

MAINE STATE LEGISLATURE

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Date: 3/11/14

Minority

STATE AND LOCAL GOVERNMENT

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

COMMITTEE AMENDMENT "A" to H.P. 817, L.D. 1152, "Resolve, To Continue Consultation and Conditions Prerequisite to the Sale or Lease of Certain Real Property in Hallowell"

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 Estate Located in Hallowell'

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

'PART A

Sec. A-1. Resolve 2003, c. 92, Pt. A, repealed. Resolved: That Resolve 2003, c. 92, Pt. A is repealed; and be it further

Sec. A-2. Resolve 2009, c. 102, repealed. Resolved: That Resolve 2009, c. 102, as amended by Resolve 2011, c. 99, §1, is repealed; and be it further

Sec. A-3. Resolve 2011, c. 70, Pt. B, repealed. Resolved: That Resolve 2011, c. 70, Pt. B, as amended by Resolve 2013, c. 53, §6, is repealed; and be it further

Sec. A-4. Resolve 2011, c. 99, repealed. Resolved: That Resolve 2011, c. 99 is repealed; and be it further

Sec. A-5. Resolve 2013, c. 53, §6, repealed. Resolved: That Resolve 2013, c. 53, §6 is repealed.

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.

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

3 2. "State property" means the real estate described in section 3 with the buildings and
4 improvements, together with all appurtenant rights and easements, and all personal
5 property located on that property, including vehicles, machinery, equipment and supplies;
6 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: City of Hallowell Tax Map 6, Lot 27
23 consisting of 63.5 acres, more or less; and be it further

24 **Sec. B-4. Conditions of sale or transfer. Resolved:** That the Department of
25 Administrative and Financial Services shall, prior to the sale or transfer of any portions of
26 the state property authorized for sale by this Part, incorporate the following provisions
27 into the conditions of sale or transfer. The sale or transfer must:

28 1. Reserve for the use or transfer to the City of Hallowell a portion of the parcel
29 agreed to by the State and the City of Hallowell for municipal uses. This right for
30 reservation or transfer may be surrendered by the City of Hallowell;

31 2. Reserve for the use or transfer to the City of Hallowell or any school
32 administrative unit that includes the City of Hallowell whatever portion of the parcel as
33 agreed to by the State, the City of Hallowell and the school administrative unit for
34 purposes of education, educational administration or educational services to be provided
35 by the school administrative unit. This right for reservation or transfer may be
36 surrendered by the City of Hallowell and the school administrative unit; and

37 3. Reserve a portion of the parcel for public open space or public recreation either by
38 the developer retaining ownership but reserving the parcel or by transfer to any qualified
39 governmental or qualified nonprofit entity.

40 The commissioner, prior to issuance of any request for qualifications associated with
41 the transfer of the state property, shall establish and convene a stakeholder group to guide

1 reuse, assist in crafting a request for qualifications to be issued by the Department of
2 Administrative and Financial Services and review qualifications of developers. The
3 stakeholder group must have representation from interested parties, unless they decline to
4 participate, including City of Hallowell officials, any school administrative unit that
5 includes the City of Hallowell, the members of the Legislature whose districts include the
6 parcel, the Maine Historic Preservation Commission, a Hallowell-based conservation
7 commission, the Department of Administrative and Financial Services and others as
8 determined by the commissioner. A subgroup of the stakeholders may participate in
9 whole or in part in interviews of qualified developers scheduled as part of the request for
10 qualifications process and review parameters for development, recognizing that the
11 selection decision is under the authority of the commissioner; and be it further

12 **Sec. B-5. Specific transactions. Resolved:** That nothing in this Part may be
13 construed to prohibit or require parcelization or multiple real estate transactions within
14 the spirit and intent of and conditions described in section 4; and be it further

15 **Sec. B-6. Property to be sold as is. Resolved:** That the commissioner may
16 negotiate and execute leases and purchase and sale agreements upon terms the
17 commissioner considers appropriate; however, the state property must be sold "as is,"
18 with no representations or warranties.

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

21 **Sec. B-7. Exemptions. Resolved:** That any lease or conveyance pursuant to this
22 Part is exempt from any statutory or regulatory requirement that the state property first be
23 offered to the Maine State Housing Authority or another state or local agency; and be it
24 further

25 **Sec. B-8. Appraisal. Resolved:** That the commissioner shall have the current
26 market value of the state property determined by an independent appraiser. The
27 commissioner may list the property for sale or lease with private real estate brokers at
28 their appraised value of the state property and negotiate sales or leases, solicit bids, sell
29 directly to purchasers or enter directly into leases with tenants. The commissioner may
30 reject any offers.

31 The commissioner shall establish the rent or purchase price and the terms of lease or
32 sale.

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

36 **Sec. B-9. Report. Resolved:** That the commissioner shall provide a written
37 report on the status of all efforts toward sale or transfer by February 1, 2015 to the joint
38 standing committee of the Legislature having jurisdiction over state and local government
39 issues; and be it further

40 **Sec. B-10. Proceeds. Resolved:** That any proceeds from sales pursuant to this
41 Part must be deposited in the Department of Administrative and Financial Services,
42 Bureau of General Services capital repair and improvement account for capital
43 improvements as designated by the commissioner; and be it further



126th MAINE LEGISLATURE

LD 1152

LR 1959(02)

Resolve, To Continue Consultation and Conditions Prerequisite to the Sale or Lease of Certain Real Property in Hallowell

Fiscal Note for Bill as Amended by Committee Amendment

Committee: State and Local Government

Fiscal Note Required: Yes

A(H-679)

Fiscal Note

Potential current biennium revenue increase - Other Special Revenue Funds

Fiscal Detail and Notes

Proceeds from the potential sale of the Augusta property will be credited to the Department of Administrative and Financial Services, Bureau of General Services - Capital Construction and Improvement Reserve Fund Other Special Revenue Funds program.