

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

Amend the resolve by striking out the title and substituting the following:

'Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located in Rockwood and Sinclair in the Unorganized Territory and To Extend the Dates To Sell Real Property in Bangor, Augusta, Skowhegan, Frenchville and Hallowell'

Amend the resolve by inserting after the title and before section 1 the following:

PART A

'Sec. .

Amend the resolve in section 1 in the first paragraph in the last line (page 1, line 3 in L.D.) by striking out the following: "resolve" and inserting the following: 'Part'

Amend the resolve in section 4 in the 2nd line (page 1, line 34 in L.D.) by striking out the following: "resolve" and inserting the following: 'Part'

Amend the resolve in section 6 in the 2nd line (page 2, line 8 in L.D.) by striking out the following: "resolve" and inserting the following: 'Part'

Amend the resolve in section 7 in the first line (page 2, line 11 in L.D.) by striking out the following: "resolve" and inserting the following: 'Part'

Amend the resolve by adding after section 7 the following:

Sec. B-1 Definitions. Resolved: That, as used in this Part, 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 estate described in section 3 of this Part 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. B-2 Authority to convey property. Resolved: That the State, by and through the commissioner, may:

1. Enter into a lease or leases or convey by sale the interests of the State in the state property;
2. Negotiate, draft, execute and deliver any documents necessary to settle any boundary line discrepancies;

HP1139, LD 1552, item 2, 125th Maine State Legislature , Amendment C "A", Filing Number H-473, Sponsored by 'Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located in Rockwood and Sinclair in the Unorganized Territory and To Extend the Dates To Sell Real Property in Bangor, Augusta, Skowhegan, Frenchville and Hallowell'

3. Exercise, pursuant to 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 or other rights that, at 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, at the commissioner's discretion, do not contribute to the value of the remaining state property; and be it further

Sec. B-3 Property interests that may be conveyed. Resolved: That the state property authorized to be sold or leased is: Town of Hallowell Tax Map 6, Lot 27 consisting of 63.5 acres, more or less; and be it further

Sec. B-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," with no representations or warranties.

Title must be transferred by quitclaim deed without covenant and executed by the commissioner; and be it further

Sec. B-5 Exemptions. Resolved: That any lease or conveyance pursuant to this Part 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. B-6 Appraisal. Resolved: That the commissioner must 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 their appraised value of the state 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 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 state property. The commissioner may reject any bids; and be it further

Sec. B-7 Proceeds. Resolved: That any proceeds from sales pursuant to this Part 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. B-8 Repeal. Resolved: That this Part is repealed September 13, 2016.

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

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

2. "State property" means the real estate described in section 3 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

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

1. Enter into a lease or leases or convey by sale 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;
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. C-3 Property interests that may be conveyed. Resolved: That the state properties authorized to be sold or leased are the following:

1. A parcel of land in the Town of East Machias consisting of approximately 0.999 acres conveyed to the State of Maine in October 1984 and recorded in the Washington County Registry of Deeds, Book 1298, Page 201;
2. A parcel of land in the Town of Thomaston occupied by the State Police barracks in the Town of Thomaston consisting of approximately 15,400 square feet, conveyed to the State of Maine in December 1966 and recorded in the Knox County Registry of Deeds, Book 457, Page 322;
3. A parcel of land in the Town of Skowhegan consisting of approximately 1.4 acres conveyed to the State of Maine in September 1951 and recorded in the Somerset County Registry of Deeds, Book 533, Page 414; and
4. A parcel of land in the City of Augusta occupied by the "brick farmhouse" on Hospital Street in Augusta, shown on Tax Map 10, Lot 8B. This parcel is part of the State's East Campus as described in the Maine Revised Statutes, Title 1, section 814, subsection 2, paragraph A and must be conveyed with a suitable amount of land to meet municipal zoning ordinances to the extent they are applicable; and be it further

Sec. C-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," with no representations or warranties.

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

Sec. C-5 Exemptions. Resolved: That any lease or conveyance pursuant to this Part is exempt from any statutory or regulatory requirement that the state property first be offered to the Maine State Housing Authority or another state or local agency; and be it further

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Sec. C-6 Appraisal. Resolved: That the commissioner shall have the current market value of the state property determined by an independent appraiser. The commissioner may list the state property for sale or lease with private real estate brokers at the state property's 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. C-7 Proceeds. Resolved: That any proceeds generated pursuant to this Part must be distributed as follows:

1. Any proceeds from the sale of state property pursuant to this Part must be deposited into the Department of Administrative and Financial Services, Bureau of General Services' capital repair and improvement account for capital improvements as designated by the commissioner; and
2. Any proceeds from the lease of state property pursuant to this Part must be deposited in the General Fund; and be it further

Sec. C-8 Repeal. Resolved: That this Part is repealed June 11, 2016.

