

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 2030

7 H.P. 1439

House of Representatives, February 14, 1986

8 Approved for introduction by a majority of the Legislative Council  
9 pursuant to Joint Rule 26.

10 Reference to the Committee on Energy and Natural Resources suggested  
and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Carroll of Gray.

11  
12 STATE OF MAINE  
13

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

17 Resolve, Directing the Director of the Bureau  
18 of Public Lands to Convey the State's  
19 Interest in Certain Lands Surrounding  
20 Little Sebago Lake.  
21

22 Whereas, the Legislature finds that the State's  
23 retention of certain lands surrounding Little Sebago  
24 Lake in the County of Cumberland inhibits the market-  
25 ability of title of several abutting landowners; and

26 Whereas, the Legislature finds that these lands  
27 retained by the State are substantially valueless for  
28 public trust purposes since they consist of small,  
29 scattered lots of land and have been used principally  
30 by abutting landowners for many years; and

31 Whereas, the release of state claims to these  
32 lands will not impair the public trust in remaining  
33 lands; and

34 Whereas, abutting landowners have long considered  
35 and used these lands as their own and the great ma-

1 jority of the state claims to these lands were sur-  
2 rendered to other abutting property owners over 25  
3 years ago; and

4         Whereas, the release of the State's interest in  
5 these remaining lands is just and equitable to those  
6 persons who own the abutting lands; now, therefore,  
7 be it

8         **Conveyance of State's interest in lands directed.**

9         **Resolved:** That, in accordance with the provisions of  
10 this resolve, the Director of the Bureau of Public  
11 Lands shall convey the lands described in subsection  
12 1.

13         1. The Director of the Bureau of Public Lands  
14 shall, upon request by the upland property owner,  
15 convey by quitclaim deed the State's interest in the  
16 lands included in the area on the shore of Little  
17 Sebago Lake in the County of Cumberland, which lands  
18 lie in whole or in part between the ancient low-water  
19 mark as established by the common law and the present  
20 low-water mark of the lake, to those persons who have  
21 clear title to the upland land abutting the land as  
22 described in the resolve, as evidenced by deeds and  
23 conveyances or record.

24         2. The Attorney General shall provide all neces-  
25 sary legal assistance to the bureau to accomplish the  
26 mandate of this resolve. The owner of an upland lot  
27 who desires to obtain the State's interest, as de-  
28 scribed in subsection 1, must have all necessary ti-  
29 tle searches performed and must provide all necessary  
30 documentation before a quitclaim deed may be granted  
31 under subsection 1.

32         3. The Bureau of Public Lands shall determine an  
33 equitable method of extending the boundaries of up-  
34 land lots to the shoreline through the land to be  
35 transferred to the owners of those lots under subsec-  
36 tion 1. If a dispute exists over these boundaries,  
37 the Director of the Bureau of Public Lands shall eq-  
38 uitably determine the boundaries through the land to  
39 be transferred to the owners of the upland lots. The  
40 director's decision is final. Any owner of an upland  
41 lot who desires to obtain the State's interest in  
42 lands, as described in subsection 1, must accept the

1 director's decision before a quitclaim deed may be  
2 granted under subsection 1.

3 STATEMENT OF FACT

4 In 1875, a dam on Little Sebago Lake broke, low-  
5 ering the ancient low-water mark and creating new  
6 shorelands between the ancient water mark and the  
7 new, post-1875, water mark. As previously submerged  
8 lands, the State arguably had legal title to the new  
9 shorelands. In 1957, the Legislature passed a re-  
10 solve, Resolve 1957, chapter 46, which allowed the  
11 Attorney General to give quitclaim deeds to all per-  
12 sons who held "deeds and conveyances of record pur-  
13 porting to convey to them title to such lands." The  
14 Attorney General executed quitclaim deeds to these  
15 people, which conveyed most of the new shoreland to  
16 the abutting property owners. Unfortunately, the de-  
17 scription in a few deeds did not extend to the re-  
18 cently uncovered shorelands. When a deed description  
19 ran to the waterline, the Attorney General gave the  
20 owner a quitclaim deed. A few deeds described the  
21 land in metes and bounds, or by landmarks; these  
22 deeds did not, by their own terms, lay claim to the  
23 uncovered lands and the holders of those deeds could  
24 not receive quitclaim deeds under the language of the  
25 1957 resolve. The title to the shorelands not  
26 quitclaimed by the State is now in question. This  
27 resolve corrects the oversight of the drafters of the  
28 1957 resolve and applies the same remedy for the re-  
29 maining landowners on Little Sebago Lake and clear  
30 title to their property. Failure to do this severely  
31 restricts the marketability of these landowners'  
32 properties.

33 This resolve requires the Director of the Bureau  
34 of Public Lands to execute quitclaim deeds, upon re-  
35 quest, to the owners of property abutting the remain-  
36 ing shorelands to which title is in question. Before  
37 a quitclaim deed is issued, the owner will have to  
38 make a request to the director and provide the docu-  
39 mentation necessary to show clear title to the abut-  
40 ting land. The Bureau of Public Lands will establish  
41 a fair and equitable method of extending boundary  
42 lines of existing lots to the new shoreline. Any

1 disputes over how to extend the boundary lines will  
2 be resolved by the director; if a landowner does not  
3 agree to the boundaries established by the director,  
4 no quitclaim deed may be issued. This will minimize  
5 boundary squabbles between adjoining landowners.  
6 This resolve provides for an equitable transfer of  
7 this land while minimizing litigation and expenses to  
8 the State and corrects a longstanding injustice to  
9 those property owners who, by chance, hold certain  
10 types of deeds.

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