

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

SECOND REGULAR SESSION-1996

Legislative Document

No. 1821

H.P. 1329

House of Representatives, March 5, 1996

Resolve, Authorizing the Commissioner of Administrative and Financial Services to Sell or Lease the Interests of the State in Certain Real Estate and Personal Property Held by Various State Agencies at 6 Locations.

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative MITCHELL of Vassalboro. (GOVERNOR'S BILL)
Cosponsored by Senator AMERO of Cumberland and
Representative MARVIN of Cape Elizabeth.

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

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

8 2. State property. "State property" means the real estate
described in section 3 of this resolve with the buildings and
10 improvements, together with all appurtenant rights and easements,
and all personal property located on that property, including
12 vehicles, machinery, equipment and supplies; and be it further

14 **Sec. 2. Authority to convey real estate. Resolved:** That the State,
through the commissioner, may:

16 1. Enter into a lease or leases or to convey by sale the
18 interests of the State in 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 properties authorized to be sold or leased are the
38 following:

40 1. Oak Grove Coburn School Property, Vassalboro, Kennebec
County Registry of Deeds Book 3976, Page 35 and Book 4153, Page
42 326;

44 2. 3 St. John Street, Portland, Cumberland County Registry
of Deeds Book 1513, Page 233;

46 3. Wade Street, Augusta, Kennebec County Registry of Deeds
48 Book 1450, Page 406, designated Lot 97 on City of Augusta Tax Map
27;

50

2 4. Cony Road, Augusta, Kennebec County Registry of Deeds,
portion of Book 229, Page 374, portion of Lot 32 on City of
Augusta Tax Map 10;

4
6 5. Winthrop Street, Hallowell, Kennebec County Registry of
Deeds Book 560, Page 536; Book 731, Page 325; Book 1483, Page
784; and designated Lot 23, on Town of Hallowell Tax Maps 6 and 7;

8
10 6. "Estcourt Station," Warden's camp, Aroostook County
Registry of Deeds Book 381, Page 758 and Book 214, Page 369.

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

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

22 Title must be transferred by quitclaim deed without covenant
24 (release deed) and executed by the commissioner; and be it further

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

30
32 **Sec. 6. Purchase price. Resolved:** That the commissioner shall
have the current market value of the state property determined by
34 an independent appraiser. The commissioner may list the
properties for sale or lease with private real estate brokers at
36 their appraised value and negotiate sales or leases, solicit
bids, sell directly to purchasers or enter directly into leases
with tenants. The commissioner may reject any offers.

38
40 The commissioner shall establish the rent or purchase price
and the terms of lease or sale.

42 If the commissioner elects to solicit bids, the commissioner
44 shall publish notices of sale sufficient to advertise the
properties. The commissioner may reject any bids; and be it
further

46
48 **Sec. 7. Carrying balance. Resolved:** That the Bureau of General
Services, Department of Administrative and Financial Services, is
50 authorized to carry forward the net proceeds from the sale or
lease of state property, not to exceed \$500,000, for the purpose
52 of retaining necessary professional services and to pay other
costs related to the preparation and sale of the state

2 property. The funds must be deposited into the "Other Special
Revenue Account - Public Improvements - Planning - Construction -
4 Administration, Bureau of General Services." The unexpended
balance must be carried forward and expended for the purpose for
6 which it is intended; and be it further

8 **Sec. 8. Sunset provision. Resolved:** That this resolve is
repealed 3 years from its effective date.

10
12 **STATEMENT OF FACT**

14 This resolve gives the Commissioner of Administrative and
Financial Services authority to lease or to convey ownership or
16 possession of certain state property to purchasers or lessees.
The commissioner may list the properties with one or more real
18 estate brokers, solicit bids by newspaper advertisement or sell
directly to purchasers. The commissioner shall establish the
purchase price and the terms of sale or lease.