

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 1465

H.P. 1070

House of Representatives, March 27, 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 Hallowell**

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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.  
Cosponsored by Senator TREAT of Kennebec and  
Representative: COWGER of Hallowell.

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 304, 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, at 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, at 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: Town of  
38 Hallowell Tax Map 6, Lot 27 consisting of 63.5 acres, more or  
less; and be it further

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

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

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

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

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

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

24           **Sec. 7. Proceeds. Resolved:** That any proceeds from sales  
25 pursuant to this resolve must be deposited in the Maine State  
26 Housing Authority's Housing Opportunities for Maine Fund,  
27 established in the Maine Revised Statutes, Title 30-A, section  
28 4853; and be it further

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

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## SUMMARY

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This resolve authorizes the Commissioner of Administrative  
and Financial Services to sell or lease the State's interests in  
37 certain property located in Hallowell.  
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