

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 2115

7 S.P. 789

In Senate, February 23, 1984

8 Approved for introduction by the Legislative Council pursuant to Joint  
9 Rule 26.

10 Referred to the Committee on State Government. Ordered printed and  
sent down for concurrence.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Violette of Aroostook.

Cosponsor: Representative Gwadosky of Fairfield.

11  
12 STATE OF MAINE  
13

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

17 AN ACT Pertaining to the Disposition of  
18 Surplus Real Estate.  
19

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

22 Sec. 1. 5 MRSA §1742, sub-§§11-A and 11-B are  
23 enacted to read:

24 11-A. Inventory and list surplus real es-  
25 tate. To make or require an inventory or listing of  
26 surplus real estate in accordance with chapter 314;

27 11-B. Administer surplus real estate. To admin-  
28 ister and maintain surplus real estate in accordance  
29 with chapter 314;

30 Sec. 2. 5 MRSA c. 314 is enacted to read:

1 CHAPTER 314

2 SURPLUS STATE PROPERTIES

3 §3331. Purpose and policy

4 State properties are an important resource of the  
5 State. Annually, the State disposes of significant  
6 surplus state real estate. The extent of this real  
7 estate is unknown and possession lies with numerous  
8 state agencies. Partly, as a result of the lack of  
9 knowledge with respect to the inventory of surplus  
10 state real estate, there has been no policy pertain-  
11 ing to the disposition of this type of property. As  
12 a result, valuable assets of the State may be lost or  
13 put to poor use.

14 It is the intent of the Legislature to establish  
15 continuously updated inventory of surplus state real  
16 estate and to vest the administration of this real  
17 estate with one state agency. It is also the intent  
18 of the Legislature that surplus state real estate be  
19 administered and disposed of to produce the greatest  
20 possible benefits to the state in both the short term  
21 and long term. Therefore, it is necessary to devise  
22 a policy for the disposition of these properties to  
23 produce the greatest possible return to the State.

24 §3332. Definitions

25 As used in this chapter, unless the context oth-  
26 erwise indicates, the following terms have the fol-  
27 lowing meanings.

28 1. Bureau. "Bureau" means the Bureau of Public  
29 Improvements within the Department of Finance and Ad-  
30 ministration.

31 2. Commission. "Commission" means the Commis-  
32 sion on a State Policy for the Disposition of Surplus  
33 State Real Estate, as defined in this chapter.

34 3. Director. "Director" means the Director of  
35 the Bureau of Public Improvements.

36 4. State agency. "State agency" has the same  
37 meaning as defined in section 8002, subsection 2.

1       5. Surplus state real estate. "Surplus state  
2 real estate" means land, structures or improvements  
3 not currently used by any state agency or land,  
4 structures or improvements, the title to which is  
5 proposed to be transferred from the State to any po-  
6 litical subdivision, person, corporation or other or-  
7 ganization. "Surplus state real estate" excludes  
8 public lots under the jurisdiction of the Bureau of  
9 Public Lands.

10       §3333. Inventory and valuation of surplus real es-  
11       tate

12       The bureau shall prepare an inventory and valua-  
13 tion of surplus state real estate and any other per-  
14 tainent information that are current and updated at  
15 least annually.

16       1. Categories of surplus real estate. The bu-  
17 reau shall inventory and value at fair market value  
18 all surplus state real estate. The inventory and  
19 valuation shall categorize the surplus real estate  
20 according to land with structures or improvements and  
21 land without structures or improvements. In addi-  
22 tion, the categories and valuation of real estate as  
23 defined in this subsection shall be available by the  
24 counties and by the municipalities in which the sur-  
25 plus state real estate is located.

26       2. Real estate information. The categories, as  
27 defined in subsection 1, shall include any applicable  
28 zoning restrictions and shall indicate whether the  
29 real estate is located in industrial, commercial,  
30 residential, agricultural or forest tax zoning areas.  
31 The bureau shall also maintain the following informa-  
32 tion for each piece of surplus real estate:

33       A. The size, location and brief description of  
34 the land associated with the real estate;

35       B. The size, location and brief description of  
36 any structures or improvements associated with  
37 the surplus real estate;

38       C. The most recent occupant or user of the sur-  
39 plus real estate;

1        D. The uses of each surplus real estate for the  
2        previous 10 years;

3        E. Any specified future use or plans of a state  
4        agency for the surplus real estate;

5        F. The current value and the cost of acquisition  
6        of the real estate to the State; and

7        G. Any conditions or restrictions with respect  
8        to the use of or disposition of the real estate.

9        3. Partially used buildings. Included in the  
10       information, as required in subsection 2, as a sepa-  
11       rate category shall be state owned buildings in which  
12       1/2 or more of the square footage is not being used.

13       4. Reporting procedure. The bureau shall devel-  
14       op a reporting procedure on a continuous basis by  
15       which every state agency shall report to the bureau  
16       all surplus real estate of each agency. Every state  
17       agency shall cooperate with the bureau and shall ex-  
18       peditionously provide the information requested by the  
19       bureau.

20       5. Inventory and valuation. The initial inven-  
21       tory and valuation shall be completed by September 1,  
22       1984, and shall be updated annually by June 30th of  
23       every calendar year. Copies of the inventory and  
24       valuation shall be made available at no charge to  
25       members of the Legislature upon their request.

