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Date: (Filing No. H- )

**AGRICULTURE, CONSERVATION AND FORESTRY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
126TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 221, L.D. 312, Bill, “An Act To Release a Restriction on Former State Land in Passadumkeag Currently Owned by Dale Ross”

Amend the bill by striking out everything after the title and before the summary and inserting the following:

**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 Act is under the designations described in the Maine Revised Statutes, Title 12, section 598-A; now, therefore,

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

**Sec. 1. Department of Agriculture, Conservation and Forestry to release a restriction on former state land in Passadumkeag currently owned by Dale Ross.** The provision restricting the use to only agricultural or forestry purposes on the land in Passadumkeag currently owned by Dale Ross as required by Public Law 1993, chapter 335, and stated in a deed from the State of Maine to Dale Ross's predecessor in interest dated February 11, 1994 and recorded in the Penobscot County Registry of Deeds, Book 5564, Page 246, must be released as provided in this section. The Department of Agriculture, Conservation and Forestry shall issue a deed to Dale Ross releasing the restriction of only agricultural or forestry purposes on the land owned by Dale Ross that is subject to the restriction stated in the deed from the State of Maine to Dale Ross's predecessor in interest dated February 11, 1994 and recorded in the Penobscot County Registry of Deeds, Book 5564, Page 246. The restriction of use of the property only for agricultural or forestry purposes on the land owned by Dale Ross may be released only after Dale Ross and the Department of Agriculture, Conservation and Forestry have agreed that the State of Maine must be held harmless regarding any and all claims related to the property and the ownership of the property by the State of Maine and

**COMMITTEE AMENDMENT**

1 any predecessors in title. The release of the deed restriction and the hold harmless clause  
2 must be included in a single document constituting the deed to Dale Ross and bind all  
3 successors in title. All legal costs related to the release of the deed restriction and the  
4 agreement regarding the hold harmless clause are the responsibility of Dale Ross.'

5 **SUMMARY**

6 This amendment is the majority report of the Joint Standing Committee on  
7 Agriculture, Conservation and Forestry. It amends the bill by requiring that Dale Ross,  
8 the owner of the property that is subject to the deed restriction, and the Department of  
9 Agriculture, Conservation and Forestry agree that the State must be held harmless  
10 regarding any and all claims related to the property and the ownership of the property by  
11 the State and any previous owners. The amendment also requires that the release of the  
12 deed restriction and hold harmless clause become part of the deed and bind all successors  
13 in title. The amendment also requires that Dale Ross pay all legal costs associated with  
14 the release of the deed restriction and the hold harmless agreement. The amendment also  
15 requires, pursuant to the Constitution of Maine, an affirmative vote of 2/3 of the members  
16 of the Legislature.

17 **FISCAL NOTE REQUIRED**

18 **(See attached)**