

MAINE STATE LEGISLATURE

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STATE AND LOCAL GOVERNMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 656, L.D. 856, "Resolve, Authorizing the Transfer of Land from the State to School Administrative District No. 16"

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

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

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

2. "District" means Maine School Administrative District No. 16.

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

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

1. Lease, sell or transfer the interests of the State in state property;

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

COMMITTEE AMENDMENT

3. Exercise the power of eminent domain to quiet for all time any possible challenges to ownership of the state property;

4. Negotiate, draft, execute and deliver any easements, including historic preservation easements, or other rights that, in the commissioner's discretion, may contribute to the value of a proposed sale or lease of the State's interest; and

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

Sec. 3. Property interests that may be conveyed. Resolved: That the state property authorized to be sold, leased or transferred is the Reed Auditorium, so-called, depicted as building number 11 on the Augusta State Facilities Master Plan, Building Location Map - Stevens School Campus.

The property described in this section must be conveyed or leased with certain adjacent buildings located between the Reed Auditorium and Winthrop Street in Hallowell and with an amount of land not to exceed 20 acres, as determined by the commissioner as appropriate to its intended use, together with appropriate rights of access, including access by pedestrians, vehicles and utilities.

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

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

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

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

Sec. 6. Authorization to apply. Resolved: That following the conveyance of the land and buildings, the district is authorized to apply for a state subsidy to renovate and redevelop the property for use as an elementary school as a school construction project under the Maine Revised Statutes, Title

20-A, section 15901, subsection 4, paragraph E; a permanent space lease-purchase project under Title 20-A, section 15901, subsection 4-B; a school revolving renovation fund project under Title 30-A, section 6006-F; or a combination of those programs; and be it further

Sec. 7. Option agreement. Resolved: That the commissioner is authorized to enter into an option agreement with the board directors of the district for a term of up to 2 years to convey to the district at no cost the property described in section 3 of this resolve. The commissioner may, at the commissioner's discretion, extend the option period for up to one year beyond the original option term.

During the option period, the district must be permitted to conduct inspections, tests and environmental scans of the property with prior notification to the State. Any inspections, tests or environmental scans conducted by the district may not be conducted so as to interfere with the State's printing operation or the State's use of the property in general. The board of directors of the district is authorized to exercise the option and to acquire property on behalf of the district at any time during the option period; and be it further

Sec. 8. Debt authorized. Resolved: That subject to approval by the voters of the district, the district is authorized to issue bonds, notes and other evidence of indebtedness of the district for the purpose of redeveloping and renovating the property for use as an elementary school; and be it further

Sec. 9. Appraisal. Resolved: That, upon the expiration of the option period specified in section 7 of this resolve or of the extended option period if granted, the commissioner shall have the current market value of the property described in section 3 of this resolve determined by an independent appraiser. The commissioner may list the property for sale or lease with private real estate brokers at its 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; and be it further

Sec. 10. Repeal. Resolved: That this resolve is repealed 5 years after its effective date.'

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

FISCAL NOTE

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This resolve authorizes the Commissioner of Administrative and Financial Services to sell, lease or transfer certain state-owned property in the City of Hallowell.

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Proceeds from the sale, lease or transfer of this property accrue to the General Fund. The amount of additional General Fund revenue that will result from the transaction can not be determined at this time.'

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SUMMARY

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This amendment strikes the original resolve and replaces it with language that provides School Administrative District No. 16 an option period in which to negotiate the transfer of a parcel of state-owned property at the Stevens School in Hallowell as the site of a new elementary school. The proposed transfer also includes the Reed Auditorium at the Stevens School and adjacent buildings. In the event that the State does not transfer the property to the school district, the amendment authorizes the State to offer the land for sale at the appraised market value. This amendment also extends the repeal date of the resolve from 3 to 5 years and adds a fiscal note to the resolve.

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