CHAPTER 7

CONVEYANCE OF REAL ESTATE

SUBCHAPTER 1

ESTATES PASSING

§151. Items covered by deed

A person owning real estate and having a right of entry into it, whether seized of it or not, may convey it or all his interest in it, by a deed to be acknowledged and recorded as provided in this chapter. Down trees lying on land at the time of conveyance are real estate and pass by the deed; but such down trees as are cut into wood, logs or other lumber and hemlock bark peeled are personal property, and the owner may remove them in a reasonable time thereafter. [PL 1983, c. 433 (AMD).]

SECTION HISTORY

PL 1983, c. 433 (AMD).

§151-A. Definitions

As used in this chapter: [PL 1969, c. 433, §94 (NEW).]

1. Minor. "Minor" means any person who has not attained the age of 18 years.
[PL 1971, c. 598, §84 (AMD).]

SECTION HISTORY

PL 1969, c. 433, §94 (NEW). PL 1971, c. 598, §84 (AMD).

§152. Contingent estates

When a contingent remainder, executory devise or estate in expectancy is so limited to a person that it will, in case of his death before the happening of such contingency, descend in fee simple to his heirs, he may before it happens convey or devise it subject to the contingency.

§153. Sale or mortgage of estates subject to contingent remainders

1. Sale or mortgage. When real estate is subject to a contingent remainder, executory devise or power of appointment, the Superior Court, the District Court or the Probate Court for the county or district in which the real estate is situated may, upon the petition of any person who has an estate in possession in the real estate and after notice and other proceedings as required, appoint one or more trustees and authorize the trustee or trustees:

A. To sell and convey the estate or any part of the estate in fee simple, if such a sale and conveyance appears to the court to be necessary or expedient; or [PL 1999, c. 547, Pt. A, §4 (NEW).]

B. To mortgage the estate, either with or without power of sale, for such an amount, on such terms and for such purposes as may seem to the court judicious or expedient. [PL 1999, c. 547, Pt. A, §4 (NEW).]

The conveyance or mortgage is valid and binding upon all parties.
[PL 1999, c. 547, Pt. A, §4 (NEW).]

2. Petition. The petition must set forth the nature of the petitioner's title to the real estate, the source from which the title was derived, the names and addresses of all persons known to be interested in the real estate and any other facts necessary for a full understanding of the matter.

[PL 1999, c. 547, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1999, c. 547, §A4 (RPR).

§154. -- notice; appointment of next friend of minors

Notice of any such petition shall be given in such manner as the court may order to all persons who are or may become interested in the real estate to which the petition relates, and to all persons whose issue, not in being, may become interested therein. If persons interested in said real estate do not consent in writing to a sale thereof, personal notice of the time and place of the hearing on said petition shall be given to all persons known to be interested therein. Said personal notice may be given in any manner provided by law, or by the clerk of courts or the register of probate sending a copy of said petition and order of court thereon by registered mail, return receipt requested, in time to give each party at least 14 days' notice of said hearing. The written statements of said clerk and register, with the return receipt, shall be proof of said service. The court shall in every case appoint a suitable person to appear and act therein as the next friend of all minors, persons not ascertained and persons not in being, who are or may become interested in such real estate. The cost of the appearance and services of such next friend, including the compensation of his counsel, to be determined by the court, shall be paid as the court may order either out of the proceeds of the sale or mortgage or by the petitioner, in which latter case execution therefor may issue in the name of the next friend.

§155. -- bond of trustees; disposal of proceeds of sale

Every trustee appointed under section 153 shall give bond in such form and for such an amount as the court appointing him may order, and he shall receive and hold, invest or apply the proceeds of any sale or mortgage made by him for the benefit of the persons who would have been entitled to the real estate, if such sale or mortgage had not been made, and the probate court for the county in which such real estate or the greater part thereof is situated shall have jurisdiction of all matters thereafter arising in relation to such trust.

