

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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**Legislative Document**

**No. 1390**

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S. P. 375

In Senate, March 29, 1977

Taken from Table by President and on Motion by Senator Speers of Kennebec, Motion Withdrawn and Referred to the Committee on Natural Resources. Sent up for concurrence and ordered printed.

MAY M. ROSS, Secretary

Presented by Senator O'Leary of Oxford.

Cosponsor: Senator Trotzky of Penobscot.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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**RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands  
with Brown Company.**

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

**Director of Bureau of Public Lands; authorized to consummate exchange of public reserved lands. Resolved:** That the Director of the Bureau of Public Lands is authorized to consummate the exchange of lands contemplated by the agreement dated February 9, 1977, between the State of Maine and Brown Company, a copy of which is attached to this resolve and is incorporated herein for all purposes. Any and all lands received by the State pursuant to said exchange shall be, for all purposes, public reserved land of the State of Maine and shall be held in trust by the State under the same terms and conditions as apply to other public reserved lands.

THIS AGREEMENT dated February 9, 1977 between BROWN COMPANY, a Delaware corporation duly authorized to do business in Maine and having a place of business at 650 Main Street, Berlin, New Hampshire (herein called "Brown Company"), and the State of Maine (acting through its Commissioner of Conservation and its Director of the Bureau of Public Lands, herein called "State of Maine"), is witness to the following:

1. Brown Company agrees to convey to the State of Maine by quitclaim deed, all of its right, title and interest in the real estate described in Exhibit A attached, reserving to Brown Company the nonexclusive right to cross with men and equipment, insofar as it owns that right, (a) the Chain of Ponds

(T2, R6, W.B.K.P.) parcel at a point convenient for access to the Clear Brook drainage and at a point at the Bag Pond Narrows for access to the west side of the ponds and Bag Mountain, and (b) the Richardson (T4, R1, W.B.K.P.) parcel for access to stumpage adjacent thereto in Township Letter "C". Brown Company also reserves the nonexclusive right for its lessees and their guests to cross, insofar as it owns that right, the Chain of Ponds (T2, R6, W.B.K.P.) parcel at a point convenient for access to the Clear Brook drainage and at a point at the Bag Pond Narrows for access to the west side of the ponds and Bag Mountain.

2. The State of Maine agrees to convey to Brown Company by quitclaim deed, all of its right, title and interest in the real estate described in Exhibit B attached.

3. In the deed referred to in the foregoing paragraph 1, Brown Company shall further grant to the State of Maine, for access to lands granted in said deed, the non-exclusive right to cross its lands with men and equipment, insofar as it owns that right, as follows:

- (a) Those lands owned by Brown Company and lying adjacent to the Grafton and Riley parcels,
- (b) Those lands owned by Brown Company and lying adjacent to the Richardson (T4, R1, W.B.K.P.) parcel,
- (c) Those lands owned by Brown Company in Township Letter "D" W.B.K.P. lying adjacent to the Long Pond parcel, and
- (d) Those lands owned by Brown Company and lying adjacent to the 25-acre Lynchtown (T5, R5, W.B.K.P.) parcel reserved by the State of Maine.

4. The right to cross with men and equipment shall include the right to construct, repair, maintain and use roads, bridges and other facilities for forest operations and other land management purposes, by the parties hereto and their respective agents, employees, contractors, and by the lessees of the parties and the lessees' guests, but the right shall not include access by the general public, and the right shall be exercised in a way which does not unreasonably interfere with the owner's use of such lands.

5. With respect to rights of crossing which are provided for herein, the parties agree that they shall use existing roads where practicable and that any new roads shall be located in a mutually agreeable place which is reasonably convenient for access. In the event of a disagreement as to location, the parties shall promptly submit to a binding arbitration of the precise location.

6. In the deed referred to in paragraph 1, Brown Company shall further grant to the State of Maine, for the benefit of the general public, a right of way for access by foot along the Speck Pond Trail, Shelter Brook Trail and Carol Col Trail, as presently laid out on the ground, or as subsequently relocated, from the Success Pond Road, so called, in Coos County, New Hampshire, to the parcels in Grafton and Riley and along the Appalachian Trail, as presently laid out on the ground, or as subsequently relocated, from Route 17 in Letter "D", W.B.K.P. to the Long Pond parcel.

