

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 449

H.P. 337

House of Representatives, February 10, 2009

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located at 17 School Street in Benedicta, Aroostook County

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 BEAUDETTE of Biddeford.
Cosponsored by Senator SIMPSON of Androscoggin and
Representatives: JOY of Crystal, McFADDEN of Dennysville, Senator: SHERMAN of
Aroostook.

1 **Sec. 1. Authority to convey state property. Resolved:** That, notwithstanding
2 any other provision of law, the State, by and through the Commissioner of Administrative
3 and Financial Services, may:

4 1. Enter into a lease or leases or convey by sale the interests of the State in the state
5 property described in section 2 with the buildings and improvements, together with all
6 appurtenant rights and easements, and all personal property located on that property,
7 including vehicles, machinery, equipment and supplies;

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

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

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

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

18 **Sec. 2. Property interests that may be conveyed. Resolved:** That the state
19 property authorized to be sold or leased is:

20 1. A parcel of land in Benedicta Township occupied by the Benedicta Elementary
21 School consisting of approximately 8.34 acres conveyed to the Town of Benedicta School
22 District in May 1975 and recorded in the Aroostook County Southern Registry of Deeds,
23 Volume 1180, Page 171; and be it further

24 **Sec. 3. Property to be sold as is. Resolved:** That the Commissioner of
25 Administrative and Financial Services may negotiate and execute leases and purchase and
26 sale agreements upon terms the commissioner considers appropriate; however, the state
27 property described in section 2 must be sold "as is," with no representations or warranties.

28 Title must be transferred by quitclaim deed without covenant or release deed and
29 executed by the commissioner; and be it further

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

34 **Sec. 5. Appraisal. Resolved:** That the Commissioner of Administrative and
35 Financial Services shall have the current market value of the state property described in
36 section 2 determined by an independent appraiser. The commissioner may list the state
37 property for sale or lease with private real estate brokers at the state property's appraised
38 value and negotiate any sales or leases, solicit bids, sell directly to purchasers or enter

1 directly into leases with tenants. The commissioner may reject any offers; and be it
2 further

3 **Sec. 6. Proceeds. Resolved:** That any proceeds from the sale or lease of
4 unorganized territory property pursuant to this resolve must be deposited into the
5 Unorganized Territory Education and Services Fund, as designated by the Commissioner
6 of Administrative and Financial Services; and be it further

7 **Sec. 7. Repeal. Resolved:** That this resolve is repealed 5 years from its effective
8 date.

9 **SUMMARY**

10 This resolve authorizes the State to sell or lease specific land and buildings in the
11 unorganized territories that are no longer necessary to the Department of Education and
12 directs the proceeds of any sale and lease to the Unorganized Territory Education and
13 Services Fund.