

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 Estate Located in Hallowell'**

Amend the resolve by striking out everything after the title and before the summary and inserting the following:

Sec. A-1 Resolve 2003, c. 92, Pt. A, repealed. Resolved: That Resolve 2003, c. 92, Pt. A is repealed; and be it further

Sec.

Sec. A-2 Resolve 2009, c. 102, repealed. Resolved: That Resolve 2009, c. 102, as amended by Resolve 2011, c. 99, §1, is repealed; and be it further

Sec.

Sec. A-3 Resolve 2011, c. 70, Pt. B, repealed. Resolved: That Resolve 2011, c. 70, Pt. B, as amended by Resolve 2013, c. 53, §6, is repealed; and be it further

Sec.

Sec. A-4 Resolve 2011, c. 99, repealed. Resolved: That Resolve 2011, c. 99 is repealed; and be it further

Sec.

Sec. A-5 Resolve 2013, c. 53, §6, repealed. Resolved: That Resolve 2013, c. 53, §6 is repealed.

Sec.

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 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;

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: City of Hallowell Tax Map 6, Lot 27 consisting of 63.5 acres, more or less; and be it further

Sec. B-4 Conditions of sale or transfer. Resolved: That the Department of Administrative and Financial Services shall, prior to the sale or transfer of any portions of the state property authorized for sale by this Part, incorporate the following provisions into the conditions of sale or transfer. The sale or transfer must:

1. Reserve for the use or transfer to the City of Hallowell a portion of the parcel agreed to by the State and the City of Hallowell for municipal uses. This right for reservation or transfer may be surrendered by the City of Hallowell;

2. Reserve for the use or transfer to the City of Hallowell or any school administrative unit that includes the City of Hallowell whatever portion of the parcel as agreed to by the State, the City of Hallowell and the school administrative unit for purposes of education, educational administration or educational services to be provided by the school administrative unit. This right for reservation or transfer may be surrendered by the City of Hallowell and the school administrative unit; and

3. Reserve a portion of the parcel for public open space or public recreation either by the developer retaining ownership but reserving the parcel or by transfer to any qualified governmental or qualified nonprofit entity.

The commissioner, prior to issuance of any request for qualifications associated with the transfer of the state property, shall establish and convene a stakeholder group to guide reuse, assist in crafting a request for qualifications to be issued by the Department of Administrative and Financial Services and review qualifications of developers. The stakeholder group must have representation from interested parties, unless they decline to participate, including City of Hallowell officials, any school administrative unit that includes the City of Hallowell, the members of the Legislature whose districts include the parcel, the Maine Historic Preservation Commission, a Hallowell-based conservation commission, the Department of Administrative and Financial Services and others as determined by the commissioner. A subgroup of the stakeholders may participate in whole or in part in interviews of qualified developers scheduled as part of the request for qualifications process and review parameters for development, recognizing that the selection decision is under the authority of the commissioner; and be it further

Sec. B-5 Specific transactions. Resolved: That nothing in this Part may be construed to prohibit or require parcelization or multiple real estate transactions within the spirit and intent of and conditions described in section 4; and be it further

Sec. B-6 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-7 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. B-8 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 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-9 Report. Resolved: That the commissioner shall provide a written report on the status of all efforts toward sale or transfer by February 1, 2015 to the joint standing committee of the Legislature having jurisdiction over state and local government issues; and be it further

Sec. B-10 Proceeds. Resolved: That any proceeds from sales pursuant to this Part must be deposited in 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 be it further

Sec. B-11 Repeal. Resolved: That this Part is repealed September 13, 2016.'

SUMMARY

This amendment is the minority report of the committee. It changes the title and strikes and replaces the resolve to clarify legislation regarding the sale or lease by the State of real estate located in Hallowell.

Part A repeals all prior legislation governing the sale or lease of the Stevens School property located in Hallowell.

It repeals the following:

1. Resolve 2003, chapter 92, Part A, which authorized the sale or lease of the Stevens School property located in Hallowell and was repealed under its own terms on September 13, 2011;

2. Resolve 2009, chapter 102, which imposed conditions on the sale or transfer of property authorized by Resolve 2003, chapter 92, Part A;

3. Resolve 2011, chapter 70, Part B, which authorized the sale or lease of the Stevens School property located in Hallowell, without mention of conditions and which was set to repeal on September 13, 2016;

4. Resolve 2011, chapter 99, which amended Resolve 2009, chapter 102 to remove reference to the authority for sale and to impose the conditions on the sale of the property regardless of the authority for sale; and

5. Resolve 2013, chapter 53, section 6, which required that any proceeds from sales of the Stevens School property located in Hallowell be deposited in the Department of Administrative and Financial Services, Bureau of General Services capital repair and improvement account for capital improvements as designated by the commissioner.

Part B of the amendment authorizes the sale or lease of the Stevens School property located in Hallowell as in Resolve 2011, chapter 70; includes conditions from Resolve 2009, chapter 102; and incorporates the provisions from Resolve 2013, chapter 53 regarding the proceeds.