

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 1158

H.P. 797

House of Representatives, March 25, 2009

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**Resolve, Authorizing Certain Land Transactions by the Department  
of Conservation, Bureau of Parks and Lands**

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative PIEH of Bremen. (GOVERNOR'S BILL)  
Cosponsored by Senator NUTTING of Androscoggin.

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 its  
3 uses substantially altered except on the vote of 2/3 of all members elected to each House.

4           **Whereas,** certain real estate authorized for conveyance by this resolve falls under  
5 the designations described in the Maine Revised Statutes, Title 12, section 598-A; and

6           **Whereas,** the Director of the Bureau of Parks and Lands within the Department of  
7 Conservation may sell or exchange lands with the approval of the Legislature in  
8 accordance with the Maine Revised Statutes, Title 5, section 6209 and Title 12, sections  
9 1814, 1837 and 1851; now, therefore, be it

10           **Sec. 1. Director of Bureau of Parks and Lands authorized, but not**  
11 **directed, to convey certain interests in land in the Town of Damariscotta,**  
12 **Lincoln County. Resolved:** That the Director of the Bureau of Parks and Lands  
13 within the Department of Conservation may by quitclaim deed without covenant, for fair  
14 market value or for exchange of land or interests in land of comparable market value, and  
15 on such other terms and conditions as the director may direct, convey any portion of the  
16 4 1/2-acre Shell Heaps Lots, so-called, in Damariscotta, recorded in the Lincoln County  
17 Registry of Deeds in Book 650, Page 362. The conveyance may come only with the  
18 written approval of the Director of the Maine Historic Preservation Commission and any  
19 required approvals by heirs of the donor of the parcel or required approvals by a court of  
20 law. The conveyance may occur only in order to advance a plan for recreational trail  
21 development on adjacent parcels of land. The conveyance may be to any party; and be it  
22 further

23           **Sec. 2. Director of Bureau of Parks and Lands authorized, but not**  
24 **directed, to convey certain interests in land in the Town of Van Buren,**  
25 **Aroostook County. Resolved:** That the Director of the Bureau of Parks and Lands  
26 within the Department of Conservation may by quitclaim deed without covenant convey  
27 one crossing easement across the Bangor and Aroostook Trail, so-called, for fair market  
28 value and on such terms and conditions as the director may direct including maintenance  
29 and safety obligations and responsibilities. The easement may be granted to any party  
30 and may be to benefit any property, including but not limited to property currently  
31 controlled by Mid-Ozarks Investments, LLC, located on the Lake Road in the Town of  
32 Van Buren; and be it further

33           **Sec. 3. Director of Bureau of Parks and Lands authorized, but not**  
34 **directed, to convey certain interests in land in the Town of Brownville,**  
35 **Piscataquis County. Resolved:** That the Director of the Bureau of Parks and Lands  
36 within the Department of Conservation may by quitclaim deed without covenant convey  
37 access rights either by fee or easement over an old woods road and portions of other lands  
38 owned by the bureau, for fair market value, and on such other terms and conditions as the  
39 director may direct, including maintenance and safety obligations and responsibilities.  
40 The lands owned by the bureau, a portion of which may be conveyed, consist of  
41 approximately 20 acres consisting of an old gravel pit and woods road and other lands  
42 adjacent to the Katahdin Iron Works Multi-use Trail off Front Street in the Town of

1 Brownville, recorded in the Piscataquis County Registry of Deeds in Book 1577, Page  
2 267. The easement may be granted to any party and may be to benefit any property,  
3 including but not limited to property currently controlled by abutter Paul Foulkes or his  
4 successors or assigns; and be it further

5 **Sec. 4. Director of Bureau of Parks and Lands authorized, but not**  
6 **directed, to convey certain minority interests in land in T12 R17 WELS,**  
7 **Aroostook County. Resolved:** That the Director of the Bureau of Parks and Lands  
8 within the Department of Conservation may by quitclaim deed without covenant, for fair  
9 market value, and on such other terms and conditions as the director may direct, convey  
10 any and all minority interests in common undivided interests in lands owned by the  
11 Bureau of Parks and Lands in T12 R17 WELS to any party, which minority common  
12 undivided interests are estimated to be approximately 1,006 acres unlocated; and be it  
13 further

