

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1028

H. P. 843

House of Representatives, March 12, 1975

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

EDWIN H. PERT, Clerk

Presented by Mr. Kennedy of Gray.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

RESOLVE, Confirming the Transfer of Certain Lands from the Department of Mental Health and Corrections to the Department of Conservation, Bureau of Public Lands.

Department of Conservation; confirming the interdepartmental transfer of certain lands. Resolved: That the interdepartmental transfers of lands from the Department of Mental Health and Corrections to the Department of Conservation authorized in Council Order 1648, dated June 26, 1974, Council Order 2085, dated November 13, 1974, and Council Order 2191, dated December 11, 1974 are hereby approved and confirmed in accordance with the provisions of the Revised Statutes, Title 12, section 504, as last amended by the public laws of 1973, chapter 761.

1. The Department of Conservation, Bureau of Public Lands assumes the care, custody, control and responsibility for the management of all State-owned land located on the Easterly side of Hospital Street in Augusta which was formerly within the jurisdiction of the Department of Mental Health and Corrections and the Augusta Mental Health Institute, with the exception of certain parcels described as follows:

A. A parcel of land beginning at a point Northerly of the pumping station on the Easterly side, thence N. 29° 10' E. 1508 feet along said Hospital Street to the Northwest corner, thence S. 59° E. 400 feet to a point being the Northeast corner, thence S. 29° 10' W. 50 feet to a point, Northerly of the water main right of way and being the Southeast corner, thence N. 59° W. 400 feet along said water main right of way to the point of beginning;

B. A parcel of land beginning at the Northwest corner of the State Hospital Cemetery, so called, on the Easterly side of Hospital Street, thence N. $29^{\circ} 10'$ E. 330 feet, more or less to a point on the Southerly side of the water main right of way being the Northwest corner, thence S. 59° E. 400 feet along the said water main right of way to a point being the Northeast corner, thence S. $29^{\circ} 10'$ W. 460 feet, more or less, to a point on a wire fence being the Southeast corner, thence N. 59° W. 280 feet, more or less, to a wire fence bordering the said cemetery, thence in a Northeasterly direction along the said cemetery 100 feet to a corner, thence in an Easterly direction 90 feet, more or less, along a fence of the said cemetery, thence in a Northeasterly direction 500 feet along a fence of the said cemetery to the Northeast corner of the said cemetery, thence N. 59° W. 290 feet, more or less, to the point of beginning;

C. A parcel of land beginning at a point on the Easterly side of the Chelsea Road at the Northwest corner of Land heretofore conveyed to the Maine Department of Agriculture, thence S. 60° E. 410 feet, more or less, along a wire fence to a point being the Northeast corner, thence S. 30° W. 400 feet to a point being the Southeast corner, thence N. 60° W. 430 feet, more or less, to the Chelsea Road right of way, thence, in a Northeasterly direction 120 feet, more or less, along the right of way of said Chelsea Road, thence N. $33^{\circ} 07'$ E. 271 feet, more or less, along the right of way of said Chelsea Road to the point of beginning.

D. A parcel of land beginning at a point on the Westerly side of the Chelsea Road, 350 feet, more or less, Northerly of the Northwesterly corner of a parcel conveyed to the Department of Agriculture; thence N. $59^{\circ} 00'$ W. 600 feet along the Piggery Road so called to a point being the Southwest corner; thence N. $33^{\circ} 07'$ E. 1115 feet, more or less, to a point near a wire fence being the Northwest corner; thence S. $59^{\circ} 00'$ E. 600 feet, more or less, along a wire fence to a point on the right-of-way of the Chelsea Road being the Northeast corner; thence S. $33^{\circ} 07'$ W. 1115 feet, more or less, along the Chelsea Road right-of-way to the point of beginning.

2. The Bureau of Public Lands assumes the care, custody, control and responsibility for the management of all state-owned lands located on the Southerly side of Winthrop Street in Hallowell which was formerly within the jurisdiction of the Department of Mental Health and Corrections and the Stevens School.

3. The Bureau of Public Lands assumes the care, custody, control and responsibility for the management of all state-owned lands located at the Pineland Center in Gray, New Gloucester, Pownal and North Yarmouth which was formerly within the jurisdiction of the Department of Mental Health and Corrections and the Pineland Center, with the exception of certain parcels described as follows:

