

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1392

H. P. 1001

House of Representatives, March 23, 1977

On motion of Mr. Blodgett of Waldoboro, referred to the Committee on Natural Resources. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Martin of Eagle Lake.

Cosponsor: Mr. Palmer of Nobleboro.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

**RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands
with Diamond International Corporation.**

Director of Bureau of Public Lands; authorized to consummate exchange of public reserve lands. **Resolved:** That the Director of the Bureau of Public Lands is authorized to consummate the exchange of lands contemplated by the agreement dated January 27, 1977, between the State of Maine and Diamond International Corporation, 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, together with lands owned by the State in the southwest quarter of T. 4, N.D., Hancock County, 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.

AGREEMENT

This agreement is dated **January 27, 1977**, by and between the State of Maine, acting through its Commissioner of Conservation and its Director of the Bureau of Public Lands (hereinafter called the "State") and Diamond International Corporation, a Delaware Corporation, by and through the duly authorized officer or agent specified below (hereinafter called "Diamond").

1. Diamond agrees to convey to the State, by quit-claim deed, all its right, title and interest in the real estate described in Exhibit "A" attached.
2. The State agrees to convey to Diamond by quit-claim deed, all its right, title and interest in the real estate described in Exhibit "B" attached.
3. In the deed mentioned in paragraph 1, Diamond shall reserve all that portion of the parcel in T. 7, R. 11, W.E.L.S., which falls within lines located forty feet on each side of the centerline of Diamond's main hauling roads as

the same are now laid out across said parcel and as shown on a map attached hereto marked Exhibit "C". Said roads shall at all times be under the exclusive control of Diamond, its successors and assigns except that the State, its successors and assigns shall have an easement for the use of said roads and to cross and recross said roads with men, equipment and otherwise. Such reservation shall be of a fee simple title to the strips of land shown on Exhibit "C" for so long as they are used by Diamond, its successors and assigns solely as roads and no longer. The State shall convey to Diamond, its successors and assigns, a non-exclusive right of way for passage by its, or their, employees, servants, contractors, lessees, and agents, on foot and by vehicle of any and every kind and nature, over that portion of the parcel in T. 7, R. 11, W.E.L.S. which falls within lines located forty feet on each side of the centerline of Diamond's main hauling road as now laid out across the public lot, as shown on said Exhibit "C", together with the right to construct, maintain, repair and replace said road within the limits of said right of way.

4. The State and Diamond shall enter into a separate agreement by which Diamond shall have the right to remove gravel from the parcel to be conveyed to the State in the southeast corner of T. 3, R. 3, BKP WKR (Dead River) subject to payment for the gravel at the fair market value from time to time, compliance with all regulatory laws of the State and the duty by Diamond to exercise this right only to the extent that it does not unreasonably interfere with management of the parcel by the State.

5. The parties of this agreement are aware that the approval of the Board of Directors of Diamond and of the Legislature of the State is necessary to permit the terms hereof to be performed; and this agreement is made contingent upon the granting of such approval. The deeds mentioned in paragraphs 1 and 2 shall be delivered promptly after Legislative approval has been obtained. Either party may cancel this agreement at any time before the deeds are delivered by giving written notice to the other.

THE STATE OF MAINE

DIAMOND INTERNATIONAL CORPORATION

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

By: BRUCE E. COLWELL
VICE PRESIDENT

APPROVED

RICHARD E. BARRINGER, COMMISSIONER
DEPARTMENT OF CONSERVATION

EXHIBIT A
DIAMOND INTERNATIONAL LANDS TO STATE

Township	Acreage
T. 3, R. 3, BKPWKR (Dead River)	4,191
T. 4, N.D.	2,606
T. 7, R. 11, WELS	1,312
TOTAL ACREAGE	8,109

All approximately as shown on the maps attached hereto as Exhibits A-1, A-2 and A-3. Diamond shall convey its interest in and the State shall retain timber and grass rights on public lots in T. 4, N.D. (320 acres), T. 7, R. 11, WELS (1,000 acres) and T. 3, R. 1 NBPP (166 acres).

