MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

SECOND REGULAR SESSION-2024

Legislative Document

No. 2061

H.P. 1323

House of Representatives, December 13, 2023

Resolve, Authorizing the Director of the Bureau of Parks and Lands to Convey Peacock Beach State Park to the Town of Richmond

Submitted by the Department of Agriculture, Conservation and Forestry pursuant to Joint Rule 203.

Received by the Clerk of the House on December 11, 2023. Referred to the Committee on Agriculture, Conservation and Forestry pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

ROBERT B. HUNT

R(+ B. Hunt

Clerk

Presented by Representative CLUCHEY of Bowdoinham.

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

Whereas, certain real estate authorized for conveyance by this resolve is under the designations described in the Maine Revised Statutes, Title 12, section 598-A; and

Whereas, the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry may sell or exchange lands with the approval of the Legislature in accordance with the Maine Revised Statutes, Title 12, section 1814; now, therefore, be it

- Sec. 1. Director of Bureau of Parks and Lands authorized to convey certain land known as Peacock Beach State Park. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry may gift by quitclaim deed without covenant, and on such other terms and conditions as the director may direct, all the State's interest in a parcel of land approximately 32 acres in size in Richmond known as Peacock Beach State Park, together with the buildings and improvements, and all the appurtenant rights and easements located on that property, which is currently the subject of a 25-year lease between the Bureau of Parks and Lands and the Town of Richmond, to the Town of Richmond.
- **Sec. 2. Restrictions. Resolved:** That the instrument transferring the interests of the State in the property referenced in section 1 must include the following terms and restrictions:
- 1. The property must continue to be used and managed for noncommercial public recreational use as a public park, subject to the terms of the federal Land and Water Conservation Fund. If the property is used otherwise, title to the property automatically reverts to the Department of Agriculture, Conservation and Forestry, but only on those terms and conditions as the Director of the Bureau of Parks and Lands may direct;
- 2. If the Town of Richmond proposes to transfer an interest in the property, in whole or in part, to a 3rd party not affiliated with the Town of Richmond, the Department of Agriculture, Conservation and Forestry has a right of first refusal to take back the property at no cost and upon those terms and conditions as the Director of the Bureau of Parks and Lands may direct; and
- 3. Notwithstanding any decision by the Department of Agriculture, Conservation and Forestry not to exercise its right of first refusal, the department continues to hold the right of first refusal in perpetuity, and this right is a servitude on the property and runs with the land and is binding upon the Town of Richmond and its successors and assigns forever.

36 SUMMARY

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This resolve authorizes the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to convey to the Town of Richmond all the State's interest in a parcel of land approximately 32 acres in size in Richmond known as Peacock Beach State Park. This parcel is currently the subject of a 25-year lease between the Bureau of Parks and Lands and the Town of Richmond. Future use of the property

- must be for noncommercial public recreational use. The department retains a right of first refusal regarding future property conveyances. 1 2