7. With respect to the leases listed in Exhibit C attached, the parties agree that as of the date of the exchange of closing documents hereunder, the respective grantee of the leased properties shall, as of that date, assume all obligations and benefits of the lessor under said leases; and the respective grantor shall hold the respective grantee harmless from any claims accruing prior to the date of exchange of the closing documents hereunder.

8. The parties to this Agreement are aware that legislative approval is a prerequisite to the performance of the terms of this Agreement and that it is therefore contingent upon the granting of such authority. Documents required to accomplish the terms of this Agreement shall be exchanged promptly following legislative approval. This Agreement may be cancelled by written notice by either party to the other at any time prior to the exchange of said documents.

9. This Agreement shall be binding upon, and shall inure to the benefit of, the successors and assigns of the parties hereto.

BROWN COMPANY

STATE OF MAINE

By: JOHN H. BORK  
GENERAL MANAGER  
WOODLANDS

By: LEE M. SCHEPPS, DIRECTOR  
BUREAU OF PUBLIC LANDS

APPROVED: RICHARD E. BARRINGER, COMMISSIONER  
DEPARTMENT OF CONSERVATION

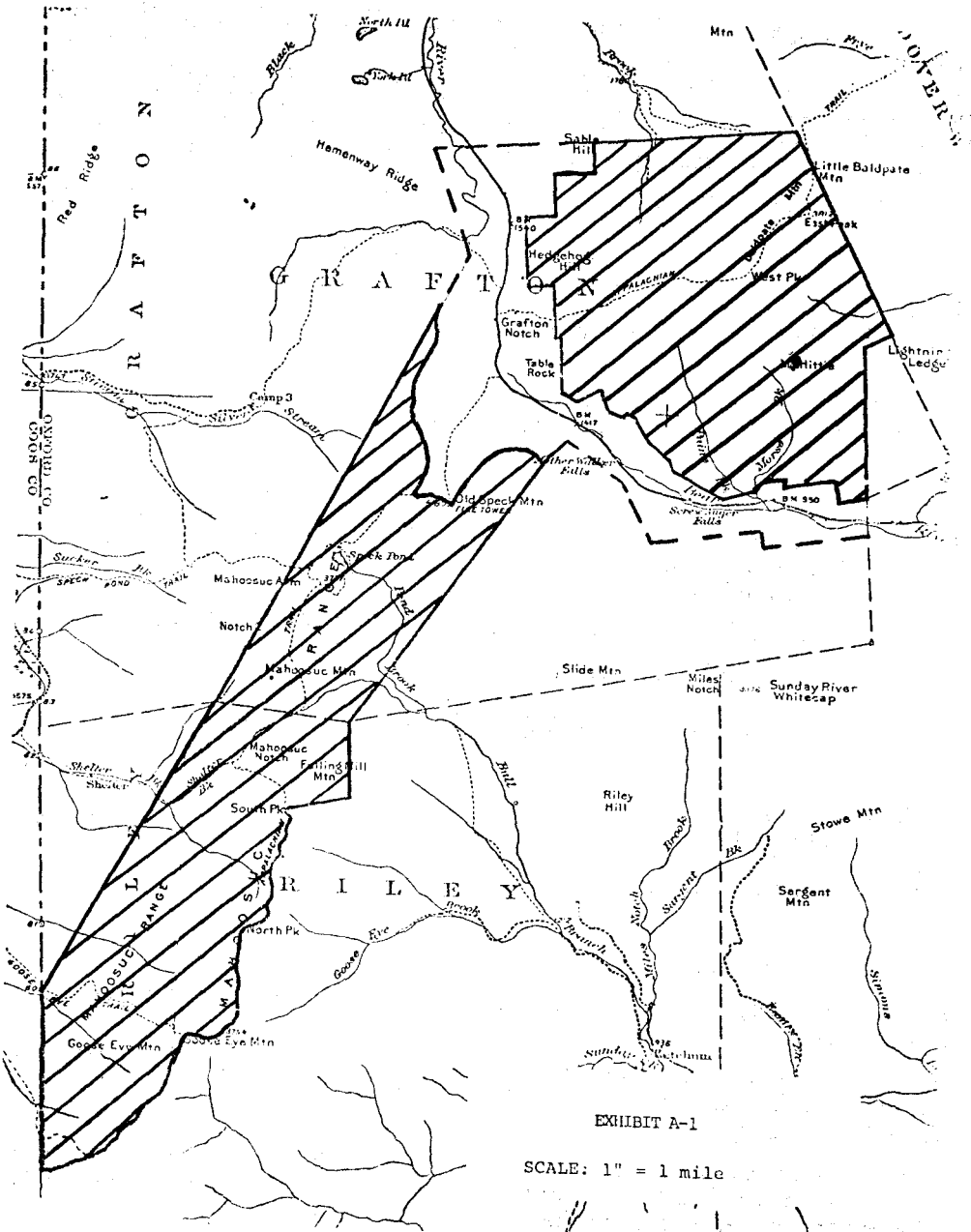
EXHIBIT A  
BROWN COMPANY LANDS TO STATE

