

MAINE STATE LEGISLATURE

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DMG
4/26/13

Date: 4/26/13

Majority

(Filing No. H-101)

AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 221, L.D. 312, Bill, "An Act To Release a Restriction on Former State Land in Passadumkeag Currently Owned by Dale Ross"

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

Preamble. The Constitution of Maine, Article IX, Section 23 requires that real estate held by the State for conservation or recreation purposes may not be reduced or its uses substantially altered except on the vote of 2/3 of all members elected to each House.

Whereas, certain real estate authorized for conveyance by this Act is under the designations described in the Maine Revised Statutes, Title 12, section 598-A; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. Department of Agriculture, Conservation and Forestry to release a restriction on former state land in Passadumkeag currently owned by Dale Ross. The provision restricting the use to only agricultural or forestry purposes on the land in Passadumkeag currently owned by Dale Ross as required by Public Law 1993, chapter 335, and stated in a deed from the State of Maine to Dale Ross's predecessor in interest dated February 11, 1994 and recorded in the Penobscot County Registry of Deeds, Book 5564, Page 246, must be released as provided in this section. The Department of Agriculture, Conservation and Forestry shall issue a deed to Dale Ross releasing the restriction of only agricultural or forestry purposes on the land owned by Dale Ross that is subject to the restriction stated in the deed from the State of Maine to Dale Ross's predecessor in interest dated February 11, 1994 and recorded in the Penobscot County Registry of Deeds, Book 5564, Page 246. The restriction of use of the property only for agricultural or forestry purposes on the land owned by Dale Ross may be released only after Dale Ross and the Department of Agriculture, Conservation and Forestry have agreed that the State of Maine must be held harmless regarding any and all claims related to the property and the ownership of the property by the State of Maine and

COMMITTEE AMENDMENT

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any predecessors in title. The release of the deed restriction and the hold harmless clause must be included in a single document constituting the deed to Dale Ross and bind all successors in title. All legal costs related to the release of the deed restriction and the agreement regarding the hold harmless clause are the responsibility of Dale Ross.'

SUMMARY

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It amends the bill by requiring that Dale Ross, the owner of the property that is subject to the deed restriction, and the Department of Agriculture, Conservation and Forestry agree that the State must be held harmless regarding any and all claims related to the property and the ownership of the property by the State and any previous owners. The amendment also requires that the release of the deed restriction and hold harmless clause become part of the deed and bind all successors in title. The amendment also requires that Dale Ross pay all legal costs associated with the release of the deed restriction and the hold harmless agreement. The amendment also requires, pursuant to the Constitution of Maine, an affirmative vote of 2/3 of the members of the Legislature.

FISCAL NOTE REQUIRED

(See attached)



Approved: 04/02/13 *MAC*

126th MAINE LEGISLATURE

LD 312

LR 817(02)

An Act To Release a Restriction on Former State Land in Passadumkeag Currently Owned by Dale Ross

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-101)
Committee: Agriculture, Conservation and Forestry
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Department of Agriculture, Conservation and Forestry associated with issuing the deed with the hold harmless clause can be absorbed within existing budgeted resources.