

# MAINE STATE LEGISLATURE

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Date: 2/7/08

L.D. 1941  
(Filing No. H-672)

**STATE AND LOCAL GOVERNMENT**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
123RD LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1375, L.D. 1941, "Resolve, To Authorize the State To Convey an Unused Parcel of Land in Frenchville to an Abutting Neighbor"

Amend the resolve by striking out the title and substituting the following:

**'Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell the Interests of the State in a Parcel of Property in Frenchville'**

Amend the resolve by striking out everything after the title and before the summary and inserting the following:

**'Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** there is a statewide radio and network system to promote effective and efficient emergency and other radio communication in Maine; and

**Whereas,** the Department of Administrative and Financial Services may in the next 3 years determine that an existing tower site in Frenchville is no longer needed for the statewide radio network; and

**Whereas,** an abutting property owner has expressed an interest in purchasing this property; and

**Whereas,** the department is not compelled by this resolve to sell the property but would be authorized by its passage to sell the site if it was determined by the department to be unnecessary for the purposes of the State; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**COMMITTEE AMENDMENT**

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, do  
22 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 part of Lot No. 97 in Frenchville, Aroostook  
25 County. The property begins at a point 83 feet north from the center of Star Barn Road,  
26 so-called, and 121 feet west from the west line of Arthur Bourgoin's land, and moves in a  
27 northerly direction 100 feet to a stake, then in a westerly direction 100 feet to a stake;  
28 then in a southerly direction 100 feet south to a stake; and then in an easterly direction  
29 100 feet to the point of beginning. The property includes a right-of-way 20 feet wide  
30 leading from Star Barn Road to the southwest corner of the premises described in this  
31 section; and be it further

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

36       Title must be transferred by quitclaim deed without covenant or release deed except  
37 as provided in section 3 and executed by the commissioner.

38       The commissioner may negotiate with the owner of the abutting land to exchange or  
39 otherwise acquire, in the name of the State, by lease, purchase, exchange or otherwise,  
40 another suitable section of land for the purpose of siting communications structures and  
41 equipment required by the Department of Administrative and Financial Services, Office

R.O.S.

COMMITTEE AMENDMENT "A" to H.P. 1375, L.D. 1941

1 of Information Technology pursuant to the Maine Revised Statutes, Title 5, section 1520;  
2 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 prior to any  
9 sale. The commissioner may list the state property for sale or lease with private real  
10 estate brokers at the state property's appraised value and negotiate sales or leases, solicit  
11 bids, sell directly to purchasers or enter directly into leases with tenants. The  
12 commissioner may reject any offers and may decline to seek any offers; and be it further

13 **Sec. 7. Proceeds. Resolved:** That any proceeds from sales pursuant to this  
14 resolve must be deposited into the Department of Administrative and Financial Services,  
15 Bureau of General Services' capital repair and improvement account for capital  
16 improvements or other account to benefit the statewide radio and network system under  
17 the Maine Revised Statutes, Title 5, section 1520 as designated by the commissioner; and  
18 be it further

19 **Sec. 8. Report. Resolved:** That the commissioner shall report to the joint  
20 standing committee of the Legislature having jurisdiction over state and local government  
21 matters by February 1, 2011 with any actions taken pursuant to this resolve; and be it  
22 further

23 **Sec. 9. Repeal. Resolved:** That this resolve is repealed 3 years from its effective  
24 date.

25 **Emergency clause.** In view of the emergency cited in the preamble, this  
26 legislation takes effect when approved.'

27 **SUMMARY**

28 This amendment replaces the resolve and adds an emergency preamble and clause.  
29 The amendment authorizes the sale of a piece of state property. The landowner whose  
30 land surrounds the section of property has expressed an interest in purchasing this piece  
31 of land. The Commissioner of Administrative and Financial Services may sell the State's  
32 interest in a parcel of land in Frenchville within the next 3 years if it is determined that it  
33 is not necessary for the statewide radio and network system. The commissioner shall  
34 report to the joint standing committee of the Legislature having jurisdiction over state and  
35 local government matters on any action taken pursuant to this resolve by February 1,  
36 2011. The commissioner may also negotiate with the landowner for an alternative site for  
37 the radio tower.

38 **FISCAL NOTE REQUIRED**  
39 (See attached)

**COMMITTEE AMENDMENT**



# 123rd MAINE LEGISLATURE

LD 1941

LR 2951(02)

**Resolve, To Authorize the State To Convey an Unused Parcel of Land in Frenchville to an Abutting Neighbor**

**Fiscal Note for Bill as Amended by Committee Amendment "A"**

**Committee: State and Local Government**

**Fiscal Note Required: Yes**

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## Fiscal Note

Potential current biennium revenue increase - Other Special Revenue Funds

### Fiscal Detail and Notes

Authorizing the sale of a parcel of land in Frenchville to an abutter may increase revenue to the Bureau of General Services' capital repair and improvement account or other account within the Department of Administrative and Financial Services to benefit the statewide radio network project. Since the appraised market value and the negotiated sale price of the property are unknown at this time, the amount of revenue can not be determined.