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An Act To Authorize the Sinclair Sanitary District To Lease Land for Telecommunications Purposes

Preamble. The Constitution of Maine, Article IX, Section 23 requires that real estate held by the State for conservation or recreation purposes may not be reduced or its uses substantially altered except on the vote of 2/3 of all members elected to each House.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. Modification of certain limitations governing Sinclair Sanitary District. Notwithstanding Resolve 1991, chapter 75, the Sinclair Sanitary District is authorized to lease to Bay Communications II, LLC, in accordance with this Act, a portion of public lot T. 17, R. 4, which was previously conveyed to the district by the Director of the Bureau of Public Lands pursuant to Resolve 1991, chapter 75 and recorded in Book 0954, Page 107, Aroostook County Registry of Deeds (Northern Division).

Sec. 2. Authority of Sinclair Sanitary District to lease land. The Sinclair Sanitary District may lease a portion of the land conveyed to the district by the Director of the Bureau of Public Lands pursuant to Resolve 1991, chapter 75 to Bay Communications II, LLC, its successors or assigns, for the purposes of constructing, operating, maintaining and replacing a commercial telecommunications tower that will, among other things, improve local wireless communications service and emergency telecommunications service in the region. The authority granted pursuant to this section is subject to the following conditions.

1. The total area to be leased may not exceed 1.2 acres, which must include all safety or so-called fall zones that may be required by the applicable permitting authority for construction of the tower.

2. The land must be leased by the Sinclair Sanitary District at its fair market lease value. All revenues derived by the district from leasing the land must be applied by the district to reducing the cost of providing wastewater disposal services to the district's ratepayers and customers.

Sec. 3. Release of deed restrictions. The Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry shall convey to the Sinclair Sanitary District a deed modification that amends the deed limitations imposed on the use by the Sinclair Sanitary District of the land conveyed to the district by the Director of the Bureau of Public Lands pursuant to Resolve 1991, chapter 75. The modification must expressly acknowledge the authority granted by this Act for the Sinclair Sanitary District to lease a portion of the land for the purpose of constructing, operating, maintaining and replacing a commercial telecommunications tower in accordance with this Act.

SUMMARY

This bill authorizes the Sinclair Sanitary District to lease a portion of the land conveyed pursuant to Resolve 1991, chapter 75 to Bay Communications II, LLC, to build a telecommunications tower. It directs

the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to convey to the Sinclair Sanitary District a deed modification that expressly authorizes this use.