

MAINE STATE LEGISLATURE

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New Draft of H. P. 1007, L. D. 1210
(New Title)

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1875

H. P. 1681

House of Representatives, June 10, 1977

Reported by a Majority from Committee on State Government. Sent up for concurrence and ordered printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Permitting the Director of Public Lands to Sell Small Parcels of Public Reserved Lands with Legislative Approval.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 30 MRSA § 4169, sub-§ 1, last sentence, as enacted by PL 1975, c. 339, § 12, is amended to read:

He Except as provided in subsection 1-A, he shall, only after the approval of the Legislature, sell, exchange or relocate such lands.

Sec. 2. 30 MRSA § 4169, sub-§ 1-A is enacted to read:

1-A. Sale of small parcels. The director may, without the approval of the Legislature but with the approval of the commissioner, sell any parcel of public reserved land not exceeding $\frac{1}{4}$ acre in size provided that:

A. The parcel is sold to the owner of private land which adjoins the parcel;

B. The director determines that public ownership of the parcel, because of its size, shape and location, has no use or value except as an adjunct to the adjoining private property; and

C. The sale is for fair market value of the parcel as determined by the director, taking account of factors including the effect of ownership of the parcel upon the value of the adjoining private property.

The director shall give notice of the proposed sale and may hold a public hearing, provided he shall hold a public hearing if requested by any party. Prior to making any sale, the director shall make a written finding with re-

spect to the requirements of this subsection. The written finding shall be available for public inspection at the director's office during regular working hours.

It is the policy of the State that the requirements of this subsection be strictly applied, and that sale of any parcel of a public reserved lot be discouraged except in compliance with this subsection.

STATEMENT OF FACT

Under current law, legislative approval is required for any sale of public reserved land, irrespective of the size of the parcel or the conditions behind the proposed sale. Frequent requests are made to the Legislature for small parcels. LD 1210 is an example of such a request.

The purpose of this new draft is to substitute, for legislative handling of these requests in the future, statutory authority to the Director of Public Lands to sell small parcels under strict conditions.