

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 1112

6  
7 H.P. 863

House of Representatives, March 8, 1983

8 Submitted by the Department of Transportation pursuant to Joint Rule  
9 24.

10 Referred to the Committee on State Government. Sent up for concurrence  
and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Nadeau of Lewiston.

11 Cosponsors: Representative Callahan of Mechanic Falls and Represent-  
ative Reeves of Pittston.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-THREE  
16

17 AN ACT Relating to Property Disposal by  
18 the Department of Transportation.  
19

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

22 23 MRSA §61, as amended by PL 1975, c. 771,  
23 §234-A, is further amended by adding at the end a new  
24 paragraph to read:

25 When the department determines that certain prop-  
26 erty is no longer necessary for highway purposes, the  
27 Governor may sell and convey such property upon such  
28 financial terms and conditions as he deems reason-  
29 able. The department shall make recommendations to  
30 the Governor prior to the sales. No security inter-  
31 est created under such a conveyance may be assigned,  
32 conveyed, transferred or alienated without written  
33 approval from the department.

1 STATEMENT OF FACT

2 The Department of Transportation may dispose of  
3 lands previously acquired for highway purposes when  
4 it determines that they are no longer needed for  
5 those purposes. This power has been granted to the  
6 department under the Revised Statutes, Title 23,  
7 section 61, whereby the department makes a recom-  
8 mendation to the Governor who signs the deed, drafted  
9 and submitted by the department.

10 Presently, parcels determined to be no longer  
11 needed are sold for cash. It has become increasingly  
12 difficult to sell land under these terms. The  
13 department would like to be able to offer attractive  
14 alternative terms, i.e., installment sales, mort-  
15 gages, bonds for deed, etc., so that it might receive  
16 more money for the land.

17 There is a question as to whether under existing  
18 law the department, or any state agency, may take  
19 back a mortgage. The department feels that rather  
20 than attempt such a sale and risk questions from buy-  
21 ers and the Legislature, it should have express  
22 authority.

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