

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

Legislative Document

No. 2638

S.P. 1048

In Senate, March 21, 2000

**Resolve, Authorizing a Land Transaction by the Bureau of Parks and
Lands.**

Reference to the Committee on Agriculture, Conservation and Forestry suggested and
ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator KONTOS of Cumberland. (GOVERNOR'S BILL).
Cosponsored by Representative FOSTER of Gray and
Senators: HARRIMAN of Cumberland, KILKELLY of Lincoln, NUTTING of Androscoggin,
Representatives: McKENNEY of Cumberland, PIEH of Bremen.

2 **Preamble.** **Whereas,** the Constitution of Maine, Article IX,
3 Section 23 requires that real estate held by the State for
4 conservation purposes may not be reduced or its uses
5 substantially altered except on the vote of 2/3 of all members
6 elected to each House; and

7 **Whereas,** the nonreserved public lands authorized for
8 conveyance by this resolve are under the designations described
9 in the Maine Revised Statutes, Title 12, section 598-A; and

10 **Whereas,** the Director of the Bureau of Parks and Lands
11 within the Department of Conservation may execute deeds on behalf
12 of the State for nonreserved public lands, conveying lands that
13 have been authorized for conveyance by the Legislature or sold by
14 lawful authority subject to the provisions of the Maine Revised
15 Statutes, Title 12, section 598-A; now, therefore, be it

16 **Sec. 1. Director of the Bureau of Parks and Lands authorized to**
17 **convey certain nonreserved public lands in Maine. Resolved:** That the
18 Director of the Bureau of Parks and Lands within the Department
19 of Conservation may by quitclaim deed, and subject to certain
20 restrictions and reservations to be agreed upon by the director,
21 convey the following property for not less than fair market value
22 to October Corporation, a Maine nonprofit corporation with a
23 mailing address of One Canal Plaza, P.O. Box 426, Portland,
24 Maine 04112-0426, contingent upon exercise of an "Option
25 Agreement" between the State, acting through the Commissioner of
26 Administrative and Financial Services, and October Corporation
27 the effective date of which is January 10, 2000, the "Option
28 Agreement":
29

30 The State of Maine's right, title and interest in and to
31 approximately 600 acres of nonreserved public lands located
32 in the towns of New Gloucester, North Yarmouth and Gray,
33 Maine; and generally described as approximately 300 acres
34 leased for agricultural use and approximately 300 acres of
35 interspersed woodlands generally contiguous to or in the
36 vicinity of the Pineland Facility land parcel that is the
37 subject of the "Option Agreement" with the exact
38 delineation, acreage and description of such nonreserved
39 public lands to be sold to be determined by a survey to be
40 conducted by October Corporation; and be it further
41

42 **Sec. 2. Use of proceeds from sale of property. Resolved:** That the
43 proceeds from the sale of the property described in section 1
44 must be used to purchase land in Cumberland County, subject to
45 the provisions of the Maine Revised Statutes, Title 12, section
46 598-B; and be it further
47
48

Sec. 3. Property exempt from certain laws and requirements.

2 **Resolved:** That notwithstanding any other provision of law or
regulatory requirement, the property transferred pursuant to this
4 resolve may not first be offered to the Maine State Housing
Authority or any other state or local agency; and be it further
6

Sec. 4. Sale not subject to conditions. Resolved:

8 That
notwithstanding Resolve 1975, chapter 6, the transfer of property
authorized by this resolve is not subject to the terms,
10 conditions and restrictions set forth in Resolve 1975, chapter 6,
section 4 and the terms, conditions and restrictions are released
12 and repealed as they relate to the property to be transferred
pursuant to this resolve.
14

16 **SUMMARY**

18 This resolve authorizes the Director of the Bureau of Parks
and Lands within the Department of Conservation to convey, by
20 quitclaim deed and subject to certain conditions, approximately
600 acres of nonreserved public lands in the towns of New
22 Gloucester, North Yarmouth and Gray to October Corporation for
not less than fair market value. These nonreserved public lands,
24 which consist of approximately 300 acres currently leased for
agricultural use and approximately 300 acres of interspersed
26 woodlands, are generally contiguous to or in the vicinity of the
Pineland Facility campus.
28

The conveyance is contingent upon exercise of an "Option
30 Agreement," dated January 10, 2000, between the State and October
Corporation for the purchase of certain state-owned parcels of
32 real estate and certain buildings associated with the State's
Pineland Facility situated primarily in the Town of New
34 Gloucester.

36 Proceeds from the sale of the nonreserved public lands of
the Bureau of Parks and Lands will be used to purchase land to be
38 managed for similar purposes in Cumberland County.