EXCHANGE OF PUBLIC RESERVED LANDS

BUREAU OF PUBLIC LANDS

COBURN LAND TRUST
1982

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STATE OF MAINE
Inter-Departmental Memorandum Date June 24, 1983

To The Record _____________________ Dept. Conservation

From B. J. Schruender, Director (BPL) Dept. Conservation

Subject Certification of Documents

This is to certify that all documentation pertinent to the land exchange between the Bureau of Public Lands and the Coburn Land Trust, included herein, is comprised of true copies of documents executed in the actual course of this transaction.

B. J. SCHRUENDER, DIRECTOR

WITNESSED: JOHN W. FORSSEN

NOTARIZED: SANDRA J. CROCKETT

MY COMMISSION EXPIRES MARCH 23, 1985
1. PURPOSE. The purpose of this legislation is to authorize the Bureau of Public Lands to enter into an exchange of land, on behalf of the State of Maine, with the Coburn Lands Trust.

2. AUTHORITY. Authority for such transactions is granted by 30 M.R.S.A., Section 4169.

3. PARCELS TO BE TRADED. By agreement dated June 10, 1981, and as amended January 1982, the Bureau of Public Lands and the Coburn Lands Trust have agreed in principle to exchange the following parcels of land:

   State of Maine to Coburn: 457.5 acres - Ten Thousand Acre Tract

   Coburn to State of Maine: 545 acres - Attean Township (This parcel includes the island in the Moose River, as described in the amendment).

4. VALUES ANALYSIS. The Bureau of Public Lands is a multiple use land management agency, which means that it must consider a variety of resource values and their interrelationships in the conduct of its planning and management. Ideally, all values should be considered equally; however, circumstance frequently demands compromise -- and this is as true for trading situations as it is for the application of on-site management.

   The following values were applied to the current trade situation:

   A. SIZE. The advantage is in the State's favor. It will receive 87.5 acres more than it must surrender in trade.

*amended agreement subsequently dated February 2, 1982
The Attean parcel promises to be as rich in recreational value as it is limited for timber production. Of primary importance, the State will acquire additional frontage along the Moose River (which flows through the Holeb trade parcel), which is described in the Maine Atlas as "one of the most popular canoe trips" in the State. This acclaim is readily affirmed by the fact that more than 2,600 people (Maine Forest Service records) annually apply for fire permits along this route. Moreover, Holeb Falls, currently listed on the Maine Register of Critical Areas, are located within this parcel. Because of the popularity of this segment of the river and the natural beauty of Holeb Falls, unauthorized camping has become somewhat of a tradition there -- and at least one site has been so well used as to invite further use and probable overuse. This situation suggests that the introduction of public management would be appropriate.

5. CONCLUSION. The Bureau's decision to proceed with this trade was based on essentially three issues:

A. CONSOLIDATION. It has long been the policy of the Bureau to consolidate scattered Public Lots in order to develop a more unified and manageable land base. Although this is a small trade, when compared to earlier transactions, it serves this policy by expanding the Bureau's Holeb Management Unit.

B. RECREATION VALUES OUTWEIGH POTENTIAL TIMBER VALUES. Although it may be argued that the State will suffer certain losses of timber value, it is the sense of the Bureau that (1) the recreation values in this situation are more important and (2) by consolidating the general management interest in one location, compensatory savings (reduced travel and supervision costs) will more than make up for the loss.

C. MAINTENANCE OF COOPERATIVE RELATIONS WITH PRIVATE LANDOWNERS. The Coburn interests and Scott Paper Company have been negotiating a trade for the past year -- and the elimination of a fractional State interest in Ten Thousand Acre Tract has been viewed by both parties as a critical element of those negotiations. To the extent that the Bureau could, at once, acquire valuable property for the State and strike a cooperative posture with surrounding landowners, it was (and is) pleased to consider this trade positively.
B. LOCATION. Although the Ten Thousand Acre Tract parcel is situated among several other Public Lots in adjacent Johnson Mountain Township and West Forks Plantation, acquisition of the Attean parcel reflects an expansion of an existing trade block (16,000-acre parcel in neighboring Holeb Township), which is in keeping with the Bureau's current policy of consolidating the Public Reserved Lands.

C. ASSESSED VALUE. The two parcels are nearly equal in (Tree Growth Tax) assessed value. At $65.88 per acre, the Ten Thousand Acre Tract parcel is valued at $30,140.10. At $63.03 per acre, the Attean parcel is valued at $34,356.

An additional value of $60,000 (+/-) may be attached to the Attean parcel, accounting for the Moose River ($15,000 per shorefront mile).

Thus, it appears that the State could receive more than three times the value it must surrender in trade.

It is important to note, however, that these relative values may not be truly reflective -- since the value-per-acre for the Public Lot (Ten Thousand Acre Tract) was calculated exclusive of other land in the Township, while the value for the Attean parcel (which contains a greater percentage of wetland) was developed as a function of average value for the entire township. This situation notwithstanding, it is assumed that the combination of shorefrontage and at least minimal opportunities for timber management on the Attean parcel would render no less than a balance of assessed value.

