

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 1795

S.P. 615

In Senate, May 9, 2001

**Resolve, Authorizing the Commissioner of Administrative and Financial Services to Convey by Sale or Lease to the Warren Sanitary District the State's Interests in Certain Real Property in the Town of Warren in Connection with the Construction of the Maine State Prison at Warren.**

(AFTER DEADLINE)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on State and Local Government 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 SAVAGE of Knox.

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

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

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

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

14           1. Lease or sell the interests of the State in the state  
property pursuant to section 3 of this resolve;

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

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

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

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

32           **Sec. 3. Property interests that may be conveyed. Resolved:** That  
the State is authorized to sell or lease a portion, not to exceed  
34 3 acres, of existing property of the Bolduc Correctional  
Facility, also known as the prison farm, located on the westerly  
36 side of the St. George River in Warren, Maine.

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

42           **Sec. 4. Property to be sold "as is." Resolved:** That the  
commissioner may negotiate and execute leases and purchase and  
44 sale agreements upon those terms the commissioner considers  
appropriate, except that the state property must be sold "as is,"  
46 without any representations or warranties. Title must be  
transferred by quitclaim deed without covenant and executed by  
48 the commissioner; and be it further

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

6  
8           **Sec. 6. Purchase price. Resolved:** That the commissioner shall  
obtain the current market value of the state property as  
determined by an independent appraiser. The commissioner may  
10 negotiate the sale prices or leases, sell directly to Warren  
Sanitary District or enter directly into leases with tenants.  
12 The commissioner may reject any offers. The commissioner shall  
establish the rent or purchase price and the terms of lease or  
14 sale; and be it further

16           **Sec. 7. Proceeds. Resolved:** That any proceeds from the sale  
of property must be deposited in the Capital Construction and  
18 Improvements Reserve Fund established in the Maine Revised  
Statutes, Title 5, section 1516-A to be used for the construction  
20 or expansion of facilities or utilities at the Maine State Prison  
at Warren; and be it further

22           **Sec. 8. Repeal. Resolved:** That this resolve is repealed 3  
24 years from its effective date.

26  
**SUMMARY**

28           This resolve authorizes the Commissioner of Administrative  
30 and Financial Services to convey interests in state property that  
is part of the Bolduc Correctional Facility to the Warren  
32 Sanitary District.