A. A parcel of land containing the principal administrative and residential structures of the Pineland Center and beginning at the Northeasterly side of the intersection of Route 231, the Morse Road, and the Allen Road, thence running in an Easterly direction 485 feet, more or less, to a stake near telephone pole number 6602, thence N. 24° E. to the right of way of

said Route 231 in line with a double maple tree on the edge of said Route 231 and continuing across the same, thence, running Northerly along said Route 231 to the cemetery road, so called, thence following the line enclosing the New Gloucester cemetery, thence continuing Northerly along said Route 231 to the Bowman property, thence, approximately S. 54° 10' W. to the line bounding the former Andrew J. Morse property as described in Cumberland County Registry of Deeds Book 826, page 79, thence N. 34° W. to the Valley Farm Brook, thence Westerly along the thread of said brook to the intersection of said brook with the Valley Farm Road, so called, thence Southerly along said road 220 feet to the junction of the said Valley Farm Road and the Dump Road, so called, thence Southwesterly along said Dump Road to the said Morse Road, thence Southeasterly along the said Morse Road 2046 feet, more or less, to an iron post, thence S. 38° W. to a barbed wire fence, thence S. 54° E. to the corner of said fence on the edge of the adjacent field, thence S. 56° W. along said fence 123 feet, more or less, to the Southwesterly corner of the said field, thence S. 56° E. along said fence to the intersection of a transmission line, thence S. 23° E. along said transmission line to a point 200 feet Northwest of the Gray Road, thence in a Southwesterly direction parallel to said Gray Road 1100 feet, more or less, to a post, thence S. 35° E. to a large boulder on the Northwest side of said Gray Road, thence Northeasterly along said Gray Road 1299 feet, more or less, thence crossing said Gray Road and paralleling a transmission line in a Southerly direction to a post at a junction of said transmission line and the Garden Road, thence Northeasterly along said Garden Road to the right of way of said Route 231, thence Northeasterly along said Route 231 and crossing said Route 231 to the point of beginning;

B. A parcel of land presently containing the residence of the Center pharmacist, a barn and a silo and beginning at a point at the intersection of the Valley Farm Road, so called, and a wire fence, thence N. 54° E. 152 feet, more or less, to a barbed wire fence, thence N. 54° E. 152 feet, more or less, to a barbed wire fence, thence N. 35° W. to the edge of the field bounded by said barbed wire fence, thence in a Southwesterly direction 240 feet, more or less, thence S. 35° E. to the Merrill loop, so called, thence along said loop to the said Valley Farm Road, thence along the Valley Farm Road to a point 639 feet North of the intersection of said Valley Farm Road and the Valley Farm Brook thence S. 35° E. 300 feet to the North branch of the Valley Farm Brook, thence N. 54° E. to the point of beginning;

C. A parcel of land containing a dam and water pumping facilities and beginning at an iron pipe driven into ledge 79 feet, more or less N. 60° E. of a wing cut off wall of a water system dam erected on Collyer Brook, so called, thence, S. 45° E. 236 feet, thence, S. 26° W. 133 feet, thence, N. 62° W. 237 feet, thence, N. 55° 30' E. 230 feet to the point of beginning.

4. The following terms and conditions shall apply to the lands transferred to the Bureau of Public Lands pursuant to the provisions of paragraph 3:

A. The Pineland Center, its employees and residents, shall have the right to use at any time, except as hereinafter specified, any land transferred to

the Bureau of Public Lands for recreational purposes and for maintaining gardens for personal use or rehabilitative purposes. The said employees and residents shall further have the right to cut and carry away fir boughs and fire wood in accordance with their usual harvesting practices, provided, however, they shall not commit undue waste;

B. The Pineland Center and the Department of Mental Health and Corrections shall have a right of way to construct and maintain any water pipes, pumping stations, water storage tanks and like facilities upon the premises;

C. The Bureau of Public Lands shall take all reasonable and practicable measures necessary to provide for the reasonable annual requirements for logs and lumber of the Pineland Center, and shall permit the Pineland Center and its employees to harvest without cost reasonable amounts of gravel from pits on the premises;

D. The Director of the Bureau of Public Lands shall have the right, in his sole discretion, to close to public access, including employees and residents of the Pineland Center, all or any portion of the transferred premises for such period of time as he may designate, in the event of danger to health and safety from cutting operations, fire or other reasonable cause;

E. The Director of the Bureau of Public Lands shall formulate and amend all management and cutting plans for the transferred premises. The Director, or his designees, and the Superintendent of the Pineland Center, or his designees, shall jointly meet and consult with respect to all such plans and amendments to plans prior to the implementation of such plans;

F. The transferred premises at the Pineland Center described in paragraph 3 shall be subject to the following restrictions:

No residential or commercial structures shall be constructed on the premises; no industrial activities other than those directly associated with the cutting, carrying away or processing of timber shall be carried out on the premises; no mining activities other than the harvesting of sand and gravel from established pits shall be permitted on the premises; and no billboards or aircraft landing sites shall be erected or placed on the premises for so long as the said premises are under the care, custody and control of the Bureau of Public Lands.

STATEMENT OF FACT

The purpose of this Resolve is to confirm the transfer of land at the Augusta Mental Health Institute, the Stevens School, and the Pineland Center which is surplus to the operating needs of the Department of Mental Health and Corrections to the Department of Conservation for multiple use management so as to increase the usefulness and productivity of these lands.