D. TIMBER. The Public Lot in Ten Thousand Acre Tract is clearly the more valuable parcel from the standpoint of commercial timber production. It is described by staff personnel as a "productive" softwood site; and by virtue of its apparent lack of recreational value, constraints on the management of this resource would be minimal. The Attean parcel, by contrast, because of its high recreational value and the presence of additional non-productive areas (wetland) would offer only limited value for timber (and revenue) production.

E. RECREATION. As reflected in the preceding paragraph, the Public Lot in Ten Thousand Acre Tract has relatively little recreational value.
AGREEMENT

WITNESS THIS AGREEMENT dated June 10, 1981, between the STATE OF MAINE (acting through its Commissioner of Conservation and its Director of the Bureau of Public Lands) and COBURN LANDS TRUST, a business trust having its principal office in Portland, Maine:

1. Coburn Lands Trust agrees to convey to the State of Maine, by Quit-Claim Deed, all its right, title and interest in 487 acres of land located at the southwest corner of T 5 R 1 NBKP (Attean); such acreage is net of that part of the island in Moose River at Holeb Falls lying within said Township, which shall be excepted from such conveyance, which shall be used as a single, private campsite, and on which any additional buildings shall be so located as not to be visible from Moose River.

2. The State of Maine agrees to convey to Coburn Lands Trust, by Quit-Claim Deed, all of its right, title and interest in 457.5 acres of land located at the southwest corner of T 1 R 6 BKPWK, being all of Public Lots #1, #2 and #3 in the westerly half of said Township known as Ten Thousand Acre Tract.

3. The parties to this Agreement are aware that the approvals of the Shareholders of Coburn Lands Trust and of the Legislature of the State of Maine are necessary to permit the terms hereof to be performed, and this Agreement is made contingent upon the granting of such approvals. The deeds mentioned in paragraphs 1 and 2 shall be delivered promptly after such authority has been obtained and becomes final and effective.

STATE OF MAINE

by Lloyd C. Irland, Director
Bureau of Public Lands

COBURN LANDS TRUST

by Frances P. Tarson, President

Approved:

by Richard B. Anderson, Commissioner
Department of Conservation
AGREEMENT

WITNESS THIS AGREEMENT dated February 1, 1982, amending the agreement of June 10, 1981, between the STATE OF MAINE (acting through its Commissioner of Conservation and its Director of the Bureau of Public Lands) and COBURN LANDS TRUST, a business trust having its principal office in Portland, Maine.

1. Coburn Lands Trust agrees to convey to the State of Maine, by Quit-Claim Deed, all its right, title and interest in 545 acres of land located at the southwest corner of T 5, R 1 NBKP (Attean); such acreage is net of a two-acre lot located on the south line of said Township, abutting land owned by neither Coburn nor the State, which shall be excepted from such conveyance, which shall be used as a single, private campsite, and on which any additional buildings shall be so located as not to be visible from Moose River.

2. The State of Maine agrees to convey to Coburn Lands Trust, by Quit-Claim Deed, all of its rights, title and interest in 457.5 acres of land located at the southwest corner of T 1, R 6 BKPWKR, being all of Public Lots #1, #2 and #3 in the westerly half of said Township known as Ten Thousand Acre Tract.
3. The parties to this Agreement are aware that the approvals of the Shareholders of Coburn Lands Trust and of the Legislature of the State of Maine are necessary to permit the terms hereof to be performed, and this Agreement is made contingent upon the granting of such approvals. The deeds mentioned in paragraphs 1 and 2 shall be delivered promptly after such authority has been obtained and becomes final and effective.

STATE OF MAINE

by /s/ B.J. Schruender, Director

Bureau of Public Lands.

Date: February 1, 1982

APPROVED: /s/ Richard B. Anderson, Commissioner

Department of Conservation

Date: 

COBURN LANDS TRUST

by /s/ Frances P. Tarson

President

Date: February 4, 1982
— NOTICE OF LAND EXCHANGE —

In accordance with the provisions of M.R.S.A. Title 30 Chapter 233, Section 4169, the Bureau of Public Lands, Maine Department of Conservation, announces the following land exchange between the State of Maine and the Coburn Land Trust:

Land to be received by the State of Maine: 487 acres located in the southwest corner of Attean Township, Somerset County.

Land to be received by the Coburn Land Trust: 457.5 acres located in the southwest corner of Ten Thousand Acre Tract, Somerset County.

Benefit to the State of Maine: This parcel adjoins neighboring Holeb Township, where the Bureau of Public Lands administers more than 16,000 acres of Public Reserved Lands and includes frontage on the Moose River, an important waterway for canoeists along what has become known as the "Moose River Bow Trip".

Request for Public Review: This exchange will be executed following approval by the 2nd session of the 110th Legislature and the Board of Directors of the Coburn Land Trust. Prior to such approval, however, any resident of the State of Maine may request a public meeting to consider the exchange by forwarding a written request, on or before October 15, 1981, to: Director, Bureau of Public Lands, State House, Station 22, Augusta, Maine 04333.
COBURN LANDS TRUST to STATE OF MAINE: 547 acres, Attean Township

STATE OF MAINE to COBURN LANDS TRUST: 457.5 acres, Ten Thousand Acre Tract

EXHIBIT A

Lands to be exchanged between the State of Maine and the Coburn Lands Trust by Agreement dated June 10, 1981.
SECOND REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document No. 1728

H. P. 1739 Office of the Clerk of the House
Submitted by the Department of Conservation pursuant to Joint Rule 24.
Reference to the Committee on Energy and Natural Resources suggested and 1,400 ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative J. Martin of Eagle Lake.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-TWO

RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands.

