

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 1512

H.P. 1105

House of Representatives, April 2, 2003

**Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell Up to 15 Acres of Land and Other Interests of the State at the Long Creek Youth Development Center, in South Portland**

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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 BROMLEY of Cumberland.

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

4           1. "Affordable neighborhood development" means a primarily  
residential development in which at least 30% of the dwelling  
6           units are priced at the time of initial sale or rent below the  
price determined by the Maine State Housing Authority as the  
8           maximum that is affordable by households whose income are less  
than 120% of the median income for the labor market area, which  
10          price must be established annually by the Maine State Housing  
Authority. Of the dwelling units in that 30%, at least 1/3 must  
12          be priced at the time of initial sale or rent below the price  
determined by the Maine State Housing Authority as the maximum  
14          that is affordable by households whose incomes do not exceed 80%  
of the median income for the labor market area, which price must  
16          be established annually by the Maine State Housing Authority.

18          2. "Commissioner" means the Commissioner of Administrative  
and Financial Services.

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

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

30           1. Sell the interests of the State in the state property;

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

36           3. Exercise, in accordance with the Maine Revised Statutes,  
Title 23, chapter 304, the power of eminent domain to quiet for  
38           all time any possible challenges to ownership of the state  
property;

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

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

50           **Sec. 3. Property interests that may be conveyed. Resolved:** That  
the state property authorized to be sold pursuant to this resolve  
52           is up to 15 acres of unimproved land, subject to existing rights  
and

2 easements, designated Parcel D "Terrace Housing" on the "Maine  
4 Youth Center" plan developed by Winton Scott Architects; except  
6 that any conveyance must be made subject to affordable  
8 neighborhood development covenants. The commissioner is also  
10 authorized to execute a boundary line agreement with the City of  
12 Portland to straighten a jog in the property line separating the  
14 old Maine Youth Center from the Portland International Jetport;  
16 the parcels exchanged must be roughly equivalent in size and of  
18 similar value so that no consideration is required; and be it  
20 further

22 **Sec. 4. Property to be sold as is. Resolved:** That the commissioner  
24 may negotiate and execute purchase and sale agreements upon terms  
26 the commissioner considers appropriate. The state property must  
be sold as is, with no representations or warranties.

18 Title must be transferred by quitclaim deed without  
20 covenant, executed by the commissioner, but the 15 acres in  
section 3 must be transferred subject to affordable neighborhood  
development covenants; and be it further

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

28 **Sec. 6. Appraisal. Resolved:** That the commissioner shall have  
30 the current market value of the state property determined by an  
32 independent appraiser with the assumption that the 15 acres of  
34 property in section 3 are subject to affordable neighborhood  
36 development covenants. The commissioner shall first offer the  
property to an individual or entity holding a valid option on the  
property and, if the property is not purchased by the option  
holder, the commissioner may list the property for sale or lease  
with private real estate brokers at their appraised value of the  
property and negotiate sales or leases, solicit bids, sell  
directly to purchasers or enter directly into leases with  
tenants. The commissioner may reject any offers.

40 The commissioner shall establish the purchase price and  
42 terms of sale.

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

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

2           **Sec. 8. Land acquired. Resolved:** That the commissioner is  
authorized to receive and hold title to such property as is  
4 exchanged pursuant to the boundary line agreement in section 3;  
and be it further

6  
          **Sec. 9. Repeal. Resolved:** That this resolve is repealed 5  
8 years from its effective date.

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### SUMMARY

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          This resolve authorizes the Commissioner of Administrative  
14 and Financial Services to sell up to 15 acres of unimproved land  
at the Long Creek Youth Development Center in South Portland for  
16 affordable or workforce housing.