

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 1288**

H. P. 1138

House of Representatives, March 4, 1953.

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Fuller of Bangor.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-THREE

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**RESOLVE, Authorizing the Release of State of Maine's Claim on T. 1,  
R. 13, W. E. L. S., Piscataquis County.**

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**Forest commissioner authorized to give quit-claim deed. Resolved:**  
That the forest commissioner be, and hereby is, authorized to make, execute and deliver to Harry F. Ross a deed in the name of the state, of all interest of the state in timber and grass on public lots No. 15 and No. 28 in Township 1, Range 13, W. E. L. S., Piscataquis county, formerly owned by Minnie Ross Holman under deed of life tenure; provided that the said Harry F. Ross pay to the treasurer of state the sum of \$399.94, being the sum of the amounts that would have been due the state for taxes on the said timber and grass since 1943, if taxes had been assessed on the said timber and grass for those years as the property of the said Harry F. Ross, in accordance with the agreement of council order dated February 7, 1940, and the resolve of the ninety-first legislature, H. P. 1337, L. D. 877 of March 30, 1943, passed by said legislature.

## STATEMENT OF FACTS

Council order No. 94, Feb. 7, 1940, was a contract by and between the state of Maine and Harry F. Ross—making an adjustment between the admitted over-valuation for taxes on T. 1, R. 13, W. E. L. S. and payment for the Gilbert Camps so called, property of Harry F. Ross in T. 3, R. 9, which were unlawfully destroyed by an agent of the state.

(Forest commissioner authorized to cancel all deeds and other records in his department relating to claims on said T. 1, R. 13—while no claim was to be made by Harry F. Ross against the state for the camps destroyed in Township 3, Range 9.)

State tax assessor Mr. Holley objected to this claim being settled by council order—therefore a resolve was presented to the 91st legislature to authorize the forest commissioner to carry out this contract.

Forest commissioner Rendall executed quit-claim deed under date of Sept. 3, 1943, which Mr. Ross thought fully reinstated his title to said lands in T. 1, R. 13 in accordance to contract of agreement by and between the state and himself, under council order No. 94 of Feb. 7, 1940.

Not until December 1951 when Mr. Nutting the present forest commissioner called Mr. Ross about running the lines on the public lot, did he, Mr. Ross, realize that there was any question of his title to the grass and timber on the public lots, as when he originally purchased same.

No time during the negotiations from 1940 until Dec. 1951 was there any mention or question of the timber and grass on the public lots and Mr. Ross believed that the contract by and between the state and himself, was carried out by the proper process thru the resolve passed by the 91st legislature, which same made no reservations.

Now he prays that the Maine legislature may deem it their duty to adjust hereby, with the passage of this resolve, an apparent misinterpretation by the previous forest commissioner by his deed of Sept. 3, 1943, of L. D. 877 passed by the 91st legislature and thereby fulfill to the letter the contract of agreement entered into with the state in accordance to council order No. 94 of Feb. 7, 1940.