The Director, Bureau of Public Lands; authorized to consummate exchange of public reserved lands. Resolved: That the Director of the Bureau of Public Lands is authorized to consummate the exchange of lands contemplated by the agreement dated June 10, 1981, between the State of Maine and the Coburn Lands Trust, a copy of which is attached to this resolve and incorporated herein. Any and all lands received by the State pursuant to the exchange shall be, for all purposes, public reserved land of the State of Maine and shall be held in trust by the State under the same terms and conditions as apply to other public reserved lands.

In accordance with the Revised Statutes, Title 30, chapter 233, section 4169, this proposed exchange has been
Statement of Fact

This resolve would authorize exchange of the following parcels of land: State of Maine to the Coburn Lands Trust, 457.5 acres of public reserved land in the southwest corner of the township known as Ten Thousand Acre Tract, Somerset County; Coburn Lands Trust to State of Maine, 487 acres in the southwest corner of Attean Township, Somerset County. Consummation of this exchange will secure in public ownership valuable frontage along Moose River, popular among canoeists as the "Moose River Bow Trip," and add further recreational area to the abutting Holeb Management Unit, where the State administers 16,000 acres of multiple use forest land.

In accordance with the Revised Statutes, Title 30, chapter 233, section 4169, this proposed exchange has been advertised to allow for public discussion. There was no request for a public meeting.
January 26, 1982

Mr. Bernard J. Schruender, Director
Bureau of Public Lands
State House Station 22
Augusta, Maine 04333

Re: Revision of L.D. 1728

Dear Bernie:

Following our telephone conversation yesterday afternoon, I was able to speak again with Rep. Kiesman regarding your reaction to the proposal that the State acquire the entire 547-acre parcel and then grant a long-term lease to Mr. McNair, his heirs and assigns. I indicated only the two points which you had raised, namely, (1) that each of the land exchanges has been subject to some sort of reservation or exception, so that excepting the two acres would not be unusual, and (2) your campsite lease policy, perhaps reflected in the statutes, permits no more than a five-year term for campsite leases. (In fact, I indicated that the statute does in fact permit only five-year term campsite leases, which I found in Title 30, Section 4162, 4, D.)

I pointed out that either the agreement approved by L.D. 1728, or some other special legislation, would be required to permit a longer lease to McNair which would create a much more glaring exception and precedent for future leases, and that with such a long-term lease McNair would clearly want a memorandum of the lease recorded in the Registry of Deeds, indicating the term, which would also make the "exception" much more obvious.

He responded that if, for these reasons, the Bureau feels that the exception of the two-acre lot in the Agreement would be the preferable procedure, then he had no objection whatever to proceeding in this manner. I have therefore revised the Agreement as I would propose that it be amended by the parties and enclose a copy to you and to Nancy Ross. Rep. Kiesman felt that it would be well to indicate on the face of the Agreement that the excepted lot is on the edge of the area to be conveyed to the State and
that the State does not own and Coburn could not convey the
abutting land, which the new language in paragraph 1 is designed
to make clear.

I believe that the only change needed in the Resolve it­
self is to add in line 26, following the date set forth there,
the words "as amended by Agreement dated February , 1982,". Exhibit B should be amended to indicate 545 acres to be conveyed
to the State, with a change in the cross-hatch for this parcel,
and the Statement of Fact would simply require changing the
acreage from 487 to 545.

Mr. Kiesman felt that it would be a good idea for me to
attend the work session, which he thought would probably be
scheduled at the next hearing on legislation held by the Committee.
I will plan to attend and would appreciate your letting me know
when that session has been scheduled.

Sincerely yours,

CHARLES P. BARNES II

CC: Ms. Nancy Ross
    Mrs. Frances P. Tarson

PS: Incidentally, and I regret not having mentioned this sooner,
lines 34 and 35 on the first page of L.D. 1728 are repeated
on the second page.

PPS: I have just located a map which Mr. McNair gave me some time
ago indicating Holeb Falls and environs, on which I have
tried to locate the triangular area to be conveyed to the
State. After close comparison with the U.S.G.S. topographic
map, I find that this is not an enlargement which has sub-
sequently been marked up but rather a hand-drawn copy. It
is amazingly accurate for a copy but a number of the contour
lines are slightly different and a number of the ponds,
points in the river and other features are slightly off.
While I cannot vouch, therefore, for the total accuracy this
does represent a very close proximation. You will note
McNair's camp just above the Attean town line on the west
side of the island. The two Holden camps are located just
east of Holeb Falls and outside the triangle to be conveyed.
I would guess that McNair’s camp, if scaled accurately, would
be about one-fourth of the size shown but its location is
accurate from my own observation.
RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands.

