

Historical & Legal Context of Public Reserved Lands

Few people know the legal and historical distinctions between our Public Reserved Lands system and other public lands such as State Parks, Wildlife Management Areas, lands purchased with funding from the Land for Maine's Future Program, and boat launches.

Maine's Public Reserved Lands system, as we know it today, was created in the 1970s and 80s after enterprising Portland Press Herald reporter Bob Cummings unearthed the fact that Maine people owned "reserved public lots" (approximately 1,000–1,280 acres) in every unorganized township in Maine. These "reserved public lots" were reserved to the people of Maine when our state was separated from Massachusetts in 1820. Many of these reserved public lots were not actually located on the ground; they were simply a percentage of the entire land in a township. Over the years, these reserved public lots, particularly the un-located ones, had become "lost" and were simply incorporated into the rest of the township and managed by the large landowners and paper companies as if they were their own.

When the lots were "rediscovered" in the 1970s, a complicated process of land trading began. The state focused on consolidating these scattered lots into larger parcels that had multiple public values, including important wildlife habitat, scenic value, and recreational opportunities, as well as timber. The result is the spectacular system of Public Reserved Lands that we have today.

A unique characteristic of the Lands is that they are subject to a "public trust," which limits how they can be used. This sets them apart from other state-owned lands over which the State of Maine has absolute power. Maine's Supreme Court has determined that this public trust limits the purposes to which the Public Reserved Lands may be used.

As a result of this history, later legal cases and opinions of Maine's Attorney General have made it clear that not only are the uses on the lands limited, but any income derived from timber harvesting or other management of the Public Reserved Lands is likewise subject to the public trust and specific uses.