

# 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**  
**SEPTEMBER 18, 1999**

**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**  
**1999**

## CHAPTER 57

## S.P. 620 - L.D. 1785

**Resolve, Regarding the Conveyance  
of a Right-of-way Across the  
Elizabeth Levinson Center in Bangor**

**Sec. 1. Resolve 1983, c. 23, amended. Resolved:** That Resolve 1983, c. 23, is amended to read:

**State Director of the Bureau of General Services authorized to transfer an easement across the Elizabeth Levinson Center in Bangor, subject to conditions. Resolved:** That the ~~State Director of Public Improvements~~ the Bureau of General Services is authorized and directed to convey to John Burke, his heirs and assigns, an easement across the Elizabeth Levinson Center in Bangor. The ~~State Director of Public Improvements, in this resolve called "director,"~~ the Bureau of General Services shall convey the easement upon the following conditions.

1. The easement ~~shall~~ must be ~~25~~ 50 feet in width and ~~shall~~ must extend from the Hogan Road ~~to~~ along the entire boundary line of John Burke's property that borders the Elizabeth Levinson Center property. The easement ~~shall~~ must be located so as to provide the greatest degree of safety to the persons served by the Elizabeth Levinson Center.

2. The easement ~~shall be~~ is for the limited purpose of providing access from the Hogan Road and providing public utilities to the property owned by John Burke. The easement ~~shall be~~ is conveyed upon the condition that the property owned by John Burke, his heirs or assigns, ~~shall be~~ is used exclusively as a site for a single-family residence. In the event that there is a change in the use of the property owned by John Burke, his heirs or assigns, the easement ~~shall become null and becomes~~ void, and access along the easement described in this resolve ~~shall be~~ is denied to John Burke, his heirs or assigns.

3. ~~The surface of the route of travel shall be determined by the Director of the Bureau of Public Improvements with the consent of the Commissioner of the Department of Mental Health and Mental Retardation.~~ The surface of the route of travel ~~shall~~ must be maintained in an orderly and attractive manner by and at the cost of John Burke, his heirs or assigns. In the event that the route of travel is not maintained in a reasonable manner, ~~as required,~~ and thereby detracts from the appearance of the Elizabeth Levinson Center grounds and facilities, the easement ~~shall become null and becomes~~ void.

4. ~~In locating the easement the Director of Public Improvements with the Commissioner of the~~

~~Department of Mental Health and Mental Retardation shall determine the measures necessary, if any, to protect the safety of the persons using the Elizabeth Levinson Center. All measures deemed necessary under this resolve shall be paid for by John Burke, his heirs or assigns. In the event that the safety of the users of the Elizabeth Levinson Center or the appearance of the center is jeopardized following conveyance of the easement without any change in the use of the property of John Burke, his heirs or assigns, the Director of Public Improvements shall require John Burke, his heirs or assigns, to take whatever remedial measures are deemed necessary by the director and the Commissioner of the Department of Mental Health and Mental Retardation at the cost of John Burke, his heirs or assigns.~~

4-A. The Director of the Elizabeth Levinson Center may review the proposed easement for purposes of safety as it relates to the users of the Elizabeth Levinson Center and consult with the Director of the Bureau of General Services and John Burke with regard to any necessary changes to ensure the safety of the Elizabeth Levinson Center's users.

5. ~~The price of the easement shall be determined by appraisal, the cost of which shall be borne by John Burke. The appraisal shall be conducted by a person selected by the Director of the Bureau of Public Improvements, and the price of the easement shall be no less than the appraisal price.~~

5-A. The easement subject to the provisions of this resolve may not be granted until a survey of the property across which the proposed easement is to be granted has been completed and filed with the Bureau of General Services. The surveyor selected to undertake the survey must be mutually agreed upon by the Director of the Bureau of General Services and John Burke and, upon completion of the survey, the surveyor shall file a copy of the survey with the Director of the Bureau of General Services. The cost of the survey must be borne by John Burke.

6. ~~The Director of Public Improvements may require any other terms and conditions in any contract with John Burke, his heirs or assigns, to protect the interests of the State, the Elizabeth Levinson Center and persons served by the Elizabeth Levinson Center.~~

7. If the parties fail to agree under the terms of this resolve, the resolve is repealed on October 1, 2000.

See title page for effective date.

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