

MAINE STATE LEGISLATURE

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(After Deadline)
(EMERGENCY)
SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 2043

H. P. 1960

House of Representatives, January 9, 1978

Referred to the Committee on State Government sent up for concurrence. Approved for introduction by the Legislative Council pursuant to Joint Rule 25.

EDWIN H. PERT, Clerk

Presented by Mr. Hickey of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

RESOLVE, Authorizing the Director of the Bureau of Public Lands to lease the Right to Lay and Maintain a Certain Right-of-way for Forty Years.

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the City of Augusta is in need of a 40-year lease of a right-of-way across land owned by the State in order that financing for construction of a nursing home guaranteed by the Farmers Home Administration may be obtained; and

Whereas, the Maine Revised Statutes, Title 30, section 4162, subsection 4, paragraph C, authorizes the Director of the Bureau of Public Lands to grant such easements not to exceed 25 years; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it Be it enacted by the People of the State of Maine, as follows:

The Director of the Bureau of Public Lands; authorized to lease land. Resolved: That notwithstanding the provisions of the Maine Revised Statutes, Title 30, section 4162, subsection 4, paragraph C, the Director of the Bureau of Public Lands is authorized to lease to the City of Augusta for a term of 40 years a right to establish and maintain a right-of-way across land owned by the State, said right-of-way to run as follows: Along the existing

Piggery Road, so-called, in Augusta, Maine, to the new gravel road leading to the Augusta Little League ballfield, thence proceeding northerly along East this gravel road to the northerly line of the land of the State.

The right is to be leased upon the terms and conditions negotiated by the Director of the Bureau of Public Lands.

Emergency clause. In view of the emergency cited in the preamble, this resolve shall take effect when approved.

STATEMENT OF FACT

The City of Augusta has it necessary to request a 40-year lease of an easement for a right-of-way across land owned by the State in the area of the Augusta Mental Health Institute. A 40-year easement is required because federally guaranteed financing for a proposed nursing home facility on Glenridge Drive is contingent upon obtaining an easement for the duration of a 40-year mortgage. Under the existing statute, the Director of the Bureau of Public Lands is authorized only to lease 25-year easements, although most such easements are routinely renewed.

The Director of the Bureau of Public Lands has negotiated a 40-year lease with the City of Augusta upon certain terms and conditions. This resolve would authorize the execution of such an agreement.