

MAINE STATE LEGISLATURE

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1 (New Draft of H.P. 645, L.D. 809)

2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND ELEVENTH LEGISLATURE
5

6 Legislative Document

No. 1315

7
8 H.P. 1018

House of Representatives, March 25, 1983

9 Reported by Representative Ketover from the Committee on State
10 Government and printed under Joint Rule No. 2.

11 EDWIN H. PERT, Clerk

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-THREE
17

18 RESOLVE, Authorizing the State Director
19 of Public Improvements to Convey a Right-of-
20 way Across the Elizabeth Levinson Center
21 in Bangor.
22

23 State Director of Public Improvements authorized
24 to transfer an easement across the Elizabeth Levinson
25 Center in Bangor, subject to conditions.
26 Resolved: That the State Director of Public Improve-
27 ments is authorized and directed to convey to John
28 Burke, his heirs and assigns, an easement across the
29 Elizabeth Levinson Center in Bangor. The State
30 Director of Public Improvements, in this resolve
31 called "director," shall convey the easement upon the
32 following conditions.

33 1. The easement shall be 25 feet in width and
34 shall extend from the Hogan Road to John Burke's
35 property. The easement shall be located so as to
36 provide the greatest degree of safety to the persons
37 served by the Elizabeth Levinson Center.

1 2. The easement shall be for the limited purpose
2 of providing access from the Hogan Road to the prop-
3 erty owned by John Burke. The easement shall be con-
4 veyed upon the condition that the property owned by
5 John Burke, his heirs or assigns, shall be used
6 exclusively as a site for a single-family residence.
7 In the event that there is a change in the use of the
8 property owned by John Burke, his heirs or assigns,
9 the easement shall become null and void, and access
10 along the easement described in this resolve shall be
11 denied to John Burke, his heirs or assigns.

12 3. The surface of the route of travel shall be
13 determined by the Director of the Bureau of Public
14 Improvements with the consent of the Commissioner of
15 the Department of Mental Health and Mental Retarda-
16 tion. The surface of the route of travel shall be
17 maintained in an orderly and attractive manner by and
18 at the cost of John Burke, his heirs or assigns. In
19 the event that the route of travel is not maintained
20 in a reasonable manner, as required, and thereby
21 detracts from the appearance of the Elizabeth
22 Levinson Center grounds and facilities, the easement
23 shall become null and void.

24 4. In locating the easement the Director of
25 Public Improvements with the Commissioner of the
26 Department of Mental Health and Mental Retardation
27 shall determine the measures necessary, if any, to
28 protect the safety of the persons using the Elizabeth
29 Levinson Center. All measures deemed necessary under
30 this resolve shall be paid for by John Burke, his
31 heirs or assigns. In the event that the safety of
32 the users of the Elizabeth Levinson Center or the
33 appearance of the center is jeopardized following
34 conveyance of the easement without any change in the
35 use of the property of John Burke, his heirs or
36 assigns, the Director of Public Improvements shall
37 require John Burke, his heirs or assigns, to take
38 whatever remedial measures are deemed necessary by
39 the director and the Commissioner of the Department
40 of Mental Health and Mental Retardation at the cost
41 of John Burke, his heirs or assigns.

42 5. The price of the easement shall be determined
43 by appraisal, the cost of which shall be borne by
44 John Burke. The appraisal shall be conducted by a

1 person selected by the Director of the Bureau of
2 Public Improvements, and the price of the easement
3 shall be no less than the appraisal price.

4 6. The Director of Public Improvements may re-
5 quire any other terms and conditions in any contract
6 with John Burke, his heirs or assigns, to protect the
7 interests of the State, the Elizabeth Levinson Center
8 and persons served by the Elizabeth Levinson Center.

9

STATEMENT OF FACT

10 The purpose of this new draft is to protect the
11 persons served by Elizabeth Levinson Center and the
12 center itself which is a facility operated by the
13 Department of Mental Health and Mental Retardation.
14 The new draft requires the Director of Public
15 Improvements with the consent of the Commissioner of
16 Mental Health and Mental Retardation to determine the
17 route of access, the surface of the access route and
18 any other measures necessary to protect the safety of
19 the persons served by the Elizabeth Levinson Center.
20 In addition, the bill requires that the easement con-
21 veyed to John Burke is conditional and requires that
22 the property owned by John Burke may be used only as
23 a single-family residence in order for the easement
24 to remain in effect. If the route of access is not
25 maintained properly, the easement will become null
26 and void.

27 This new draft also establishes a "floor" price
28 for the easement. Under the bill, the price for the
29 easement would be based on an appraisal. The new
30 draft requires the Director of Public Improvements to
31 select the appraiser and establishes a floor price as
32 the appraisal price.

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