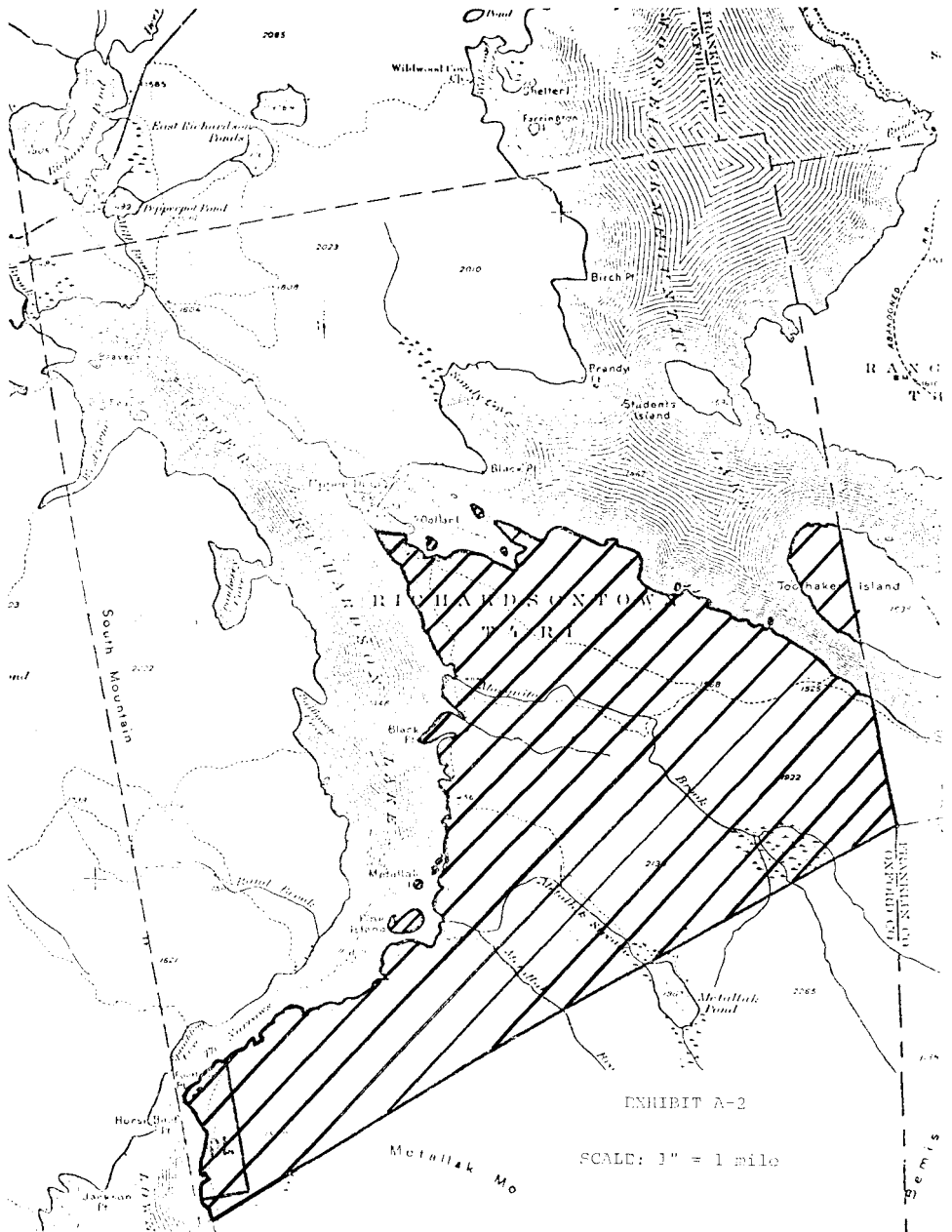
Township	Acreage
T. A, 1 (Riley)	3,662
T. A, 2 (Grafton)	7,318
T.4, R.1, WBKP (Richardsontown)*	3,187
T.2, R.6, WBKP (Chain of Ponds)*	1,041
T.D.	150
<b>TOTAL ACREAGE</b>	<b>15,358</b>

