

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

SECOND REGULAR SESSION-2018

Legislative Document

No. 1794

S.P. 672

In Senate, January 22, 2018

**An Act To Allow the Efficient and Responsible Acquisition and Sale
of Property by the Department of Administrative and Financial
Services**

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 203.

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator DAVIS of Piscataquis.

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

2 **Sec. 1. 5 MRSA c. 153, sub-c. 3** is enacted to read:

3 **SUBCHAPTER 3**

4 **STATE PROPERTY ACQUISITION AND SALE AUTHORITY**

5 **§1777. State property acquisition and sale authority**

6 **1. Acquisition of property.** The Department of Administrative and Financial
7 Services, Bureau of General Services, on behalf of the State, may acquire such property
8 as it determines necessary to:

9 A. Lay out and establish, construct, improve or maintain, or provide a change of
10 location or alignment to, the egress and ingress of existing state facilities;

11 B. Provide land for buildings, garages, parking areas or roadside and landscape
12 development for the preservation of planned development areas;

13 C. Provide for the health, safety and welfare of the public using a state facility;

14 D. Secure materials, with necessary ways and access, for the construction,
15 improvement and maintenance of state facilities;

16 E. Relocate, remove or dispose of state landfill facilities;

17 F. Erect administrative and storage buildings; or

18 G. Construct, improve and maintain public infrastructure projects as directed by law
19 and provide mitigation for existing or potential environmental effects of public
20 infrastructure projects.

21 **2. Sale and disposal of property.** The Department of Administrative and Financial
22 Services, Bureau of General Services, on behalf of the State, may sell, demolish or
23 dispose of state properties as it determines necessary to:

24 A. Maximize the financial return to the State;

25 B. Ensure the efficient disposition of property when the property is no longer
26 considered essential for agency objectives; or

27 C. Manage the long-term planning needs of the State.

28 The bureau may sell, demolish or dispose of property only in a manner that is transparent,
29 competitive, orderly, timely and cost-effective.

30 **3. Opinion of value.** When property is to be purchased or sold by the State pursuant
31 to this section, the Department of Administrative and Financial Services, Bureau of
32 General Services shall obtain a current opinion of value by a real estate appraiser
33 pursuant to Title 32, chapter 124 or a broker or associate broker pursuant to Title 32,
34 section 14004. The purchase price or sale price of the property must reflect the market
35 conditions and opinion of value at the time of sale or purchase.

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SUMMARY

This bill authorizes the Department of Administrative and Financial Services, Bureau of General Services to acquire real estate determined necessary to meet the needs of the State. It authorizes the sale or disposition of real property determined necessary to maximize financial return and to manage the long-term planning needs of the State. It requires that a current opinion of value by a real estate appraiser be obtained and that the purchase or sale price reflect the opinion and current market conditions when the State enters into a real estate transaction.