

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 1515

H.P. 1042

House of Representatives, April 16, 1991

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative TREAT of Gardiner.

Cosponsored by Representative LARRIVÉE of Gorham, Senator McCORMICK of Kennebec and Representative SAVAGE of Union.

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STATE OF MAINE

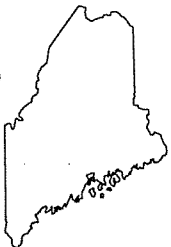
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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An Act Concerning the Sale of Surplus State Property.

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

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4       Sec. 1. 5 MRSAs §1813, sub-§6, as amended by PL 1989, c. 596, Pt. O, §1, is further amended to read:

6       6. **Surplus property.** Providing for transfer of supplies, materials and equipment which are surplus from one state  
8 department or agency to another which may need them, and for the disposal by private and public sale of supplies, materials and  
10 equipment which are obsolete and unusable; ~~provided, however, that if any political subdivision in the State or any educational institution or homeless shelter sponsor enumerated in section~~  
12 ~~1813-A requests to purchase any such obsolete and unusable items, then the disposal shall be by private sale to that political subdivision, homeless shelter sponsor or educational institution;~~  
14 except that prior to any public sale of supplies, materials or equipment, political subdivisions in the State, educational  
16 institutions as defined in section 1813-A and nonprofit organizations serving handicapped persons must be given an  
18 opportunity to purchase the surplus items, and that purchase must be by a process of sealed competitive bidding among all  
20 interested political subdivisions and qualified educational institutions; that equipment to be retained for a period of at  
22 least one year in a current ongoing program. Any item purchased by a political subdivision, homeless shelter sponsor or  
24 educational institution under this section shall ~~may~~ not be sold or transferred by that political subdivision, homeless shelter  
26 sponsor or educational institution for a period of 6 months from the date of the private sale and the State reserves the right to  
28 refuse to sell additional equipment to a political subdivision, homeless shelter sponsor or educational institution if it is  
30 determined that the political subdivision, homeless shelter sponsor or educational institution has not retained the equipment  
32 for the required period of 6 months;

36       Sec. 2. 5 MRSAs §1813-A, as repealed and replaced by PL 1989, c. 596, Pt. O, §2, is amended to read:

38       **§1813-A. Educational institutions; nonprofit organizations**  
40       **serving handicapped persons; surplus property**

42       1. **Definitions.** As used in this chapter, unless the context otherwise indicates, the following terms have the  
44 following meanings.

46       A. "Educational institution" means any public elementary or secondary school, any elementary or secondary private school  
48 approved for tuition whose school enrollment is at least 60% publicly funded students as determined by the previous  
50 school year's October to April average enrollment, any nonpublic ~~post-secondary~~ postsecondary school or any  
52 vocational region.

2 B. "Homeless shelter sponsor" means a public or private  
4 nonprofit entity that owns or operates a project or facility  
for the homeless.

6 C. "Nonprofit organizations serving handicapped persons"  
8 means an organization which has been determined to be exempt  
10 from taxation under the United States Internal Revenue Code,  
Section 501(c) and which provides services to persons with a  
physical or mental handicap as defined in section 4553,  
subsection 7-A.

12 ~~2. --- Surplus property. --- Pursuant to this chapter and rules~~  
14 ~~promulgated under section 1813, the Department of Administration~~  
16 ~~through the Bureau of Purchases shall allow private sales of~~  
~~surplus property to homeless shelter sponsors and to educational~~  
~~institutions.~~

18 **STATEMENT OF FACT**

20 This bill requires that surplus state property be offered to  
22 all political subdivisions, qualified educational institutions  
24 and to nonprofit organizations serving handicapped persons prior  
to offering such items through public sale. Under the present  
26 practice, surplus state property may be disposed of to any  
interested political subdivision or educational institution  
28 through a private sale. This bill gives all interested political  
subdivisions and educational institutions an equal opportunity to  
30 purchase surplus property and, because such sales would be by  
competitive bidding, may result in the State receiving true  
market value for these items.