



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1247

H.P. 847

House of Representatives, April 7, 2015

**An Act To Release a Restriction on 2 Parcels of Former State Land
in Greenbush Currently Owned by Anita P. Haskell**

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DUCHESNE of Hudson.
Cosponsored by Senator SAVIELLO of Franklin and
Representatives: DUNPHY of Old Town, HICKMAN of Winthrop, LOCKMAN of Amherst,
TURNER of Burlington, Senator: DILL of Penobscot.

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

4 **Whereas,** certain real estate authorized for conveyance by this Act is under the
5 designations described in the Maine Revised Statutes, Title 12, section 598-A; now,
6 therefore,

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

8 **Sec. 1. Department of Agriculture, Conservation and Forestry to release**
9 **a restriction on former state land in Greenbush currently owned by Anita P.**
10 **Haskell.** The provision restricting the use to only agricultural or forestry purposes on
11 the land in Greenbush currently owned by Anita P. Haskell, as required by Public Law
12 1993, chapter 335 and stated in a deed from the State of Maine to Anita P. Haskell and
13 Leon L. Haskell dated February 11, 1994 and recorded in the Penobscot County Registry
14 of Deeds, Book 5564, Page 244, must be released as provided in this section. The
15 Department of Agriculture, Conservation and Forestry shall issue a deed to Anita P.
16 Haskell releasing the restriction of only agricultural or forestry purposes on the land
17 owned by Anita P. Haskell that is subject to the restriction stated in the deed from the
18 State of Maine to Anita P. Haskell and Leon L. Haskell dated February 11, 1994 and
19 recorded in the Penobscot County Registry of Deeds, Book 5564, Page 244. The
20 restriction of use of the property only for agricultural or forestry purposes on the land
21 owned by Anita P. Haskell may be released only after Anita P. Haskell and the
22 Department of Agriculture, Conservation and Forestry have agreed that the State of
23 Maine must be held harmless regarding any and all claims related to the property and the
24 ownership of the property by the State of Maine and any predecessors in title. The release
25 of the deed restriction and the hold harmless clause must be included in a single
26 document constituting the deed to Anita P. Haskell and bind all successors in title. All
27 legal costs related to the release of the deed restriction and the agreement regarding the
28 hold harmless clause are the responsibility of Anita P. Haskell.

29 **Sec. 2. Department of Agriculture, Conservation and Forestry to release**
30 **a restriction on former state land in Greenbush currently owned by Anita P.**
31 **Haskell.** The provision restricting the use to only agricultural or forestry purposes on the
32 land in Greenbush currently owned by Anita P. Haskell, as required by Public Law 1993,
33 chapter 335 and stated in a deed from the State of Maine to Anita P. Haskell and Leon L.
34 Haskell dated February 11, 1994 and recorded in the Penobscot County Registry of
35 Deeds, Book 5564, Page 245, must be released as provided in this section. The
36 Department of Agriculture, Conservation and Forestry shall issue a deed to Anita P.
37 Haskell releasing the restriction of only agricultural or forestry purposes on the land
38 owned by Anita P. Haskell that is subject to the restriction stated in the deed from the
39 State of Maine to Anita P. Haskell and Leon L. Haskell dated February 11, 1994 and
40 recorded in the Penobscot County Registry of Deeds, Book 5564, Page 245. The
41 restriction of use of the property only for agricultural or forestry purposes on the land
42 owned by Anita P. Haskell may be released only after Anita P. Haskell and the
43 Department of Agriculture, Conservation and Forestry have agreed that the State of

1 Maine must be held harmless regarding any and all claims related to the property and the
2 ownership of the property by the State of Maine and any predecessors in title. The release
3 of the deed restriction and the hold harmless clause must be included in a single
4 document constituting the deed to Anita P. Haskell and bind all successors in title. All
5 legal costs related to the release of the deed restriction and the agreement regarding the
6 hold harmless clause are the responsibility of Anita P. Haskell.

7

SUMMARY

8 This bill rescinds the statutory restriction of only agricultural or forestry purposes on
9 2 parcels of former state land in Greenbush currently owned by Anita P. Haskell and
10 directs the Department of Agriculture, Conservation and Forestry to issue a deed to each
11 parcel to Anita P. Haskell releasing the restriction on those parcels. Anita P. Haskell and
12 the Department of Agriculture, Conservation and Forestry are required to agree that the
13 State must be held harmless regarding any and all claims related to the property and the
14 ownership of the property by the State and any previous owners. It also requires that the
15 release of the deed restriction and hold harmless clause become part of the deed and bind
16 all successors in title. The bill also requires that Anita P. Haskell pay all legal costs
17 associated with the release of the deed restriction and the hold harmless agreement. The
18 bill also requires, pursuant to the Constitution of Maine, an affirmative vote of 2/3 of the
19 members of the Legislature.