

MAINE STATE LEGISLATURE

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Date: 6/2/11

L.D. 1552
(Filing No. H-473)

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STATE AND LOCAL GOVERNMENT

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1139, L.D. 1552, "Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located in Rockwood and Sinclair in the Unorganized Territory"

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

'Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located in Rockwood and Sinclair in the Unorganized Territory and To Extend the Dates To Sell Real Property in Bangor, Augusta, Skowhegan, Frenchville and Hallowell'

Amend the resolve by inserting after the title and before section 1 the following:

'PART A'

Amend the resolve in section 1 in the first paragraph in the last line (page 1, line 3 in L.D.) by striking out the following: "resolve" and inserting the following: 'Part'

Amend the resolve in section 4 in the 2nd line (page 1, line 34 in L.D.) by striking out the following: "resolve" and inserting the following: 'Part'

Amend the resolve in section 6 in the 2nd line (page 2, line 8 in L.D.) by striking out the following: "resolve" and inserting the following: 'Part'

Amend the resolve in section 7 in the first line (page 2, line 11 in L.D.) by striking out the following: "resolve" and inserting the following: 'Part'

Amend the resolve by adding after section 7 the following:

'PART B

Sec. B-1. Definitions. Resolved: That, as used in this Part, unless the context otherwise indicates, the following terms have the following meanings.

COMMITTEE AMENDMENT

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

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

7 **Sec. B-2. Authority to convey property. Resolved:** That the State, by and
8 through the commissioner, may:

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

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

13 3. Exercise, pursuant to the Maine Revised Statutes, Title 23, chapter 304, the power
14 of eminent domain to quiet for all time any possible challenges to ownership of the state
15 property;

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

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

21 **Sec. B-3. Property interests that may be conveyed. Resolved:** That the
22 state property authorized to be sold or leased is: Town of Hallowell Tax Map 6, Lot 27
23 consisting of 63.5 acres, more or less; and be it further

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

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

30 **Sec. B-5. Exemptions. Resolved:** That any lease or conveyance pursuant to this
31 Part is exempt from any statutory or regulatory requirement that the property first be
32 offered to the Maine State Housing Authority or another state or local agency; and be it
33 further

34 **Sec. B-6. Appraisal. Resolved:** That the commissioner must have the current
35 market value of the state property determined by an independent appraiser. The
36 commissioner may list the property for sale or lease with private real estate brokers at
37 their appraised value of the state property and negotiate sales or leases, solicit bids, sell
38 directly to purchasers or enter directly into leases with tenants. The commissioner may
39 reject any offers.

40 The commissioner shall establish the rent or purchase price and the terms of lease or
41 sale.

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

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

8 **Sec. B-8. Repeal. Resolved:** That this Part is repealed September 13, 2016.

9 **PART C**

10 **Sec. C-1. Definitions. Resolved:** That, as used in this Part, the following terms
11 have the following meanings.

12 1. "Commissioner" means the Commissioner of Administrative and Financial
13 Services.

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

18 **Sec. C-2. Authority to convey state property. Resolved:** That the State, by
19 and through the commissioner, may:

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

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

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

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

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

32 **Sec. C-3. Property interests that may be conveyed. Resolved:** That the
33 state properties authorized to be sold or leased are the following:

34 1. A parcel of land in the Town of East Machias consisting of approximately 0.999
35 acres conveyed to the State of Maine in October 1984 and recorded in the Washington
36 County Registry of Deeds, Book 1298, Page 201;

37 2. A parcel of land in the Town of Thomaston occupied by the State Police barracks
38 in the Town of Thomaston consisting of approximately 15,400 square feet, conveyed to

1 the State of Maine in December 1966 and recorded in the Knox County Registry of
2 Deeds, Book 457, Page 322;

3 3. A parcel of land in the Town of Skowhegan consisting of approximately 1.4 acres
4 conveyed to the State of Maine in September 1951 and recorded in the Somerset County
5 Registry of Deeds, Book 533, Page 414; and

6 4. A parcel of land in the City of Augusta occupied by the "brick farmhouse" on
7 Hospital Street in Augusta, shown on Tax Map 10, Lot 8B. This parcel is part of the
8 State's East Campus as described in the Maine Revised Statutes, Title 1, section 814,
9 subsection 2, paragraph A and must be conveyed with a suitable amount of land to meet
10 municipal zoning ordinances to the extent they are applicable; and be it further

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

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

17 **Sec. C-5. Exemptions. Resolved:** That any lease or conveyance pursuant to this
18 Part is exempt from any statutory or regulatory requirement that the state property first be
19 offered to the Maine State Housing Authority or another state or local agency; and be it
20 further

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

27 **Sec. C-7. Proceeds. Resolved:** That any proceeds generated pursuant to this
28 Part must be distributed as follows:

29 1. Any proceeds from the sale of state property pursuant to this Part must be
30 deposited into the Department of Administrative and Financial Services, Bureau of
31 General Services' capital repair and improvement account for capital improvements as
32 designated by the commissioner; and

33 2. Any proceeds from the lease of state property pursuant to this Part must be
34 deposited in the General Fund; and be it further

35 **Sec. C-8. Repeal. Resolved:** That this Part is repealed June 11, 2016.

