

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 955

H.P. 668

House of Representatives, March 12, 2013

**Resolve, Authorizing the Commissioner of Administrative and
Financial Services To Sell or Lease the Interests of the State in
Certain Real Property Located in Bangor, Boothbay Harbor and
Hallowell**

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 HAYES of Buckfield.
Cosponsored by Representative: COTTA of China.

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 any or a portion of the interests of the
5 State in the state property described in section 2, with the buildings and improvements,
6 together with all appurtenant rights and easements, and all personal property located on
7 that property, 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 or parcels of land and buildings, or any portion of the parcel or parcels of
21 land and buildings, in the City of Bangor, comprising the site now or formerly known as
22 the Bangor Mental Health Institute, occupied currently in part by the Dorothea Dix
23 Psychiatric Center, and any associated land and parking areas as may be necessary in the
24 determination of the Commissioner of Administrative and Financial Services, including,
25 but not limited to, all or a portion of the properties described in deeds recorded in the
26 Penobscot County Registry of Deeds: Book 601, Page 24; Book 601, Page 26; Book 601,
27 Page 27; Book 11592, Page 296; and Book 11592, Page 302; and

28 2. A parcel or parcels of land and buildings, or any portion of the parcel or parcels of
29 land and buildings, in the Town of Boothbay Harbor, now or formerly occupied by the
30 Bigelow Laboratory for Ocean Sciences, and any associated land and parking areas as
31 may be necessary in the determination of the Commissioner of Administrative and
32 Financial Services, including, but not limited to, all or a portion of the properties
33 described on the Town of Boothbay Harbor Tax Map 9, Lots 9 and 31; and be it further

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

1 The commissioner may list the state property for sale or lease with private real estate
2 brokers and negotiate any sales or leases, solicit bids, sell directly to purchasers or enter
3 directly into leases with tenants. The commissioner may reject any offers.

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

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

10 **Sec. 5. Proceeds. Resolved:** That any proceeds from the sale or lease of the state
11 property described in section 2 pursuant to this resolve 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; and be it further

14 **Sec. 6. Resolve 2011, c. 70, Pt. B, §7, amended. Resolved:** That Resolve
15 2011, c. 70, Pt. B, §7, is amended to read:

16 **Sec. B-7. Proceeds. Resolved:** That any proceeds from sales pursuant to this Part
17 must be deposited in the ~~Maine State Housing Authority's Housing Opportunities for~~
18 ~~Maine Fund, established in the Maine Revised Statutes, Title 30-A, section~~
19 4853 Department of Administrative and Financial Services, Bureau of General Services'
20 capital repair and improvement account for capital improvements as designated by the
21 commissioner; and be it further

22 ; and be it further

23 **Sec. 7. Repeal. Resolved:** That sections 1 to 5 of this resolve are repealed 5
24 years from the effective date of this resolve.

25 SUMMARY

26 This resolve gives the Commissioner of Administrative and Financial Services
27 authority to sell or lease the property now or formerly known as the Bangor Mental
28 Health Institute in the City of Bangor and the portion of the property located in the Town
29 of Boothbay Harbor now or formerly occupied by the Bigelow Laboratory for Ocean
30 Sciences. The resolve also amends Resolve 2011, chapter 70, which pertains to the sale
31 of property in the City of Hallowell, to provide that any proceeds from a sale be deposited
32 into the Department of Administrative and Financial Services, Bureau of General
33 Services' capital repair and improvement account for capital improvements.