

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1791

H.P. 1337

House of Representatives, May 7, 2001

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.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative FOSTER of Gray. (GOVERNOR'S BILL)
Cosponsored by Senator TURNER of Cumberland and
Representatives: GOOLEY of Farmington, JODREY of Bethel, MacDOUGALL of North
Berwick, SNOWE-MELLO of Poland, STANLEY of Medway, VOLENIK of Brooklin,
Senators: GAGNON of Kennebec, KNEELAND of Aroostook.

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 to convey 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; and

16 **Whereas,** pursuant to Resolve 1999, chapter 112, the Director
17 of the Bureau of Parks and Lands was granted the authority to
18 convey, and did convey, certain nonreserved public lands in the
19 Town of New Gloucester, the Town of North Yarmouth and the Town
20 of Gray to October Corporation subject to certain restrictions
21 and reservations agreed upon by the director; and

22 **Whereas,** the Director of the Bureau of Parks and Lands,
23 within such discretion so granted, has determined it is
24 appropriate to release and terminate certain deed restrictions
25 that were imposed on a certain portion of the land; now,
26 therefore, be it

27 **Sec. 1. Director of Bureau of Parks and Lands authorized to convey**
28 **certain nonreserved public lands in State. Resolved:** That the Director
29 of the Bureau of Parks and Lands within the Department of
30 Conservation, by quitclaim deed and subject to certain
31 restrictions and reservations to be agreed upon by the director,
32 may convey the following property for not less than fair market
33 value to October Corporation, a Maine nonprofit corporation with
34 a mailing address of One Canal Plaza, P. O. Box 426, Portland,
35 Maine 04112-0426:

36 The State's right, title and interest in and to
37 approximately 62 acres of nonreserved public lands located
38 in the Town of New Gloucester and the Town of Pownal and
39 generally described as approximately 62 acres of vacant land
40 northeast of the intersection of Allen Road and Route 231 in
41 the Town of New Gloucester and designated as Lot 3-1 on New
42 Gloucester Tax Map 4 and Lot 29 on Pownal Tax Map 9, with
43 the exact delineation, acreage and description of such

2 nonreserved public lands to be sold to be determined by a
survey to be conducted by or on behalf of October
Corporation; and be it further

4
6 **Sec. 2. Director of Bureau of Parks and Lands authorized to release
certain deed restrictions on land previously conveyed. Resolved:** That
the Director of the Bureau of Parks and Lands within the
8 Department of Conservation may release and terminate those deed
restrictions imposed on the land referred to in Resolve 1999,
10 chapter 112 as the director determines appropriate; and be it
further

12
14 **Sec. 3. Use of proceeds from sale of property. Resolved:** That the
proceeds from the sale of the property described in section 1
must be used to purchase land in Cumberland County, subject to
16 the provisions of the Maine Revised Statutes, Title 12, section
598-B; and be it further

18
20 **Sec. 4. Property exempt from certain laws and requirements.
Resolved:** That, notwithstanding any other provision of law or
regulatory requirement, the property transferred pursuant to this
22 resolve may not first be offered to the Maine State Housing
Authority or any other state or local agency; and be it further

24
26 **Sec. 5. Sale not subject to conditions. Resolved:** That,
notwithstanding Resolve 1975, chapter 6, the transfer of property
authorized by this resolve is not subject to the terms,
28 conditions and restrictions set forth in Resolve 1975, chapter 6,
section 4 and the terms, conditions and restrictions are released
30 and repealed as they relate to the property to be transferred
pursuant to this resolve.

32 SUMMARY

34
36 This resolve authorizes the Director of the Bureau of Parks
and Lands within the Department of Conservation to convey a
38 62-acre parcel of land in the Town of New Gloucester and the Town
of Pownal to October Corporation and to release deed restrictions
on a 54-acre parcel of land previously conveyed to October
40 Corporation in Resolve 1999, chapter 112. Both conveyances will
be done at fair market value.