All approximately as shown on the maps attached hereto as Exhibits A-1, A-2, A-3 and A-4.

Brown Company shall convey its interest in and the State shall retain timber and grass rights on public lots in T.4, R.1, WBKP (83 acres) and T.5, R.4, WBKP (25 acres).

\*Brown Company shall convey to the State of Maine these parcels together with all of Brown Company's right, title and interest to any submerged lands adjacent thereto, extending to the natural water mark.





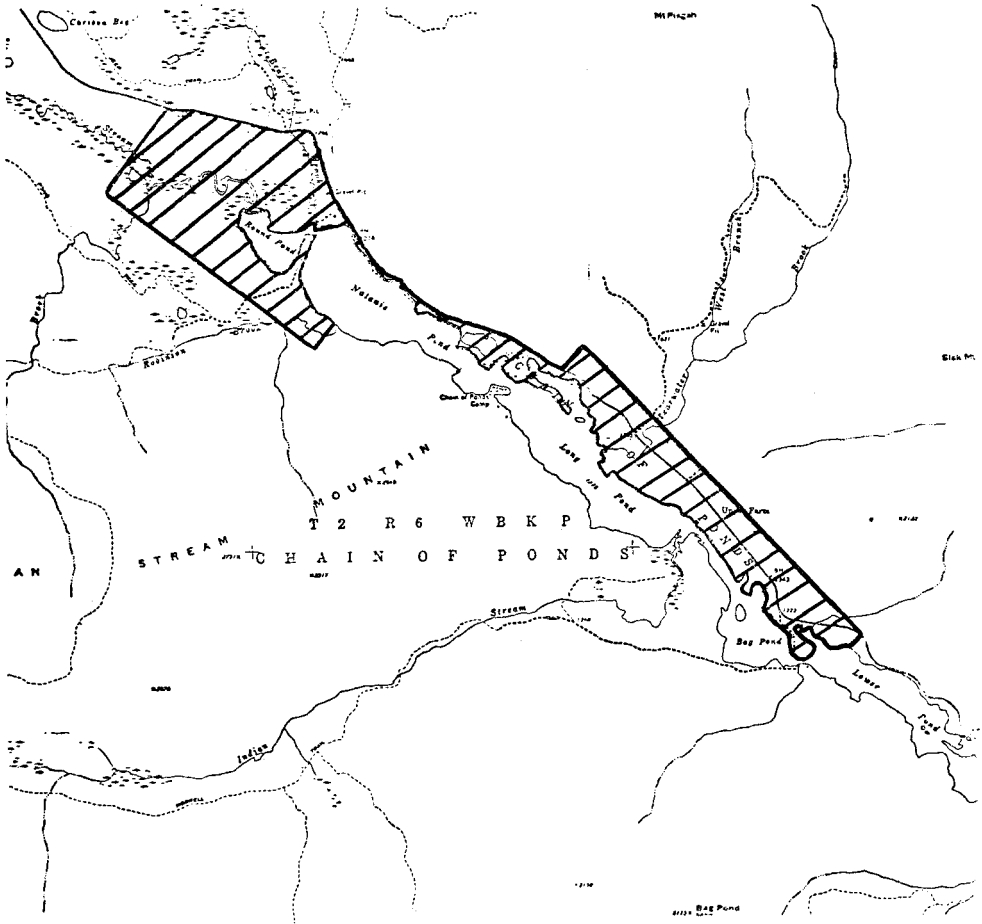
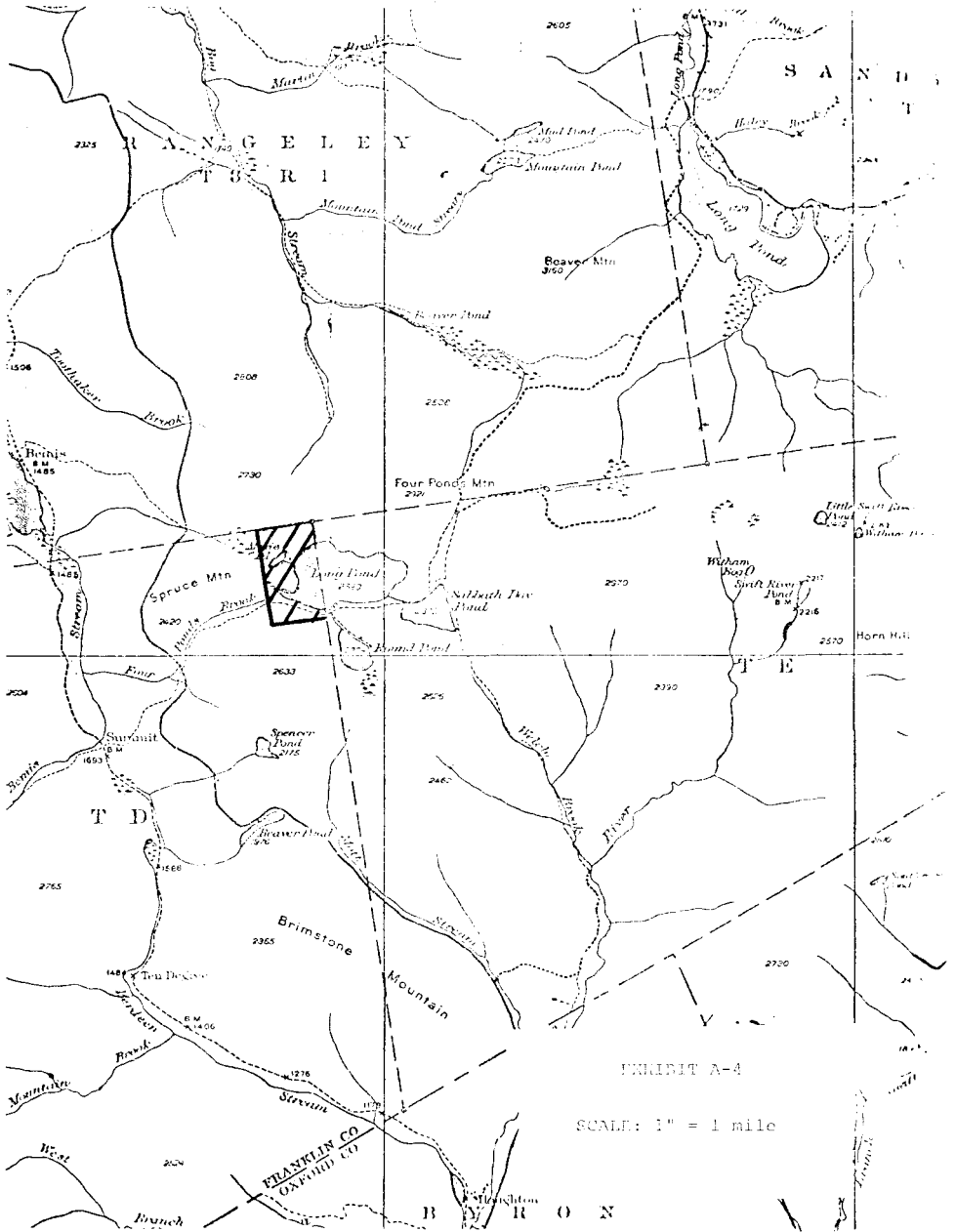


