

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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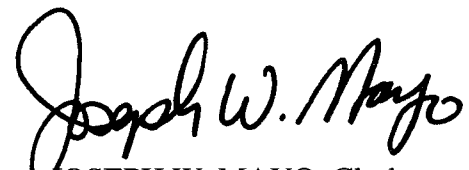
House of Representatives, March 9, 1999

**Resolve, Authorizing the Commissioner of Administrative and Financial Services to Sell or Lease the Interests of the State in the Maine Criminal Justice Academy in Waterville; Part of the Kennebec Arsenal in Augusta; Part of the Maine Youth Center in South Portland; and 2 Parcels in Gray Near the Pineland Center.**

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Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

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

  
JOSEPH W. MAYO, Clerk

Presented by Representative AHEARNE of Madawaska.  
Cosponsored by Senator PENDLETON of Cumberland and  
Representative BUMPS of China.

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

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

7           2. "State property" means the real and personal property  
8 described in section 3 of this resolve; and be it further

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

11           1. Lease or sell the interests of the State in the state  
12 property;

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

15           3. Exercise, pursuant to the Maine Revised Statutes, Title  
16 23, chapter 3, the power of eminent domain to quiet for all time  
17 any possible challenges to ownership of the state property;

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

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

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

28           1. The Maine Criminal Justice Academy, located in  
29 Waterville, as conveyed by Thomas College to the State of Maine  
30 on September 18, 1972 and described in deeds recorded at the  
31 Registry of Deeds of the County of Kennebec, State of Maine in  
32 Book 1596, Page 768 and Book 1596, Page 770, together with all  
33 rights, privileges and easements appurtenant thereto, and  
34 together with all of the State's interest in and to the  
35 buildings, improvements and personal property located thereon,  
36 including all vehicles, machinery, equipment and supplies;

37           2. A portion of the Kennebec Arsenal property, located on  
38 the easterly side of the Kennebec River in Augusta, which was  
39 conveyed to the State of Maine by the United States of America by  
40 deeds recorded at the Registry of Deeds of the County of  
41

2 Kennebec, State of Maine, in Book 462, Page 361 and Book 2380,  
Page 189. The parcel to be conveyed consists of approximately 6  
4 acres of land located on either side of Arsenal Street, and is  
more particularly described as the Arsenal campus, being roughly  
6 that portion of the Kennebec Arsenal property lying under and  
immediately surrounding the following structures: the  
8 Commandant's Home, also known as Hill House; the Gate House;  
North Burleigh; South Burleigh; Burleigh Pavillion; Burleigh  
Annex; the White (frame) House; and the Garage; said conveyance  
10 to include all of the aforementioned structures. The  
commissioner may determine the amount of land to be conveyed,  
12 which amount may exceed 6 acres if appropriate;

14 3. A portion not to exceed 71.5 acres outside the existing  
perimeter fence, of the Maine Youth Center property, located on  
16 the easterly side of Westbrook Street in South Portland and being  
a part of that parcel of land that was conveyed to the State of  
18 Maine by the City of Portland on December 24, 1850 and recorded  
on March 18, 1853 in the Registry of Deeds of Cumberland County  
20 in Book 243, Page 197, said 74.39 acres being depicted as  
Parcels A and B on a plan dated June 20, 1998 entitled  
22 "Preliminary Property Line of Maine Youth Center/Portland  
Jetport" which was done for the City of Portland, Maine by Sebago  
24 Technics of Westbrook, Maine;

26 4. A certain lot or parcel of land with buildings thereon  
located on either side of Collyer Brook, also known as Collyer's  
28 Branch of the Royal River, in the Town of Gray, upon which are  
located the water system dam, pumping station and water treatment  
30 facility now or formerly used to supply potable water to the  
Pineland Center, a facility now or formerly owned and operated by  
32 the State of Maine and located partly in New Gloucester, partly  
in Gray and partly in North Yarmouth. The parcel to be conveyed  
34 is the same parcel as conveyed to the State of Maine in 2  
separate deeds, the first dated December 12, 1914 from Harry  
36 Merrill and recorded at the Registry of Deeds of the County of  
Cumberland, State of Maine, in Book 943, Page 38; and the 2nd  
38 dated June 15, 1960 from Clyde A. Mason and Phyllis M. Mason,  
recorded in Book 2550, Page 55 of that registry. All appurtenant  
40 rights described in the aforesaid deeds may in the commissioner's  
discretion also be conveyed, except for flowage rights, which may  
42 either be retained or extinguished by the State;

