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Date: (Filing No. H-)

STATE AND LOCAL GOVERNMENT

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 549, L.D. 744, “Resolve, Authorizing the Commissioner of Administrative and Financial Services To Convey the Interests in Certain Real Property Located in East Millinocket”

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

Sec. 1. Authority to convey state property. Resolved: That, notwithstanding any provision of law to the contrary, the State, by and through the Commissioner of Administrative and Financial Services, referred to in this resolve as "the commissioner," may:

- 1. Convey by sale any or a portion of the interests of the State in the state property described in section 2, referred to in this resolve as "the state property," 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. The State's interest in the state property does not include timber rights;
- 2. Negotiate, draft, execute and deliver any documents necessary to settle any boundary line discrepancies of the state property;
- 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 of the State's interests in the state property; 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.

Sec. 2. Property interests that may be conveyed. Resolved: That the state property authorized to be sold is a parcel or parcels of land located in the Town of East Millinocket consisting of approximately 3,384 acres conveyed to the State by Katahdin

COMMITTEE AMENDMENT

1 Paper Company LLC on September 28, 2011, recorded in the Penobscot County Registry
2 of Deeds, Book 12608, Page 97-104 and identified on the Town of East Millinocket's Tax
3 Assessor's Map 01 as Lot 09-011 and does not include timber rights to the property.

4 **Sec. 3. Property to be sold as is. Resolved:** That the commissioner may
5 negotiate and execute purchase and sale agreements upon terms the commissioner
6 considers appropriate; however, the state property must be sold "as is," with no
7 representations or warranties. Title must be transferred by quitclaim deed without
8 covenant or release deed and executed by the commissioner.

9 **Sec. 4. Exemptions. Resolved:** That any conveyance pursuant to this resolve is
10 exempt from any statutory or regulatory requirement that the state property must first be
11 offered to the Maine State Housing Authority or another state or local agency or offered
12 through competitive bidding.

13 **Sec. 5. Appraisal. Resolved:** That the commissioner shall have the current
14 market value of the state property determined by a broker opinion of value and current
15 comparative market analysis. The commissioner may list the state property for sale with
16 a private real estate broker and negotiate any sale, solicit bids or sell directly to a
17 purchaser. The commissioner may reject any offer.

18 **Sec. 6. Right of first refusal. Resolved:** That the Town of East Millinocket has
19 the right of first refusal to purchase the state property at the broker opinion of value
20 determined pursuant to section 5. The commissioner shall provide written notice to the
21 clerk of the Town of East Millinocket of the intent to sell the state property and the terms
22 of sale. The Town of East Millinocket has 90 days to notify the commissioner in writing
23 whether the Town of East Millinocket will purchase the state property at the broker
24 opinion of value. The Town of East Millinocket has 60 days from the date of invoking its
25 right of first refusal to complete the purchase of the state property.

26 **Sec. 7. Proceeds. Resolved:** That any proceeds from the sale of the state
27 property pursuant to this resolve must be deposited into the Department of Administrative
28 and Financial Services, Bureau of General Services' capital repair and improvement
29 account for capital improvements.

30 **Sec. 8. Repeal. Resolved:** That this resolve is repealed 5 years from its effective
31 date.'

32 SUMMARY

33 This amendment adds a right of first refusal to purchase the state property to the
34 Town of East Millinocket. It clarifies that the State does not own the timber rights to the
35 property described in the resolve. It removes the lease option and changes the form of
36 several references.