14 **Sec. 5. Director of Bureau of Parks and Lands authorized, but not**  
15 **directed, to convey certain interests in land in T5 R13 WELS, Chesuncook**  
16 **Township, Piscataquis County. Resolved:** That the Director of the Bureau of  
17 Parks and Lands within the Department of Conservation may by quitclaim deed without  
18 covenant, for negotiated value, and on such other terms and conditions as the director  
19 may direct, convey or release a parcel of land to Bruce Bailey as the Successor Trustee of  
20 the Bailey Family Trust, such land described in a boundary survey performed by AMES  
21 A/E entitled, "Bailey, Surprenant, State of Maine, and Piscataquis County - Final  
22 Disposition Plan" dated September 11, 2007 and revised March 4, 2008. The parcel  
23 contains approximately 12/100 of an acre and is a portion of those premises conveyed by  
24 Ansel B. Smith, et al., to James Henderson by deed recorded on August 8, 1927 in Book  
25 228, Page 94 in the Piscataquis County Registry of Deeds. Said parcel is also a portion of  
26 those premises conveyed by Peter Simmons a/k/a Peter E. Simmons, Trustee of the  
27 Simmons Trust, to Bruce W. Bailey, Successor Trustee of the Bailey Family Trust, by  
28 deed dated May 7, 2006 and recorded in Book 1744, Page 243 in the Piscataquis County  
29 Registry of Deeds; and be it further

30 **Sec. 6. Director of Bureau of Parks and Lands authorized, but not**  
31 **directed, to convey certain interests in land in T5 R13 WELS, Chesuncook**  
32 **Township, Piscataquis County. Resolved:** That the Director of the Bureau of  
33 Parks and Lands within the Department of Conservation may by quitclaim deed without  
34 covenant, for negotiated value, and on such other terms and conditions as the director  
35 may direct, convey or release a parcel of land to the government of Piscataquis County,  
36 such land described in a boundary survey performed by AMES A/E entitled, "Bailey,  
37 Surprenant, State of Maine, and Piscataquis County - Final Disposition - Main Street  
38 Chesuncook Village" dated September 11, 2007 and revised March 4, 2008. The parcel  
39 contains approximately 63/100 of an acre and is a portion of the property conveyed by  
40 Ansell Smith to the Inhabitants of the Plantation of Chesuncook by deed dated August 30,  
41 1924, and recorded in Book 218, Page 310 in the Piscataquis County Registry of Deeds;  
42 and Great Northern Nekoosa Corp. to the State of Maine by deed dated November 12,  
43 1975 and recorded in Book 434, Page 486 in the Piscataquis County Registry of Deeds.  
44 The parcel also contains portions of those premises reserved in a deed from the heirs of

1 Ansell Smith to Great Northern Paper Company dated December 1, 1929 and recorded in  
2 Book 234, Page 358 in the Piscataquis County Registry of Deeds.

3

### SUMMARY

4 This resolve allows the Department of Conservation, Bureau of Parks and Lands to  
5 sell or swap a portion of the Shell Heaps Lots in the Town of Damariscotta, with the  
6 concurrence of the Maine Historic Preservation Commission, in order to advance a plan  
7 for recreational trail development on adjacent parcels.

8 The resolve allows the Bureau of Parks and Lands to sell an access easement crossing  
9 the Bangor and Aroostook Trail in the Town of Van Buren.

10 The resolve allows the Bureau of Parks and Lands to sell an easement or sell a fee  
11 portion to an abutter of a parcel of land owned by the Bureau of Parks and Lands in the  
12 Town of Brownville near the Katahdin Iron Works Multi-use Trail.

13 The resolve allows the Bureau of Parks and Lands to sell its minority common  
14 undivided interests in land in T12 R17 in Aroostook County.

15 The resolve allows for the resolution of a boundary dispute in Chesuncook Village in  
16 Piscataquis County by allowing the Bureau of Parks and Lands to transfer a fraction of an  
17 acre each to Piscataquis County and to an abutter.