

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA, MAINE 04333

January 11, 1977

Honorable Gail H. Tarr  
House of Representatives  
State House  
Augusta, Maine 04333

Dear Representative Tarr:

I am responding to your request of December 30, 1976, for advice with regard to enabling legislation to allow the Town of Bridgton to sell certain real property. The property, which is located on the shore of Moose Pond, is described in a conveyance by the State of Maine to the Town of Bridgton dated April 11, 1972. It is my understanding that portions of this property have been leased to private individuals and that the lessees have constructed dwellings on the leasehold property. The question is whether enabling legislation may be requested to allow sale of the respective property to the present leaseholders.

The documents which you submitted with your letter indicate that the State has made a "quit-claim" conveyance of the State's interest in the property to the Town of Bridgton with the exception of any right, title and interest in the so-called "Fryeburg Road." Unless there was some interest in this property other than that which the State had, it appears that the Town of Bridgton is the fee owner of this property, with the exception noted above. If a town has full interest to a piece of real property, it would not be necessary, under normal circumstances, to obtain enabling legislation from the Legislature in order to sell the property. Such sale of property may be mentioned in the town charter, and probably should be approved at a town meeting.

Therefore, on the basis of the information you have provided, we do not believe that enabling legislation would be necessary. However, this advice might change if the property is subject to other restrictions or interests of which we are not aware. It should also

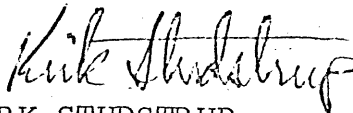
Honorable Gail H. Tarr

Page 2

January 11, 1977

be noted that if enabling legislation were proposed, it should recognize the existing leasehold interests in order to avoid constitutional problems relating to obligations of contract.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kirk Studstrup".

S. KIRK STUDSTRUP  
Assistant Attorney General

SKS:mfe