

MAINE STATE LEGISLATURE

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STATE AND LOCAL GOVERNMENT

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STATE OF MAINE
SENATE
119TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " A" to S.P. 620, L.D. 1785, "Resolve, Regarding the Conveyance of a Right-of-way Across the Elizabeth Levinson Center in Bangor"

Amend the resolve by striking out everything after the title and before the summary and inserting in its place the following:

Sec. 1. Resolve 1983, c. 23, amended. Resolved: That Resolve 1983, c. 23, is amended to read:

State Director of the Bureau of General Services authorized to transfer an easement across the Elizabeth Levinson Center in Bangor, subject to conditions. Resolved: That the State Director of Public Improvements the Bureau of General Services is authorized and directed to convey to John Burke, his heirs and assigns, an easement across the Elizabeth Levinson Center in Bangor. The State Director of Public Improvements, in this resolve called "director," the Bureau of General Services shall convey the easement upon the following conditions.

1. The easement shall must be 25 50 feet in width and shall must extend from the Hogan Road to along the entire boundary line of John Burke's property that borders the Elizabeth Levinson Center property. The easement shall must be located so as to provide the greatest degree of safety to the persons served by the Elizabeth Levinson Center.

2. The easement shall-be is for the limited purpose of providing access from the Hogan Road and providing public utilities to the property owned by John Burke. The easement shall-be is conveyed upon the condition that the property owned

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2 by John Burke, his heirs or assigns, shall be is used exclusively
4 as a site for a single-family residence. In the event that there
6 is a change in the use of the property owned by John Burke, his
8 heirs or assigns, the easement shall ~~become null and~~ becomes
10 void, and access along the easement described in this resolve
12 shall be is denied to John Burke, his heirs or assigns.

8 3. ~~The surface of the route of travel shall be determined~~
10 ~~by the Director of the Bureau of Public Improvements with the~~
12 ~~consent of the Commissioner of the Department of Mental Health~~
14 ~~and Mental Retardation.~~ The surface of the route of travel shall
16 must be maintained in an orderly and attractive manner by and at
18 the cost of John Burke, his heirs or assigns. In the event that
20 the route of travel is not maintained in a reasonable manner, ~~as~~
22 ~~required,~~ and thereby detracts from the appearance of the
24 Elizabeth Levinson Center grounds and facilities, the easement
26 shall ~~become null and~~ becomes void.

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

36 4-A. The Director of the Elizabeth Levinson Center may
38 review the proposed easement for purposes of safety as it relates
40 to the users of the Elizabeth Levinson Center and consult with
42 the Director of the Bureau of General Services and John Burke
44 with regard to any necessary changes to ensure the safety of the
46 Elizabeth Levinson Center's users.

42 5. ~~The price of the easement shall be determined by~~
44 ~~appraisal, the cost of which shall be borne by John Burke. The~~
46 ~~appraisal shall be conducted by a person selected by the Director~~
48 ~~of the Bureau of Public Improvements, and the price of the~~
50 ~~easement shall be no less than the appraisal price.~~

48 5-A. The easement subject to the provisions of this resolve
50 may not be granted until a survey of the property across which
the

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2 proposed easement is to be granted has been completed and filed
3 with the Bureau of General Services. The surveyor selected to
4 undertake the survey must be mutually agreed upon by the Director
5 of the Bureau of General Services and John Burke and, upon
6 completion of the survey, the surveyor shall file a copy of the
7 survey with the Director of the Bureau of General Services. The
8 cost of the survey must be borne by John Burke.

9
10 ~~6. The Director of Public Improvements may require any~~
11 ~~other terms and conditions in any contract with John Burke, his~~
12 ~~heirs or assigns, to protect the interests of the State, the~~
13 ~~Elizabeth Levinson Center and persons served by the Elizabeth~~
14 ~~Levinson Center.~~

15 7. This resolve is repealed October 1, 2000.'

16
17 Further amend the resolve by inserting at the end before the
18 summary the following:

19
20 **FISCAL NOTE**

21
22
23 Resolve 1983, chapter 23, requires payment to the State for
24 the appraised value of the right of way and for the costs
25 incurred in the conveyance. This resolve repeals that provision
26 and widens and lengthens the easement. Should the easement be
27 conveyed, the effect on the value of the property and the amount
28 of General Fund revenue foregone as a result of the changes in
29 this resolve can not be determined at this time.

30
31 The Department of Administrative and Financial Services will
32 incur some minor additional costs associated with this conveyance
33 that are not covered by the purchaser. These costs can be
34 absorbed within the department's existing budgeted resources.'

35
36 **SUMMARY**

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38
39 This amendment amends the original resolve by making several
40 changes to Resolve 1983, chapter 23. In addition to deleting
41 several sections of the original law, the amendment removes a
42 requirement that John Burke pay for an appraisal of an easement
43 over the property of the Elizabeth Levinson Center in Bangor. It
44 also requires that he pay only for a survey of the property
45 conducted by a surveyor mutually agreeable to John Burke and the
46 Director of the Bureau of General Services. The amendment also
47 inserts a section that repeals the resolve effective October 1,
48 2000. The amendment also adds a fiscal note to the resolve.