

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FOUR

—
H.P. 1323 - L.D. 2061

**Resolve, Authorizing the Director of the Bureau of Parks and Lands to
Convey Peacock Beach State Park to the Town of Richmond**

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; and

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; and

Whereas, the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry may sell or exchange lands with the approval of the Legislature in accordance with the Maine Revised Statutes, Title 12, section 1814; and

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Peacock Beach State Park is a waterfront park, including a small sand beach on Pleasant Pond, located in the Town of Richmond;

Whereas, the Town of Richmond would like to make improvements to the park prior to the summer months when the park is commonly visited by local community members; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Director of Bureau of Parks and Lands authorized to convey certain land known as Peacock Beach State Park. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry may gift by quitclaim deed without covenant, and on such other terms and conditions as the director may direct, all the State's interest in a parcel of land approximately 32 acres in size in Richmond known as Peacock Beach State Park, together with the buildings and improvements, and all the appurtenant rights and easements located

on that property, which is currently the subject of a 25-year lease between the Bureau of Parks and Lands and the Town of Richmond, to the Town of Richmond.

Sec. 2. Restrictions. Resolved: That the instrument transferring the interests of the State in the property referenced in section 1 must include the following terms and restrictions:

1. The property must continue to be used and managed for noncommercial public recreational use as a public park, subject to the terms of the federal Land and Water Conservation Fund. If the property is used otherwise, title to the property automatically reverts to the Department of Agriculture, Conservation and Forestry, but only on those terms and conditions as the Director of the Bureau of Parks and Lands may direct;

2. If the Town of Richmond proposes to transfer an interest in the property, in whole or in part, to a 3rd party not affiliated with the Town of Richmond, the Department of Agriculture, Conservation and Forestry has a right of first refusal to take back the property at no cost and upon those terms and conditions as the Director of the Bureau of Parks and Lands may direct; and

3. Notwithstanding any decision by the Department of Agriculture, Conservation and Forestry not to exercise its right of first refusal, the department continues to hold the right of first refusal in perpetuity, and this right is a servitude on the property and runs with the land and is binding upon the Town of Richmond and its successors and assigns forever.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.