§156. Entailments barred by conveyance in fee simple

A person seized of land as a tenant in tail may convey it in fee simple. When a minor is so seized of land, his guardian, duly licensed to sell it for his support and education or to invest the proceeds for his benefit, may convey it in fee simple. When land is owned by one person for life with a vested remainder in tail in another, they may by a joint deed convey the same in fee simple. Such conveyances bar the estate tail and all remainders and reversions expectant thereon.

§157. Conveyance of greater estate, conveys only interest owned

A conveyance of a greater estate than he can lawfully convey, made by a tenant for life or years, will pass what estate he has and will not work a forfeiture, and no expectant estate can be defeated by any act of the owner of the precedent estate or by any destruction of it, except as provided in section 156.

§158. Conveyance for life and to heirs in fee

A conveyance or devise of land to a person for life and to his heirs in fee, or by words to that effect, shall be construed to vest an estate for life only in the first taker and a fee simple in his heirs.

§159. Conveyances to 2 or more persons

Conveyances not in mortgage and devises of land to 2 or more persons create estates in common, unless otherwise expressed. Deeds in which 2 or more grantees anywhere in the conveyances are named as joint tenants or named as having the right of survivorship or that otherwise indicate anywhere in the conveyances by appropriate language the intent to create a joint tenancy between such grantees must be construed as vesting an estate in fee simple in such grantees with right of survivorship. Deeds in

which the grantor is named as a grantee or as a grantee with another or others must be construed as vesting an estate in fee simple in such grantee or grantees including the grantor, unless otherwise expressed. [PL 2011, c. 4, §1 (AMD).]

A conveyance of real property by the owner of the real property to the owner and another or others, or by the owners of the real property to the owners or to the owners and another or others, as joint tenants or with the right of survivorship, or that otherwise indicates anywhere in the conveyance by appropriate language the intent to create a joint tenancy between such owner or owners and such other or others or between the owners by the conveyance, including language such as "as joint tenants," "in joint tenancy," "as joint tenants with rights of survivorship," "with rights of survivorship," "to them and to the survivor of them," "to them and their assigns and to the survivor and the heirs and assigns of the survivor forever" or "as tenants by the entirety," creates an estate in joint tenancy in the property so conveyed between all of the grantees, including the grantor. Estates in joint tenancy so created have and possess all of the attributes and incidents of estates in joint tenancy created or existing at common law and the rights and liabilities of the tenants in estates in joint tenancy so created are the same as in estates in joint tenancy created or existing at common law. [PL 2011, c. 4, §1 (AMD).]

A conveyance of real property by an owner or owners of the real property holding in joint tenancy to the owner or to the owner and another or others, or to the owners or to the owners and another or others, as tenants in common, or that otherwise indicates anywhere in the conveyance by appropriate language the intent to create a tenancy in common or the intent to sever the joint tenancy between the owner or owners and such other or others or between the owners by the conveyance, or without expression of the tenancy created or without other expression of joint tenancy or right of survivorship, creates an estate in common in the property so conveyed between all of the grantees, including the grantor, or between the sole grantee and the other owner or owners. [PL 2011, c. 4, §1 (NEW).]

A conveyance on or after January 1, 2012 by a taxing or assessing authority of real property acquired from joint tenants by foreclosure of a tax or assessment lien mortgage, if made to such persons, recreates the joint tenancy held by the persons at the time of the foreclosure unless otherwise indicated anywhere in the conveyance by appropriate language. [PL 2011, c. 41, §1 (NEW).]

SECTION HISTORY

PL 1973, c. 788, §164 (AMD). PL 2011, c. 4, §1 (AMD). PL 2011, c. 41, §1 (AMD).