36 **PART D**

37 **Sec. D-1. Definitions. Resolved:** That, as used in this Part, the following terms
38 have the following meanings.

39 1. "Commissioner" means the Commissioner of Administrative and Financial
40 Services.

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

5 **Sec. D-2. Authority to convey state property. Resolved:** That the State, by
6 and through the commissioner, may:

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

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

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

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

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

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

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

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

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

40 **Sec. D-5. Exemptions. Resolved:** That any lease or conveyance pursuant to this
41 Part is exempt from any statutory or regulatory requirement that the state property first be

1 offered to the Maine State Housing Authority or another state or local agency; and be it
2 further

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

9 **Sec. D-7. Proceeds. Resolved:** That any proceeds generated pursuant to this
10 Part must be distributed as follows:

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

15 2. Any proceeds from the lease of state property pursuant to this Part must be
16 deposited in the General Fund; and be it further

17 **Sec. D-8. Repeal. Resolved:** That this Part is repealed May 8, 2016.

18 **PART E**

19 **Sec. E-1. Definitions. Resolved:** That, as used in this Part, the following terms
20 have the following meanings.

21 1. "Commissioner" means the Commissioner of Administrative and Financial
22 Services.

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

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

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

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

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

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

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

3 **Sec. E-3. Property interests that may be conveyed. Resolved:** That the
4 state property authorized to be sold or leased is part of Lot No. 97 in Frenchville,
5 Aroostook County. The property begins at a point 83 feet north from the center of Star
6 Barn Road, so-called, and 121 feet west from the west line of Arthur Bourgoins land, and
7 moves in a northerly direction 100 feet to a stake; then in a westerly direction 100 feet to
8 a stake; then in a southerly direction 100 feet south to a stake; and then in an easterly
9 direction 100 feet to the point of beginning. The property includes a right-of-way 20 feet
10 wide leading from Star Barn Road to the southwest corner of the premises described in
11 this section; and be it further

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

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

18 The commissioner may negotiate with the owner of the abutting land to exchange or
19 otherwise acquire, in the name of the State, by lease, purchase, exchange or otherwise,
20 another suitable section of land for the purpose of siting communications structures and
21 equipment required by the Department of Administrative and Financial Services, Office
22 of Information Technology pursuant to the Maine Revised Statutes, Title 5, section 1520;
23 and be it further

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

28 **Sec. E-6. Appraisal. Resolved:** That the commissioner shall have the current
29 market value of the state property determined by an independent appraiser prior to any
30 sale. The commissioner may list the state property for sale or lease with private real
31 estate brokers at the state property's appraised value and negotiate sales or leases, solicit
32 bids, sell directly to purchasers or enter directly into leases with tenants. The
33 commissioner may reject any offers and may decline to seek any offers; and be it further

34 **Sec. E-7. Proceeds. Resolved:** That any proceeds from sales pursuant to this
35 Part must be deposited into the Department of Administrative and Financial Services,
36 Bureau of General Services' capital repair and improvement account for capital
37 improvements or other account to benefit the statewide radio and network system under
38 the Maine Revised Statutes, Title 5, section 1520 as designated by the commissioner; and
39 be it further

40 **Sec. E-8. Repeal. Resolved:** That this Part is repealed June 30, 2016.'

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SUMMARY

This amendment adds to the resolve the substance of 4 resolves that authorized the sale of various state properties but which were repealed by their own terms before the sales were complete. The amendment reauthorizes the Commissioner of Administrative and Financial Services to complete the sale or lease of properties in Bangor, Augusta, Skowhegan, Frenchville and Hallowell as set out in Resolve 2003, chapter 92, Resolve 2005, chapters 177 and 209 and Resolve 2007, chapter 150.

FISCAL NOTE REQUIRED

(See attached)



125th MAINE LEGISLATURE

LD 1552

LR 907(02)

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located in Rockwood and Sinclair in the Unorganized Territory

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

Committee: State and Local Government

Fiscal Note Required: Yes

Fiscal Note

Potential current biennium revenue increase - Other Special Revenue Funds

Fiscal Detail and Notes

Proceeds from the sale or lease of certain properties will be credited to the Unorganized Territory Education and Services Fund. After appraisal by an independent appraiser, the Commissioner of Administrative and Financial Services is authorized to negotiate, solicit bids, sell or lease the properties.