

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## SECOND REGULAR SESSION-2004

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Legislative Document

No. 1784

H.P. 1306

House of Representatives, December 22, 2003

**Resolve, Authorizing the Commissioner of Administrative and  
Financial Services To Sell or Lease the Interests of the State in  
Property in Fayette, Maine**

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Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

Received by the Clerk of the House on December 17, 2003. Referred to the Committee on State and Local Government pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative McLAUGHLIN of Cape Elizabeth.

2           **Sec. 1. Definitions. Resolved:** That, as used in this resolve,  
unless the context otherwise indicates, the following terms have  
the following meanings.

4  
6           1. "Commissioner" means the Commissioner of Administrative  
and Financial Services.

8           2. "State property" means the real and personal property  
described in section 3; and be it further

10           **Sec. 2. Authority to convey property. Resolved:** That the State,  
12 by and through the commissioner, may:

14           1. Lease or sell the interests of the State in the state  
property;

16           2. Negotiate, draft, execute and deliver any documents  
18 necessary to settle any boundary line discrepancies;

20           3. Exercise, pursuant to the Maine Revised Statutes, Title  
23, chapter 3, the power of eminent domain to quiet for all time  
22 any possible challenges to ownership of the state property;

24           4. Negotiate, draft, execute and deliver any easements or  
other rights that, in the commissioner's discretion, may  
26 contribute to the value of a proposed sale or lease of the  
State's interests; and

28           5. Release any interests in the state property that, in the  
30 commissioner's discretion, do not contribute to the value of the  
remaining state property; and be it further

32           **Sec. 3. Property interests that may be conveyed. Resolved:** That  
34 the state property authorized to be sold or leased is one acre of  
land, more or less, near but not adjacent to the Baldwin Hill  
36 Road in Fayette and described in deed recorded at the Registry of  
Deeds of the County of Kennebec, State of Maine in Book 1053,  
38 Pages 3 and 4.

40           The state property may be sold in whole or in part, at the  
discretion of the commissioner, subject to such permits or  
42 approvals as may be required by law; and be it further

44           **Sec. 4. Property to be sold "as is." Resolved:** That the  
commissioner may negotiate and execute leases and purchase and  
46 sale agreements upon those terms the commissioner considers  
appropriate; however, the state property must be sold "as is,"  
48 without any representations or warranties.

2 Title must be transferred by quitclaim deed without covenant  
and executed by the commissioner; and be it further

4 **Sec. 5. Exemptions. Resolved:** That any lease or conveyance  
pursuant to this resolve is exempt from any statutory or  
6 regulatory requirement that the property first be offered to the  
Maine State Housing Authority or another state or local agency;  
8 and be it further

10 **Sec. 6. Purchase price. Resolved:** That the commissioner shall  
have the current market value of the state property determined by  
12 an independent appraiser. The commissioner may list the property  
for sale or lease with private real estate brokers at its  
14 appraised value and negotiate sales or leases, solicit bids, sell  
directly to purchasers or enter directly into leases with  
16 tenants. The commissioner may reject any offers.

18 The commissioner shall establish the rent or purchase price  
and the terms of lease or sale.

20 If the commissioner elects to solicit bids, the commissioner  
22 shall publish notices of sale sufficient to advertise the  
property. The commissioner may reject any bids; and be it further  
24

26 **Sec. 7. Repeal. Resolved:** That this resolve is repealed 3  
years from its effective date.

## 30 SUMMARY

32 Resolve 1999, chapter 56, which was repealed by its own  
terms on September 18, 2002, authorized the Commissioner of  
34 Administrative and Financial Services to sell one acre of land,  
more or less, near but not adjacent to the Baldwin Hill Road in  
Fayette and described in deed recorded at the Registry of Deeds  
36 of the County of Kennebec, State of Maine in Book 1053, Pages 3  
and 4. This resolve reauthorizes the sale of that property for  
38 an additional period of 3 years.