

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2008

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Legislative Document

No. 2260

S.P. 889

March 17, 2008

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**Resolve, Authorizing the Department of Inland Fisheries and  
Wildlife To Convey a Certain Easement Interest in Lands**

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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 NUTTING of Androscoggin. (GOVERNOR'S BILL)  
Cosponsored by Representative PIEH of Bremen and Senator: BRYANT of Oxford.

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

5       **Whereas,** the Maine Revised Statutes, Title 5, section 6209, subsection 6 requires  
6 that land acquired by the State with funds from the Land for Maine's Future Fund may not  
7 be sold or used for purposes other than those stated in the Maine Revised Statutes, Title 5,  
8 chapter 353 unless approved by a 2/3 majority of the Legislature; and

9       **Whereas,** the real estate that is the subject of this resolve is a state-owned wildlife  
10 management area falling under the designations described in the Maine Revised Statutes,  
11 Title 12, section 598-A, and was acquired with funds from the Land for Maine's Future  
12 Fund; and

13       **Whereas,** the easement interest authorized for conveyance by this resolve follows  
14 an existing electric transmission line corridor and expands the width of the cleared areas  
15 of said corridor by 10 to 30 feet; now, therefore, be it

16       **Sec. 1. Commissioner of Inland Fisheries and Wildlife authorized to**  
17 **convey certain easement interest in Webster Plantation, County of**  
18 **Penobscot. Resolved:** That the Commissioner of Inland Fisheries and Wildlife may  
19 by quitclaim deed without covenant convey, upon issuance of necessary approvals by the  
20 Maine Department of Environmental Protection, a linear transmission line easement to  
21 benefit Evergreen Wind Power V, LLC and its successors and assigns, in Webster  
22 Plantation, County of Penobscot, State of Maine. The consideration paid for said linear  
23 transmission line easement must be commensurate with the value of the affected wildlife  
24 management area, taking into account the existing transmission line corridor, as  
25 reasonably determined by the commissioner.

26       The area for said linear transmission line easement is 80 feet wide and approximately  
27 1.3 miles long, located generally in the place of the existing electric transmission line of  
28 Eastern Maine Electric Cooperative, Inc., as said line traverses the Webster Plantation  
29 parcel described as Parcel Seven in the deed from Diamond Occidental Forest, Inc. to the  
30 State of Maine dated October 11, 1990 and recorded at the Penobscot County Registry of  
31 Deeds in Book 4733, Page 365, running generally southeasterly from the Kingman  
32 Township/Webster Plantation town line to the Webster Plantation/Prentiss Plantation  
33 town line, along the north side of Route 170. The linear transmission line easement strip  
34 must be more particularly described by a survey performed by a Maine licensed  
35 professional land surveyor at the expense of Evergreen Wind Power V, LLC.

36       The conveyance of said linear transmission line easement includes the right to enter  
37 on adjacent lands to cut or trim and remove such trees growing outside the limits of said  
38 strip that may interfere with the transmission line easement rights, in accordance with a  
39 protocol agreed upon by the Department of Inland Fisheries and Wildlife, together with  
40 the right to ingress into and egress from the above-described strip over and across the  
41 land of the State by means of existing roads and lanes, if there be such.

1 For reference see Parcel Seven in the deed from Diamond Occidental Forest, Inc. to  
2 the State of Maine dated October 11, 1990 and recorded at the Penobscot County  
3 Registry of Deeds in Book 4733, Page 365; see also Webster Plantation Property Map 1  
4 (dated 1978), showing the general location of said existing electric transmission line.

5

#### **SUMMARY**

6 This resolve authorizes the Department of Inland Fisheries and Wildlife to convey a  
7 linear transmission line easement interest in land in Webster Plantation in Penobscot  
8 County.