

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 501

H.P. 316

House of Representatives, February 7, 2023

**Resolve, Authorizing the Department of Administrative and
Financial Services to Convey the Interests of the State in Certain
Real Property Located in Machiasport**

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

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

Robert B. Hunt

ROBERT B. HUNT
Clerk

Presented by Representative STOVER of Boothbay.

1 **Sec. 1. Authority to convey state property. Resolved:** That, notwithstanding
2 any provision of law to the contrary, the State, by and through the Commissioner of
3 Administrative and Financial Services, referred to in this resolve as "the commissioner,"
4 may:

5 1. Enter into a lease or leases or convey by sale the interests of the State in the state
6 property described in section 2 with the buildings and improvements, together with all
7 appurtenant rights and easements, and all personal property located on that property,
8 including vehicles, machinery, equipment and supplies;

9 2. Negotiate, draft, execute and deliver any documents necessary to settle any boundary
10 line discrepancies regarding the state property described in section 2;

11 3. Exercise, pursuant to the Maine Revised Statutes, Title 23, chapter 3, subchapter 3,
12 the power of eminent domain to quiet for all time any possible challenges to ownership of
13 the state property described in section 2;

14 4. Negotiate, draft, execute and deliver any easements or other rights that, in the
15 commissioner's discretion, may contribute to the value of a proposed sale or lease of the
16 State's interests in the state property described in section 2; and

17 5. Release any interests in the state property described in section 2 that, in the
18 commissioner's discretion, do not contribute to the value of the remaining state property
19 described in section 2.

20 **Sec. 2. Property interests that may be conveyed. Resolved:** That the state
21 property authorized to be sold or leased is a parcel of land with improvements thereon,
22 located in the Town of Machiasport consisting of approximately 9.58 acres of land, more
23 or less, as conveyed to the State of Maine, Department of Corrections, on February 20,
24 1985, and recorded in the Washington County Registry of Deeds as "Parcel 6 Family
25 Housing Area" in Book 1314, Page 276, as identified on a survey dated September 21, 2022
26 by Haley Ward, excepting and reserving to the State ownership of the well, water lines,
27 electric power infrastructure and any other installations serving the well and operation of
28 the well, as shown on the Haley Ward survey. The well is located approximately 88 feet
29 southerly of the northerly line of the property and 202 feet easterly of the westerly line. The
30 State reserves an exclusive permanent easement that runs with the land and is binding on
31 the purchaser and the purchaser's heirs, successors and assigns for access to the well, water
32 lines, electric power infrastructure and any other installations serving the well, together
33 with the right to maintain, repair or replace the well, water lines, electric power
34 infrastructure and other installations serving the well and for access to a 30-foot buffer area
35 surrounding the well together with the right to place a fence along the buffer line.

36 **Sec. 3. Property to be sold "as is". Resolved:** That the commissioner may
37 negotiate and execute leases and purchase and sale agreements upon terms the
38 commissioner considers appropriate; however, the state property described in section 2
39 must be sold "as is," with no representations or warranties. Title must be transferred by
40 quitclaim deed without covenant or release deed and executed by the commissioner.

41 **Sec. 4. Appraisal. Resolved:** That the commissioner shall have the current market
42 value of the state property described in section 2 determined by a broker opinion of value
43 and current comparative market analysis. The commissioner may list the state property for
44 sale, lease or auction with a private real estate broker or auction company and negotiate

1 any sale or lease, solicit bids, sell directly to a purchaser or enter directly into leases with
2 tenants. The commissioner may reject any offer.

3 **Sec. 5. Proceeds. Resolved:** That any proceeds from the sale or lease of the state
4 property described in section 2 must be used to reimburse the Department of Administrative
5 and Financial Services administrative expenses and be deposited into the Bureau of General
6 Services capital repair and improvement account for capital improvements, and the
7 remaining proceeds must be deposited into the Department of Corrections capital account.

8 **Sec. 6. Repeal. Resolved:** That this resolve is repealed 5 years from its effective
9 date.

10

SUMMARY

11 This resolve authorizes the Department of Administrative and Financial Services to
12 convey the interests of the State in a portion of the larger Downeast Correctional Facility
13 parcel located in Machiasport.