

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 1974

S.P. 699

In Senate, March 23, 1999

**Resolve, to Transfer a Parcel of State Land to the Town of Carrabassett Valley.**

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Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator BENOIT of Franklin.  
Cosponsored by Representative McGLOCKLIN of Embden.

2           **Preamble.** The Constitution of Maine, Article IX, Section 23  
3 requires that real estate held by the State for conservation  
4 purposes may not be reduced or its uses substantially altered  
5 except on the vote of 2/3 of all members elected to each House.

6           **Sec. 1. Director of Bureau of Parks and Lands authorized to**  
7 **negotiate and consummate sale. Resolved:** That the Director of the  
8 Bureau of Parks and Lands within the Department of Conservation  
9 may negotiate and consummate the sale of certain public reserved  
10 lands to the Town of Carrabassett Valley. The State may not  
11 convey any land or interest in land that comprises a public road  
12 or a great pond. All money received from the sale of these  
13 public reserved lands must be used exclusively for the purchase  
14 of additional real estate in the same county as the transferred  
15 land for the same purposes; and be it further

16           **Sec. 2. Land to be conveyed. Resolved:** That the land to be  
17 conveyed consists of 1,243 acres, more or less, of public  
18 reserved land, being the same land as was reserved by the State  
19 for public purposes in a deed to William Bingham dated January  
20 28, 1793, and recorded at the State Archives in Volume 6, pages  
21 37 to 41 (Massachusetts deed), excepting and reserving from this  
22 property a parcel of approximately 37 acres, that being the same  
23 parcel that the State conveyed to the Carrabassett Valley  
24 Campowners Association or individual members of that association  
25 under the authority of Resolve 1985, chapter 40; and be it further

26           **Sec. 3. Consideration. Resolved:** That consideration for the  
27 sale must be the fair market value of the land as determined by  
28 an independent appraisal commissioned by the Director of the  
29 Bureau of Parks and Lands; and be it further

30           **Sec. 4. Deed and restrictions. Resolved:** That the property must  
31 be conveyed by quit claim deed without covenants, subject to the  
32 following deed restrictions: The Town of Carrabassett Valley  
33 shall in perpetuity retain title to the property and may not sell  
34 or otherwise transfer any interest, in whole or in part, in the  
35 property. The property must remain open and available for use  
36 and enjoyment by the public at large. Use of the property must  
37 be dedicated for purposes of public outdoor recreation, including  
38 without limitation: natural history study; hiking; camping, other  
39 than in motor vehicles; cross-country skiing; fishing; fisheries  
40 and wildlife management; skating; and attendant roads and  
41 parking. The property must be maintained in an essentially  
42 natural and undeveloped condition, except that up to 15  
43 contiguous acres in the aggregate, including any development in  
44 existence on the effective date of this resolve, may be developed  
45 for any public outdoor recreation facility used for the purposes  
46  
47  
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provided in this section that is sponsored by the municipality.  
The following uses are expressly prohibited: residential  
development of any type; development for overnight  
accommodations, except camping; development for any type of  
commercial service center, shops, restaurants or other commercial  
development; or development for any purpose that will change the  
natural character of the area. Failure to comply with any of the  
conditions or restrictions, in whole or in part, contained in  
this section causes the property to revert to the State; and be  
it further

**Sec. 5. Transfer of previously developed property. Resolved:** That  
developers of the lands immediately abutting the west line of the  
property may have inaccurately established the boundary line of  
the property, causing development to occur improperly on a  
portion of the property. The Town of Carrabassett Valley or the  
Director of the Bureau of Parks and Lands may sell or exchange  
lands that have been improved and built upon as of the effective  
date of this resolve in settlement of this defect. Such  
developed portions are not covered by the deed restrictions in  
section 4; and be it further

**Sec. 6. Management operations. Resolved:** That any management  
operations, including without limitation, timber harvesting  
operations, that the State may have scheduled before the signing  
of an agreement between the Director of the Bureau of Parks and  
Lands on behalf of the State and the Town of Carrabassett Valley  
must be allowed to proceed and all revenue derived from these  
operations accrues to the State until the delivery of the deed.

## SUMMARY

This resolve permits the Director of the Bureau of Parks and  
Lands within the Department of Conservation to negotiate the  
transfer of certain public reserved land owned by the State to  
the Town of Carrabassett Valley. It requires the proceeds from  
the sale to be used to acquire additional real estate in the same  
county as the transferred land for the same purposes. The land  
to be transferred is subject to restrictions on development and  
must be used for public outdoor recreation.