

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

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

Penmor Lithographers
Lewiston, Maine
2003

the Executive Director of the Legislative Council shall promptly provide the commission chairs and staff with a status report on the commission budget, expenditures incurred and paid and available funds; and be it further

Sec. 8. Appropriations and allocations.

Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine

Initiative: Allocates the unexpended balance available from funds already received from the fish hatchery maintenance fund in the Department of Inland Fisheries and Wildlife to support the cost of 2 meetings of the commission.

Other Special Revenue Funds	2003-04	2004-05
Personal Services	\$440	\$0
All Other	1,271	0
Other Special Revenue		
Funds Total	\$1,711	\$0

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

Effective June 23, 2003.

CHAPTER 90

H.P. 1105 - L.D. 1512

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell Up to 15 Acres of Land and Other Interests of the State at the Long Creek Youth Development Center, in South Portland

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

1. "Affordable neighborhood development" means a primarily residential development in which at least 30% of the dwelling units are priced at the time of initial sale or rent below the price determined by the Maine State Housing Authority as the maximum that is affordable by households whose incomes are less than 120% of the median income for the labor market area, which price must be established annually by the Maine State Housing Authority. Of the dwelling units in that 30%, at least 1/3 must be priced at the time of initial sale or rent below the price determined by the Maine State Housing Authority as the maximum that

is affordable by households whose incomes do not exceed 80% of the median income for the labor market area, which price must be established annually by the Maine State Housing Authority.

2. "Commissioner" means the Commissioner of Administrative and Financial Services.

3. "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 property. Resolved: That the State, by and through the commissioner, may:

1. Sell 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, in accordance with the Maine Revised Statutes, Title 23, chapter 304, 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, conservation 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 pursuant to this resolve is up to 15 acres of unimproved land, subject to existing rights and easements, designated Parcel D "Terrace Housing" on the "Maine Youth Center" plan developed by Winton Scott Architects; except that any conveyance must be made subject to affordable neighborhood development covenants. The commissioner is also authorized to execute a boundary line agreement with the City of Portland to straighten a jog in the property line separating the old Maine Youth Center from the Portland International Jetport; the parcels exchanged must be roughly equivalent in size and of similar value so that no consideration is required; and be it further

Sec. 4. Property to be sold as is. Resolved: That the commissioner may negotiate and execute purchase and sale agreements upon terms the

commissioner considers appropriate. The state property must be sold as is, with no representations or warranties.

Title must be transferred by quitclaim deed without covenant, executed by the commissioner, but the 15 acres in section 3 must be transferred subject to affordable neighborhood development covenants and in compliance with local zoning ordinances; and be it further

Sec. 5. Exemptions. Resolved: That any 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. Appraisal. Resolved: That the commissioner shall have the current market value of the state property determined by an independent appraiser with the assumption that the 15 acres of property in section 3 are subject to affordable neighborhood development covenants. The commissioner shall first offer the property to an individual or entity holding a valid option on the property and, if the property is not purchased by the option holder, the commissioner may list the property for sale or lease with private real estate brokers at their appraised value of the property 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 purchase price and terms of sale.

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

Sec. 7. Proceeds. Resolved: That any proceeds from sales pursuant to this resolve must be deposited in the Maine State Housing Authority's Housing Opportunities for Maine Fund established in the Maine Revised Statutes, Title 30-A, section 4853; and be it further

Sec. 8. Land acquired. Resolved: That the commissioner is authorized to receive and hold title to such property as is exchanged pursuant to the boundary line agreement in section 3; and be it further

Sec. 9. Repeal. Resolved: That this resolve is repealed 5 years from its effective date.

See title page for effective date.

CHAPTER 91

H.P. 1069 - L.D. 1464

Resolve, Amending the Commissioner of Administrative and Financial Services' Authorization To Convey a Portion of the Kennebec Arsenal in Augusta Pursuant to Resolve 1999, Chapter 56

Sec. 1. Resolve 1999, c. 56, §3, sub-§2, amended. Resolved: That Resolve 1999, c. 56, §3, sub-§2 is amended to read:

2. A portion of the Kennebec Arsenal property, located on the easterly side of the Kennebec River in Augusta, ~~which that~~ 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 a rectangular~~ portion of the Kennebec Arsenal property lying under and ~~immediately surrounding~~ adjacent to 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;~~ and the maximum security building also known as the "Old Max." 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~~ consist of approximately 30 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;

; and be it further

Sec. 2. Resolve 1999, c. 56, §7, amended. Resolved: That Resolve 1999, c. 56, §7 is amended to read:

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