44 5. A certain lot or parcel of land located on either side  
of Collyer Brook, also known as Collyer's Branch of the Royal  
46 River, in the Town of Gray. The parcel to be conveyed was  
conveyed to the State of Maine as 2 separate parcels, the first  
48 of which is part of a parcel deeded to the State of Maine by Mary  
Dow on October 29, 1908 and recorded at the Registry of Deeds of  
50 the County of Cumberland, State of Maine, in Book 831, Page 161,

2 and is more particularly described as a 7.4-acre parcel that was  
3 excepted and reserved in the conveyance from the State of Maine  
4 to George R. Doughty and Celia E.W. Doughty dated December 1,  
5 1915 and recorded in Book 971, Page 171 of that registry; and the  
6 2nd of which is all of that parcel of land conveyed to the State  
7 of Maine by Thankful F. Megquier and Elsie Megquier on November  
8 5, 1908 and is recorded at Book 831, Page 436 of that registry;

9  
10 6. One acre of land, more or less, near but not adjacent to  
11 the Baldwin Hill Road in Fayette and described in deeds recorded  
12 at the Registry of Deeds of the County of Kennebec, State of  
13 Maine in Book 1053, Pages 3 and 4; and

14 7. All or a portion of land approximately 5.05 acres in  
15 size owned by Leland and Valerie Boggs, designated Tax Map R8,  
16 Lot 77, located in the Town of Warren and such other land as may  
17 be required for mitigation purposes in connection with the  
18 corrections construction project in the Town of Warren.

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

22  
23 **Sec. 4. Property to be sold "as is." Resolved:** That the  
24 commissioner may negotiate and execute leases and purchase and  
25 sale agreements upon those terms the commissioner considers  
26 appropriate; however, the state property must be sold "as is,"  
27 without any representations or warranties.

28  
29 Title must be transferred by quitclaim deed without covenant  
30 and executed by the commissioner; and be it further

31  
32 **Sec. 5. Exemptions. Resolved:** That any lease or conveyance  
33 pursuant to this resolve is exempt from any statutory or  
34 regulatory requirement that the property first be offered to the  
35 Maine State Housing Authority or another state or local agency;  
36 and be it further

37  
38 **Sec. 6. Purchase price. Resolved:** That, with the exception of  
39 the property described in section 3, subsection 6 of this  
40 resolve, the commissioner shall have the current market value of  
41 the state property determined by an independent appraiser. The  
42 commissioner may list the property for sale or lease with private  
43 real estate brokers at its appraised value and negotiate sales or  
44 leases, solicit bids, sell directly to purchasers or enter  
45 directly into leases with tenants. The commissioner may reject  
46 any offers.

47  
48 The commissioner shall establish the rent or purchase price  
49 and the terms of lease or sale.  
50

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

4  
6 **Sec. 7. Proceeds. Resolved:** That any proceeds from the sale  
of property currently located at the Maine Youth Center in South  
Portland must be deposited in the Bureau of General Services -  
8 Capital Construction and Improvements Reserve Fund to be used for  
the renovation, construction and expansion of facilities at the  
10 South Portland Campus. Any proceeds from the sale of the  
property currently located at the Maine Criminal Justice Academy  
12 in Waterville must be deposited in the General Services Capital  
Construction and Improvements Reserve Fund to be used for the  
14 renovation, construction and expansion of the facilities at the  
Oak Grove Campus. These funds must be carried forward until  
16 expended; and be it further

18 **Sec. 8. Sunset provision. Resolved:** That this resolve is  
repealed 3 years from its effective date.  
20

22  
**SUMMARY**

24  
26 This resolve gives the Commissioner of Administrative and  
Financial Services authority to sell or lease the Maine Criminal  
Justice Academy in Waterville; a portion of the Kennebec Arsenal  
28 property in Augusta; a portion of the Maine Youth Center property  
located in South Portland; 2 parcels of land on Collyer's Brook  
30 in the Town of Gray; and a parcel of land in Fayette no longer  
needed by the Department of Public Safety and to purchase a  
32 parcel of land in Warren, the acquisition of which is needed to  
provide mitigation for wetland impacts related to the corrections  
34 construction project in Warren.