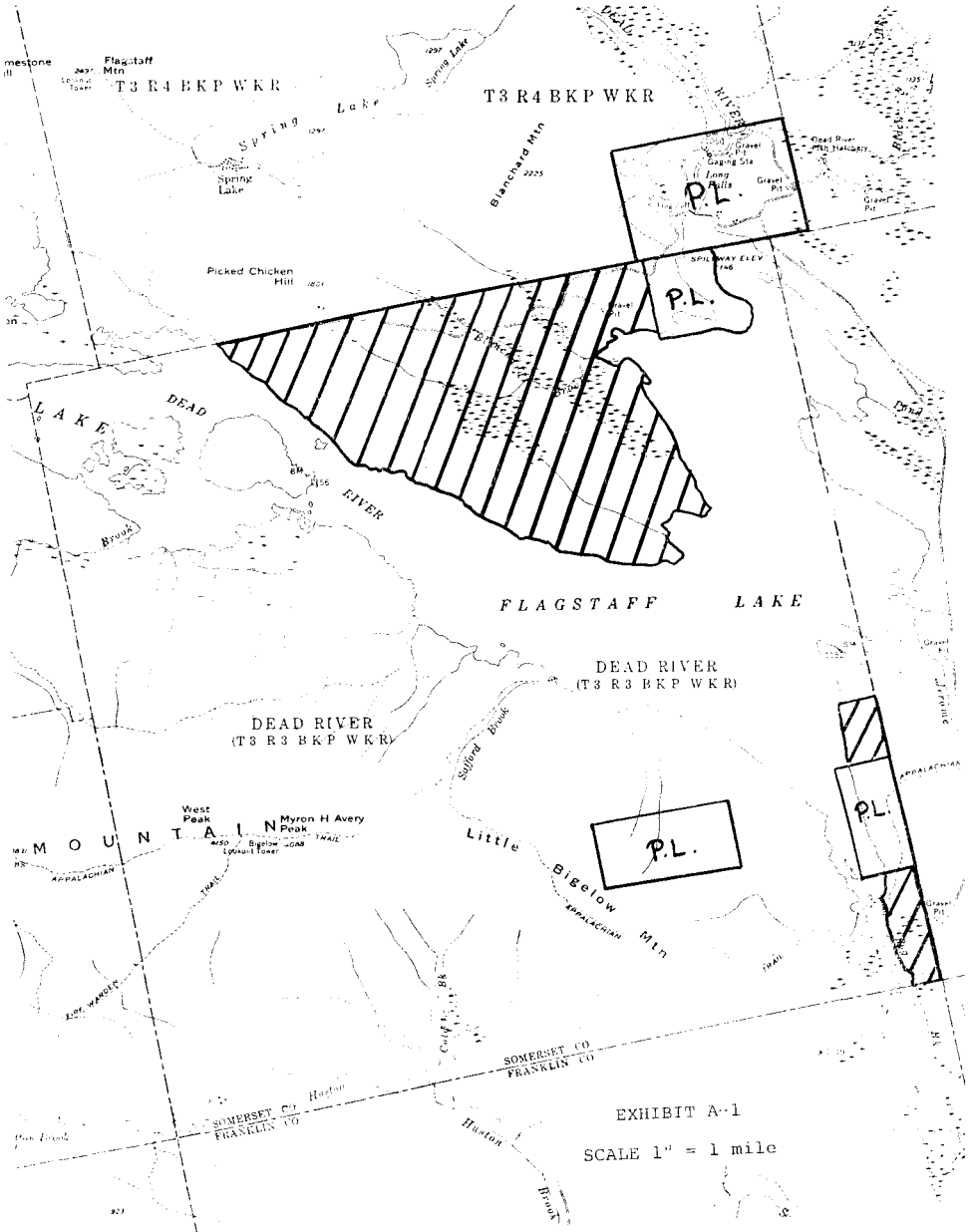
