

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located at 187-189 State Street, Augusta, Known as the Smith-Merrill House, and at 159 Hogan Road, Bangor, known as the Elizabeth Levinson Center

Sec. 1 Authority to convey state property. Resolved: That, notwithstanding any other provision of law, the State, by and through the Commissioner of Administrative and Financial Services, may, pursuant to the Augusta State Facilities Master Plan:

1. Enter into a lease or leases or convey by sale the interests of the State in the state property described in section 2 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;
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, subchapter 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. 2 Property interests that may be conveyed. Resolved: That the state property authorized to be sold or leased is:

1. A parcel of land and buildings on State Street in Augusta, known as the Smith-Merrill House, occupied by the State Planning Office, and any associated land as may be necessary in the determination of the Commissioner of Administrative and Financial Services; and
2. A parcel of land and building on Hogan Road in Bangor, known as the Elizabeth Levinson Center, occupied by United Cerebral Palsy of Maine, and any associated land as may be necessary in the determination of the Commissioner of Administrative and Financial Services; and be it further

Sec. 3 Property to be sold as is. Resolved: That the Commissioner of Administrative and Financial Services may negotiate and execute leases and purchase and sale agreements upon terms the commissioner considers appropriate, but the state property described in section 2 must be sold "as is," with no representations or warranties.

The title must be transferred by quitclaim deed without covenant or release deed and executed by the commissioner; and be it further

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Sec. 4 Exemptions. Resolved: That any lease or conveyance pursuant to this resolve is exempt from any statutory or regulatory requirement that the state property described in section 2 first be offered to the Maine State Housing Authority or another state or local agency; and be it further

Sec. 5 Appraisal. Resolved: That the Commissioner of Administrative and Financial Services shall have the current market value of the state property described in section 2 determined by an independent appraiser. The commissioner may list the state property for sale or lease with private real estate brokers and negotiate any 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. 6 Proceeds. Resolved: That any proceeds from the sale or lease of the state property described in section 2 pursuant to this resolve must, as designated by the Commissioner of Administrative and Financial Services, be deposited as undedicated revenue to the General Fund, including any proceeds the commissioner may identify as the result of any legislation enacted in the Second Regular Session of the 124th Legislature, or into the Department of Administrative and Financial Services, Bureau of General Services' capital repair and improvement account for capital improvements; and be it further

Sec. 7 Resolve 1999, c. 114, §7, amended. Resolved: That Resolve 1999, c. 114, §7, as amended by Resolve 2005, c. 98, §2, is further amended to read:

Sec. 7 Repealed. Resolved: That this resolve is repealed August 11, 2010 2015.

; and be it further

Sec. 8 Repeal. Resolved: That this resolve is repealed 5 years from its effective date, except that the section of the resolve that amends Resolve 1999, chapter 114 is repealed August 11, 2015.

SUMMARY

This resolve gives the Commissioner of Administrative and Financial Services authority to sell or lease properties identified as the Smith-Merrill House on State Street in Augusta and the Elizabeth Levinson Center on Hogan Road in Bangor. The resolve also extends the repeal date of Resolve 1999, chapter 114, which pertains to the sale of property in Thomaston, by 5 years to August 11, 2015.