

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND TWELVE

H.P. 1340 - L.D. 1817

Resolve, Regarding Access to Eastern Road in Scarborough

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.

Whereas, certain real estate authorized for conveyance by this resolve is under the designations described in the Maine Revised Statutes, Title 12, section 598-A; now, therefore, be it

Sec. 1. Acquisition of easement for access to Eastern Road in the Town of Scarborough. Resolved: That the Department of Inland Fisheries and Wildlife, referred to in this resolve as "the department," shall convey a nonexclusive easement for farm, conservation and residential use to Anthony Attardo and Anthony Attardo, Jr., referred to in this resolve as "the Attardos," through and across Eastern Road in the Town of Scarborough, running westerly from the intersection of Eastern Road with the westerly side of Black Point Road to the westerly sideline of Anthony Attardo, Jr.'s lot as the westerly terminus; which nonexclusive easement does not significantly or unreasonably interfere with any use contemplated for Eastern Road or the Scarborough Marsh Wildlife Management Area; and be it further

Sec. 2. Consideration for easement. Resolved: That the Attardos shall grant to the department an easement in a mutually acceptable location for maintenance, running from Eastern Road southerly across the land of the Attardos situated on the easterly side of Black Point Road, for the purpose of maintaining undeveloped lands owned or controlled by the department, which easement benefits the department and the people of the State by providing an access near the Scarborough Marsh Wildlife Management Area that will allow the department to better manage the area, and this benefit exceeds any loss of value due to the nonexclusive easement conveyed in section 1. The Attardos shall reimburse the department for the department's legal expenses up to \$2,800. The granting of the easement to the department and the paying of the department's legal fees are the only considerations that are required of the Attardos in return for the nonexclusive easement conveyed under section 1; and be it further

Sec. 3. Transfer. Resolved: That, no later than 14 calendar days after the effective date of this resolve, the department shall submit any required application and

related documents to the United States Department of the Interior, United States Fish and Wildlife Service to obtain the approval of the service to grant the easement in section 1 and the department shall deliver the deeds conveying the easement under section 1 to the Attardos no later than 60 days after all necessary permits and approvals have been received from the service; and be it further

Sec. 4. Resolve 2011, c. 57, repealed. Resolved: That Resolve 2011, c. 57 is repealed.

In House of Representatives, 2012

Read and passed finally.

..... Speaker

In Senate, 2012

Read and passed finally.

..... President

Approved 2012

..... Governor