

# MAINE STATE LEGISLATURE

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L.D. 1546

(Filing No. H-334)

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
112TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1060, L.D. 1546, "Resolve, Authorizing the Exchange or Sale of Certain Public Reserved Lands."

Amend by bill by inserting after page 58 the following:

RELEASE AND COVENANT NOT TO SUE

For good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned STATE OF MAINE, in its sovereign capacity, in its sovereign capacity as trustee of the public lands of the State of Maine and in its sovereign capacity on behalf of all municipalities and other political subdivisions of the State of Maine (hereinafter referred to as "the State") releases, acquits and forever discharges the ESTATE OF JAMES M. PIERCE, formerly of Houlton, Maine, JOTHAM D. PIERCE, Personal Representative of said Estate, their successors and assigns, subsidiaries and affiliates, tenants in common, lessees, contractors, and all other entities with which they have acted in concert or by contract (other than tenants in common and joint tenants) and the officers, employees, agents and other representatives of the foregoing (all hereinafter referred to as "Pierce") of and from any and all actions, causes of action, claims or demands for damages, costs, expenses, loss of services, contribution, indemnification, interest, or any other claim whatsoever under whatever theory which the State now has or which may hereafter accrue to the State, relating to any and all alleged wrongful or unauthorized use and occupancy, harvesting of wood, taking of grass, removal of gravel, sand or other resources, leasing or any other acts occurring on, or with respect to, any and all of the public lots in the State of Maine prior to (Clos-

COMMITTEE AMENDMENT "A" to H.P. 1060, L.D. 1546

1 ing Date), 1985 (hereinafter referred to as the "Al-  
2 leged Uses").

3 For such consideration, the State hereby re-  
4 leases, acquits, discharges, satisfies and credits  
5 that portion of all claims for Alleged Uses and of  
6 the total amount of all damages for Alleged Uses  
7 which the State has suffered and will suffer allocable  
8 to Pierce, if any. It is the intention of the  
9 State to release, discharge, satisfy and credit that  
10 fraction and percentage of all claims and damages, if  
11 any, for which Pierce may be found to be responsible.

12 The State hereby covenants not to sue Pierce or  
13 any other entity for that portion of all claims for  
14 Alleged Uses and of the total amount of all damages  
15 for Alleged Uses which the State has suffered or may  
16 in the future suffer allocable to Pierce, if any.

17 This Release is not a release of any other entity  
18 which may be liable for damages claimed by the State  
19 except as provided above. The State expressly re-  
20 serves its right against any other entity.

21 It is agreed that this settlement is in compro-  
22 mise of disputed claims, that the consideration paid  
23 is not to be construed as an admission by the parties  
24 hereby released, and that the parties hereby released  
25 deny liability therefor.

26 This release contains the ENTIRE AGREEMENT be-  
27 tween the parties hereto and the terms of this Re-  
28 lease are contractual and not a mere recital.

29 The undersigned further states that he has care-  
30 fully read the foregoing Release and knows the con-  
31 tents thereof and executes the same, pursuant to the  
32 authority granted to the undersigned by Resolves  
33 1985, c. \_\_\_\_\_.

34 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1985.

COMMITTEE AMENDMENT "A" to H.P. 1060, L.D. 1546

1 WITNESS: STATE OF MAINE

2 \_\_\_\_\_ By: \_\_\_\_\_  
3 Its Commissioner of  
4 Conservation

5 Richard B. Anderson  
6 Typed Name

7 Further amend the bill on page 59, in SECTION II,  
8 under the heading AGREEMENT, in subsection 1, in the  
9 13th and 14th lines (page 59, lines 30 and 31 in  
10 L.D.) by striking out the following: "from the west"  
11 and inserting in its place the following: 'northerly  
12 from Route 16' and by striking out in the last 7  
13 lines (page 59, lines 35 to 41 in L.D.) the follow-  
14 ing: "; and (C) the non-exclusive right, for all pur-  
15 poses, to use, maintain, improve and replace the ex-  
16 isting roads and bridges located in Twp. C leading  
17 from South Arm north to T 4, R 1 WBKP, as they now  
18 exists or may in the future be relocated, reserving,  
19 however, to James River, its successors and assigns,  
20 similar rights in said roads and bridges'

21 Further amend the bill on page 60, in SECTION II,  
22 under the heading AGREEMENT, in subsection 2, by  
23 striking out in the 15th, 16th, 17th, 18th and 19th  
24 lines (page 60, lines 34 to 38 in L.D.) the follow-  
25 ing: "to convey to James River, its successor and as-  
26 signs, the non-exclusive right to use, maintain, im-  
27 prove and replace the existing road from Rt. 16 near  
28 West Richardson Pond to Upper Dam across the Town of  
29 Adamstown; (c)" and in the 23rd line (page 60, line  
30 42 in L.D.) by striking out the following: "(d)" and  
31 inserting in its place the following: '(c)'

