

# MAINE STATE LEGISLATURE

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Municipalities Boundary Changes  
Municipalities Land Transfers

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January 20, 1977

Honorable William G. Diamond  
House of Representatives  
State House  
Augusta, Maine

Dear Representative Diamond:

This letter responds to your oral request for an opinion of this office on the question, "What is the proper procedure for one town to transfer ownership of property to another town?" It is our understanding that your question concerns transfer of a parcel of real property. It is not known at this time whether the transfer in question would require a change of the shared boundary of the towns, and the answer to your question would depend on whether such change was necessary.

The Supreme Judicial Court has previously decided on two occasions that action by the Legislature is necessary in order to change town boundaries. Ham v. Sawyer, 38 Me. 37 (1854); Inhabitants of the Town of Fayette v. Inhabitants of the Town of Readfield, 132 Me. 328, 170 A. 512 (1934). Therefore, if a change of boundary is contemplated by the transfer of ownership of the property, legislation would be needed. Such legislation has traditionally taken the form of a private and special law.

On the other hand, if the transfer of ownership of this real property does not involve changing the towns' boundary, the transfer would be conducted in the same manner as any other transaction between private parties, and we see no need for action by the Legislature. We suggest that authorization for such transfer should probably be approved at the respective town meetings.

Please continue to call on us whenever you feel we may be of assistance.

Sincerely,

*Kirk Studstrup*

S. KIRK STUDSTRUP  
Assistant Attorney General

SKS:mfe