

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND SEVENTH LEGISLATURE

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**Legislative Document**

**No. 1774**

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H. P. 1374

House of Representatives, April 4, 1975

On Motion of Mr. Greenlaw of Stonington, referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Greenlaw of Stonington.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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**AN ACT to Clarify the Location of Certain Islands as being within the  
Territorial Limits of the Town of Deer Isle.**

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

P&SL 1868, c. 598, § 1 is amended to read:

**Sec. 1. Boundaries.** The territorial limits of the Town of Deer Isle, in the County of Hancock, are hereby defined and established as follows, to wit: Beginning at the middle of Eggmoggin Reach, at the northwestern end of same, and thence running southeasterly by the middle of same to the southeast end of same, including Conary's and White islands, and from the middle of said reach southerly to and including Great Spoon island lying east of Isle au Haut, and from thence running westerly to the southern extremity of Isle au Haut, and from thence northerly by the middle of the ship channel between Deer Island and Isle au Haut on the one side and the Towns of North Haven and Vinalhaven on the other, to the western extremity of Great Deer Island, and from thence northerly to the northwestern extremity of Little Deer Island, and from thence to the northwestern end of said reach, not intending to include Pickering's Island nor Pumpkin Island, but intending to include within the territorial limits of the Town of Deer Isle, Bar, Birch, Bradbury, Crow, Eaton, Hardhead, Little Eaton, Scott and Sheep Islands.

### FISCAL NOTE

Transfer of these islands from the State to the municipality of Deer Isle will result in an approximate loss of revenue to the State of \$1,950 for the biennium. This estimate is based upon an estimated tax on these islands of \$1,950 for 1975 which will be assessed before passage of this Act and which

thus will be paid to the State. Assuming approximately the same taxes would be assessed in 1976 if the islands remained in the State, it is probable that transfer of these islands to Deer Isle would cause a loss to the State in 1975 in the amount of those taxes, or \$1,950.

### STATEMENT OF FACT

The territorial limits of the Town of Deer Isle were originally established by the Maine Legislature in 1868. One of the bounds of the Town of Deer Isle is the middle of a ship channel as it existed in 1868. Unfortunately, the ship channel as it existed in 1868 has not been determined. The Chief of the Physical Science Services Branch of the U. S. Department of Commerce, National Ocean Survey, has reported that "The earliest published charts of the region, chart #309, were first prepared in 1880 which is obviously later than the private and special laws of Maine, 1868, c. 598. In addition to the published charts, review was made of hydrographic surveys which are the field compilations prepared for the publication of the charts. Neither the surveys nor charts indicated any reference to a ship channel through East Penobscot or to the west of Deer Isle and Little Deer Isle." There was furnished, however, from the map library collection of the National Ocean Survey a chart "F" entitled "Kennebec River to Deer Island" prepared by the Eldridge Map Company in 1902, which map includes a ship channel in the area of consideration. The ship channel as located on the 1902 chart, if a bound of the Town of Deer Isle, would locate Bar, Birch, Bradbury, Crow, Eaton, Hardhead, Little Eaton, Scott and Sheep Island within the territorial limits of Deer Isle.

The Attorney General's Department reports that tax records in the Maine State Archives reveal that the State of Maine taxed Bradbury Island in 1860. The 1918 State Tax Board of Assessors' report included taxation of Birch and Scott islands. The 1966 Maine State Valuation included Sheep and Bar islands as being taxed by the State. All of these islands are currently being taxed by the State of Maine. There is no report of taxation by the State of Maine of Crow, Hardhead or Little Eaton islands.

The purpose of this Act is to clearly establish that these eight islands are within the territorial limits of the Town of Deer Isle.