26       §3334. Central repository and administration

27       1. Title to state surplus real estate. The Bu-  
28       reau of Public Improvements shall hold title to all  
29       surplus state real estate. No transfer of title or  
30       lease of real estate from one state agency to another  
31       state agency or from a state agency, except the Bu-  
32       reau of Public Improvements, to any political subdi-  
33       vision, person, corporation or other organization may  
34       be effective. The Bureau of Public Improvements  
35       shall be the only agency of State Government by which  
36       the title to state real estate may be transferred or  
37       leased.

1        2. Maintenance and administration funds. Allocations in the budget of each state agency for the  
2 maintenance and administration of real estate required by this chapter to be vested with the bureau  
3 shall be transferred to the bureau for the maintenance and administration of this real estate.

7        §3335. Commission created

8        The Commission on a State Policy for the Disposition of Surplus State Real Estate shall develop a  
9 plan for the disposition of all state real estate. This plan shall be completed and presented to the  
10 joint standing committee having jurisdiction over state government no later than January 3, 1985, and  
11 presented to the First Regular Session of the 112th Legislature.

16        1. Composition. The commission shall consist of the Commissioner of Finance and Administration or his  
17 designee, the Director of the Bureau of Public Improvements or his designee, the Commissioner of  
18 Transportation or his designee, the State Tax Assessor or his designee, the Commissioner of Conservation  
19 or his designee, and an appointee by the Governor. The Governor shall appoint the chairman. The members  
20 shall receive no per diem compensation but may be reimbursed for expenses from the budgets of their  
21 respective agencies. The commission shall hold its first meeting no later than October 15, 1984.

28        2. Scope of policy. The commission shall develop a plan for approval by the Legislature pertaining  
29 to the disposition of surplus state real estate. This plan shall contain, among others deemed necessary  
30 by the commission, policies and procedures pertaining to:

34        A. The sale of surplus state real estate;

35        B. The leasing of surplus state real estate;

36        C. The transfer of title to real estate from one state agency to another state agency;

38        D. The state agency, branches of government or other organizations with authority to approve

1       sales, leases and transfers of surplus state real  
2       estate;

3       E. The disposition of income from the sale or  
4       lease of surplus state real estate; and

5       F. The priority of recipients of surplus state  
6       real estate according to various types of real  
7       estate.

8       Sec. 3. 30 MRSA §5702, as amended by PL 1983, c.  
9       471, §12, is further amended to read:

10      §5702. Power and authority of State Tax Assessor

11       Whenever the organization of any town or  
12       plantation has been terminated by Act of the Legisla-  
13       ture, the powers, duties and obligations relating to  
14       the affairs of that town or plantation shall be  
15       vested in the State Tax Assessor for not more than 5  
16       years. The State Tax Assessor shall have the author-  
17       ity to sell or otherwise dispose of any property;  
18       other than property formerly used or still being used  
19       for school purposes, the title of which rests in the  
20       town at the time of deorganization or may come to the  
21       town subsequent to deorganization. The Director of  
22       the Bureau of Public Improvements shall have the au-  
23       thority to sell or otherwise dispose of any property,  
24       other than property formerly used or still being used  
25       for school purposes, the title of which rests in the  
26       town at the time of deorganization or may come to the  
27       town subsequent to deorganization. The State Tax As-  
28       sessor shall have the power and authority to assess  
29       taxes any time after the act terminating the organi-  
30       zation of the town or plantation becomes operative by  
31       making assessment once a year under the laws now re-  
32       lating to the assessment of property taxes in unorga-  
33       nized territory. All moneys received under this sec-  
34       tion shall be applied to the payment of necessary ex-  
35       penses of the State Tax Assessor in making that as-  
36       sessment, and to the payment of any obligations of  
37       the town or plantation outstanding at the time of  
38       termination of its organization, and to the payment  
39       of taxes assessed against the town or plantation and  
40       for the completion of any public works of the town or  
41       plantation already begun. When in the best judgment  
42       of the State Tax Assessor final payment of all known

1 accounts against the town, which has been or may be  
2 deorganized, has been made, or at the end of the pe-  
3 riod of 5 years, any funds unexpended, if any exist,  
4 shall be deposited by the former town if still in its  
5 possession, or by the Treasurer of State if in his  
6 possession, with the county commissioners as undedi-  
7 cated revenues for the unorganized territory fund for  
8 that county.

9 STATEMENT OF FACT

10 The purpose of this bill is to develop a central  
11 inventory of surplus state real estate and to provide  
12 for the creation of the Commission on a State Policy  
13 for the Disposition of Surplus State Real Estate.  
14 According to this bill, the Commission on a State  
15 Policy for the Disposition of Surplus State Real Es-  
16 tate is established to develop a policy pertaining to  
17 the sale, lease and transfer of titles of state prop-  
18 erty. The policy will be presented to the Legisla-  
19 ture for legislative approval.

20 A central inventory of surplus real estate will  
21 be created and updated annually.

22 The Department of Finance and Administration will  
23 be able to develop an inventory of surplus state  
24 property with little or no additional costs.

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