

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

M  
R. d. B.

L.D. 1720

DATE: March 19, 1996

(Filing No. S-489)

**LEGAL AND VETERANS AFFAIRS**

Reported by: Senator STEVENS of Androscoggin for the Committee.

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE  
SENATE  
117TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 660, L.D. 1720, Bill, "An Act to Allow the Adjutant General to Sell Unfit and Unneeded Property and Apply Proceeds to the Military Bureau's Construction and Capital Repair Account, to Authorize the Adjutant General to Transfer Real Property, and to Authorize the Military Bureau to Retain the Proceeds of Armory Rentals"

Amend the bill by striking out all of sections 2 to 4 and inserting in their place the following:

'Sec. 2. 37-B MRSa §§152 to 154 are enacted to read:

**§152. Armory Rental Fund; authority to rent armories**

**1. Fund established.** The Armory Rental Fund is established in the Military Bureau as a nonlapsing fund to assist in defraying the operation and maintenance expenses of the Military Bureau's state-owned facilities. Funds in the Armory Rental Fund are in addition to appropriations for these purposes made to the Military Fund.

**2. Rental proceeds.** Rental proceeds from the rental of armories under this section must be paid into the State Treasury and credited to the Armory Rental Fund to be used for operation and maintenance expenses at the various state-owned facilities of the Military Bureau. Rental proceeds credited to the Armory Rental Fund are in addition to the appropriations made for operation and maintenance expenses included for that purpose in the Military Fund.

**§153. Authority to rent armories**

The Military Bureau may rent armories for activities that do not conflict with the military training mission.

A. of B.

2 §154. Construction and Capital Repair Account

4 The Construction and Capital Repair Account is established  
6 in the Military Bureau as a nonlapsing fund to assist in  
8 defraying the capital repair of state-owned properties of the  
Military Bureau and to acquire and construct facilities of the  
Military Bureau.

10 Sec. 3. 37-B MRSA §264, as enacted by PL 1983, c. 460, §3, is  
12 repealed and the following enacted in its place:

14 §264. Inspection and condemnation

16 1. Sale of property; proceeds. The Adjutant General shall  
18 designate an officer to inspect military property, real and  
20 personal, and may condemn any inspected property that the  
22 Adjutant General determines to be unfit for use by the military.  
Property condemned under this subsection may be sold by the  
Adjutant General. Real property condemned under this subsection  
may not be sold for less than its appraised value as determined  
by a person licensed as a real estate appraiser under Title 32,  
chapter 123.

24 All proceeds from the sale of condemned property must be paid  
26 into the State Treasury and credited to the Construction and  
28 Capital Repair Account of the Military Bureau established under  
section 154.

30 2. Designation of property; sale. The Adjutant General may  
32 sell an armory or other real property of the Military Bureau if  
the Adjutant General has:

34 A. Completed the appraisal required under subsection 1; and

36 B. Except as provided in subsection 3, obtained approval of  
38 the Legislature to sell that armory or other real property.  
40 For the purposes of this subsection, the term "approval of  
42 the Legislature" means the enactment by the Legislature and  
signing by the Governor of a resolve authorizing the sale of  
that armory or other real property.

44 All proceeds of the sale of an armory or other real property  
46 under this subsection must be paid into the State Treasury and  
credited to the Construction and Capital Repair Account of the  
Military Bureau established under section 154.

48 3. Exceptions; authorization to sell. Notwithstanding  
50 subsection 2, paragraph B, the Adjutant General is authorized to  
sell the following armories:



R. d. S.

2 **APPROPRIATIONS/ALLOCATIONS**

4 Other Funds \$500,000

6 **REVENUES**

8 Other Funds \$500,000

10 This bill will authorize the deposit of armory rental and  
12 maintenance fees into a nonlapsing Armory Rental Fund. The  
14 estimated increase in dedicated revenue to the Department of  
16 Defense and Veterans' Services is \$50,000 annually beginning in  
fiscal year 1997-98. Dedicating the armory rental fees will  
reduce General Fund revenue by \$30,000 annually beginning in  
fiscal year 1997-98.

18 The Department of Defense and Veterans' Services will  
20 require future Other Special Revenue allocations of \$50,000  
22 annually beginning in fiscal year 1997-98 to authorize  
expenditures from the Armory Rental Fund to defray the operation  
and maintenance costs of the Military Bureau's state-owned  
facilities.

24 This bill also establishes a Construction and Capital Repair  
26 Account to be administered by the Department of Defense and  
Veterans' Services. An allocation of \$500,000 in fiscal year  
28 1996-97 is included in the bill to authorize expenditures from  
this new account. The actual increase in dedicated revenue and  
30 expenditures from this account may vary from this amount  
depending on the value and the number of sales of condemned  
32 military property by the department.

34 The sale of condemned military property, including armories,  
36 and dedicating the proceeds of the sale will result in losses of  
General Fund revenue as well as a potential reduction in General  
Fund assets.'

40 **STATEMENT OF FACT**

42 The amendment creates an Armory Rental Fund and authorizes  
44 the Military Bureau to rent armories. This amendment delays the  
effective date of the creation of the Armory Rental Fund until  
46 July 1, 1997.

48 The amendment also requires the Adjutant General to obtain  
an appraisal of the value of any real property of the Military  
Bureau prior to selling that property and prohibits the Adjutant

COMMITTEE AMENDMENT "A" to S.P. 660, L.D. 1720

General from selling any real property for less than that appraised value.

The amendment also authorizes the Adjutant General to sell the armories in Brunswick, Newport, Rumford, Sanford and South Portland, subject to the restriction that they appraised and are not sold for less than that appraised value. The amendment also requires the Adjutant General to obtain the approval of the Legislature and the Governor, through the enactment of a resolve, prior to selling any other armory or real property.