EXHIBIT A-3

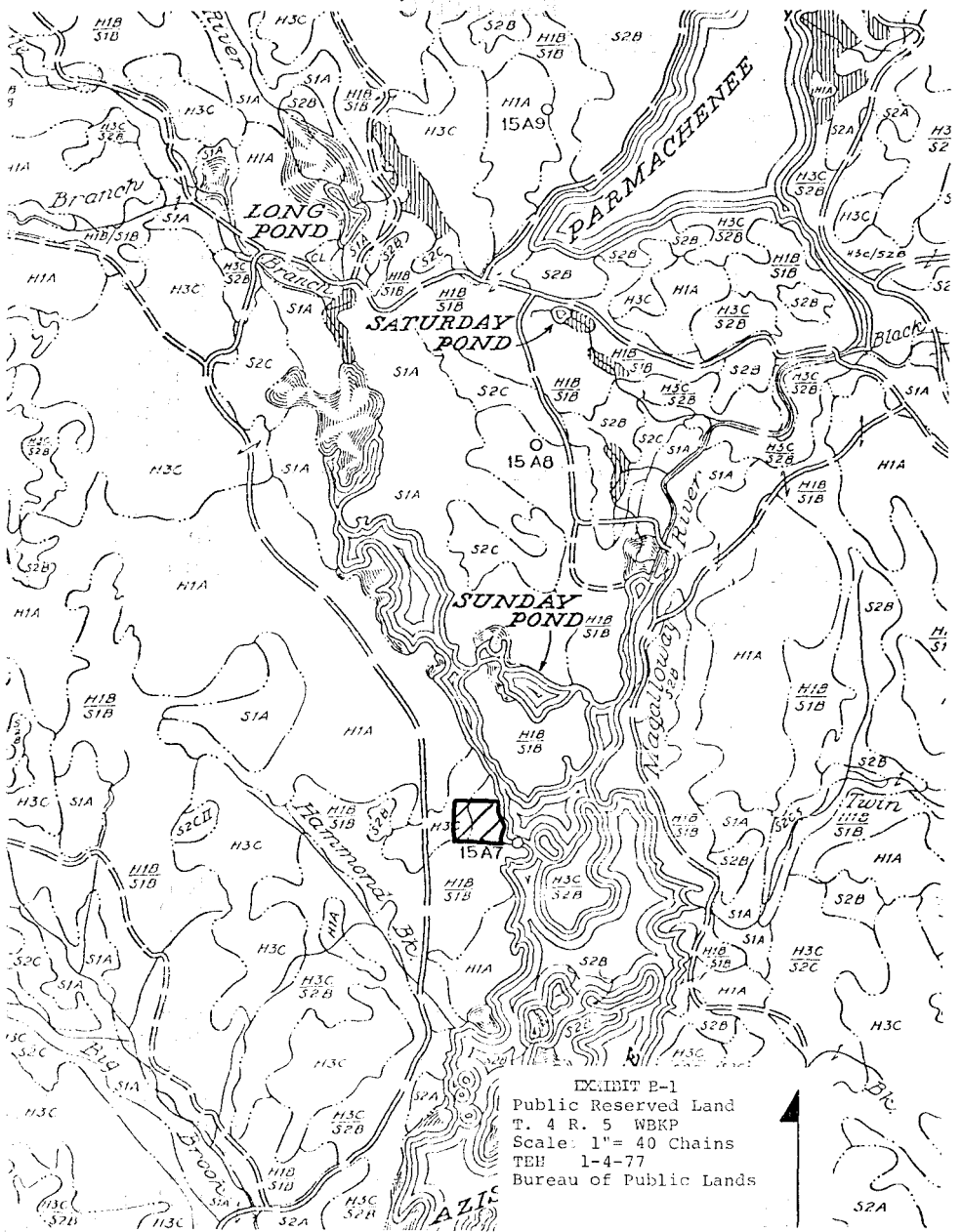
SCALE: 1" = .6 miles





**EXHIBIT B**  
**STATE LANDS TO BROWN COMPANY**

<b>Township</b>	<b>Acreage</b>
T.2, R.5, WBKP (Alder Stream)	1,000
T.5, R.5, WBKP (Parmachenee)	480
T.3, R.4, WBKP (Stetsontown)	959
T.5, R.4, WBKP (Lynchtown)	935
(Reserving to the State 25 acres approximately as shown on the map attached hereto as Exhibit B-1)	
T.5, R.3, WBKP (Parkertown)	960
T.4, R.2, WBKP (Adamstown)	320
T.6, North of Weld	320
T.2, R.6, WBKP (Chain of Ponds)	1,000
T.3, R.6, WBKP (Mass Gore)	392
T.3, R.5, WBKP (Seven Ponds)	1,000
T.5, R.5, WBKP (Parmachenee)	164
T.2, R.4, WBKP (Tim Pond)	980
T.D.	960
T.C.	320
T.C. Surplus	213
T.3, R.3, WBKP (Davis)	320
T.4, R.1, WBKP (Richardsontown)	237
T.4, R.3, WBKP (Lower Cupsuptic)	320
T.4, R.4, WBKP (Upper Cupsuptic)	320
T.4, R.5, WBKP (Oxbow)	157
T.6, North of Weld	320
<b>TOTAL ACREAGE</b>	<b>11,677</b>



## EXHIBIT C

## 1. Leases currently on Public Lots

Lessee	Lease No.	Township
Brown Company	17809-R.O.W.-1	T.4, R.3, W.B.K.P.
Brown Company	17819-R.O.W.-1	T.4, R.4, W.B.K.P.
New England Telephone Company	17866-1-00U	T.3, R.3, W.B.K.P.
Kennebago Lake Camps	07806.L.182	T.3, R.3, W.B.K.P.
Linnell, Claude C.	17810.L.2	T.5, R.4, W.B.K.P.
Mason, Priscilla	07823.L.4	T.3, R.4, W.B.K.P.
Watson, Hildegard	07823.L.2	T.3, R.4, W.B.K.P.
Gray Logging Company, Inc	17815.L.1	T.5, R.5, W.B.K.P.
Kennebago Lake Camps	07806.L.181A	T.3, R.3, W.B.K.P.
Kennett, Ervil & Doris	17818.L.1	T.4, R.1, W.B.K.P.
Morton, Donald C.	17809.L.3	T.4, R.3, W.B.K.P.
Turner, James L.	17809.L.2	T.4, R.3, W.B.K.P.
Trudel, Ronica	17809.L.4	T.4, R.3, W.B.K.P.

