisors and such clerical and office personnel as in its judgment it may determine within the limits of the funds provided.

Sec. 6. Report. The committee shall conclude its duties within 6 months after the effective date of this Act and report the results of its studies to the Legislature.

Sec. 7. Moratorium. No timber or grass stumpage shall be sold or leased on the public reserved lands for a period of one year from the effective date of this Act.

Sec. 8. Appropriation. There is appropriated from the Unappropriated Surplus of the General Fund the sum of \$150,000 to carry out the purposes of this Act.

STATEMENT OF FACT

Some 153,468 acres of timber and grass rights have been sold in the unorganized towns of the State on land that has never been located on the ground. During the period of some 150 years, persons having these timber cutting rights have been expected to pay 1/24th of the proceeds to the State of Maine. Some of these lots have paid back less than the original selling price or less than \$1 a year on 1,000 acre parcels. Lots that have been located on the ground have been moved back and forth at the convenience of those who might benefit.

A total of some 350,000 acres of public lots have returned a very low yield to the State. This bill would locate the public lots and put them in a position of being used by the State for profits or for recreational use of its people.