

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 1247

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H.P. 847

House of Representatives, April 7, 2015

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**An Act To Release a Restriction on 2 Parcels of Former State Land  
in Greenbush Currently Owned by Anita P. Haskell**

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Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative DUCHESNE of Hudson.  
Cosponsored by Senator SAVIELLO of Franklin and  
Representatives: DUNPHY of Old Town, HICKMAN of Winthrop, LOCKMAN of Amherst,  
TURNER of Burlington, Senator: DILL of Penobscot.

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

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

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

8           **Sec. 1. Department of Agriculture, Conservation and Forestry to release**  
9           **a restriction on former state land in Greenbush currently owned by Anita P.**  
10          **Haskell.** The provision restricting the use to only agricultural or forestry purposes on  
11          the land in Greenbush currently owned by Anita P. Haskell, as required by Public Law  
12          1993, chapter 335 and stated in a deed from the State of Maine to Anita P. Haskell and  
13          Leon L. Haskell dated February 11, 1994 and recorded in the Penobscot County Registry  
14          of Deeds, Book 5564, Page 244, must be released as provided in this section. The  
15          Department of Agriculture, Conservation and Forestry shall issue a deed to Anita P.  
16          Haskell releasing the restriction of only agricultural or forestry purposes on the land  
17          owned by Anita P. Haskell that is subject to the restriction stated in the deed from the  
18          State of Maine to Anita P. Haskell and Leon L. Haskell dated February 11, 1994 and  
19          recorded in the Penobscot County Registry of Deeds, Book 5564, Page 244. The  
20          restriction of use of the property only for agricultural or forestry purposes on the land  
21          owned by Anita P. Haskell may be released only after Anita P. Haskell and the  
22          Department of Agriculture, Conservation and Forestry have agreed that the State of  
23          Maine must be held harmless regarding any and all claims related to the property and the  
24          ownership of the property by the State of Maine and any predecessors in title. The release  
25          of the deed restriction and the hold harmless clause must be included in a single  
26          document constituting the deed to Anita P. Haskell and bind all successors in title. All  
27          legal costs related to the release of the deed restriction and the agreement regarding the  
28          hold harmless clause are the responsibility of Anita P. Haskell.

29          **Sec. 2. Department of Agriculture, Conservation and Forestry to release**  
30          **a restriction on former state land in Greenbush currently owned by Anita P.**  
31          **Haskell.** The provision restricting the use to only agricultural or forestry purposes on the  
32          land in Greenbush currently owned by Anita P. Haskell, as required by Public Law 1993,  
33          chapter 335 and stated in a deed from the State of Maine to Anita P. Haskell and Leon L.  
34          Haskell dated February 11, 1994 and recorded in the Penobscot County Registry of  
35          Deeds, Book 5564, Page 245, must be released as provided in this section. The  
36          Department of Agriculture, Conservation and Forestry shall issue a deed to Anita P.  
37          Haskell releasing the restriction of only agricultural or forestry purposes on the land  
38          owned by Anita P. Haskell that is subject to the restriction stated in the deed from the  
39          State of Maine to Anita P. Haskell and Leon L. Haskell dated February 11, 1994 and  
40          recorded in the Penobscot County Registry of Deeds, Book 5564, Page 245. The  
41          restriction of use of the property only for agricultural or forestry purposes on the land  
42          owned by Anita P. Haskell may be released only after Anita P. Haskell and the  
43          Department of Agriculture, Conservation and Forestry have agreed that the State of

1 Maine must be held harmless regarding any and all claims related to the property and the  
2 ownership of the property by the State of Maine and any predecessors in title. The release  
3 of the deed restriction and the hold harmless clause must be included in a single  
4 document constituting the deed to Anita P. Haskell and bind all successors in title. All  
5 legal costs related to the release of the deed restriction and the agreement regarding the  
6 hold harmless clause are the responsibility of Anita P. Haskell.

7

### **SUMMARY**

8 This bill rescinds the statutory restriction of only agricultural or forestry purposes on  
9 2 parcels of former state land in Greenbush currently owned by Anita P. Haskell and  
10 directs the Department of Agriculture, Conservation and Forestry to issue a deed to each  
11 parcel to Anita P. Haskell releasing the restriction on those parcels. Anita P. Haskell and  
12 the Department of Agriculture, Conservation and Forestry are required to agree that the  
13 State must be held harmless regarding any and all claims related to the property and the  
14 ownership of the property by the State and any previous owners. It also requires that the  
15 release of the deed restriction and hold harmless clause become part of the deed and bind  
16 all successors in title. The bill also requires that Anita P. Haskell pay all legal costs  
17 associated with the release of the deed restriction and the hold harmless agreement. The  
18 bill also requires, pursuant to the Constitution of Maine, an affirmative vote of 2/3 of the  
19 members of the Legislature.