

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1446

H.P. 1058

House of Representatives, March 26, 2003

**Resolve, Authorizing the Commissioner of Administrative and
Financial Services To Sell or Lease the Interests of the State in
Certain Real Estate Located in Ludlow, Maine**

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

Reference to the Committee on State and Local Government suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative McLAUGHLIN of Cape Elizabeth.

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

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

8 2. "State property" means the real estate described in
section 3 of this resolve with the buildings and improvements,
10 together with all appurtenant rights and easements, and all
personal property located on that property, including vehicles,
12 machinery, equipment and supplies; and be it further

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

16 1. Enter into a lease or leases or convey by sale the
18 interests of the State in the state property;

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

22 3. Exercise, pursuant to the Maine Revised Statutes, Title
24 23, chapter 3, the power of eminent domain to quiet for all time
any possible challenges to ownership of the state property;

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

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

36 **Sec. 3. Property interests that may be conveyed. Resolved:** That
the state property authorized to be sold or leased is all rights,
38 title and interests as successor to the Maine School Building
Authority in property to which the Maine School Building
40 Authority acquired title from the inhabitants of the Town of
Ludlow by deed dated June 29, 1962 and recorded in Book 857, Page
42 114; and be it further

44 **Sec. 4. Property to be sold "as is." Resolved:** That the
commissioner may negotiate and execute leases and purchase and
46 sale agreements upon terms the commissioner considers
appropriate; however, the state property must be sold "as is,"
48 with no representations or warranties.

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

4 **Sec. 5. Exemptions. Resolved:** That the state property must
first be offered to the Town of Ludlow; and be it further

6
8 **Sec. 6. Appraisal. Resolved:** That the commissioner shall have
the current market value of the state property determined by an
independent appraiser. The commissioner may list the state
10 property for sale or lease with private real estate brokers at
the appraised value of the state property and negotiate sales or
12 leases, solicit bids, sell directly to purchasers or enter
directly into leases with tenants. The commissioner may reject
14 any offers.

16 The commissioner shall establish the rent or purchase price
and the terms of lease or sale.

18
20 If the commissioner elects to solicit bids, the commissioner
shall publish notices of sale sufficient to advertise the state
property. The commissioner may reject any bids; and be it further

22
24 **Sec. 7. Proceeds. Resolved:** That any proceeds from sales
pursuant to this resolve must be deposited in the Maine State
Housing Authority's Housing Opportunities for Maine Fund, as
26 established in the Maine Revised Statutes, Title 30-A, section
4853; and be it further

28
30 **Sec. 8. Repeal. Resolved:** That this resolve is repealed 5
years from its effective date.

32
34 **SUMMARY**

36 This resolve authorizes the Commissioner of Administrative
and Financial Services to release the State's interest in state
property formerly used for school purposes in the Town of Ludlow.