

MAINE STATE LEGISLATURE

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8M9
R. 2/13

Date: 4-5-12

MINORITY

(Filing No. S-528)

STATE AND LOCAL GOVERNMENT

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

125TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "B" to S.P. 678, L.D. 1904, Bill, "An Act To Create the Leased Space Reserve Fund and To Amend the Law Regarding the Issuance of Securities under the Maine Governmental Facilities Authority"

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

'An Act To Create the Leased Space Reserve Fund and To Amend the Law Regarding the Issuance of Securities under the Maine Governmental Facilities Authority and To Provide for the Transfer of Certain Land'

Amend the bill by striking out all of section 5 and inserting the following:

'Sec. 5. Authority to convey state property. Notwithstanding any other provision of law, the State, by and through the Commissioner of Administrative and Financial Services, referred to in this section as "the commissioner," may:

1. Conveyance of land. Convey by sale to Bangor Hydro Electric Company, a Maine corporation with its principal place of business in Bangor, Maine, and its successors and assigns, a parcel of land no more than 2 acres in size, in the general location of the southwest corner of state-owned land, that is currently part of the Dorothea Dix Psychiatric Center, depicted on the City of Bangor Tax Map R-63, Lot 8 and recorded in the Penobscot County Registry of Deeds. The amount of land and the boundary of the property sold pursuant to this section must be determined by the commissioner, in the commissioner's sole discretion, to be in the best interests of the State;

2. Easements and other rights. Negotiate, draft, execute and deliver any easements or other rights that, in the commissioner's discretion, may contribute to the value of a proposed sale of the State's interests, including access rights allowing for the construction of a road to allow ingress and egress for workers and equipment of the transferee to the parcel of land to be conveyed under subsection 1 and an increase in the scope or width of a transmission line easement running along the westerly boundary of the property by virtue of an easement granted by the State in Book 1423, Page 12 in the Penobscot County Registry of Deeds; and

COMMITTEE AMENDMENT

1 **3. Sale agreement; conditions.** Negotiate and execute a purchase and sale
 2 agreement upon such terms and conditions the commissioner considers appropriate and
 3 draft, execute and deliver any documents necessary to effect the sale of the property. The
 4 property must be conveyed "as is" with no representations or warranties. Title to the
 5 property must be transferred by quitclaim deed without covenants and executed by the
 6 commissioner.

7 Any sale pursuant to this section is conditional upon the use of design criteria
 8 respecting safety precautions against damage from solar storms and electromagnetic pulse
 9 in any structures constructed on the property by the transferee.

10 Any sale pursuant to this section is exempt from any statutory or regulatory
 11 requirement that the property described in subsection 1 first be offered to the Maine State
 12 Housing Authority or another state or local agency.

13 Any proceeds from a sale pursuant to this section must be deposited into the
 14 Department of Administrative and Financial Services, Bureau of General Services capital
 15 repair and improvement account for capital improvements as designated by the
 16 commissioner.

17 **Sec. 6. Repeal.** Section 5 is repealed one year from its effective date unless a sale
 18 agreement under section 5, subsection 3 has been entered into prior to that date.

19 **Sec. 7. Appropriations and allocations.** The following appropriations and
 20 allocations are made.

21 **ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**
 22 **Buildings and Grounds Operations 0080**

23 Initiative: Allocates one-time funds to conduct an engineering study of a substation.

24	REAL PROPERTY LEASE INTERNAL	2011-12	2012-13
25	SERVICE FUND		
26	All Other	\$0	\$50,000
27			
28	REAL PROPERTY LEASE INTERNAL SERVICE	\$0	\$50,000
29	FUND TOTAL		

30 **Leased Space Reserve Fund Program N139**

31 Initiative: Provides funding to establish a baseline allocation for costs related to
 32 relocation and capital projects that construct, renovate or improve state facilities.

33	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
34	All Other	\$0	\$500
35			
36	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$500

1	ADMINISTRATIVE AND FINANCIAL		
2	SERVICES, DEPARTMENT OF		
3	DEPARTMENT TOTALS	2011-12	2012-13
4			
5	OTHER SPECIAL REVENUE FUNDS	\$0	\$500
6	REAL PROPERTY LEASE INTERNAL	\$0	\$50,000
7	SERVICE FUND		
8			
9	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$50,500

10

11 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
12 section number to read consecutively.

13

SUMMARY

14 This amendment, which is the minority report of the committee, is the same as the
15 majority report except that any sale of the property is conditional upon design criteria that
16 respect safety precautions against damage from solar storms and electromagnetic pulse.
17 This amendment also replaces the bill's appropriations and allocations section.

18

FISCAL NOTE REQUIRED

19

(See attached)



125th MAINE LEGISLATURE

LD 1904

LR 2863(03)

An Act To Create the Leased Space Reserve Fund and To Amend the Law Regarding the Issuance of Securities under the Maine Governmental Facilities Authority

Fiscal Note for Bill as Amended by Committee Amendment "B" S-528

Committee: State and Local Government

Fiscal Note Required: Yes

Fiscal Note

Potential current biennium cost increase - General Fund
 Potential current biennium revenue increase - Other Special Revenue Funds
 Potential current biennium revenue increase - General Fund

	FY 2011-12	FY 2012-13	Projections FY 2013-14	Projection FY 2014-15
Appropriations/Allocations				
Other Special Revenue Funds	\$0	\$500	\$500	\$500
Real Property Lease Internal Service Fund	\$0	\$50,000	\$0	\$0

Fiscal Detail and Notes

Authorizing the use of existing authority to issue securities under the Maine Government Facilities Authority will increase General Fund debt service costs, including debt service on the Sewall Street properties. The amount can not be determined at this time and will depend on the amount and timing of the issuance. This bill includes a \$500 Other Special Revenue Funds allocation in fiscal year 2012-13 to establish the Leased Space Reserve Fund Program within the Department of Administrative and Financial Services to be supported by one half of the identified leased space savings. This bill may also increase General Fund resources since the other half of identified savings must be transferred to unappropriated surplus. This bill also includes a \$50,000 Real Property Lease Internal Service Fund allocation in fiscal year 2012-13 to conduct an engineering study of the substation. The Department of Administrative and Financial Services may also experience an increase in Other Special Revenue Funds if the Bangor property is sold to Bangor Hydro Electric Company. The amount cannot be estimated at this time.