

Michael L. Lane

Partner

Mike practices with Preti Flaherty's Real Estate Group. He has represented clients in all aspects of real estate and land use law, including acquisitions, dispositions, obtaining federal, state and local regulatory approvals; commercial and public financing; title and conveyancing matters. Mike has built a strong timberlands practice representing mills, land management companies and industrial land owners in complex timberlands transactions, including acquisitions, sales, operating agreements, wood supply agreements, underwriting timberland titles, Land Use Planning Commission (LUPC) development compliance and permitting. He routinely appears before municipal planning boards, LUPC and the Department of Environmental Protection to permit residential, commercial and industrial projects.

Mike also serves as Vice President and General Counsel to Charter Title Company, LLC, Preti Flaherty's wholly-owned subsidiary, a respected agent for a number of nationally recognized title insurance companies. He has substantial experience in underwriting and negotiating title insurance coverages involving multisite, multimillion dollar commercial transactions, particularly energy, industrial and timberland properties, covering Maine, Massachusetts and New Hampshire.

Practice Areas

- Banking and Financial Services
- Business Law
- Environmental
- Forest Products Law
- Land Use & Permitting
- Municipal Law
- Real Estate
- Offshore & Onshore Wind Power

Education

- University of Maine School of Law (J.D., cum laude, 2001)
- University of Maine (B.A., summa cum laude, 1996)

Admissions

- Maine
- Massachusetts
- New Hampshire
- U.S. District Court, District of Maine



Tel 207.791.3000
mlane@preti.com

Professional Affiliations

- Maine Bar Association
 - Title Standards Committee
- New Hampshire Bar Association
- Maine Technology Institute
 - Member, Advanced Technologies for Forestry and Agriculture Board
- MEREDA
 - Member, Board of Directors
 - Public Policy Committee
- LURC, past member Comprehensive Land Use Planning Working Group

Honors & Awards

- *Chambers USA: America's Leading Lawyers for Business* - Real Estate and Timberland/Conservation
- *New England Super Lawyers* - Real Estate, Energy and Natural Resources and Land Use and Zoning

Civic Involvement

- Chairman, Town of Richmond Planning Board
- Past President, Maine Forest and Logging Museum
- Member, Society of American Foresters
- Member, Forest Resources Association
- Member, New England Land Title Association
- Member, Maine Forest Products Council

Representative Matters

Mike's development-related experience includes the following representations:

- Calais LNG - obtained all of the necessary local land permits to construct a \$900 million dollar state-of-the-art liquefied natural gas (LNG) terminal and storage facility in Calais, Maine. Mike worked with the client, the city, the Department of Environmental Protection and the State Planning Office to create a new Maritime Industrial Zone encompassing 2800 feet of shoreline that suited the needs of the facility and the surrounding community.
- Saco Island - When Preti Flaherty represented the buyer in the purchase and \$100 million redevelopment of Saco Island, Mike took the lead on all real estate title and land use permitting matters, including being the principal architect of numerous agreements with Central Maine Power, Florida Power and Light, Island Terrace Association and the City of Saco, Maine.

Mike has also represented clients in connection with numerous purchases and sales of commercial, industrial and timberland properties, including:

- Pleasant River Lumber - in the purchase of the former Cold Stream Lumber and the Crobb Box Company.
- EJ Carrier, Inc. - in the purchase of Beattie & Gorham Gores.
- Prentiss & Carlise Management Co., Inc. - in the auction and sales of acreage in Downeast Maine.
- International Paper - in the sale of 1.1 million acres of Maine and New Hampshire timberland.

- New Page - in the sale of hydroelectric assets. Mike was responsible for negotiating and drafting water rights agreements and preparing the \$78 million title policy. The electrical generating facility and adjacent paper mill had been operated as an integrated operation, requiring intricate real estate structuring, including shared water rights and cross-easements. The matter also involved complex contractual arrangements for the sharing of key infrastructure components during a post-sale transition period.
- Brookfield Asset Management - in the sale of the Millinocket and East Millinocket pulp and paper mills, landfill, and related infrastructure.
- Georgia-Pacific - the purchase of the former Georgia-Pacific pulp and tissue mill in Old Town, Maine and three chip mills in Costigan, Houlton and Milo, Maine.
- Graftech - in the acquisition of manufacturing facilities in Biddeford and Houlton, Maine.
- SCS Family Realty - in the disposition of certain assets in Portland, Maine and corporate restructuring.
- Bermvet Associates - in the liquidation of Maine real estate.

