

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND REGULAR SESSION-2004

Legislative Document

No. 1777

H.P. 1299

House of Representatives, December 22, 2003

**An Act To Authorize the Commissioner of Administrative and
Financial Services To Execute Easements**

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

Received by the Clerk of the House on December 17, 2003. Referred to the Committee on State and Local Government pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative McLAUGHLIN of Cape Elizabeth.

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

4 **Sec. 1. 5 MRSA §282-A** is enacted to read:

6 **§282-A. Commissioner of Administrative and Financial Services**
7 **authorized to execute easements**

8 **1. Authority.** The Commissioner of Administrative and
9 Financial Services is authorized to release, grant or receive
10 title to nonfee interests such as easements or rights-of-way in
11 property held by the State or any of its agencies in accordance
12 with the following:

14 A. A release of an interest in property is authorized upon
15 the commissioner's finding that the interest no longer
16 contributes to the value of the state property or that the
17 release does not detract from the value of state property;

18 B. The granting of an interest in property is authorized
19 upon the commissioner's finding that such interest does not
20 detract from the value of state property; and

21 C. Receiving title to an interest in property is authorized
22 upon the commissioner's finding that the value of state
23 property is enhanced.

24 **2. Appraisal.** In order to release, grant or receive title
25 to nonfee interests pursuant to subsection 1, the Commissioner of
26 Administrative and Financial Services must have the current
27 market value of the nonfee interest determined through an
28 estimate of value if the value is under \$1,000 or through an
29 independent appraisal if the value exceeds \$1,000.

30 **3. Repeal.** This section is repealed August 1, 2006.

32 **SUMMARY**

34 This bill authorizes the Commissioner of Administrative and
35 Financial Services to execute easement deeds, such as routine and
36 technical utility easements, as these are needed on a regular
37 basis. Pursuant to Resolve 1999, chapter 97, the commissioner
38 held this authority from August 11, 2000 to August 11, 2003.
39 This bill reinstates that authority until August 1, 2006.