

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 105

6
7 H.P. 98

House of Representatives, January 6, 1983

8 Reference to the Committee on Energy and Natural Resources. Sent up
9 for concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Dexter of Kingfield.

Cosponsors: Representative Rolde of York and Senator McBrairy of
Aroostook.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Enable the Sale of Camp
18 Lots to Owners under the Direction of
19 the Bureau of Public Lands.
20

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

23 12 MRSA §560 is enacted to read:

24 §560. Leases on lands obtained in exchange for
25 public reserved land

26 Any person who had or has, on the effective date
27 of a resolve approving a land exchange involving
28 public reserved land, a valid leasehold interest in
29 any land acquired by the State in any exchange of
30 public reserved lands, shall have the option to
31 obtain a lease, as described in this section, in the
32 land which he held or holds that leasehold interest.
33 Such a lease shall be obtained and used as follows.

1 1. Notification of exercise of option. Any
2 person having the interest described in this section,
3 referred to in this section as "the lessee," shall,
4 within 6 months after the effective date of the
5 resolve or this section, notify in writing the direc-
6 tor of the exercise of the option. The notification
7 must include a copy of the lease, a description of
8 the property and a statement of the manner and the
9 time of use.

10 2. Lease agreement. The director shall enter
11 into an agreement with the lessee which, at the
12 option of the lessee, shall be for either a 5-year
13 renewable lease or a lifetime lease, as provided in
14 this subsection.

15 A. A 5-year renewable lease means a lease for 5
16 years, which may be renewed for additional 5-year
17 periods at the option of the original lessee.

18 The yearly rental shall be no more than the
19 rental charged for the 1983 year plus 5% for each
20 year of the lease subsequent to 1983, compounded.

21 This leasehold interest may be sold, sublet,
22 transferred or otherwise conveyed and may be
23 taken by devise or intestacy. The assigns or
24 successors shall have the same renewal rights and
25 obligations as the original lessee, except that
26 the director may annually set a new rent regard-
27 less of the 1983 rental and the leasehold inter-
28 est shall revert to the State 20 years after the
29 original lessee, who first exercised the option
30 for a lease with the director, sells, transfers,
31 sublets or otherwise conveys the lease, or dies.

32 The leasehold interest shall revert to the State
33 if the lease is not renewed.

34 B. A lifetime lease means a lease for the life-
35 time of the lessee or the lessee's spouse at the
36 time of the first lease with the director. In
37 exchange for the lease, the lessee shall pay 1/2
38 of the fair market value of the land leased at
39 the time the option is exercised. A lifetime
40 lease shall be granted at the original lessee's
41 option at any time that the original lessee has a
42 5-year lease.

1 The leasehold interest shall revert to the State:

2 (1) Upon the death of the lessee or the
3 lessee's eligible spouse, whichever occurs
4 later, the latter being the lessee's spouse
5 at the time the option is originally exer-
6 cised; or

7 (2) Upon the termination of the lease as
8 provided in subsections 3 and 4.

9 C. The lessee and the lessee's spouse or succes-
10 sors or assigns, whichever may be applicable,
11 shall be given a period of 9 months after rever-
12 sion to remove from the land any structures
13 belonging to them.

14 D. Any lessee who believes that the rent or fair
15 market value set by the director is high may
16 appeal to the commissioner, who may overrule the
17 director.

18 3. Use of property; termination. The agreement
19 shall require that the lessee may use the property
20 only as a seasonal family camp. The agreement may
21 require conditions of maintenance and reasonable care
22 and use, and that the lease may be terminated if
23 these conditions are not met.

24 4. Termination of lease or lessee. The lessee,
25 his spouse, assigns or successors, whichever may be
26 applicable, may, at his option, terminate the lease
27 at any time, in which event the land shall revert to
28 the State.

29 5. Use of moneys. Any moneys received pursuant
30 to this section shall be used in accordance with
31 Title 30, section 557.

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STATEMENT OF FACT

33 The purpose of this bill is to allow any person
34 who has held or will hold a leasehold interest in
35 public reserved land, which was or is acquired by the
36 State through a land exchange, to continue holding an
37 interest either for the tenant's lifetime or subject

1 to a 5-year renewable lease which may be sold, trans-
2 ferred or otherwise conveyed to another person.

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