

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1277

6
7 H.P. 976

House of Representatives, March 22, 1983

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

10 EDWIN H. PERT, Clerk

Presented by Representative Dexter of Kingfield.

Cosponsors: Representative Rolde of York, Senator McBreairty of
Aroostook and Senator Pray of Penobscot.

11
12 STATE OF MAINE
13

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

17 AN ACT Relating to Camps on Leasehold
18 Land Owned by the State.
19

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

22 Sec. 1. 30 MRSA §4169, as amended by PL 1981, c.
23 434, §§1 and 2, is repealed.

24 Sec. 2. 30 MRSA §4170 is enacted to read:

25 §4170. Public reserved land acquisition, sale,
26 exchange or relocation

27 1. Recommendation to the Legislature. The direc-
28 tor may make recommendations to the Legislature for
29 the sale, exchange or relocation of public reserve
30 lands. Except as provided in subsections 2 and 3, he
31 shall, only after the approval of the Legislature,
32 sell, exchange or relocate those lands.

1 2. Sale of leaseholder lots. The director may
2 give an option to purchase to any person who on Janu-
3 ary 1, 1983, held a valid camp lot leasehold interest
4 with the State, acting through the Bureau of Public
5 Lands, in the land in which he has the leasehold
6 interest.

7 A. The Bureau of Public Lands shall notify all
8 camp lot lessees of record as of January 1, 1983,
9 by mail at their last known addresses of their
10 right to obtain from the State an option to pur-
11 chase the property in which the leasehold inter-
12 est is held.

13 B. Any lessee interested in purchasing the prop-
14 erty in which he holds a leasehold interest shall
15 have 180 days from the date of notice in para-
16 graph A to execute an option agreement with the
17 State.

18 C. The purchase price specified in the option
19 agreement shall be at fair market value to be
20 determined by the director. The option agreement
21 shall contain such other terms and conditions as
22 the director deems necessary.

23 D. The director may execute deeds or such other
24 instruments as are necessary to complete the sale
25 of the property.

26 E. Any camp lot leaseholder not entering into an
27 option agreement to purchase the lot that is the
28 subject of the lease, as provided in paragraph B,
29 shall forever forfeit his right to purchase that
30 property.

31 F. Any funds collected from the sale or property
32 as specified in this subsection shall be depos-
33 ited in the General Fund.

34 3. Sale of small parcels. The director may, after
35 review by the joint standing committee of the Legis-
36 lature having jurisdiction over State Government and
37 subsequent approval by the Governor, sell any parcel
38 of public reserved land not exceeding 1/4 acre in
39 size, provided that:

1 A. The parcel is sold to the owner of private
2 land which adjoins the parcel;

3 B. The director determines that public ownership
4 of the parcel, because of its size, shape and
5 location, has no use or value except as an ad-
6 joined to the adjoining private property; and

7 C. The sale is for fair market value of the
8 parcel as determined by the director, taking ac-
9 count of factors including the effect of owner-
10 ship of the parcel upon the value of the adjoin-
11 ing private property.

12 Prior to making any sale, the director shall make a
13 written finding with respect to the requirements of
14 this subsection. The written finding shall be avail-
15 able for public inspection at the director's office
16 during regular working hours.

17 It is the policy of the State that the requirements
18 of this subsection be strictly applied, and that sale
19 of any parcel of a public reserved lot be discouraged
20 except in compliance with this subsection.

21 4. Notice for sales, exchanges and relocations.
22 Prior to requesting approval under subsection 3, the
23 director shall give notice of the proposed sale,
24 exchange or relocation and may hold a public hearing,
25 provided that he shall hold a public hearing if
26 requested by any party.

27 5. Public Reserved Lands Acquisition Fund. To ac-
28 complish the purposes of this chapter, there is
29 established a Public Reserved Lands Acquisition Fund.
30 Notwithstanding the provisions of section 4163, all
31 income or proceeds received by the Bureau of Public
32 Lands from the sale, exchange or relocation of any
33 public reserved lands shall be recorded on the books
34 of the State in a separate account and shall be
35 deposited with the Treasurer of State to be credited
36 to the Public Reserved Lands Acquisition Fund.

37 6. Expenditure of funds. All moneys credited to
38 the Public Reserved Lands Acquisition Fund shall be
39 used exclusively to purchase and assemble quantities
40 of land of such size and location as the director

1 determines best fulfill the purposes of this chapter.
2 Lands acquired with these moneys are deemed to be
3 public reserved lands and shall be held and managed
4 by the State, subject to the same terms and condi-
5 tions as apply to other public reserved lands. So
6 much of the funds raised from income designated in
7 subsection 3 and paid into the treasury as may be
8 necessary to pay for the purchase of real property to
9 be held and managed as public reserved lands is
10 appropriated to pay for the purchase of that real
11 property, and the director, with the prior approval
12 of the Commissioner of Conservation and the Governor,
13 shall authorize the State Controller to draw his
14 warrant therefor at any time. Any balance remaining
15 shall continue from year to year as a fund available
16 for the purposes of this section and for no other
17 purpose.

18 STATEMENT OF FACT

19 At the present time, there are approximately 490
20 camp owners who lease the land upon which their camps
21 sit, from the State. These camp lot leaseholders fall
22 into 2 categories as follows.

23 1. Approximately 150 of the public lot
24 leaseholders formerly lease their lots from Maine
25 paper companies or other private landowners and now
26 lease directly from the State, as a result of the
27 public land swaps.

28 2. Approximately 350 leaseholders have always
29 leased their lots directly from the State.

30 These public lot leaseholders have, over a number
31 of years, improved the buildings which they have
32 placed upon the real estate so that they have a sub-
33 stantial investment located upon land which they do
34 not own. These lots have little or no usable value to
35 the State. The State would be greatly benefited if it
36 were to transfer outright ownership of those lots to
37 the people who lease them from the State in exchange
38 for fair market value. Those lot leaseholders who
39 formerly leased from paper companies would undoubt-
40 edly have been given an opportunity to purchase their
41 lots had the State not acquired the land in the land

1 swaps, and they should not be penalized as a result
2 of the land swaps which had little or no benefit for
3 them.

4 The outright sale of the land upon which the
5 seasonal residential cottages are located would be
6 the most judicious use of the land and it would be in
7 harmony with the environment, terrain and historical
8 usage of the area.

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