

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 548

H.P. 414 House of Representatives, February 25, 1987
Reference to the Committee on State and Local Government
suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative SPROUL of Augusta.

Cosponsored by Representative WENTWORTH of Wells,
Senators TUTTLE of York and GOULD of Waldo.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT Relating to the Disposition of Surplus
2 Real Estate.
3

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

6 Sec. 1. 1 MRSa c. 22 is enacted to read:

7 CHAPTER 22

8 SALE OF STATE-OWNED REAL ESTATE

9 §821. Definitions

10 As used in this chapter, unless the context indi-
11 icates otherwise, the following terms have the follow-
12 ing meanings.

1 1. Appraised value. "Appraised value" means the
2 value arrived at by a professional real estate ap-
3 praiser who is regularly engaged in the occupation of
4 providing real estate valuation services for a fee or
5 salary or who is deemed qualified by a nationally
6 recognized real estate appraisal educational organi-
7 zation on the basis of practical appraisal experience
8 or who has successfully completed the written exami-
9 nation or evaluation organization of real estate ap-
10 praisers.

11 2. Commissioner. "Commissioner" means the Com-
12 missioner of Finance.

13 3. Department. "Department" means the Depart-
14 ment of Finance.

15 §822. Sale of state-owned real estate

16 Notwithstanding any other provisions of law, if
17 any department or agency of State Government, subject
18 to Title 5, chapters 141 to 155, intends to offer for
19 sale or sells any real estate, including buildings
20 and other types of structures, the sale shall be con-
21 ducted by the commissioner or his designee.

22 1. Exclusion of certain types of real es-
23 tate. This chapter does not apply to real estate
24 which is to be sold or exchanged in a transaction
25 which involves the acquisition of real estate by the
26 State in exchange for the real estate being sold.
27 This chapter does not apply to any real estate that
28 was purchased in whole or in part with federal money
29 and the disposal of which is subject to federal regu-
30 lation.

31 2. Exclusion of state agencies. The following
32 departments, agencies and appointed officials are be
33 exempt from this chapter, but nothing prohibits these
34 agencies from requesting the commissioner to sell
35 real estate of these agencies nor may the commis-
36 sioner be prohibited from selling real estate for these
37 agencies:

38 A. The Department of Conservation;

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

1 C. The Department of Transportation.

2 3. Status of real estate. No state-owned real
3 estate, subject to this chapter, may be sold unless
4 the commissioner determines that the real estate is
5 surplus and that no other agency or department of
6 State Government has a need and use for the real es-
7 tate.

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

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

12 1. Municipality. If the real estate is located
13 within a municipality, the department shall offer to
14 sell the real estate to the municipality at a price
15 equal to at least 25% of the appraised value of the
16 real estate.

17 2. County. The department shall offer to sell
18 the real estate to the county in which the real es-
19 tate is located at a price equal to at least 25% of
20 the appraised value of the real estate.

21 3. Abuttor. If the municipality and county in
22 which the real estate is located reject the real es-
23 tate offered under this chapter, the department shall
24 offer the real estate to the abuttors, except that
25 the real estate shall be sold to only one abutting
26 property owner. In the event that more than one
27 abutting property owner wishes to purchase the real
28 estate, the commissioner shall offer the real estate
29 to the abuttor presenting the highest bid in a sealed
30 bidding process.

31 4. Bid. The department may sell the real estate
32 to any other person by means of a competitive bid
33 process.

34 §824. Use of real estate sold to municipality or
35 county

36 1. Reversion. Any deed conveying real estate
37 sold to a municipality or county pursuant to this
38 chapter shall contain a provision limiting the use of

1 the real estate to a public purpose. The deed shall
2 provide that if the real estate ceases to be used for
3 a public purpose it shall revert to the State.

4 2. Purchase at appraised value. A municipality
5 or county may purchase real estate under this chapter
6 at the appraised value and be exempt from the rever-
7 sion provision of this section.

8 §825. Rules

9 The commissioner may, in accordance with the
10 Maine Administrative Procedure Act, Title 5, chapter
11 375, promulgate rules to carry out the purposes of
12 this chapter.

13 Sec. 2. 12 MRSA §7035, sub-§9, as amended by PL
14 1983, c. 819, Pt. A, §21, is further amended to
15 read:

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

27 STATEMENT OF FACT

28 The purpose of this bill is to establish a uni-
29 form procedure for the sale of state-owned real es-
30 tate.

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