

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
114TH LEGISLATURE  
SECOND REGULAR SESSION

HOUSE AMENDMENT "**B**" to H.P. 1779, L.D. 2446, "Resolve, Authorizing the Conveyance of Certain Public Lands and the Settlement of a Boundary Line Dispute Involving Public Lands"

Amend the resolve in section 2 in the last line (page 1, line 30 in L.D.) by striking out the following: "settlement." and inserting in its place the following: 'settlement; and be it further'

Further amend the resolve by inserting at the end before the statement of fact the following:

**Sec. 3. Director of Bureau of Public Lands; property received by State. Resolved:** That the Bureau of Public Lands may consummate the agreement contemplated under section 1, subsection 1 of this resolve between the bureau and S.D. Warren Company only if the language in "subparagraph 1," on page 2 in Exhibit C, a quitclaim deed without covenant, to the agreement dated March 21, 1990, is replaced with language to read:

- 1. These granted rights to the State of Maine do not represent a deeded right of access to the general public. Public use of these roadways is governed by the Grantor's policy of use of its roadways by the general public.

; and be it further

**Sec. 4. Option to acquire access; land exchange with S.D. Warren Company. Resolved:** That the Director of the Bureau of Public Lands may consummate the land exchange contemplated under section 1, subsection 1 of this resolve only if the S.D. Warren Company grants to the Bureau of Public Lands an option to acquire full public rights-of-way and all interests in real estate necessary thereto over the lands that are covered by the limited easements of access, as described in Exhibit C, to the land in Days Academy Grant that the State is acquiring from the S.D. Warren Company. The option must be in a form acceptable to the

2 director, provided that it must give the bureau at least 90 days'  
notice from the S.D. Warren Company in the event that the S.D.  
4 Warren Company wishes to sell all or any portion of the lands  
subject to such easements. The bureau must be able to acquire  
6 the rights to and related interests in real estate covered by  
this option at any time during the 90-day period following the  
8 notice by the S.D. Warren Company, provided that if legislative  
approval is necessary to the exercise by the State of the option,  
10 the time period allowed for the State's exercise of the option is  
extended to a period ending not sooner than 90 days following the  
close of the next regular session of the Legislature.

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### FISCAL NOTE

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Enactment of this legislation will result in the Department of Conservation, Bureau of Public Lands, absorbing costs associated with the conveyance of properties and settling of boundary line disputes identified in sections 1 and 2 of the resolve. The Bureau of Public Lands will be reimbursed \$250 for its services. It can not be determined at this time whether the section 4 requirement to obtain an option to acquire access will have a fiscal impact on the Department of Conservation.'

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### STATEMENT OF FACT

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This amendment permits the Bureau of Public Lands to consummate the agreement between the bureau and the S.D. Warren Company only if the language regarding public access is amended. The amendment also provides for a right of first refusal to be granted to the State for access over the lands in Days Academy Grant that the State is acquiring from the S.D. Warren Company in the event that the current owner sells those lands to a 3rd party. It is the intent of the Legislature that this resolve and Exhibit C not affect any pending litigation concerning any right-of-way or right of access to the so-called Pavilion lot. The amendment adds the necessary fiscal note to the resolve.

Filed by Rep. McGowan of Canaan  
Reproduced and distributed under the direction of the Clerk of the  
House  
4/13/90 (Filing No. H-1135)

48