

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

SECOND REGULAR SESSION-1996

Legislative Document

No. 1720

S.P. 660

In Senate, January 16, 1996

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.

Submitted by the Department of Defense and Veterans' Services pursuant to Joint Rule 24. Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator FERGUSON of Oxford.
Cosponsored by Senator: MICHAUD of Penobscot, Representatives: BUCK of Yarmouth,
TRUE of Fryeburg, WINGLASS of Auburn.

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

2
4 **Sec. 1. 37-B MRSA §3, sub-§1, ¶D**, as amended by PL 1983, c.
594, §2, is further amended to read:

6 D. Have the following powers and duties.

8 (1) He The Adjutant General shall administer the
10 department subordinate only to the Governor.

12 (2) He The Adjutant General shall establish methods of
14 administration consistent with the law necessary for
the efficient operation of the department.

16 (3) He The Adjutant General may prepare a budget for
the department.

18 (4) He The Adjutant General may transfer personnel
20 from one bureau to another within the department.

22 (5) He The Adjutant General shall supervise the
24 preparation of all state informational reports required
by the federal military establishment.

26 (6) He The Adjutant General shall keep an accurate
28 account of expenses incurred and, in accordance with
Title 5, sections 43 to 46, make a full report to the
Governor as to the condition of the military forces,
and as to all business transactions of the Military
Bureau, including detailed statements of expenditures
for military purposes.

32 (7) ~~He shall be~~ The Adjutant General is responsible
34 for the custody, care and repair of all military
36 property belonging to or issued to the State for the
military forces and shall dispose of military property
belonging to the State ~~which~~ that is unserviceable. He
The Adjutant General shall account for and deposit the
proceeds from that disposal with the Treasurer of State
who shall credit them to the General-Fund Construction
and Capital Repair Account of the Military Bureau.

42 (8) He The Adjutant General may sell for cash to
44 officers of the state military forces, for their
official use, and to organizations of the state
46 military forces, any military or naval property ~~which~~
that is the property of the State. He The Adjutant
General shall, with his an annual report, render to the
48 Governor an accurate account of the sales and shall

2 deposit the proceeds of the sales with the Treasurer of
State who shall credit them to the General Fund.

4 (9) He The Adjutant General shall represent the state
6 military forces for the purpose of establishing the
relationship between the federal military establishment
and the various State military staff departments.

8 (10) He The Adjutant General shall accept, receive and
10 administer federal funds for and on behalf of the State
12 ~~which that~~ are available for military purposes or ~~which~~
~~that~~ would further the intent and specific purposes of
this chapter and chapter 3.

14 (11) He The Adjutant General shall acquire, construct,
16 operate and maintain military facilities necessary to
comply with this Title and Title 32 of the United
18 States Code and shall operate and maintain facilities
now within or hereafter coming within the jurisdiction
20 of the Military Bureau.

22 (12) He The Adjutant General may adopt rules
24 pertaining to compliance with state and federal
contracting requirements, subject to the Maine
26 Administrative Procedure Act, ~~title~~ Title 5, chapter
375. Those rules shall must provide for approval of
contracts by the appropriate state agency.

28 **Sec. 2. 37-B MRSA §141**, as enacted by PL 1983, c. 460, §3, is
30 amended by adding at the end 2 new paragraphs to read:

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

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

44 **Sec. 3. 37-B MRSA §152** is enacted to read:

46 **§152. Armory Rental Fund**

48 The Military Bureau may rent armories for private activities
that do not conflict with the military training mission. Rental
50 proceeds must be paid into the State Treasury and credited to the
Armory Rental Fund to be used for operation and maintenance

2 expenses at the various state-owned facilities of the Military
3 Bureau. Rental proceeds credited to the Armory Rental Fund are
4 in addition to the appropriations made for operation and
5 maintenance expenses included for that purpose in the Military
6 Fund.

7 **Sec. 4. 37-B MRSA §264**, as enacted by PL 1983, c. 460, §3, is
8 repealed and the following enacted in its place:

10 **§264. Inspection and condemnation**

12 **1. Sale of property; proceeds.** The Adjutant General shall
13 designate an officer to inspect and condemn military property,
14 both real and personal, that has become unfit for use. No
15 property may be sold until it has been inspected and condemned
16 and the condemnation has been approved by the Adjutant General.
17 The proceeds of sales of condemned material, stores, supplies or
18 other public property must be paid into the State Treasury and
19 credited to the Construction and Capital Repair Account of the
20 Military Bureau.

22 **2. Designation of property; sale.** The Adjutant General
23 shall designate to the Governor which armories or other real
24 estate of the Military Bureau are no longer needed to sustain and
25 maintain the Maine National Guard. Upon approval by the
26 Governor, the Adjutant General may sell such property. The
27 proceeds of these sales must be paid into the State Treasury and
28 credited to the Construction and Capital Repair Account of the
29 Military Bureau.

30 **3. Powers of Adjutant General.** Notwithstanding any other
31 provision of law, the Adjutant General, with written approval of
32 the Governor, may grant easements and rights-of-way, and sell or
33 exchange real or personal property in accordance with this
34 section.

36
37
38 **STATEMENT OF FACT**

39
40 The purpose of this bill is to implement changes to
41 streamline the disposal of excess and condemned state-owned
42 military property. The bill makes the following changes.

44 1. Current law authorizes sales of condemned property but
45 it is unclear whether the proceeds are to be deposited into the
46 Military Fund or the General Fund. This bill clarifies where
47 such proceeds are to be deposited.

48
49 2. The bill establishes the Construction and Capital Repair
50 Account to be used for projects, such as energy improvements and

2 roof repairs to other properties. This would increase the value
of other state-owned property, while reducing operating costs,
4 expenses and demands upon the state budget.

6 3. The bill specifically authorizes the Adjutant General to
transfer condemned military property without further approval of
the Legislature.

8
10 4. The bill clarifies that the Construction and Capital
Repair Account and the Armory Rental Fund are in addition to
12 appropriations made by the Legislature for the Military Bureau
and that the proceeds generated by the Military Bureau from
14 rentals or sale of unneeded property will not lapse at the end of
the biennial budget session but continue into the next budget
16 cycle.

18 5. The bill creates the Armory Rental Fund, which provides
an incentive to the Military Bureau to enhance its rentals and
20 become as self-supporting as possible, thereby reducing the draw
of the Military Bureau upon the General Fund.