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

1. "Commissioner" means the Commissioner of Administrative and Financial Services.
2. "State property" means the real estate described in section 3 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. D-2 Authority to convey state property. Resolved: That the State, by and through the commissioner, may:

1. Enter into a lease or leases or convey by sale 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;
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. D-3 Property interests that may be conveyed. Resolved: That the state property authorized to be sold or leased is Hedin Hall located at the Dorothea Dix Psychiatric Center, formerly known as the Bangor Mental Health Institute, together with a suitable amount of land to support its use as veterans' housing and to meet any applicable municipal zoning ordinances. The amount of land and the boundary of the state property leased or sold pursuant to this Part must be determined by the commissioner, in the commissioner's sole discretion, to be in the best interests of the State.

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The state property must be conveyed with the restriction that it be used for veterans' housing. If the state property ceases to be used for veterans' housing, it must revert to the State. If the state property reverts to the State, the commissioner, after consultation with the Superintendent of the Dorothea Dix Psychiatric Center, may seek qualified developers and proposals for sale or lease of the state property so long as the proposals are compatible with other uses on the Dorothea Dix Psychiatric Center campus; and be it further

Sec. D-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," with no representations or warranties.

Title must be transferred by quitclaim deed without covenant or release deed except as provided in section 3 and executed by the commissioner; and be it further

Sec. D-5 Exemptions. Resolved: That any lease or conveyance pursuant to this Part is exempt from any statutory or regulatory requirement that the state property first be offered to the Maine State Housing Authority or another state or local agency; and be it further

Sec. D-6 Appraisal. Resolved: That the commissioner shall have the current market value of the state property determined by an independent appraiser. The commissioner may list the state property for sale or lease with private real estate brokers at the state property's 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. D-7 Proceeds. Resolved: That any proceeds generated pursuant to this Part must be distributed as follows:

1. Any proceeds from the sale of the state property must be deposited into the Department of Administrative and Financial Services, Bureau of General Services' capital repair and improvement account for capital improvements as designated by the commissioner; and

2. Any proceeds from the lease of state property pursuant to this Part must be deposited in the General Fund; and be it further

Sec. D-8 Repeal. Resolved: That this Part is repealed May 8, 2016.

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

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

2. "State property" means the real estate described in section 3 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. E-2 Authority to convey state property. Resolved: That the State, by and through the commissioner, may:

1. Enter into a lease or leases or convey by sale the interests of the State in the state property;

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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. E-3 Property interests that may be conveyed. Resolved: That the state property authorized to be sold or leased is part of Lot No. 97 in Frenchville, Aroostook County. The property begins at a point 83 feet north from the center of Star Barn Road, so-called, and 121 feet west from the west line of Arthur Bourgoin's land, and moves in a northerly direction 100 feet to a stake; then in a westerly direction 100 feet to a stake; then in a southerly direction 100 feet south to a stake; and then in an easterly direction 100 feet to the point of beginning. The property includes a right-of-way 20 feet wide leading from Star Barn Road to the southwest corner of the premises described in this section; and be it further

Sec. E-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," with no representations or warranties.

Title must be transferred by quitclaim deed without covenant or release deed except as provided in section 3 and executed by the commissioner.

The commissioner may negotiate with the owner of the abutting land to exchange or otherwise acquire, in the name of the State, by lease, purchase, exchange or otherwise, another suitable section of land for the purpose of siting communications structures and equipment required by the Department of Administrative and Financial Services, Office of Information Technology pursuant to the Maine Revised Statutes, Title 5, section 1520; and be it further

Sec. E-5 Exemptions. Resolved: That any lease or conveyance pursuant to this Part is exempt from any statutory or regulatory requirement that the state property first be offered to the Maine State Housing Authority or another state or local agency; and be it further

Sec. E-6 Appraisal. Resolved: That the commissioner shall have the current market value of the state property determined by an independent appraiser prior to any sale. The commissioner may list the state property for sale or lease with private real estate brokers at the state property's 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 may decline to seek any offers; and be it further

Sec. E-7 Proceeds. Resolved: That any proceeds from sales pursuant to this Part must be deposited into the Department of Administrative and Financial Services, Bureau of General Services' capital repair and improvement account for capital improvements or other account to benefit the statewide radio and network system under the Maine Revised Statutes, Title 5, section 1520 as designated by the commissioner; and be it further

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and To Extend the Dates To Sell Real Property in Bangor, Augusta, Skowhegan, Frenchville and Hallowell'

Sec. E-8 Repeal. Resolved: That this Part is repealed June 30, 2016.'

SUMMARY

This amendment adds to the resolve the substance of 4 resolves that authorized the sale of various state properties but which were repealed by their own terms before the sales were complete. The amendment reauthorizes the Commissioner of Administrative and Financial Services to complete the sale or lease of properties in Bangor, Augusta, Skowhegan, Frenchville and Hallowell as set out in Resolve 2003, chapter 92, Resolve 2005, chapters 177 and 209 and Resolve 2007, chapter 150.

FISCAL NOTE REQUIRED

(See attached)