

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



124th MAINE LEGISLATURE

SECOND REGULAR SESSION-2010

Legislative Document

No. 1803

H.P. 1291

House of Representatives, February 25, 2010

Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands and the Department of Inland Fisheries and Wildlife

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 Representative: CLARK of Millinocket, Senators: BRYANT of Oxford,
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 is under the
5 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 or interests in lands with the approval of the
8 Legislature in accordance with Title 5, section 6209 and Title 12, sections 1814, 1837 and
9 1851; and

10 **Whereas,** any conveyance of state land for electric transmission is governed by Title
11 35-A, section 3132, subsection 13; and

12 **Whereas,** the Department of Conservation jointly with the Land for Maine's Future
13 Board enforces terms and conditions according to which certain other cooperating entities
14 as defined in Title 5, section 6201 that acquire land with funding from the Land for
15 Maine's Future Fund may sell or exchange lands or change the use of the land only with
16 the approval of the Legislature in accordance with Title 5, section 6209; now, therefore,
17 be it

18 **Sec. 1. Director of Bureau of Parks and Lands authorized, but not**
19 **directed, to convey certain interests in land in Monhegan Plantation, Lincoln**
20 **County. Resolved:** That the Director of the Bureau of Parks and Lands within the
21 Department of Conservation may by quitclaim deed without covenant, for negotiated
22 value, and on such other terms and conditions as the director may direct, convey or
23 release all interests in any land in Monhegan Plantation to Monhegan Plantation that
24 appears to have reverted to the bureau upon the death of Evelyn Cazallis Carter. This
25 conveyance is intended to include, but is not limited to, Lot #10 on a "Plan of Lots on
26 Prospect Hill on the Island of Monhegan Maine" dated 1891 and recorded in the Lincoln
27 County Registry of Deeds in Plan Book 1, Page 21; Lot #29 on a "Plan of Lots at Surf
28 Side on the Island of Monhegan" dated 1891 and recorded in the Lincoln County Registry
29 of Deeds in Plan Book 1, Page 85 and any interest acquired in land on the westerly half of
30 Monhegan Avenue that abuts Lot #29 as shown on said plan of Surf Side as Monhegan
31 Avenue that was never built or used; and be it further

32 **Sec. 2. Director of Bureau of Parks and Lands authorized, but not**
33 **directed, to convey certain interests in land in the Town of St. Francis,**
34 **Aroostook County. Resolved:** That the Director of the Bureau of Parks and Lands
35 within the Department of Conservation may by quitclaim deed without covenant convey a
36 road crossing easement for all purposes including but not limited to commercial and
37 residential travel and utilities with such other terms and conditions as the director may
38 direct, including maintenance and safety obligations and responsibilities. The easement
39 crosses the ownership interest of the bureau in the St. John Valley Heritage Trail. The
40 conveyance is for the sum of \$1,000 plus any expenses incurred by the bureau, such as
41 legal or survey contracts, but not including the time and incidental expenses of state

1 employees. The easement will benefit the property currently owned by Thomas Pelletier
2 of 14 Pelletier Drive, Tax Map 22, Lot A19 in the Town of St. Francis in Aroostook
3 County. For reference see Recreational Trail Easement deed from the Town of Fort Kent
4 to the Department of Conservation, dated June 19, 2000 and recorded in the Aroostook
5 County Registry of Deeds - Northern Division in Book 1213, Page 213; and be it further

6 **Sec. 3. Director of Bureau of Parks and Lands authorized, but not**
7 **directed, to convey certain interests in land in the Town of Sullivan and**
8 **Town of Franklin, both in Hancock County. Resolved:** That the Director of the
9 Bureau of Parks and Lands within the Department of Conservation may by quitclaim
10 deed without covenant convey on such other terms and conditions as the director may
11 direct, including maintenance and safety obligations and responsibilities, any number of
12 linear nonexclusive easements for electric transmission purposes together with access
13 easements along with tree trimming rights to benefit Bangor Hydro Electric Company, a
14 Maine corporation with its principal place of business in Bangor, Maine, and its
15 successors and assigns.

16 The easements may be across various parcels of land owned by the Bureau of Parks
17 and Lands in the Town of Sullivan and the Town of Franklin, both in Hancock County,
18 which parcels are part of the Donnell Pond unit of public reserved land and also may be
19 proximate to Little Pond in the Town of Franklin and Flanders Pond in the Town of
20 Sullivan. The easements must generally be proximate to and parallel to the existing
21 railroad corridor and the existing transmission corridor, except where alternative routes
22 are directed by the director to minimize or balance scenic, recreational and ecological
23 impacts.

24 A condition of the conveyance is that no transmission line may be constructed except
25 under the terms of the certificate of public convenience and necessity as originally issued
26 for that transmission line by the Public Utilities Commission or as modified by order of
27 the Department of Environmental Protection under the Maine Revised Statutes, Title
28 35-A, section 3132, subsection 7 or under the terms of an amended certificate of public
29 convenience and necessity issued by the commission or deemed to have been issued by
30 the commission under Title 35-A, section 3132, subsection 11-A.

