

MAINE STATE LEGISLATURE

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04833

January 3, 1978

Honorable Philip P. Berry
R.F.D. #1
Saco, Maine 04072

Dear Representative Berry:

Attorney General Joseph E. Brennan has asked me to respond to your letter of November 28, 1977, in which you raise the question of the propriety of the sale of public-owned real estate at a closed private sale.

It is difficult for me to properly answer the question without being familiar with the particular piece of property, the deed restrictions applicable thereto, and with the municipal ordinances and regulations which might be involved.

As a general matter, there appears to be no specific statutory provision regarding the sale of property by municipalities. Title 30 M.R.S.A. § 2256 provides in pertinent part that:

"In addition to those offices and departments required by general law, a municipality may provide, by ordinance, for the performance of all necessary municipal functions"

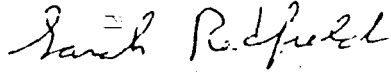
The sale of public land, when properly authorized by the municipal officers, would fall within this authority.

All functions of a municipal body are subject to the applicable ordinances or regulations of the municipality. In this regard, I am not aware of the established procedure for municipal sales for the

town with which you are concerned. Accordingly, you should check with appropriate town officials.*

I hope this provides you with sufficient information regarding your question. If not, please feel free to contact me.

Sincerely,



SARAH REDFIELD
Assistant Attorney General

SR:mfe

Enclosure

* As to the general question of requirement of competitive bids, please refer to the opinion from Donald Alexander to John Martin of October 22, 1976, a copy of which is attached.