

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## SECOND REGULAR SESSION-2004

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Legislative Document

No. 1785

H.P. 1307

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 Certain Real Estate in Presque Isle, Known as the "Aroostook Residential Center"**

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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 FISCHER of Presque Isle.

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 estate described in  
section 3 with the buildings and improvements, together with all  
10 appurtenant rights and easements, and all personal property  
located on that property, including vehicles, machinery,  
12 equipment and supplies; and be it further

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

16           1. Enter into a lease or leases or convey by sale the  
18 interests of the State in the state property;

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

22           3. Exercise, pursuant to the Maine Revised Statutes, Title  
24 23, chapter 3, the power of eminent domain to quiet for all time  
any possible challenges to ownership of the state property;

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

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

36           **Sec. 3. Property interests that may be conveyed. Resolved:** That  
the state property authorized to be sold or leased is the  
38 following:

40           1. A parcel of land depicted on the City of Presque Isle,  
Tax Map 45, Lot 123-021, 1.4 acres, more or less, and described  
42 in a deed from the Aroostook Association for Retarded Children to  
the State of Maine, recorded in Book 1073, Page 76, Aroostook  
44 County Registry of Deeds; and be it further

46           **Sec. 4. Property to be sold "as is." Resolved:** That the  
commissioner may negotiate and execute leases and purchase and  
48 sale agreements upon terms the commissioner considers  
appropriate; however, the state property must be sold "as is,"  
50 with no representations or warranties.

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

4  
6 **Sec. 5. First refusal. Resolved:** That the state property must  
first be offered to the Central Aroostook Association for  
8 Retarded Citizens, Inc., referred to in this section as "CAARC,"  
successor to the Aroostook Association for Retarded Children, for  
its appraised land value only. The CAARC has 60 days from  
10 notification of sale to enter into a purchase and sale agreement  
with the commissioner.

12  
14 If the CAARC does not elect to purchase the state property,  
it must next be offered to social service agencies in Aroostook  
County by advertised request for proposals.

16  
18 If the state property is not purchased by a social service  
agency, it may be offered to the general public, pursuant to the  
terms of this resolve; and be it further

20  
22 **Sec. 6. Exemptions. Resolved:** That any lease or conveyance  
pursuant to this resolve is exempt from any statutory or  
regulatory requirement that the property first be offered to the  
24 Maine State Housing Authority or another state or local agency;  
and be it further

26  
28 **Sec. 7. Appraisal. Resolved:** That the commissioner must have  
the current market value of the state property determined by an  
independent appraiser. The commissioner may list the property  
30 for sale or lease with private real estate brokers at their  
appraised value and negotiate sales or leases, solicit bids, sell  
32 directly to purchasers or enter directly into leases with  
tenants. The commissioner may reject any offers.

34  
36 The commissioner shall establish the rent or purchase price  
and the terms of lease or sale.

38  
40 If the commissioner elects to solicit bids, the commissioner  
shall publish notices of sale sufficient to advertise the state  
property. The commissioner may reject any bids; and be it further

42  
44 **Sec. 8. Repeal. Resolved:** That this resolve is repealed 5  
years from its effective date.

## 46 SUMMARY

48 This resolve authorizes the Commissioner of Administrative  
and Financial Services to sell or lease the State's interests in  
50 property known as the "Aroostook Residential Center" in Presque  
Isle. The property must first be offered to the Central

2      Aroostook Association for Retarded Citizens, Inc. for land value  
only, and next to social service agencies in Aroostook County.