31 The value of this transaction must be negotiated and agreed upon by the director and
32 the Land for Maine's Future Board as established by Title 5, section 12004-G, subsection
33 29; and be it further

34 **Sec. 4. Land for Maine's Future Board and Director of Bureau of Parks**
35 **and Lands authorized, but not directed, to allow Frenchman Bay**
36 **Conservancy to convey certain interests in land in the Town of Sullivan, in**
37 **Hancock County. Resolved:** That the Land for Maine's Future Board as established
38 by Title 5, section 12004-G, subsection 29 and the Director of the Bureau of Parks and
39 Lands may authorize the Frenchman Bay Conservancy to convey portions of certain
40 interests in the Schoodic Bog parcel located in the Town of Sullivan in Hancock County,
41 further described in the Hancock County Registry of Deeds in Book 4365, Pages 311 to
42 317 and acquired with funding from the Land for Maine's Future Fund as established by
43 Title 5, section 6203.

1 Conveyance must be by quitclaim deed without covenant and on such other terms and
2 conditions as the director may approve upon consultation with the parties, including
3 maintenance and safety obligations and responsibilities, and may include a linear
4 nonexclusive easement for electric transmission purposes together with access easements
5 and tree trimming rights to benefit Bangor Hydro Electric Company, a Maine corporation
6 with its principal place of business in Bangor, Maine, and its successors and assigns.

7 The easement must generally be proximate to and parallel to the existing railroad
8 corridor and the existing transmission corridor, except where alternative routes are
9 approved by the director upon consultation with the parties to minimize or balance scenic,
10 recreational and ecological impacts.

11 A condition of the conveyance is that no transmission line may be constructed except
12 under the terms of the certificate of public convenience and necessity as originally issued
13 for that transmission line by the Public Utilities Commission or as modified by order of
14 the Department of Environmental Protection under the Maine Revised Statutes, Title
15 35-A, section 3132, subsection 7 or under the terms of an amended certificate of public
16 convenience and necessity issued by the commission or deemed to have been issued by
17 the commission under Title 35-A, section 3132, subsection 11-A.

18 The value of this transaction must be negotiated and agreed upon by the director and
19 the Land for Maine's Future Board; and be it further

20 **Sec. 5. Director of Bureau of Parks and Lands authorized, but not**
21 **directed, to convey certain interests in land in Big Lake Township,**
22 **Washington County. Resolved:** That the Director of the Bureau of Parks and Lands
23 within the Department of Conservation may by quitclaim deed without covenant convey a
24 parcel of land in Big Lake Township formerly known as Township 21 or T21 ED BPP in
25 Washington County with such other terms and conditions as the director may direct. The
26 conveyance must be for negotiated value and may be to any party. The parcel of land is
27 approximately 3 acres and includes a garage and is located on West Street near Yates
28 Point Road. For reference see Maine Revenue Services Map WA033 Plan 4 Lot 27 and
29 Washington County Registry of Deeds, Book 1238, Page 92; and be it further

30 **Sec. 6. Commissioner of Inland Fisheries and Wildlife authorized, but**
31 **not directed, to convey certain interests in land in Kennebunk, York County.**
32 **Resolved:** That the Commissioner of Inland Fisheries and Wildlife may by quitclaim
33 deed without covenant convey for negotiated value a parcel of land approximately 1 1/3
34 acres in the Town of Kennebunk in York County to Central Maine Power Company. The
35 parcel is situated northerly of, but not adjacent to, Maguire Road, being a portion of land
36 described in a deed from the Coastal Blueberry Service, Inc. to the State of Maine dated
37 May 1, 1990 and recorded in the York County Registry of Deeds in Book 5383, Page
38 332.

39 A condition of the conveyance is that no transmission line or ancillary appurtenances
40 may be constructed except under the terms of the certificate of public convenience and
41 necessity as originally issued for that transmission line by the Public Utilities
42 Commission or as modified by order of the Department of Environmental Protection

1 under the Maine Revised Statutes, Title 35-A, section 3132, subsection 7 or under the
2 terms of an amended certificate of public convenience and necessity issued by the
3 commission or deemed to have been issued by the commission under Title 35-A, section
4 3132, subsection 11-A.

5 **SUMMARY**

6 This resolve allows the Director of the Bureau of Parks and Lands within the
7 Department of Conservation to convey to the municipal government of Monhegan
8 Plantation any interests in Monhegan Plantation that may have reverted to the bureau
9 upon the death of Evelyn Cazallis Carter, June 10, 1993.

10 The resolve also allows the Director of the Bureau of Parks and Lands to convey the
11 right to cross the St. John Heritage Valley Trail in the Town of St. Francis to abutter
12 Thomas Pelletier.

13 The resolve also allows the Director of the Bureau of Parks and Lands to convey a
14 transmission line easement to Bangor Hydro Electric Company near Donnell Pond and
15 Tunk Lake in the Town of Sullivan and the Town of Franklin in Hancock County.

16 The resolve also allows the Director of the Bureau of Parks and Lands and the Land
17 for Maine's Future Board to allow the Frenchman Bay Conservancy to convey a
18 transmission line easement to Bangor Hydro Electric Company across Schoodic Bog in
19 the Town of Sullivan in Hancock County.

20 The resolve also allows the Director of the Bureau of Parks and Lands to sell a lot
21 with a garage in Big Lake Township formerly known as Township 21 in Washington
22 County.

23 The resolve allows the Commissioner of Inland Fisheries and Wildlife to convey a
24 parcel of land in the Town of Kennebunk in York County to Central Maine Power
25 Company.