

MAINE STATE LEGISLATURE

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L.D. 1241

(Filing No. H- 243)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
112TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 884, L.D. 1241, Bill, "AN ACT Relating to Disposition of State-owned Real Estate."

Amend the bill by striking out everything after the enacting clause and inserting in its place the following:

'Sec. 1. 1 MRSA c. 22 is enacted to read:

CHAPTER 22

SALE OF STATE-OWNED REAL ESTATE

§821. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings.

1. Appraised value. "Appraised value" means the value arrived at by a professional real estate appraiser who is regularly engaged in the occupation of providing real estate valuation services for a fee or salary or who is deemed qualified by a nationally recognized real estate appraisal educational organization on the basis of practical appraisal experience or who has successfully completed the written examination or evaluation organization of real estate appraisers.

2. Commissioner. "Commissioner" means the Commissioner of Finance and Administration.

3. Department. "Department" means the Department of Finance and Administration.

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1 §822. Sale of state-owned real estate

2 Notwithstanding any other provisions of law, if
3 any department or agency of State Government, subject
4 to Title 5, chapters 141 to 155, intends to offer for
5 sale or sells any real estate, including buildings
6 and other types of structures, the sale shall be con-
7 ducted by the commissioner or his designee.

8 1. Exclusion of certain types of real es-
9 tate. This chapter shall not apply to real estate
10 which is to be sold or exchanged in a transaction
11 which involves the acquisition of real estate by the
12 State in exchange for the real estate being sold.
13 This chapter shall not apply to any real estate that
14 was purchased in whole or in part with federal money
15 and the disposal of which is subject to federal regu-
16 lation.

17 2. Exclusion of state agencies. The following
18 departments, agencies and appointed officials shall
19 be exempt from this chapter, but nothing may prohibit
20 these agencies from requesting the commissioner to
21 sell real estate of these agencies nor may the com-
22 missioner be prohibited from selling real estate for
23 these agencies:

24 A. The Department of Conservation;

25 B. The State Tax Assessor pursuant to Title 30,
26 section 5702 and Title 36, section 1283; and

27 C. The Department of Transportation.

28 3. Status of real estate. No state owned real
29 estate, subject to this chapter, may be sold unless
30 the commissioner determines that the real estate is
31 surplus and that no other agency or department of
32 State Government has a need and use for the real es-
33 tate.

34 §823. To whom real estate is to be offered

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1 The department shall offer the real estate, ex-
2 cept as provided in section 824, to the following en-
3 tities or persons in the following order.

4 1. Municipality. If the real estate is located
5 within a municipality, the department shall offer to
6 sell the real estate to the municipality at a price
7 equal to at least 25% of the appraised value of the
8 real estate.

9 2. County. The department shall offer to sell
10 the real estate to the county in which the real es-
11 tate is located at a price equal to at least 25% of
12 the appraised value of the real estate.

13 3. Abettor. If the municipality and county in
14 which the real estate is located reject the real es-
15 tate offered under this chapter, the department shall
16 offer the real estate to the abuttors, except that
17 the real estate shall be sold to only one abutting
18 property owner. In the event that more than one
19 abutting property owner wishes to purchase the real
20 estate, the commissioner shall offer the real estate
21 to the abettor presenting the highest bid in a sealed
22 bidding process.

23 4. Bid. The department may sell the real estate
24 to any other person by means of a competitive bid
25 process.

26 §824. Use of real estate sold to municipality or
27 county

28 1. Reversion. Any deed conveying real estate
29 sold to a municipality or county pursuant to this
30 chapter shall contain a provision limiting the use of
31 the real estate to a public purpose. The deed shall
32 provide that if the real estate ceases to be used for
33 a public purpose it shall revert to the State.

34 2. Purchase at appraised value. A municipality

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1 or county may purchase real estate under this chapter
2 at the appraised value and be exempt from the rever-
3 sion provision of this section.

4 §825. Rules

5 The commissioner may, in accordance with the
6 Maine Administrative Procedure Act, Title 5, chapter
7 375, promulgate rules to carry out the purposes of
8 this chapter.

9 Sec. 2. 12 MRSA §7035, sub-§9, as amended by PL
10 1983, c. 819, Pt. A, §21, is amended to read:

11 9. Unneeded property. The Governor, on recommen-
12 dation of the commissioner, may sell and convey on
13 behalf of the State the interests of the State in
14 property taken or acquired by purchase under chapters
15 701 to 721 and deemed no longer necessary for the
16 purposes of those chapters. The commissioner, with
17 the approval of the Governor, may lease these same
18 properties. The proceeds from these sales or leases
19 shall be credited to the funds of the department. Any
20 real estate offered for sale under this subsection
21 shall be in accordance with Title 1, chapter 22.

22 Sec. 3. Effective date. This Act shall take ef-
23 fect 91 days after the adjournment of the Legisla-
24 ture.'

25 STATEMENT OF FACT

26 This amendment excludes independent state agen-
27 cies from the provisions of the chapter regulating
28 the sale of state-owned real estate. In addition,
29 the Department of Transportation, the Department of
30 Conservation and the State Tax Assessor may continue
31 to sell real estate. The sale of real estate of
32 these agencies is not incorporated within the domain
33 of the Commissioner of Finance and Administration be-

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1 cause each agency has the structure, personnel and
2 established procedures to convey significant numbers
3 of parcels of property. Nevertheless, these agencies
4 may use the procedure in this bill if they choose.

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Reported by the Committee on State Government
Reproduced and distributed under the direction of the
Clerk of the House

5/29/85

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