The Director, Bureau of Public Lands; authorized to consummate exchange of public reserved lands. Resolved: That the Director of the Bureau of Public Lands is authorized to consummate the exchange of lands contemplated by the agreement dated June 10, 1981, as amended by Agreement dated February 1, 1982, between the State of Maine and the Coburn Lands Trust, a copy of which is attached to this resolve and incorporated herein. Any and all lands received by the State pursuant to the exchange shall be, for all purposes, public reserved land of the State of Maine and shall be held in trust by the State under the same terms and conditions as apply to other public reserved lands.

In accordance with the Revised Statutes, Title 30, chapter 233, section 4169, this proposed exchange has been advertised to allow for public discussion. There was no request for a public meeting.
Agreement

Witness this Agreement dated June 10, 1981, between the State of Maine (acting through its Commissioner of Conservation and its Director of the Bureau of Public Lands) and Coburn Lands Trust, a business trust having its principal office in Portland, Maine:

1. Coburn Lands Trust agrees to convey to the State of Maine, by Quit-Claim Deed, all its right, title and interest in 487 acres of land located at the southwest corner of T 5 R 1 NBKP (Attean); such acreage is net of that part of the island in Moose River at Holeb Falls lying within said Township, which shall be expected from such conveyance, which shall be used as a single, private campsite, and on which any additional buildings shall be so located as not to be visible from Moose River.

2. The State of Maine agrees to convey to Coburn Lands Trust, by Quit-Claim Deed, all of its rights, title and interest in 457.5 acres of land located at the southwest corner of T 1 R 6 BKPWKR, being all of Public Lots #1, #2 and #3 in the westerly half of said Township known as Ten Thousand Acre Tract.

3. The parties of this Agreement are aware that the approvals of the Shareholders of Coburn Lands Trust and of the Legislature of the State of Maine are necessary to permit the terms hereof to be performed, and this Agreement is made contingent upon the granting of such approvals. The deeds mentioned in paragraphs 1 and 2 shall be delivered promptly after such authority has been obtained and becomes final and effective.

State of Maine

by

Lloyd C. Irland, Director
Bureau of Public Lands

Approved:

by

Richard B. Anderson, Commissioner
Department of Conservation

Coburn Lands Trust

by

Frances P. Tarson
President

2-52
In House of Representatives, .......... 1982

Read and passed finally.

......................................................... Speaker

In Senate, ............................................. 1982

Read and passed finally.

......................................................... President

Approved ........................................... 1982

......................................................... Governor
I AM BERNARD J. SCHRUENDER, DIRECTOR OF THE BUREAU
OF PUBLIC LANDS OF THE DEPARTMENT OF CONSERVATION -- THE
AGENCY PROPOSING THIS EXCHANGE OF LAND. I WILL TESTIFY IN
FAVOR OF THIS BILL, L.D. 1728.

AS THE RESOLVE STATES, THIS EXCHANGE WILL SECURE IN
PUBLIC OWNERSHIP 487 ACRES OF LAND ALONG THE MOOSE RIVER
IN SOMERSET COUNTY. THIS IS A VERY SMALL EXCHANGE COMPARED
TO OTHERS WHICH HAVE BEEN CONSUMMATED BY THE STATE IN RECENT
YEARS; HOWEVER, IT IS NOT INSIGNIFICANT.

OF PRIMARY IMPORTANCE ARE THE STATE'S CONTINUING
EFFORTS TO CONSOLIDATE THE MANY SMALL AND SCATTERED PUBLIC
LOTS INTO LARGER, MORE MANAGEABLE UNITS. SUCH CONSOLIDATION,
OVER THE LONG TERM, WILL ALLOW FOR THE DEVELOPMENT OF A
LANDBASE WHICH CAN TRULY SERVE THE BROAD PURPOSES CONTEMPLATED
BY THE STATUTES GOVERNING MANAGEMENT OF THE PUBLIC RESERVED
LANDS.

TOWARD THIS END, THE MOOSE RIVER PARCEL REPRESENTS
A FURTHER ADDITION TO THE STATE'S 16,000-ACRE HOLDING
IN THE NEIGHBORING TOWNSHIP OF HOLEB -- AND IT REFLECTS
A STRENGTHENING OF AVAILABLE PUBLIC RECREATION RESOURCES
BY SECURING VALUABLE FRONTAGE ALONG THE RENOWNED MOOSE
RIVER BOW CANOE TRIP.

THE PARCEL, WHICH THE STATE WILL CONVEY IN TEN THOUSAND
ACRE TRACT, IS ALSO A VALUABLE PIECE OF LAND -- PRINCIPALLY
FOR ITS TIMBER, ITS ACCESS TO MARKETS, AND ITS PROXIMITY
TO OTHER PUBLIC LOTS IN THAT AREA. HOWEVER, VIEWED AGAINST
THE BROAD AND ENDURING BENEFITS OF CONSOLIDATION ON A
STATEWIDE BASIS, SUCH ISOLATED VALUES MUST BE CONSIDERED
TRANSITORY.