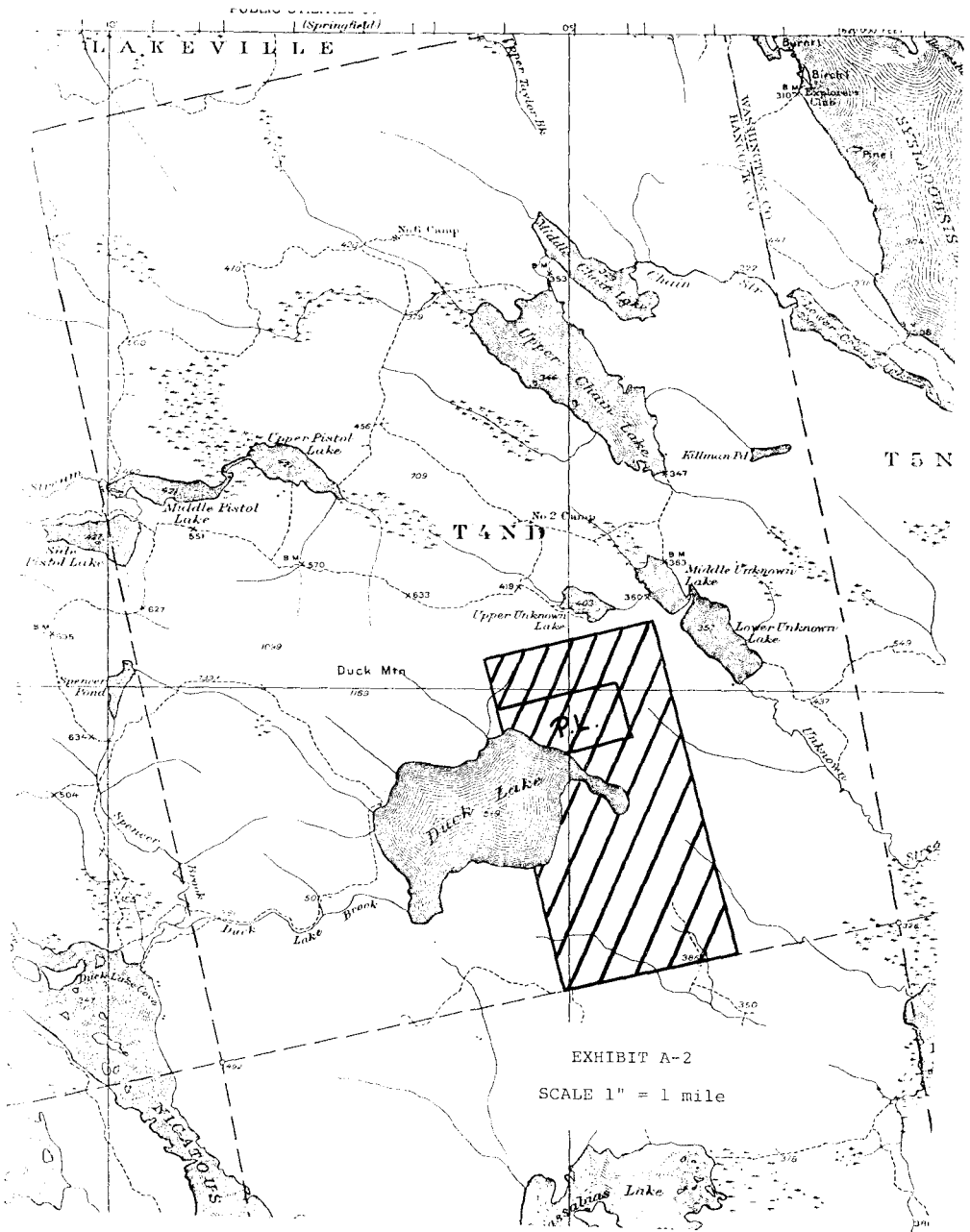