## 2. Leases currently on Brown Company ownership

Lessee	Lease Date	Township	Brown Co. Interest
Charron, Felix	8/1/73	T.2, R.6, W.K.B.P.	100%
Chase, Richard & Joan	3/1/73	"	"
Davidson, Durward & Lloyd	6/1/71	"	"
Hanson, Norman & Ruth	9/1/73	"	"
Lidstone, Dr. F. B.	6/1/73	"	"
McKee, Ivan N.	3/1/73	"	"
Martin, Curtis & Roland	8/1/73	"	"
Moorgate, Inc.	3/1/73	"	"
Richards, William	6/1/73	"	"
Titcomb, Raymond	9/1/73	"	"
Trundy, Rudolph C.	9/1/73	"	"
Gamache, Aurel, Laurent & Arthur	5/1/76	"D" Township	"
Downs, Eliason & Robert	11/1/74	T.4, R.1, W.B.K.P.	1/3
Lincoln, Carlisle & Patty	6/10/75	T.4, R.1, W.B.K.P.	1/3
McCormick, Fred	6/30/76	T.4, R.1, W.B.K.P.	1/3

## STATEMENT OF FACT

This resolve would authorize an exchange of public reserved lands with Brown Company in which the State would convey approximately 11,677 acres in 26 parcels in exchange for approximately 15,358 acres in 4 parcels. As a part of the trade, Brown Company would return to the State any interest it has in the timber and grass on the trade lands and on an additional 108 acres of public lots to be retained by the State. This would result in an increase of approximately 15,466 acres for State management. The parcels involved include substantial acreage in the area of Grafton Notch State Park, an interest in a large peninsula of land located between, and including major frontage on, Mooselookmeguntic Lake and Upper Richardson Lake and most of the frontage, recreational and historic sites along the Chain of Ponds. These parcels offer significant opportunities for recreation and multiple use management.