32 Further amend the bill by inserting before page  
33 70 the following:

34 Attachment 1

COMMITTEE AMENDMENT "A" to H.P. 1060, L.D. 1546

1	JOHN W. CAMPBELL	BRUCE W. MCGHEE
2	AGNES COLBY	MEGANTIC
3	HENRY COE	PEJEPSCOT
4	D'AUTEUIL LUMBER CO.	JAMES M. PIERCE
5	CENTRAL MAINE POWER CO.	MARTHA POWERS
6	DOMTAR	SHEILA RARES
7	GRANT'S CAMPS	SADA COE ROBINSON
8	IRVING	CLYDE H. THOMAS, ET AL.
9	F. PALMER HART	GERALD C. THOMAS
10	ERWIST HARTFORD, ET AL.	TIMBERLANDS
11	MURIEL HARTFORD	ROLAND G. AND JOHN WARE
12	DANIEL W. HARTFORD, JR.	J.A. WEATHERBEE TRUST
13	LOUIS OAKES HILTON	H.J. WELLER
14	KENNEDY	WEYMOUTH HEIRS
15	LINCOLN P&P	GERTRUDE AND GLADYS WEYMOUTH
16	LINDQUIST	M. HAYNES WHEELER
17	MADISON PAPER CORP.	BETA WOOD
18	DEWEY MARTIN'	

19 Further amend the bill by inserting after Exhibit  
20 A on page 72 the following:

21 'PURCHASE AND SALES AGREEMENT



COMMITTEE AMENDMENT "A" to H.P. 1060, L.D. 1546

1 had an opportunity to inspect the property or has  
2 voluntarily waived such opportunity and that he un-  
3 derstands and accepts the terms of sale as repre-  
4 sented herein.

5 (8) The Buyer hereby agrees that there shall be  
6 no further development within the parcel conveyed by  
7 the State, aside from repairs to or replacement of  
8 buildings existing at the time of this agreement, nor  
9 shall the existing lots be subdivided for any pur-  
10 pose.

11 (9) The parties hereby acknowledge that Legisla-  
12 tive authority is necessary to permit the terms here-  
13 of to be performed by the State of Maine, and that  
14 this Agreement, therefore, is made contingent upon  
15 the granting of such authority. In the event that  
16 the present regular session of the Legislature does  
17 not approve legislation authorizing this sale, this  
18 Agreement shall terminate on the date of adjournment,  
19 unless otherwise agreed by the parties.

20 (10) ENTIRE AGREEMENT. This document consti-  
21 tutes the entire agreement between the parties; all  
22 amendments shall be in writing and executed by the  
23 parties hereto.

24 FOR THE STATE:

FOR THE GRANTEE:

25 \_\_\_\_\_  
26 Robert H. Gardiner, Jr. - DATE Gilbert Barnaby - DATE  
27 Director 13 Free Street  
28 Bureau of Public Lands Jay, Maine 04239

29 ACKNOWLEDGED:

ACKNOWLEDGED:

30 \_\_\_\_\_ - DATE \_\_\_\_\_ - DATE

COMMITTEE AMENDMENT "A" to H.P. 1060, L.D. 1546

1 Further amend the bill by inserting at the end  
2 before the statement of fact the following:

3 SECTION IV

4 Authorization to convey release interests.

5 The Director of the Bureau of Public Lands is au-  
6 thorized to convey any interest obtained by the State  
7 from released deeds for particular public lots, to  
8 those parties who have received public lots covered  
9 by such releases as a result of Resolves 1984, chap-  
10 ter 79; Resolves 1984, chapter 87; and this Resolve.

11 FISCAL NOTE

12 If enacted, this bill will result in the sale and  
13 exchange of certain public reserved lands. The cost  
14 associated with the sale and exchange will be ab-  
15 sorbed by a dedicated revenue account and the revenue  
16 received from the sale will be credited to a dedi-  
17 cated revenue account. The amount of revenue to be  
18 received is estimated at \$457,285.58. No additional  
19 allocation may be necessary.

20 STATEMENT OF FACT

21 The purpose of this amendment is to add a provi-  
22 sion to the bill authorizing the sale of a camp lot  
23 in Chain of Ponds Township, to make several technical  
24 amendments to the bill and to add a fiscal note.

25 4079060385

Reported by the Majority of the Committee on Energy and Natural  
Resources  
Reproduced and distributed under the direction of the  
Clerk of the House

6/5/85

(Filing No. H-334)