Mike's business assistance and development experience includes:

- Tax Increment Financing (TIF), Community Development Block Grant (CDBG) and Industrial Rail Access Program (IRAP) for Pleasant River Lumber.
- TIF, CDBG and Regional Greenhouse Gas Initiative (REGGI) for Old Town Canoe.
- CDBG and REGGI for Moose River Lumber.

Mike's counsel to businesses and individuals includes:

- Negotiation with LURC to settle longstanding illegal subdivision.
- Successfully represented party to partition action resulting in division of non-conforming lot.
- Each Legislative session, Mike represents a number of forest product companies before the Legislature on such issues ranging from Bonded Labor to LURC reform.
- Served as lead counsel for four Maine and New Hampshire sawmills in their recovery from insolvent debtor.

LUPC Permits

Mike maintains an active practice appearing before the Land Use Planning Commission (LUPC) representing forest products companies, wind energy and large landowners. On behalf of clients, he takes a wide range of matters before LURC staff and commissioners and advises clients with respect to LURC rulemaking and Legislative oversight.

Mike also consults on, advises clients and obtains building permits (BP), development permits (DP), rezoning petitions (ZP), subdivision permits (SP), service drop permits (SD), and utility line extensions (UTL), forestry operation permits (FOP), and advisory rulings (AR). He defends clients in enforcement cases and has negotiated a number of highly successful settlements.

Mike meets regularly with members of the Legislature's Agriculture, Conservation and Forestry Committee on matters of LUPC regulation and oversight. He meets regularly with LUPC staff and attends all Commission meetings. In the past, he has been appointed by the Governor to the 2010 CLUP Working Group.

Mike has obtained the following LUPC permits for projects within the jurisdiction, including two "firsts": the first rezoning for development under the 2010 Comprehensive Land Use Plan (CLUP) and the first Level 2 Subdivision for 15 lot subdivision in Rockwood Strip.

- ULP 417-B - Obtained a two mile utility line extension permit. LUPC had previously denied a similar application.
- ZP 705 – Obtained LUPC permit for the rezoning of 46 acres from M-GN, P-GP, P-WL3, and P-WL1 to D-RS for a residential subdivision in T3R1 NBPP.
- ZP 706 – Obtained LUPC permit for the rezoning of 71 acres from M-GN and P-GP to D-RS for a residential subdivision in T3R1 NBPP.
- ZP 721 – Obtained LUPC permit for the rezoning within Rangeley Prospective Plan for a 13-acre border patrol station in Dallas Plantation.
- ZP 728 – Obtained LUPC permit for the rezoning of 34.08 acres from M-GN and P-GP to D-RS for two residential subdivisions on Wytovitlock Lake in Glenwood Plantation. This was the first rezoning for development under the 2010 Comprehensive Land Use Plan (CLUP).
- SP 3090-G – Obtained LUPC permit for a three lot residential subdivision in Rangeley Plantation.
- SP 4052 – Obtained the first LUPC permit for a Level 2 Subdivision for 15 lot subdivision in Rockwood Strip.
- SP 4082 – Obtained LUPC permit for a 12 lot residential subdivision in T3R1 NBPP.
- SP 4083 – Obtained LUPC permit for a 17 lot residential subdivision in T3R1 NBPP.
- SP 4090 – Obtained LUPC permit for 7 lot residential subdivision in Glenwood Plantation.
- SP 4091 - Obtained LUPC permit for 6 lot residential subdivision in Glenwood Plantation.
- DP 4131-L – Obtained LUPC permit for 24 condominium units, 42 timeshare units, new trails, ski lift, snow making infrastructure, water withdrawal and surface water monitoring in Sandy River Plantation and Dallas Plantation.
- DP 4131-K – Obtained LUPC permit for 22 house lots, snow-making infrastructure and buildings, ski lifts and trails, roads and transient parking areas, electric utility lines, water storage building, access roads, and subsurface wastewater disposal systems in Sandy River Plantation and Dallas Plantation.
- DP 4807 – Obtained LUPC development permit for temporary U.S. Border Patrol Station in Dallas Plantation.
- DP 4807-A and DP 4807-B – Obtained LUPC development permit for permanent U.S. Border Patrol Station in Dallas Plantation.
- BP 14159 – Obtained LUPC permit to allow tear down and reconstruction of non-conforming (Section 10.11) camp in Dallas Plantation.
- BP 14525 - Obtained LUPC permit for a Yurt platform in the shoreland zone on Moosehead Lake within 1329 feet of Eagle's Nest regulated under the Bald Eagle-Golden Eagle Protection act administered by US Fish and Wildlife Service.