EXHIBIT A-1
SCALE 1" = 1 mile

LEGISLATIVE DOCUMENT No. 1392



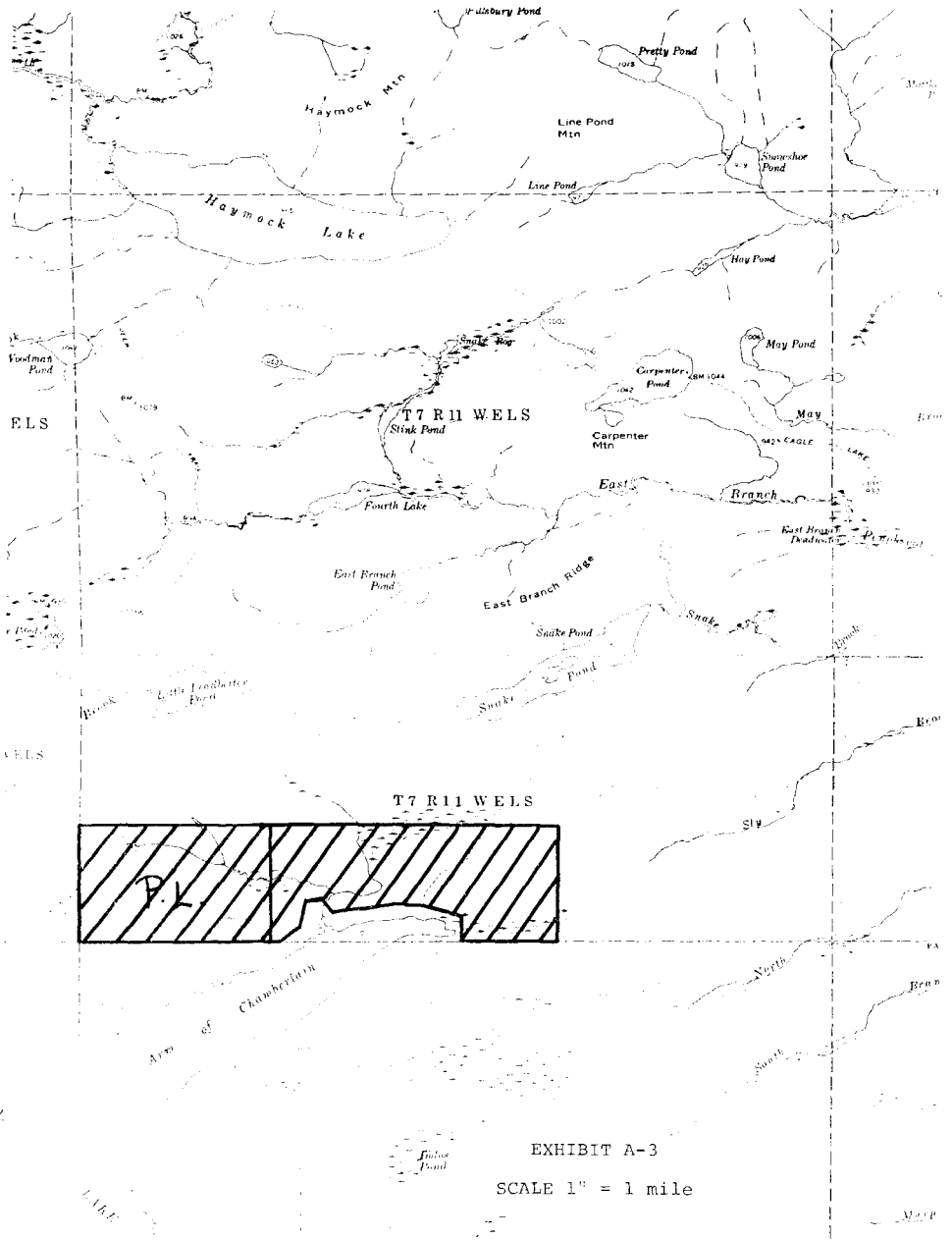
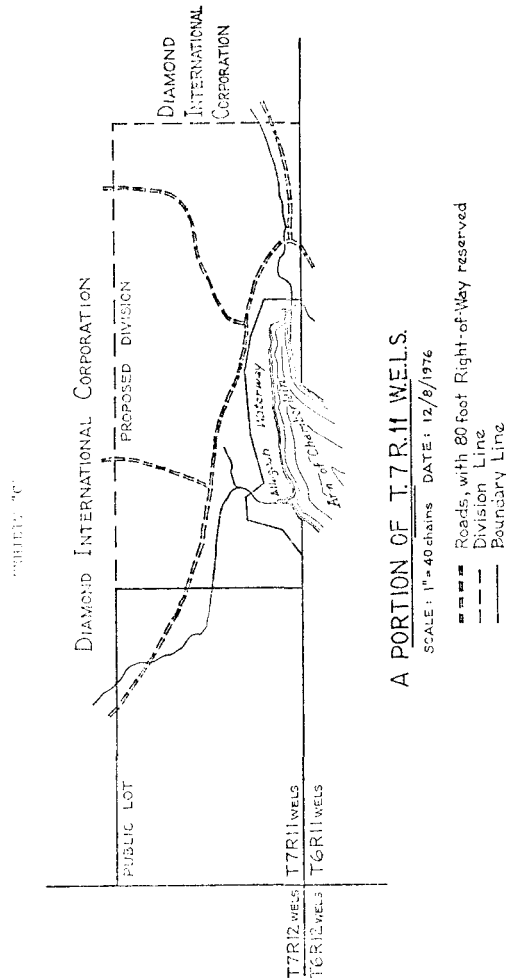


EXHIBIT B

STATE LANDS TO DIAMOND INTERNATIONAL

Township	Acreage
T. 8, R. 3, WELS	1,005
T. 1, R. 4, WELS	500
T. 3, R. 4, WELS	1,000
T. 40, M.D.	960
T. 6, R. 9, NWP	320
T. B, R. 11, WELS	333
T. 1, R. 11, WELS	1,000
T. 9, R. 3, WELS	500
T. 11, R. 7, WELS	500
T. 4, R. 3, WELS	240
T. 8, R. 4, WELS	375
T. 10, R. 6, WELS	360
T. 3, N.D.	480
T. 2, R. 11, WELS	536
TOTAL ACREAGE	8,109



STATEMENT OF FACT

This resolve would authorize an exchange of public reserved lands with Diamond International Corporation in which the State would convey approximately 8,109 acres in 19 parcels in exchange for approximately 8,109 acres in 4 parcels. As a part of the trade, Diamond International would return to the State any interest it has in the timber and grass on the 8,109 acres of trade lands plus an additional 1,486 acres of public lots to be retained by the State. This would result in an increase of approximately 9,595 acres for state management. The parcels involved include substantial acreage in and adjacent to the Bigelow Preserve, and additions to existing state holdings in T. 4, N.D. (Hancock County) and T. 7, R. 11, W.E.L.S. (Piscataquis County), all of which offer significant opportunities for multiple use management.