IT IS, THEREFORE, THE RECOMMENDATION OF THE DEPARTMENT
OF CONSERVATION THAT THIS EXCHANGE BE APPROVED BY THE
LEGISLATURE AND CONSUMMATED.
ORDERS
On motion by Senator O'LEARY of Oxford, ORDERED, the House concurring, that the Resolve, Authorizing the Exchange of Certain Public Reserved Lands, House Paper 1729, Legislative Document 1728, be recalled from the Governor's desk to the Senate. (S. P. 909) Which was Read.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I think this is a rather important question and I would ask that the Senator from Oxford, Senator O'Leary, let us know the reasons that he is concerned about this. Otherwise, I think that we should not take this step.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins, has posed a question through the Chair.

The Chair recognizes the Senator from Oxford, Senator O'Leary.

Senator O'LEARY: Mr. President and Members of the Senate, I didn't have an opportunity to sign the jacket on this Bill.

I've been asking questions from a number of people trying to get answers so that I could determine whether I thought that this was a good land swap or not. The more I delve into it the more I find that we as guardians of the trust placed in this Legislature, as the keepers of public property, I find that what we are giving up is 437 1/2 acres of prime wood land with a value of approximately $81,000, for $45 acres of swamp with a value of $20 per acre, for a total value of around $11,000.

It is not my intention, Mr. President, to negate the land swap, it is my intention to have this Bill referred back to the Committee, so that we may have members of the Department in to see if we can't strike just a little bit better deal.

There is one section in this that really bothers me and that is a 2 acre holding for a private person within this land swap, which I find not really to be in the best interest of the State.

I sponsored a bill for a land swap with the Brown Company. I can't remember how many acres were involved in that, but acres for acre, value for value. There was, if you remember, a bill Cobert Bosebuck Camps which are situated on Aziscohos Lake in northern Oxford County. There was 25 acres involved in that, the Brown Company threw in the 25 acres and said you solve the problem, with Bosebuck Camps. We did not give up the 25 acres, we didn't sell that 25 acres, we leased that 25 acres.

It is not my intention, Mr. President, Members of the Senate to kill this Bill or negate the swap, it is just to see if we can't get a better deal and get a better understanding with the people in the Department involved as to future land swaps. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBreaity.

Senator McBREAIRTY: Mr. President and Members of the Senate, I don't think there will ever be any way that a Committee here can be really sure that these swaps are 100% correct. In order to do that, we would have to do much more research than we have the resources and ability to do. I guess.

The Committee did hold out on this swap, and got quite a few more acres. There's a whole island that we were only getting part of.

I think maybe the value of land depends on each individual's value that they put on certain areas. I'm sure that Senator O'Leary, perhaps, is right in saying that we swapped better timberland, but we got in return what some people consider valuable, and that's shorefrontage. I think we've done this in a lot of the swaps that we've made. We've swapped timberland island for shorefrontage that people, some people feel is more valuable. Some of the rest of us would much rather have the timberland.

So, I can't see how the Committee could, where we could find the time to really do the research we need to do in this Session to make sure that this was the right swap, any more than we've had time on any of the other swaps.

So, I would hope that you would not Reconsider it. I think, maybe, if we feel that we're not getting our fair swaps, we may have to set up something in the future so that the Bureau of Public Lands are not the people that do the swapping. If we want to do that, okay. Otherwise, we've entrusted them with the job of doing this. It's pretty hard to check them out completely on every swap. Thank you.

The PRESIDENT: Is it the pleasure of the Senate that this order receive Passage? The Chair recognizes the Senator from Aroostook, Senator McBreairty.

Senator McBREAIRTY: Mr. President, I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President and Members of the Senate, this Bill is on the Governor's desk and I believe he has 10 days whether to make a decision to veto it or to sign the Bill. I feel that Senator O'Leary might discuss this with the Governor and hope that somebody might Table this Order for 1 Legislative Day.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Senator O'LEARY: Mr. President, I have a note on my desk here that Mr. Flanagan, this was on my desk this morning, wishes to discuss the LD with me. If someone would Table it for one day, I would appreciate it.

On motion by Senator Collins of Knox, Tabled for 1 Legislative Day, pending Passage.
State of Maine

Department of State

I, the Secretary of the State of Maine, certify that LLOYD C. IRELAND was appointed as DIRECTOR OF PUBLIC LANDS on September 10, 1979 and qualified on October 10, 1979 as such and at that time was in that position.

In Testimony Whereof, I have caused the Great Seal of the State to be hereunto affixed. GIVEN under my hand at Augusta, this _14th___ day of _April___ in the year of our Lord one thousand nine hundred and _eighty-three._

Secretary of State
I, the Secretary of the State of Maine, certify that BERNARD J. SCHRUENDER was and now is DIRECTOR OF PUBLIC LANDS appointed on August 19, 1981 and qualified on August 21, 1981 and appears to be still in such position.

In Testimony Whereof, I have caused the Great Seal of the State to be hereunto affixed. GIVEN under my hand at Augusta, this ________ 14th ______ day of _______ April _______ in the year of our Lord one thousand nine hundred and eighty-three.

