

## **125th MAINE LEGISLATURE**

## **SECOND REGULAR SESSION-2012**

Legislative Document	No. 1817
H.P. 1340	House of Representatives, February 14, 2012

Resolve, Regarding Access to Eastern Road in Scarborough

Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

Heath & Print

HEATHER J.R. PRIEST Clerk

Presented by Representative VOLK of Scarborough. (GOVERNOR'S BILL) Cosponsored by Senator BARTLETT of Cumberland and Representative: CLARK of Millinocket, Senator: MARTIN of Kennebec.

- 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.
- 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

7 Sec. 1. Acquisition of easement for access to Eastern Road in the Town of 8 Scarborough. Resolved: That the Department of Inland Fisheries and Wildlife, 9 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., 10 11 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 12 side of Black Point Road to the westerly sideline of Anthony Attardo, Jr.'s lot as the 13 14 westerly terminus; which nonexclusive easement does not significantly or unreasonably interfere with any use contemplated for Eastern Road or the Scarborough Marsh Wildlife 15 Management Area; and be it further 16

Sec. 2. Consideration for easement. Resolved: That the Attardos shall grant 17 to the department an easement in a mutually acceptable location for maintenance, running 18 from Eastern Road southerly across the land of the Attardos situated on the easterly side 19 20 of Black Point Road, for the purpose of maintaining undeveloped lands owned or 21 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 22 23 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 24 reimburse the department for the department's legal expenses up to \$2,800. The granting 25 of the easement to the department and the paying of the department's legal fees are the 26 27 only considerations that are required of the Attardos in return for the nonexclusive 28 easement conveyed under section 1; and be it further

- Sec. 3. Transfer. Resolved: That the department shall deliver the deeds conveying the easement under section 1 to the Attardos upon completion of all necessary permits and approvals by the United States Department of the Interior, United States Fish and Wildlife Service; and be it further
- 33 Sec. 4. Resolve 2011, c. 57, repealed. Resolved: That Resolve 2011, c. 57 is
   34 repealed.
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## SUMMARY

Resolve 2011, chapter 57 authorized the conveyance of certain state property that is subject to provisions of the Constitution of Maine that require an affirmative vote of 2/3 of the members elected to each House, but did not contain certain necessary language memorializing the Legislature's vote. This resolve repeals Resolve 2011, chapter 57 and enacts the language conveying the property along with the necessary language concerning

- the Legislature's 2/3 vote. The Department of Inland Fisheries and Wildlife must deliver the deeds to the Attardos upon approval of all necessary permits and approvals. 1
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