

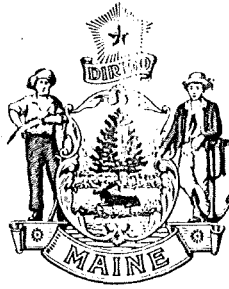
MAINE STATE LEGISLATURE

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79-152

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

July 27, 1979

Rep. Laurence Connolly
273 Danforth Street
Portland, Maine 04102

Re: University of Maine

Dear Larry:

This is a followup to our conversation of this morning regarding the right of the University of Maine to sell real property.

The limiting language found in Private and Special Laws of 1973, Chapter 84, appears to be limited to property formerly held by specific state colleges. In particular property formerly held by Aroostook State College, Farmington State College, Fort Kent State College, Gorham State College or Washington State College.

Apparently the Board of Trustees, in their action on July 24, were dealing with the sale of property which had been held by the University of Maine at the Orono campus. The Board of Trustees, upon advice from its counsel, have exercised the general authority of corporate bodies to buy and sell real property without having to involve the Governor as required by Private and Special Laws of 1973, Chapter 84. In particular, the Board is relying upon the general authority found in the Private and Special Laws of 1967, Chapter 229, which states that "the Board of Trustees, in consultation with the Chancellor, shall be the governing and planning body of the University and in addition shall have responsibility for preparing and approving the operating and capital budgets of the University and presenting them in accordance with the direction in Title 5, §1665, and Title 5, Chapter 153."

Therefore, it would appear that the Board's position is that only when the specified property identified in the Private and Special Laws of 1973, Chapter 84, is to be sold would the Board be required to get the approval of the Governor and would the proceeds of such a sale revert to the general fund.

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The above is not an opinion of the Attorney General relative to the ownership of real property by the University, rather this is merely an explanation of my understanding as to the authority which the Board of Trustees is relying on in authorizing the proposed sale of property which had formerly been a part of the University of Maine at Orono.

Respectfully yours,

Waldemar G. Buschmann
Assistant Attorney General

WGB:lm

cc: Stephen Diamond
Barnett Shur