

MAINE STATE LEGISLATURE

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July 3, 1958

G. Atwood Laurence, Director

Federal Surplus Program
Education
Attorney General

George A. Wathen, Assistant

Deferred Use Plan

I have your request for an opinion in the above-mentioned matter.

There are no general provisions of the Constitution of Maine or of the statutes that authorize a state agency to convey real property. There are statutes which provide that certain departments may convey land for certain purposes. Since a state department or agency cannot convey state-owned property without a legislative enactment, it follows that when title passed to the state through a state agency or department, in the absence of legislative authority, the agency or department would be unable to execute a valid quitclaim deed required by this plan.

In reference to the availability of this program to a municipality, it has been previously ruled by this office on May 14, 1958, that the municipal council must approve of the escrow agreement since this office does not serve as counsel to municipalities. A municipality would have the authority under the provisions of Chapter 90-A, Revised Statutes of 1954, to enter into such an agreement.

George A. Wathen
Assistant Attorney General

gaw/m