

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 1879

S.P. 676

In Senate, December 14, 2001

Resolve, Authorizing the Commissioner of Administrative and Financial Services to Acquire or Dispose of Property or Interest in Property Pursuant to the Augusta State Facilities Master Plan set out in Resolve 2001, Chapter 34.

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 in this resolve,
the following terms have the following meanings.

4 1. "Master plan" means the Augusta State Facilities Master
Plan, as defined in Resolve 2001, chapter 34, section 1.

6 2. "Commissioner" means the Commissioner of Administrative
8 and Financial Services; and be it further

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

12 1. Lease, sell or transfer the interests of the State in
14 property located within the limits of the Capitol area of the
City of Augusta that is identified for lease, sale or transfer in
16 the master plan;

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

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

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

30 **Sec. 3. Property interests that may be conveyed. Resolved:** That
the property described in section 2, subsection 1 of this resolve
32 may be leased, sold or transferred in whole or in part at the
discretion of the commissioner, subject to such permits or
34 approvals as may be required by law; and be it further

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

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

48 **Sec. 6. Appraisal. Resolved:** That the commissioner shall have
the current market value of the property described in section 2,
50 subsection 1 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. 7. Proceeds. Resolved: That the proceeds from any sale must be deposited as undedicated revenue into the General Fund.

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 be it further

Sec. 8. Purchase. Resolved: That the State, by and through the commissioner, may:

1. Purchase property or interests in property that is located within the limits of the capitol area of the City of Augusta identified for acquisition in the master plan, including access and utility easements that may be required for proper use and operation of that property; and

2. Negotiate and execute purchase and sale agreements upon terms the commissioner considers appropriate provided the purchase and sale agreements include a provision that purchase is subject to legislative appropriation and provided the current market value of the property is appraised by an independent appraiser.

SUMMARY

This resolve authorizes the Commissioner of Administrative and Financial Services to acquire or dispose of property or interests in property in accordance with the Augusta State Facilities Master Plan.