



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 858

H.P. 609

House of Representatives, March 5, 2013

**An Act To Partially Fund Tax Breaks for the Wealthy by
Eliminating Certain Gubernatorial Benefits**

Reference to the Committee on State and Local Government suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative RUSSELL of Portland.

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

2 **Sec. 1. 2 MRSA §1-A**, as amended by PL 2011, c. 606, §1, is repealed.

3 **Sec. 2. 5 MRSA §285, sub-§1, ¶A**, as corrected by RR 2011, c. 1, §4, is
4 amended to read:

5 A. Each appointed or elective officer or employee of the State who is eligible for
6 membership in the Maine Public Employees Retirement System, Legislative
7 Retirement Program or the State Police Retirement System, except the Governor;

8 **Sec. 3. 5 MRSA §17652, sub-§1**, as amended by PL 2011, c. 449, §3, is further
9 amended to read:

10 **1. Elected and appointed officials.** Membership in the State Employee and Teacher
11 Retirement Program is optional for elected officials or officials appointed for a fixed
12 term, except the Governor, who may not be a member. A person must make an election
13 at the time of initial hire whether to be a member of the program. Once an election is
14 made under this subsection, the election is irrevocable with respect to all subsequent
15 employment with the same employer when membership in the program is not mandatory.

16 **Sec. 4. Sale of Blaine House.** The state property described in subsection 2,
17 known as "the Blaine House" and referred to in this section as "the property," must be
18 sold pursuant to the provisions of this section.

19 **1. Authority to convey state property.** Notwithstanding any other provision of law,
20 the State, by and through the Commissioner of Administrative and Financial Services,
21 shall:

22 A. Convey by sale any or a portion of the interests of the State in the property with
23 the buildings and improvements, together with all appurtenant rights and easements,
24 and all personal property located on the property, including vehicles, machinery,
25 equipment and supplies;

26 B. Commission a survey of the property and negotiate, draft, execute and deliver any
27 documents necessary to settle any boundary line discrepancies;

28 C. Exercise, pursuant to the Maine Revised Statutes, Title 23, chapter 3, subchapter
29 3, the power of eminent domain to quiet for all time any possible challenges to
30 ownership of the property;

31 D. Negotiate, draft, execute and deliver any easements or other rights that, in the
32 commissioner's discretion, may contribute to the value of a proposed sale of the
33 State's interests; and

34 E. Release any interests in the property that, in the commissioner's discretion, do not
35 contribute to the value of the remaining state property.

36 **2. Property interests that may be conveyed.** The property authorized to be sold is
37 a parcel or parcels of land and buildings, or any portion of the parcel or parcels of land
38 and buildings, in the City of Augusta, known as "the Blaine House," located at 192 State

1 Street, and any associated land and parking areas as may be necessary in the
2 determination of the Commissioner of Administrative and Financial Services, including,
3 but not limited to, all or a portion of the property described in a deed recorded in the
4 Kennebec County Registry of Deeds Book 572, Page 188.

5 **3. Property to be sold "as is."** The Commissioner of Administrative and Financial
6 Services may advertise the property for sale and negotiate and execute purchase and sale
7 agreements upon terms the commissioner considers appropriate; however, the property
8 must be sold "as is," with no representations or warranties. Title must be transferred by
9 quitclaim deed without covenant or release deed and executed by the commissioner.

10 **4. Exemptions.** Any conveyance pursuant to this Act is exempt from the provisions
11 in the Maine Revised Statutes, Title 5, section 1783 and any statutory or regulatory
12 requirement that the property first be offered to the Maine State Housing Authority or
13 another state or local agency or offered through competitive bidding.

14 **5. Appraisal.** The Commissioner of Administrative and Financial Services shall
15 have the current market value of the property determined by an independent appraiser at
16 the expense of the buyer and may use the appraised value in negotiating a purchase and
17 sale agreement under subsection 3.

18 **6. Proceeds.** The proceeds from the sale of the property must be transferred to the
19 Treasurer of State for deposit into the General Fund.

20 SUMMARY

21 This bill repeals the provision that provides the Governor a retirement allowance,
22 excepts the Governor from eligibility for the State Employee and Teacher Retirement
23 Program and any state employee group health plan and authorizes the Commissioner of
24 Administrative and Financial Services to sell the Blaine House, with the proceeds to be
25 deposited into the General Fund.