§160. -- mortgage or trust

When real estate is conveyed in mortgage or in trust to 2 or more persons, with power to appoint a successor to one deceased, it is held in joint tenancy unless otherwise expressed. When one or more of the trustees, by death or otherwise, is divested of his interest, those remaining may convey such interest upon the same trusts, without impairing the joint tenancy, to trustees by them appointed, who shall hold the title, have the rights and be subject to the liabilities of the other trustees. Personal property, with real estate and upon the same trusts, is held as the real estate is, and it may be conveyed by the remaining trustees with the real estate and held in like manner.

§161. Quitclaim or release

A deed of release or quitclaim of the usual form conveys the estate which the grantor has and can convey by a deed of any other form. A joint deed of husband and wife conveys her estate in which the husband has an interest.

§162. No estate greater than tenancy at will unless by writing

There can be no estate created in lands greater than a tenancy at will, and no estate in them can be granted, assigned or surrendered unless by some writing signed by the grantor or maker or his attorney.

§163. Private transfer fee obligations void and unenforceable

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Private transfer fee" means a fee or charge payable upon the transfer of an interest in real property, or payable for the right to make or accept such a transfer, regardless of whether the fee or charge is a fixed amount or is determined as a percentage of the value of the property, the purchase price or other consideration given for the transfer. "Private transfer fee" does not include:

(1) Any consideration payable by the grantee to the grantor for the interest in real property being transferred, including any subsequent additional consideration for the property payable by the grantee based upon any subsequent appreciation, development or sale of the property, if such consideration is payable on a one-time basis only and the obligation to make such payment does not bind successors in title to the property;

(2) Any commission payable to a licensed real estate broker or real estate brokerage agency for the transfer of real property pursuant to an agreement between the broker or agency and the grantor or the grantee;

(3) Any interest, charges, fees or other amounts payable by a borrower to a lender pursuant to a loan secured by a mortgage against real property;

(4) Any rent, reimbursement, charge, fee or other amount payable by a lessee to a lessor under a lease or license, including, but not limited to, any fee payable to the lessor for consenting to an assignment, subletting, encumbrance or transfer of the lease or license;

(5) Any consideration payable to the holder of an option to purchase an interest in real property or the holder of a right of first refusal or first offer to purchase an interest in real property for waiving, releasing or not exercising the option or right upon the transfer of the property to another person;

(6) Any tax, fee, charge, assessment, fine, dues or other amount payable to or imposed by a governmental authority;

(7) Any fee, charge, assessment, fine or other amount payable to a homeowners association, condominium owners association, cooperative, mobile home owners association or property owners association pursuant to a declaration or covenant or law applicable to such an association for the maintenance, improvements, services or expenses related to real property that is owned, used or enjoyed in common by the members;

(8) Any fee, charge, assessment, dues, fine, contribution or other amount pertaining solely to the purchase or transfer of a club membership relating to real property owned by a club member, including, but not limited to, any amount determined by reference to the value, purchase price or other consideration given for the transfer of the real property;

(9) Any obligations created pursuant to affordable housing covenants under chapter 6 or working waterfront covenants under chapter 6-A; or

(10) Any fee payable, upon a transfer of real property, to a nonprofit corporation, organization or trust organized under the laws of this State, if the sole purpose of the corporation, organization or trust is to support cultural, educational, charitable, recreational, conservation, preservation or similar activities benefiting the real property being transferred and the fee is used exclusively to fund such activities. [PL 2011, c. 200, §1 (NEW).]

B. "Private transfer fee obligation" means an obligation arising under a declaration or covenant recorded against the title to real property or under any other contractual agreement or promise, whether or not recorded, that requires or purports to require the payment of a private transfer fee upon a subsequent transfer of an interest in the real property. [PL 2011, c. 200, §1 (NEW).]

C. "Transfer" means the sale, gift, grant, conveyance, lease, license, assignment, inheritance or other act resulting in a transfer of an ownership interest in real property located in this State. [PL 2011, c. 200, §1 (NEW).]

[PL 2011, c. 200, §1 (NEW).]

