

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

Whereas, those projects will be delayed resulting in increased costs if the date for the issuance of securities is not moved to an earlier date; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Resolve 1999, c. 119, §1, amended. Resolved: That Resolve 1999, c. 119, §1 is amended to read:

Sec. 1. Maine Governmental Facilities Authority authorized to issue additional securities to replace the Springvale District Court. Resolved: That, pursuant to the Maine Revised Statutes, Title 4, section 1606, subsection 2, the Maine Governmental Facilities Authority is authorized to issue additional securities in its own name in an amount of \$1,200,000 on or after ~~July~~ January 1, 2001 for the purpose of replacement of the Springvale District Court.

; and be it further

Sec. 2. Resolve 1999, c. 120, §1, amended. Resolved: That Resolve 1999, c. 120, §1 is amended to read:

Sec. 1. Maine Governmental Facilities Authority authorized to issue additional securities to replace the Lewiston District Court. Resolved: That, pursuant to the Maine Revised Statutes, Title 4, section 1606, subsection 2, the Maine Governmental Facilities Authority is authorized to issue additional securities in its own name in an amount of \$2,000,000 on or after ~~July~~ January 1, 2001 for the purpose of replacement of the Lewiston District Court.

; and be it further

Sec. 3. Retroactivity. Resolved: That this resolve applies retroactively to January 1, 2001.

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective May 9, 2001.

CHAPTER 13

H.P. 656 - L.D. 856

Resolve, Authorizing the Transfer of Land from the State to School Administrative District No. 16

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. "District" means Maine School Administrative District No. 16.

3. "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, sell or transfer 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 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, including historic preservation 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 interest; 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 transferred is the Reed Auditorium, so-called, depicted as building number 11 on the Augusta State Facilities Master Plan, Building Location Map - Stevens School Campus.

The property described in this section must be conveyed or leased with certain adjacent buildings located between the Reed Auditorium and Winthrop Street in Hallowell and with an amount of land not to exceed 20 acres, as determined by the commissioner as appropriate to its intended use, together with

appropriate rights of access, including access by pedestrians, vehicles and utilities.

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 terms the commissioner considers appropriate; however, the state property must be sold as is, without any representations or warranties.

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. Authorization to apply. Resolved: That following the conveyance of the land and buildings, the district is authorized to apply for a state subsidy to renovate and redevelop the property for use as an elementary school as a school construction project under the Maine Revised Statutes, Title 20-A, section 15901, subsection 4, paragraph E; a permanent space lease-purchase project under Title 20-A, section 15901, subsection 4-B; a school revolving renovation fund project under Title 30-A, section 6006-F; or a combination of those programs; and be it further

Sec. 7. Option agreement. Resolved: That the commissioner is authorized to enter into an option agreement with the board directors of the district for a term of up to 2 years to convey to the district at no cost the property described in section 3 of this resolve. The commissioner may, at the commissioner's discretion, extend the option period for up to one year beyond the original option term.

During the option period, the district must be permitted to conduct inspections, tests and environmental scans of the property with prior notification to the State. Any inspections, tests or environmental scans conducted by the district may not be conducted so as to interfere with the State's printing operation or the State's use of the property in general. The board of directors of the district is authorized to exercise the option and to acquire property on behalf of the district at any time during the option period; and be it further

Sec. 8. Debt authorized. Resolved: That subject to approval by the voters of the district, the district is authorized to issue bonds, notes and other

evidence of indebtedness of the district for the purpose of redeveloping and renovating the property for use as an elementary school; and be it further

Sec. 9. Appraisal. Resolved: That, upon the expiration of the option period specified in section 7 of this resolve or of the extended option period if granted, the commissioner shall have the current market value of the property described in section 3 of this resolve 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; and be it further

Sec. 10. Repeal. Resolved: That this resolve is repealed 5 years after its effective date.

See title page for effective date.

CHAPTER 14

S.P. 65 - L.D. 236

Resolve, Authorizing the Commissioner of Administrative and Financial Services to Sell or Lease the Interests of the State in 6 Parcels of Land, One with a Building, Held by the Department of Education and Located in the Unorganized Territories

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; and be it further

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

1. Lease or sell, including by public auction, the interests of the State in the 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;