_________________________ Secretary of State
CERTIFICATE OF SECRETARY

I, CHARLES P. BARNES II, Secretary of Coburn Lands Trust, do hereby certify as follows:

1. The following is a true and correct copy of a vote duly and unanimously adopted by the voting shareholders of Coburn Lands Trust at a meeting thereof duly called and held on August 25, 1981:

   VOTED: That Coburn Lands trust exchange lands with the State of Maine as follows:

   a. That the Trust convey to the State of Maine, by Quit-Claim Deed, all its right, title and interest in 487 acres of land located at the southwest corner of T5R1 NBKP (Attean); such acreage to be net of that part of the island in Moose River at Holeb Falls lying within said Township, which shall be excepted from such conveyance, which shall be used as a single, private campsite, and on which any additional buildings shall be so located as not to be visible from Moose River;

   b. That the State of Maine convey to the Trust, by Quit-Claim Deed, all of its right, title and interest in 457.5 acres of land located at the southwest corner of T1R6 BKPRWKR, being all of Public Lots #1, #2 and #3 in the westerly half of said Township known as Ten Thousand Acre Tract;

That the closing be held promptly after approval by the Maine Legislature has been obtained and becomes final and effective, and upon such other terms and conditions as the President and counsel for the Trust deem advisable; that the President or either of the Vice Presidents of Coburn Lands Trust be, and is hereby, authorized to execute such agreements, deeds, undertakings or other papers as may be necessary to consummate the foregoing, signing singly and witnessed by the Secretary.

2. The following is a true and correct copy of a vote duly accepted by more than 75% in interest of the voting shareholders of Coburn Lands Trust at a meeting thereof duly called and held on July 9, 1982, at which meeting a quorum of the voting shareholders of the Trust were present in person or by proxy and were acting throughout:

   VOTED: That the voting shareholders do hereby approve the Agreement between Coburn Lands Trust and the State of Maine dated February 1, 1982 (a copy of which shall be made a part of the record of this meeting), Which amends that Agreement between said parties dated June 10, 1981 regarding an exchange of lands by reducing the acreage to be excepted from conveyance to the State to a two-acre
lot on the island in Moose River, thereby requiring conveyance of 545 acres to the State, and they do hereby authorize and direct the performance of said amended Agreement in accordance with all of the remaining terms and conditions set forth in the authorizing vote taken on August 25, 1981.

I do further certify that the foregoing vote adopted on August 25, 1981, altered only by the foregoing vote adopted on July 9, 1982, has not been rescinded, repealed or in any other way amended and is still in full force and effect as of the date hereof.

IN WITNESS WHEREOF I have hereunto affixed by signature and the seal of said Trust this day of July, 1982.

_____________________
Secretary
THAT THE STATE OF MAINE, acting by and through its Director of the Bureau of Public Lands pursuant to the authority set forth in Chapter 44 of the Maine Resolves of 1982, in consideration of One Dollar and other valuable consideration paid by the COBURN LANDS TRUST, a business trust having its principal offices at One Canal Plaza, (P.O. Box 426), in the City of Portland, County of Cumberland and State of Maine ("Grantee"), the receipt whereof is hereby acknowledge, does hereby remise, release, bargain, sell and convey, and forever quit-claim unto said Grantee, its successors and assigns forever, all of the State's right, title and interest in and to a certain parcel of land containing approximately 457.5 acres located in the southwest corner of T 1 R 6 BWPKR, being all of Public Lots #1, #2, and #2 in the westerly half of said Township known as Ten Thousand Acre Tract, Somerset County, Maine, being the same parcels as described in the Somerset County Registry of Deeds, Book 63, Page 109, and in the State Land Office, Volume 4, Page 127, more particularly bounded and described as follows:

1. School Lot - Beginning at a cedar post on the southwest corner of said township; thence north on the west line of said township 305 rods to a birch tree marked PL; thence east 80 rods to a stake and stones; thence south 305 rods to a stake and stones in the south line of said township; thence west by said south line 80 rods to the place of beginning, containing 152.5 acres;

2. Ministry Lot - Beginning at a stake and stones on the south line of said township 80 rods from the southwest corner of said township; thence north 305 rods to a stake and stones; thence east 80 rods to a stake and stones; thence south 305 rods to a stake and stones in the said south line of said township; thence west by said south line 80 rods to the place of beginning, containing 152.5 acres;

3. Minister Lot - Beginning at a stake and stones on the south line of said township 160 rods from the southwest corner of said township; thence 305 rods north to a stake and stones; thence east 80 rods to a cedar tree marked PL; thence south 305 rods to a maple tree marked PL in the south line of said township; thence west by said south line 80 rods to the place of beginning, containing 152.5 acres.

INTENDING to convey all and only such lots or parcels of land located in Somerset County as are described in Chapter 44 of Maine Resolves of 1982.
TO HAVE AND TO HOLD, the same, together with all the privileges and appurtenances thereunto belonging, to the said Grantee, its successors and assigns forever.

IT WITNESS WHEREOF, the said STATE OF MAINE, by its Director of the Bureau of Public Lands, has executed this instrument on this ___________ day of ___________ , A.D. 1982.

Signed, Sealed and Delivered in presence of

____________________________

By:

STATE OF MAINE

____________________________

Director, Bureau of Public Lands

STATE OF MAINE ) Augusta, Maine
) SS.
KENNEBEC COUNTY ) _____________________, 1982

Personally appeared the above-named Bernard J. Schruender, Director of the Bureau of Public Lands, and acknowledge the foregoing instrument to be his free act and deed and said capacity and the free act and deed of the State of Maine.

