

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1999

CHAPTER 56

H.P. 1203 - L.D. 1713

**Resolve, Authorizing the
Commissioner of Administrative and
Financial Services to Sell or Lease
the Interests of the State in the
Maine Criminal Justice Academy in
Waterville; Part of the Kennebec
Arsenal in Augusta; Part of the
Maine Youth Center in South
Portland; and 2 parcels in Gray near
the Pineland Center and to Purchase
Land for Wetland Mitigation
Purposes in Connection with the
Construction of the Maine State
Prison at Warren**

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

1. "Commissioner" means the Commissioner of Administrative and Financial Services.
2. "State property" means the real and personal property described in section 3 of this resolve; and be it further

Sec. 2. Authority to convey property. Resolved: That the State, by and through the commissioner, may:

1. Lease or sell the interests of the State in the state property and purchase property pursuant to section 3, subsection 7 of this resolve;
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 property authorized to be sold, leased or purchased is the following:

1. The Maine Criminal Justice Academy, located in Waterville, as conveyed by Thomas College to the State of Maine on September 18, 1972 and described in deeds recorded at the Registry of Deeds of the County of Kennebec, State of Maine in Book 1596, Page 768 and Book 1596, Page 770, together with all rights, privileges and easements appurtenant thereto, and together with all of the State's interest in and to the buildings, improvements and personal property located thereon, including all vehicles, machinery, equipment and supplies. The commissioner shall investigate and consider strongly the feasibility and desirability of transferring title to all or portions of the property described in this subsection to the City of Waterville to be used for recreational purposes;

2. A portion of the Kennebec Arsenal property, located on the easterly side of the Kennebec River in Augusta, which was conveyed to the State of Maine by the United States of America by deeds recorded at the Registry of Deeds of the County of Kennebec, State of Maine, in Book 462, Page 361 and Book 2380, Page 189. The parcel to be conveyed is located on either side of Arsenal Street, and is more particularly described as the Arsenal campus, being roughly that portion of the Kennebec Arsenal property lying under and immediately surrounding the following structures: the Commandant's Home, also known as Hill House; the Gate House; North Burleigh; South Burleigh; Burleigh Pavillion; Burleigh Annex; the White (frame) House; and the Garage; said conveyance to include all of the aforementioned structures. The commissioner may determine the amount of land to be conveyed, which amount may exceed 6 acres if appropriate. The transfer of property interests as authorized in this subsection must be reviewed by the Maine Historic Preservation Commission to ensure that the State's interests in the historic preservation of the Kennebec Arsenal property are protected and that public access is maintained to the grounds;

3. A portion not to exceed 71.5 acres outside the existing perimeter fence, of the Maine Youth Center property, located on the easterly side of Westbrook Street in South Portland and being a part of that parcel of land that was conveyed to the State of Maine by the City of Portland on December 24, 1850 and recorded on March 18, 1853 in the Registry of Deeds of Cumberland County in Book 243, Page 197, said 71.5 acres being depicted as a portion of Parcels A and B on a plan dated June 20, 1998 entitled "Preliminary Property Line of Maine Youth Center/Portland Jetport" which was done for the City of Portland, Maine by Sebago Technics of Westbrook, Maine;

4. A certain lot or parcel of land with buildings thereon located on either side of Collyer Brook, also known as Collyer's Branch of the Royal River, in the Town of Gray, upon which are located the water

system dam, pumping station and water treatment facility now or formerly used to supply potable water to Pineland Center, a facility now or formerly owned and operated by the State of Maine and located partly in New Gloucester, partly in Gray and partly in North Yarmouth. The parcel to be conveyed is the same parcel as conveyed to the State of Maine in 2 separate deeds, the first dated December 12, 1914 from Harry Merrill and recorded at the Registry of Deeds of the County of Cumberland, State of Maine, in Book 943, Page 38; and the 2nd dated June 15, 1960 from Clyde A. Mason and Phyllis M. Mason, recorded in Book 2550, Page 55 of that registry. All appurtenant rights described in the aforesaid deeds may in the commissioner's discretion also be conveyed, except for flowage rights, which may either be retained or extinguished by the State;

5. A certain lot or parcel of land located on either side of Collyer Brook, also known as Collyer's Branch of the Royal River, in the Town of Gray. The parcel to be conveyed was conveyed to the State of Maine as 2 separate parcels, the first of which is part of a parcel deeded to the State of Maine by Mary Dow on October 29, 1908 and recorded at the Registry of Deeds of the County of Cumberland, State of Maine, in Book 831, Page 161, and is more particularly described as a 7.4-acre parcel that was excepted and reserved in the conveyance from the State of Maine to George R. Doughty and Celia E.W. Doughty dated December 1, 1915 and recorded in Book 971, Page 171 of that registry; and the 2nd of which is all of that parcel of land conveyed to the State of Maine by Thankful F. Megquier and Elsie Megquier on November 5, 1908 and is recorded in Book 831, Page 436 of that registry;

6. One acre of land, more or less, near but not adjacent to the Baldwin Hill Road in Fayette and described in deeds recorded at the Registry of Deeds of the County of Kennebec, State of Maine in Book 1053, Pages 3 and 4; and

7. All or a portion of land approximately 5.05 acres in size owned by Leland and Valerie Boggs, designated Tax Map R8, Lot 77, located in the Town of Warren and such other land as may be required for mitigation purposes in connection with the corrections construction project in the Town of Warren.

The state property may be sold in whole or in part, at 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,"

without any representations or warranties. The acquisition deed referenced in section 3, subsection 7 of this resolve must contain such covenants of title and terms as the commissioner in the commissioner's discretion determines are most favorable to the State.

Title must be transferred by quitclaim deed without covenant 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, with the exception of the property described in section 3, subsection 6 of this resolve, the commissioner shall have the current market value of the state property determined by an independent appraiser. The commissioner may list the property for sale or lease with private real estate brokers at its 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 property. The commissioner may reject any bids; and be it further

Sec. 7. Proceeds. Resolved: That any proceeds from the sale of property currently located at the Maine Youth Center in South Portland must be deposited in the Bureau of General Services - Capital Construction and Improvements Reserve Fund to be used for the renovation, construction and expansion of facilities at the South Portland Campus. Any proceeds from the sale of the property currently located at the Maine Criminal Justice Academy in Waterville must be deposited in the General Services Capital Construction and Improvements Reserve Fund to be used for the renovation, construction and expansion of the facilities at the Oak Grove Campus. These funds must be carried forward until expended; and be it further

Sec. 8. Sunset provision. Resolved: That this resolve is repealed 3 years from its effective date.

See title page for effective date.