

# MAINE STATE LEGISLATURE

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(New Draft S. P. 771, L. D. 2218)  
FIRST SPECIAL SESSION

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ONE HUNDRED AND SIXTH LEGISLATURE

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Legislative Document

No. 2546

S. P. 921

In Senate, February 28, 1974

Reported by Senator Speers of Kennebec from the Committee on State Government and printed under Joint Rules No. 18.

HARRY N. STARBRANCH, Secretary

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FOUR

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**AN ACT Authorizing the Commissioner of Mental Health and Corrections to Convey a Sanitary Easement at the Bangor Mental Health Institute to the Northeast Psychiatric Institute, Incorporated.**

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Be it enacted by the People of the State of Maine, as follows:

**Commissioner of Mental Health and Corrections; authorized to convey an easement in land.** The Commissioner of Mental Health and Corrections is authorized and directed to convey to the Northeast Psychiatric Institute, Incorporated, by quit claim deed, for \$1 and other good and valuable consideration, a 20-foot wide permanent sewer easement, the center line of which is described as follows: Beginning at a point in the present westerly line of Hogan Road, said point being fifty (50) feet northwesterly from and as measured along a line at right angles to the Hogan Road base line at about Sta. 31+21, as shown on a Maine State Highway Commission (now Department of Transportation) Right of Way Map, State Highway "279" Hogan Road, Bangor, Penobscot County, State Project No. 279 (502), dated September, 1962 on file in the office of the Department of Transportation, Right of Way Division, at Augusta, Maine, S.H.C. File No. 10-146, said point also being seventeen hundred twenty-one (1721) feet from the center line of State Street; thence southwesterly along a line which makes an angle of sixty (60) degrees with the present westerly line of Hogan Road a distance of one hundred sixty-seven (167) feet on land of the State of Maine to the existing state sewer line; together with the right to enter upon said lot for the purposes of constructing said sewer line and repairing and maintaining the same and connecting with the existing state sewer, provided that the Northeast Psychiatric Institute shall restore all state property affected by the construction to the condition in which it was immediately prior to the construction

and shall pay a proportionate share of any sewerage treatment charges as shall be determined by, and in accordance with the established rates of, the public utility providing the sewerage treatment service, and provided that the grant of said easement shall be subject to:

1. The condition precedent that the Northeast Psychiatric Institute, Incorporated, shall procure all work made necessary by the applicable municipal or State Plumbing Code to conform the existing state sewer line with plumbing code standards made applicable by the proposed connection into the existing state sewer line of the sewer line of the Northeast Psychiatric Institute, Incorporated, and shall pay all costs in connection therewith;

2. To the condition that in the event at any time the State shall discontinue its use of the existing state sewer line into which the sewer line of the Northeast Psychiatric Institute, Incorporated, is connected, the Northeast Psychiatric Institute, Incorporated, its successors and assigns, shall be responsible thereafter for all costs of maintenance and repair of said state sewer line and for all sewerage treatment charges thereafter incurred in the use of said state sewer line; and

3. To the possibility of reverter upon 6 months' written notice to the Northeast Psychiatric Institute, Incorporated, its successors and assigns, from the Bureau of Public Improvements of the Department of Finance and Administration or its functional successor state agency in the event that all or any part of the land across which said existing state sewer line runs, or all or any part of land adjacent thereto, is authorized by the Legislature to be sold or, as shall be determined by the Bureau of Public Improvements of the Department of Finance and Administration or its functional successor state agency, is required for state uses incompatible with the continued maintenance of said existing state sewer line.

#### STATEMENT OF FACT

The Northeast Psychiatric Institute, Inc., comprised of psychiatrists and others concerned with quality psychiatric care in the Bangor area, plans to build a psychiatric facility on the northern side of the Hogan Road in Bangor. The institute plans to provide facilities for outpatient care and 48 beds for inpatient care, as well as medical offices. The institute will provide employment for approximately 100 people.

The only viable means for providing sewage disposal for this facility is to connect with the sewer system of the Bangor Mental Health Institute. This bill would authorize the Department of Mental Health and Corrections to provide an easement for a sewer line across the state's land.

The new draft incorporates recommendations from the Attorney General and the Department of Transportation which protects the State's interest and guarantees the State will not incur any expense with the project.