Before me,

____________________________

Somerset County

RECEIVED at H M M

and recorded from the original

____________________________

COMMISSION EXPIRES
COBURN LAND TRUST TO THE STATE OF MAINE

SOMERSET COUNTY
REGISTRY OF DEEDS
Vol. 1044, p. 319

KNOWN TO MEN BY THESE PRESENTS,

THAT COBURN LANDS TRUST, a business trust having its principal offices at One Canal Plaza, (P.O. Box 426), in the City of Portland, County of Cumberland and State of Maine ("Grantor"), in consideration of One Dollar and other valuable considerations paid by THE STATE OF MAINE, acting through its Commissioner of Conservation and its Director of the Bureau of Public Lands, pursuant to the authority set forth in Chapter 44 of the Resolves adopted by the 110th Legislature of the State of Maine at its Second Regular Session and approved by the Governor on March 10, 1982, the receipt whereof is hereby acknowledged, does hereby remise, release, bargain, sell and convey and forever quit-claim unto the said THE STATE OF MAINE, its successors and assigns forever, a certain lot or parcel of land, triangular in shape, located at the southwesterly corner of Attean Township (T5R1, NBKP), in the County of Somerset and State of Maine, more particularly bounded and described as follows:

Beginning at a point in the westerly line of said Attean Township, being the easterly line of Holeb Township (T6R1, NBKP), which point is northerly along said westerly line a distance of 8778 feet to the southwesterly corner of Attean Township at the northerly line of Raytown Township (T5R7, BKP WKR); thence easterly along the northerly line of Raytown Township a distance of 5451 feet to a point on said northerly line in Moose River, below Holeb Falls, which point is westerly along said northerly line a distance of 500 feet, more or less, from a wooden post set on the southerly bank of Moose River; thence northwesterly in a straight line (in the southeasterly extension of which line a wooden post is set on the southerly bank of Moose River 30 feet, more or less, from the last mentioned corner point) and running through a wooden post set near the northerly bank of Moose River 60 feet more or less from the last mentioned corner point, a distance of 10,560 feet, more or less, to the point of beginning, containing 547 acres, more or less;

Excepting and reserving from the above described parcel (1) two log cabins located near the northerly bank of Moose River and adjacent to the northeasterly line of the above described parcel, the land upon which said cabins are located and all land easterly from said cabins, and (2) a certain lot or parcel of land located on the northerly shore of the main channel of Moose River, on the southwesterly part of an island in Moose River and adjacent to the southeasterly line of Attean Township (which line lies in Moose River at this location), more particularly bounded and described as follows:
Beginning at a point which is the top of a large peaked rock two feet into Moose River from the shore of a point of land which forms the most westerly corner of the parcel here described; thence northerly to and by the shoreline of Moose River at mean low water to a point opposite an iron stake set beside a foot path, which iron stake is located North 12° East a distance of 324 feet from the point of beginning; thence North 90° East to said iron stake and for a further distance of 148 feet to a stake set in the ground; thence South 30° East a distance of 326 feet to the top of a large boulder beside a spring, which spring is included in the parcel here described; thence South 35° West a distance of 101 feet to the painted edge of a flat rock and continuing to mean low water of Moose River; thence westerly by the shoreline of Moose River at mean low water to a point opposite a flat rock, flush to the sand, which is located South 84° West a distance of 225 feet from said painted edge of a flatrock; thence continuing westerly by the shoreline of Moose River at mean low water to the point of beginning, which is North 54° West a distance of 100 feet from said flat rock last mentioned, containing 2.3 acres, more or less, the foregoing courses all being magnetic, assuming 18.5 declination from True North.

For the consideration aforesaid, the Grantor does further hereby, for itself, its successors and assigns, covenant and agree with the Grantee to observe and to impose in any conveyance, by deed, lease or otherwise, for the benefit of the Grantee, its successors and assignees, the following restrictions upon the use of the 2.3 acre parcel described above:

1. Said parcel shall be used solely as a single, private campsite, and

2. Any additional buildings erected on said parcel shall be so located as not to be visible from Moose River.

The lands hereby conveyed shall be, for all purposes, public reserved land of the State of Maine, and shall be held in trust by the State under the same terms and conditions as applied to other public reserved lands.

To Have and To Hold the same, together with all the privileges and appurtenances therunto belonging, to the said THE STATE OF MAINE, its successors and assigns forever.

IN WITNESS WHEREOF, the said COBURN LANDS TRUST, by Frances P. Tarson, its President duly authorized hereunto, has executed this instrument on this 16th day of July, A.D. 1982.
Signed, Sealed and Delivered
in presence of

COBURN LANDS TRUST

by __________________________
Its President

STATE OF MAINE
Cumberland, ss. July 16, 1982

Personally appeared the above named Frances P. Tarson, President of Coburn Lands Trust, and acknowledged the foregoing instrument to be her free act and deed in said capacity and the free act and deed of Coburn Lands Trust.

