

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

Legislative Document

NO. 2239

H.P. 1640 House of Representatives, February 11, 1988
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on State and Local Government
suggested and ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative PARADIS of Old Town.
Cosponsored by Representatives HICHBORN of LaGrange,
VOSE of Eastport and Senator PERKINS of Hancock.

STATE OF MAINE

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

AN ACT to Require Municipal Approval of
Public Land Acquired by the State.

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

6 36 MRSA §662 is enacted to read:

7 §662. Municipal approval of state property purchase;
8 reimbursement to municipalities

1 1. State property acquisition; municipal approval
2 required. After the effective date of this section,
3 the State may not purchase or otherwise acquire real
4 property in any municipality unless that municipality
5 authorizes that acquisition pursuant to this section.

6 2. Referendum. If the State or any agency or
7 instrumentality of the State desires to acquire real
8 property in a municipality, the State shall notify the
9 municipal officers. Upon notification, the municipal
10 officers shall call an election and, at the next
11 regular election or town meeting, or at a special
12 election or town meeting called and held by the
13 municipal officers, shall submit the following
14 question to the legal voters in accordance with the
15 municipal charter or Title 30, section 2061:

16 "Shall (name of municipality) authorize the State
17 to acquire real property located at (description
18 of property)?"

19 3. Effect of referendum. If a majority of the
20 legal votes cast on the question set out in subsection
21 2 favor authorization, the State or its agency or
22 instrumentality may acquire the real property as
23 described, provided that the total number of votes
24 cast for and against the authorization equals or
25 exceeds 20% of the total votes cast in that
26 municipality for all candidates for Governor at the
27 previous gubernatorial election.

28 4. Reimbursement. The Treasurer of State shall
29 annually on November 1st make payments to
30 municipalities to reimburse them for property tax
31 losses resulting from the presence of property located
32 within that municipality which is owned by the State
33 or an agency or instrumentality of the State.

34 A. The amount of reimbursement shall be equal to
35 50% of the property tax loss to each municipality
36 for the preceding state fiscal year. That loss
37 shall be determined by multiplying the estimated
38 municipal value of reimbursable property times the
39 municipal mill rate and dividing by 2.

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B. The State Tax Assessor shall, by August 1st annually, estimate the municipal value of reimbursable property in each municipality for the preceding state fiscal year and certify that amount to the Treasurer of State.

C. A municipality which disagrees with the determination of municipal value made by the State Tax Assessor may appeal that determination to the State Board of Property Tax Review.

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STATEMENT OF FACT

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This bill provides that before the State may acquire land, the municipality in which the land is located must authorize that acquisition by referendum. The bill also provides for reimbursement to municipalities for 50% of the property tax loss to municipalities with state-owned property.

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