

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 1878

S.P. 675

In Senate, December 14, 2001

Resolve, Authorizing the Commissioner of Administrative and Financial Services to Lease the Interests of the State in Property at the Long Creek Youth Development Center in South Portland.

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

Received by the Secretary of the Senate on December 14, 2001. Referred to the Committee on State and Local Government and ordered printed pursuant to Joint Rule 308.2

A handwritten signature in cursive script that reads "Pamela L. Cahill".

PAMELA L. CAHILL
Secretary of the Senate

Presented by Senator PENDLETON of Cumberland.
Cosponsored by Representative McDONOUGH of Portland.

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

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

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

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

14 1. Lease the interests of the State in state property; and

16 2. Negotiate, draft, execute and deliver any easements or
18 other rights that, in the commissioner's discretion, may
contribute to the value of a proposed lease of the State's
interest; and be it further

20 **Sec. 3. Property interest that may be conveyed. Resolved:** That
22 the state property authorized to be leased is the following:

24 That portion of Book 243, Page 197, recorded in the
Cumberland County Registry of Deeds, that is determined by the
26 commissioner and the Commissioner of Corrections to be
unnecessary to the present or future operation of the Long Creek
28 Youth Development Center.

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

34 **Sec. 4. Property to be sold as is. Resolved:** That the commissioner
may negotiate and execute leases, including ground leases, upon
36 those terms the commissioner considers appropriate; however, the
state property must be leased as is, without any representations
38 or warranties; and be it further

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

44 **Sec. 6. Purchase price. Resolved:** That the commissioner may
46 list the property for lease with private real estate brokers,
solicit bids or enter directly into leases with tenants. The
48 commissioner may reject any offers.

2 The commissioner shall establish the rent and the terms of
lease.

4

6 If the commissioner elects to solicit bids, the commissioner
shall publish notices sufficient to advertise the property for
lease. The commissioner may reject any bids; and be it further

8

10 **Sec. 7. Proceeds. Resolved:** That any rental or lease proceeds
that accrue to the State in excess of operating costs must be
deposited into the General Fund undedicated revenue account; and
12 be it further

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

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SUMMARY

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22 This resolve authorizes the Commissioner of Administrative
and Financial Services to lease interests of the State in
property at the Long Creek Youth Development Center.