Before Me,

___________________________
Notary Public
Mr. John W. Forssen  
Department of Public Lands  
State House Station 22  
Augusta, Maine 04333  

Re: Coburn Lands Trust  
Attean Township Title  

Dear John:  

As you requested last Friday, by this letter I am providing our interpretation of the descent of the title to Attean Township (T5R1, NBKP) into the Coburns through May 29, 1889. This should not be taken as a title opinion since it reflects no title search by us in the Registry of Deeds. It is taken from an abstract made subsequent to May 29, 1889, presumably by or under the supervision of either Samuel W. Philbrick or Benjamin Butler, attorneys in Skowhegan, which concludes by characterizing the title as "quite irregular" but containing "nothing to ever give any trouble...a safe title", as it has in fact been to date.

The Township was quit-claimed by the Commonwealth of Massachusetts to John Bradley, of Fryeburg, for $3000 by deed dated December 30, 1833 (Book 32, Page 503), which described the township as containing 23,040 acres of which 7,680 acres was said to be water and which included three public lots each containing 320 acres.

Bradley conveyed the Township to Benjamin Underwood of Portland for $55,000 by Warranty Deed dated January 29, 1835 (Book 35, Page 269). After various dealings, undivided 1/4 interests in the entire town were conveyed by limited Warranty Deed dated July 20, 1847 (Book 63, Page 461) to William Connor of Fairfield, Parker Sheldon of Gardiner, Joseph Berry of Bath, and Charles and Jonas Chase of Fairfield.
Sheldon conveyed his 1/4 interest directly to Abner and Philander Coburn, of Bloomfield, by Warranty Deed dated June 22, 1853 (Book 77, Page 64). Berry conveyed his 1/4 interest by Quit-Claim Deed to George F. Patten and others on February 14, 1857 (Book 84, Page 31) and they conveyed the same interest to Abner and Philander Coburn by Quit-Claim Deed dated August 2, 1860 (Book 90, Page 369).

The Chases conveyed their 1/4 interest to Connor, giving him a half interest, by Quit-Claim Deed dated April 23, 1852 (Book 72, Page 205). By various conveyances involving Samuel Taylor Jr. of Fairfield, George Howland of New Bedford and Charles M. Allen of Fairfield, an undivided 1/3 interest in the township descended from Connor to Abner and Philander Coburn, now of Skowhegan, by limited Warranty Deed of Dudley W. Moore and Francis E. Heath, of Waterville, dated October 9, 1872 (Book 141, Page 118), giving the Cobum brothers a 5/6 interest.

Connor's remaining 1/6 interest was conveyed to Moses Bailey of Winthrop by Warranty Deed of Samuel Taylor Jr. dated December 22, 1855 (Book 80, Page 329). After passing through Bailey's family this interest came to Mary C. Weston of Skowhegan by two Quit-Claim Deeds dated March 28, 1888 (Book 195, Pages 285 and 286). She conveyed the same by Quit-Claim Deed dated May 29, 1889 (Book 195, Page 530) to Louise H., Frances E., Grace M. and Julia L. Coburn, and six others, to each "their respective proportion as they are heirs and grantees of the estate of Abner and Philander Coburn," reserving to herself her own "proportion as heir and grantee of said estate." From review of numerous conveyances by and to the Coburn heirs, and of the early minutes of meetings of Coburn Land Co. and the Coburn Agency, we believe that these eleven persons constituted all persons interested in the estate of Abner and Philander Coburn.

The public lots were originally conveyed by the State by deed dated January 1, 1851 to John Turner (Book 75, Page 184), who conveyed to Benjamin K. Adams by deed dated September 5, 1851 (Book 76, Page 32), who then conveyed all of the lots to Abner and Philander Coburn by deed dated October 24, 1853 (Book 76, Page 198). Abner and Philander Coburn did not convey any interest in their 5/6 interest in the township, or in the public lots, until a Warranty Deed dated October 1, 1872 to Amassa and William Sprague (Book 134, Page 570). The Spragues mortgaged back to the Coburns and then conveyed the land so that the fee title and public lot rights came back into Abner and Philander Coburn through the foreclosure of a mortgage given by Coburn Land Co., the notice of foreclosure being dated September 7, 1874 (Book 146, Page 50). No further conveyances on this township were made by them, so that with the Mary Weston May 29, 1889 deed Louise H. Coburn, et al
owned the entire township, by virtue of the Weston deed and by inheritance of the remaining 5/6 interest, and the three public lots.

We have not traced title to this township through the period after May 29, 1889 to the time of its conveyance to Coburn Lands Trust which was established in 1916. The lands were held in common and undivided by all of the heirs until 1911, when the heirs partitioned the lands among themselves. Louise H., Frances E. and Grace M. Coburn received approximately half of the property, including Attean Township, and the remaining heirs received the other half. The three owners of Attean Township conveyed it and other lands to a corporation called "Coburn Lands" and thereafter, in 1917, all of these lands were conveyed to Coburn Lands Trust, in which they have remaining to this date.

I hope that this recital will be of some help to the State. I have gathered in the past that Somerset County title examiners have not gone behind deeds given by Coburn heirs following the 1911 partition. I believe that this letter constitutes all of the information regarding title to Attean Township which we can provide without further examination in the Registry of Deeds. If we can be of further assistance, please do not hesitate to contact us.

Sincerely yours,

CHARLES P. BARNES II

CPB/1ml
cc: Mrs. Frances P. Tarson, Pres.