

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 1984

S.P. 765

In Senate, January 31, 2006

**Resolve, Authorizing the Commissioner of Administrative and
Financial Services To Sell or Lease for Veterans' Housing the
Interests of the State in Hedin Hall at the Dorothea Dix Psychiatric
Center**

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

A handwritten signature in cursive script, reading "Joy J. O'Brien", is positioned above the printed name and title.

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator PERRY of Penobscot. (GOVERNOR'S BILL)
Cosponsored by Representative DUNN of Bangor and
Senators: President EDMONDS of Cumberland, NASS of York, Representatives:
BLANCHETTE of Bangor, FAIRCLOTH of Bangor, FISHER of Brewer, NASS of Acton,
NORTON of Bangor.

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

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

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

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

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

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

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

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

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

23 **Sec. 3. Property interests that may be conveyed. Resolved:** That the state
24 property authorized to be sold or leased is Hedin Hall located at the Dorothea Dix
25 Psychiatric Center, formerly known as the Bangor Mental Health Institute, together with
26 a suitable amount of land to support its use as veterans' housing and to meet any
27 applicable municipal zoning ordinances. The amount of land and the boundary of the
28 state property leased or sold pursuant to this resolve must be determined by the
29 commissioner, in the commissioner's sole discretion, to be in the best interests of the
30 State.

31 The state property must be conveyed with the restriction that it be used for veterans'
32 housing. If the state property ceases to be used for veterans' housing, it must revert to the
33 State. If the state property reverts to the State, the commissioner, after consultation with
34 the Superintendent of the Dorothea Dix Psychiatric Center, may seek qualified developers
35 and proposals for sale or lease of the state property so long as the proposals are
36 compatible with other uses on the Dorothea Dix Psychiatric Center campus; and be it
37 further

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

1 Title must be transferred by quitclaim deed without covenant or release deed except
2 as provided in section 3 and executed by the commissioner; and be it further

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

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

13 **Sec. 7. Proceeds. Resolved:** That any proceeds generated pursuant to this
14 resolve must be distributed as follows:

15 1. Any proceeds from the sale of the state property must be deposited into the
16 Department of Administrative and Financial Services, Bureau of General Services'
17 capital repair and improvement account for capital improvements as designated by the
18 commissioner; and

19 2. Any proceeds from the lease of state property pursuant to this resolve must be
20 deposited in the General Fund; and be it further

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

23 SUMMARY

24 This resolve authorizes the Commissioner of Administrative and Financial Services
25 to sell or lease the State's interests in Hedin Hall, located on the campus of the Dorothea
26 Dix Psychiatric Center, formerly known as the Bangor Mental Health Institute, for
27 veterans' housing, with the sale proceeds to be deposited into the Department of
28 Administrative and Financial Services, Bureau of General Services' capital repair and
29 improvement account for capital improvements as designated by the commissioner and
30 the lease proceeds to be deposited in the General Fund.