

# MAINE STATE LEGISLATURE

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Date 5-15-23

(Filing No H-144)

**AGRICULTURE, CONSERVATION AND FORESTRY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
131ST LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H.P. 486, L.D. 797, "Resolve, to Authorize the Conveyance of Real Property to the Capitol Area Recreation Association"

Amend the resolve by inserting after the first paragraph after the title the following

**Whereas,** the Capitol Area Recreation Association holds a lease from the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands on approximately 60 acres of nonreserved public lands in Augusta, Kennebec County, Maine for the purpose of nonprofit recreational uses, and

**Whereas,** the Capitol Area Recreation Association has significant investments in development of the leased premises for baseball, softball, soccer, lacrosse, horseshoes and other recreational uses and has requested that the Bureau of Parks and Lands convey to the Capitol Area Recreation Association fee title of the leased premises, and

**Whereas,** the Bureau of Parks and Lands receives no revenue from the lease and conveying the fee title will reduce the cost and burden of administrative oversight of the lease, and

**Whereas,** the Viles Arboretum leases from the Bureau of Parks and Lands an adjacent parcel of nonreserved public lands for the purpose of conservation, environmental education and nature-based recreation; and

**Whereas,** the Viles Arboretum wishes to limit impacts, such as noise and lighting, on the values and use of the Viles Arboretum leased premises, and

**Whereas,** the Bureau of Parks and Lands owns, but does not maintain, Piggery Road, which is a critical access route for the Capitol Area Recreation Association, and

**Whereas,** Piggery Road presently divides the Capitol Area Recreation Association leased premises from the Viles Arboretum leased premises and Piggery Road also provides access to the Viles Arboretum leased premises, and

**Whereas,** the Department of the Secretary of State, Bureau of Motor Vehicles has management responsibility for the nonreserved public lands westerly of the Capitol Area

**COMMITTEE AMENDMENT**

1 Recreation Association lease and northerly of Piggery Road and maintains a parking lot  
2 directly adjacent to the leased area, and'

3 Amend the resolve by striking out all of section 1 and inserting the following

4 **'Sec. 1. Director of Bureau of Parks and Lands directed to convey certain**  
5 **land used for community recreation areas along Piggery Road in Augusta,**  
6 **Maine. Resolved:** That the Director of the Bureau of Parks and Lands within the  
7 Department of Agriculture, Conservation and Forestry shall convey by quitclaim deed with  
8 restrictive servitudes to the Capitol Area Recreation Association for \$1 on or before July  
9 1, 2024 all of the State's interest in a parcel of land in Augusta, Maine comprising playing  
10 fields and other community recreation areas along Piggery Road, which is currently the  
11 subject of a lease between the Bureau of Parks and Lands and the Capitol Area Recreation  
12 Association The conveyance must include the portion of Piggery Road owned by the  
13 Bureau of Parks and Lands subject to the delineation of a boundary mutually agreed upon  
14 by the Bureau of Parks and Lands, the Capitol Area Recreation Association and the Viles  
15 Arboretum The conveyance must be subject to the delineation of the westerly boundary  
16 mutually agreed upon by the Bureau of Parks and Lands, the Capitol Area Recreation  
17 Association and the Department of the Secretary of State, Bureau of Motor Vehicles The  
18 Bureau of Parks and Lands shall consult with the Bureau of Motor Vehicles when  
19 delineating the westerly boundary of the parcel and may retain a narrow sliver of land along  
20 the westerly boundary, adjacent to the nonreserved public land parcel managed by the  
21 Bureau of Motor Vehicles, for purposes of buffering the Bureau of Motor Vehicles' parking  
22 lot on that nonreserved public land Any land retained to buffer the Bureau of Motor  
23 Vehicles' parking lot must be assigned to the Bureau of Motor Vehicles for management in  
24 accordance with its management of its current nonreserved public land parcel

25 The parcel must be conveyed subject to the following servitudes

26 1 The conveyance must reserve an easement over Piggery Road for use by the Bureau  
27 of Parks and Lands and its lessees and contractors for foot and vehicular access at all times  
28 and for any management purpose

29 2. The conveyance must reserve an easement over Piggery Road for nonmotorized use  
30 by the general public, including, but not limited to, persons on foot, bicycles or skis, but  
31 must allow the parcel owner to gate Piggery Road to prevent seasonal damage to the road  
32 or at any time as needed for security purposes

33 3 The conveyance must require that the parcel be maintained in perpetuity for  
34 recreational use by the public and allow the assessment of fees, if any, only as needed to  
35 cover operating and capital expenses necessary for maintaining the parcel for recreational  
36 use by the public

37 4 The conveyance must provide that if the Capitol Area Recreation Association ceases  
38 to exist or to maintain the parcel for recreational use by the public, the parcel reverts to the  
39 State of Maine, Bureau of Parks and Lands and the bureau is obligated to offer the parcel  
40 to the City of Augusta with all the servitudes listed in subsections 1, 2, 3 and 5 The  
41 conveyance must provide that if the City of Augusta declines to accept, the parcel remains  
42 with the bureau, and if the City of Augusta accepts but then fails to maintain the parcel for  
43 recreational use by the public, ownership of the parcel must revert to the State of Maine,  
44 Bureau of Parks and Lands





# 131st MAINE LEGISLATURE

LD 797

LR 942(02)

**Resolve, to Authorize the Conveyance of Real Property to the Capitol Area Recreation Association**

**Fiscal Note for Bill as Amended by Committee Amendment "A" (H-144)**  
**Committee: Agriculture, Conservation and Forestry**  
**Fiscal Note Required: Yes**

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## Fiscal Note

Transfer of Land for \$1

### Fiscal Detail and Notes

This bill will convey 60 acres of nonreserved public lands in Augusta, Maine to the Capital Area Recreation Association (CARA) for \$1. The land has been included in a nonrevenue-generating lease between the Department of Agriculture, Conservation and Forestry and CARA since 1993. The transfer is subject to terms and conditions requiring the land to be maintained for its current recreational uses and stipulates that the CARA pay any costs associated with the conveyance.