

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**November 28, 1995 to December 1, 1995**

**SECOND REGULAR SESSION**  
**January 3, 1996 to April 4, 1996**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 4, 1996**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1995**

**CHAPTER 79**

**H.P. 1316 - L.D. 1800**

**Resolve, to Recognize the Maine School for the Arts and the Maine High School for the Arts**

**Sec. 1. Prohibition. Resolved:** That the Legislature intends that no other organization may operate or incorporate using a name that is the same as, or deceptively similar to, the Maine School for the Arts/Maine High School for the Arts unless or until the corporate name is no longer protected under the Maine Revised Statutes, Title 13-B.

See title page for effective date.

**CHAPTER 80**

**H.P. 1329 - L.D. 1821**

**Resolve, Authorizing the Commissioner of Administrative and Financial Services to Sell or Lease the Interests of the State in Certain Real Estate and Personal Property Held by Various State Agencies at 6 Locations**

**Sec. 1. Definitions. Resolved:** As used in this resolve, unless the context otherwise indicates, the following terms have the following meanings.

1. Commissioner. "Commissioner" means the Commissioner of Administrative and Financial Services.
2. State property. "State property" means the real estate described in section 3 of this resolve with the buildings and improvements, together with all appurtenant rights and easements, and all personal property located on that property, including vehicles, machinery, equipment and supplies; and be it further

**Sec. 2. Authority to convey real estate. Resolved:** That the State, through the commissioner, may:

1. Enter into a lease or leases or to convey by sale the interests of the State in state property;
2. Negotiate, draft, execute and deliver any documents necessary to settle any boundary line discrepancies;
3. Exercise, pursuant to the Maine Revised Statutes, Title 23, chapter 3, the power of eminent domain to quiet for all time any possible challenges to ownership of the state property;

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

5. Release any interests in the state property that, in the commissioner's discretion, do not contribute to the value of the remaining state property; and be it further

**Sec. 3. Property interests that may be conveyed. Resolved:** That the state properties authorized to be sold or leased are the following:

1. Oak Grove Coburn School Property, Vassalboro, Kennebec County Registry of Deeds Book 3976, Page 35 and Book 4153, Page 326;
2. 3 St. John Street, Portland, Cumberland County Registry of Deeds Book 1513, Page 233;
3. Wade Street, Augusta, Kennebec County Registry of Deeds Book 1450, Page 406, designated Lot 97 on City of Augusta Tax Map 27;
4. Cony Road, Augusta, Kennebec County Registry of Deeds, portion of Book 229, Page 374, portion of Lot 32 on City of Augusta Tax Map 10;
5. Winthrop Street, Hallowell, Kennebec County Registry of Deeds Book 560, Page 536; Book 731, Page 325; Book 1483, Page 784; and designated Lot 23, on Town of Hallowell Tax Maps 6 and 7; and
6. Bath Children's Home Property, originally known as the "Bath Military and Naval Orphans' Asylum," reference Resolves, 1869, chapter 86 and Sagadahoc County Registry of Deeds Book 33, Page 59; Book 33, Page 60; Book 33, Page 444; Book 33, Page 270; Book 33, Page 268; Book 64, Page 328; and Book 72, Page 576, pursuant to Resolves 1887, chapter 95.

The state property may be sold in whole or in part, in the discretion of the commissioner, subject to such permits or approvals as may be required by law; and be it further

**Sec. 4. Property to be sold "as is." Resolved:** That the commissioner may negotiate and execute leases and purchase and sale agreements upon those terms the commissioner considers appropriate; however, the state property must be sold "as is," with no representations or warranties.

Title must be transferred by quitclaim deed without covenant (release deed) and executed by the commissioner; and be it further

**Sec. 5. Exemptions. Resolved:** That any lease or conveyance pursuant to this resolve is exempt from any statutory or regulatory requirement that the

property first be offered to the Maine State Housing Authority or another state or local agency; and be it further

**Sec. 6. Purchase price. Resolved:** That the commissioner shall have the current market value of the state property determined by an independent appraiser. The commissioner may list the properties for sale or lease with private real estate brokers at their appraised value and negotiate sales or leases, solicit bids, sell directly to purchasers or enter directly into leases with tenants. The commissioner may reject any offers.

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

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

**Sec. 7. Carrying balance. Resolved:** That the Bureau of General Services, Department of Administrative and Financial Services, is authorized to carry forward the net proceeds from the sale or lease of state property, not to exceed \$500,000, for the purpose of retaining necessary professional services and to pay other costs related to the preparation and sale of state property. The amount of proceeds in excess of \$500,000 but not more than \$1,000,000 must be deposited in the Reserve Fund for State House Preservation and Maintenance. Any amount of proceeds in excess of \$1,000,000 must be deposited in the General Fund as undedicated revenue. The funds must be deposited into the "Other Special Revenue Account - Public Improvements - Planning - Construction - Administration, Bureau of General Services." The unexpended balance must be carried forward and expended for the purpose for which it is intended; and be it further

**Sec. 8. Allocation. Resolved:** That the following funds are allocated from Other Special Revenue funds to carry out the purposes of this resolve.

1996-97

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Public Improvements - Planning - Construction - Administration, Bureau of General Services**

All Other	\$10,000
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Allocates funds to provide spending authority for costs related to the preparation and sale of state property.

**Sec. 9. Sunset provision. Resolved:** That this resolve is repealed 3 years from its effective date.

See title page for effective date.

**CHAPTER 81**

**S.P. 760 - L.D. 1872**

**Resolve, to Secure a Release of Property from the State**

**Sec. 1. Authority to convey land. Resolved:** That the Director of the Bureau of Parks and Lands may convey and release the State's interest for an amount not to exceed \$12,240 in the following property subject to acceptance by Rosalia Arlt:

Certain parcels of land, situated in the Town of Richmond, County of Sagadahoc, State of Maine, and identified as Tax Map R-6, Lot 67 and Lot 68.

See title page for effective date.

**CHAPTER 82**

**H.P. 1373 - L.D. 1881**

**Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1996**

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

**Emergency preamble.** Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** Kennebec County has certain expenses and liabilities that must be met as they become due; and