2. Void and unenforceable. A private transfer fee obligation recorded or entered into in connection with real property located in this State on or after the effective date of this section does not run with the title to real property and is not binding on or enforceable at law or in equity against any subsequent owner, purchaser, mortgagee or holder of any interest in real property as an equitable servitude or otherwise. A private transfer fee obligation that is recorded or entered into in connection with real property located in this State on or after the effective date of this section is void and unenforceable. This subsection may not be construed to mean that a private transfer fee obligation recorded or entered into in connection with real property located in this State before the effective date of this section is presumed valid and enforceable.

[PL 2011, c. 200, §1 (NEW).]

3. Liability for violation. A person who records, or enters into, an agreement imposing a private transfer fee obligation in that person's favor after the effective date of this section is liable for all damages resulting from the imposition of the private transfer fee obligation on the transfer of an interest in the real property, including, but not limited to, the amount of any private transfer fee paid by a party to the transfer and all attorney's fees, expenses and costs incurred by a party to the transfer or mortgagee of the real property to recover any private transfer fee paid or in connection with an action to quiet title. When an agent acts on behalf of a principal to record or secure a private transfer fee obligation, liability must be assessed to the principal rather than the agent.

[PL 2011, c. 200, §1 (NEW).]

4. Effect of transfer of certain interests in real property. A transfer, on or after the effective date of this section, of an interest in real property subject to a private transfer fee obligation recorded or entered into prior to the effective date of this section does not constitute the recording or entering into of a new private transfer fee obligation on or after the effective date of this section.

[PL 2011, c. 200, §1 (NEW).]

5. Disclosure. The following provisions govern the disclosure of private transfer fee obligations.

A. A contract for the sale of real property subject to a private transfer fee obligation must include a provision disclosing the existence of that obligation and a description of that obligation. A contract for the sale of real property that does not conform to the requirements of this paragraph is not enforceable by the seller, and the buyer is not liable to the seller for damages under such a contract and is entitled to the return of any deposits made under that contract. [PL 2011, c. 200, §1 (NEW).]

B. When a private transfer fee obligation is not disclosed as required by paragraph A and a buyer subsequently discovers the existence of the private transfer fee obligation after title to the real property has passed to the buyer, the buyer has the right to recover against the seller all damages resulting from the failure to disclose the private transfer fee obligation, including, but not limited to, the amount of any private transfer fee paid by the buyer and the difference between the market value of the real property subject to the private transfer fee obligation and the market value of the real property if the real property were not subject to the private transfer fee obligation. The buyer is also entitled to recover all attorney's fees, expenses and costs incurred in seeking the remedies under this subsection. [PL 2011, c. 200, §1 (NEW).]

C. Any provision in a contract for the sale of real property that purports to waive the rights of a buyer under this subsection is void. [PL 2011, c. 200, §1 (NEW).]

[PL 2011, c. 200, §1 (NEW).]

SECTION HISTORY

PL 2011, c. 200, §1 (NEW).

SUBCHAPTER 1-A

RESIDENTIAL PROPERTY DISCLOSURES

§171. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1999, c. 476, §1 (NEW).]

1. Known defect. "Known defect" means a condition, known by the seller, that has a significant adverse effect on the value of property, significantly impairs the health or safety of future occupants of the property or, if not repaired, removed or replaced, significantly shortens the expected normal life of the premises.
[PL 1999, c. 476, §1 (NEW).]

2. Seller. "Seller" means the owner of the residential real property that is for sale, exchange, sale under an installment contract or lease with an option to buy.
[PL 1999, c. 476, §1 (NEW).]

3. Property disclosure statement. "Property disclosure statement" means a written disclosure form prepared by a seller pursuant to section 173.
[PL 1999, c. 476, §1 (NEW).]

4. Purchaser. "Purchaser" means a transferee in any of the types of transactions described in section 172.
[PL 1999, c. 476, §1 (NEW).]

5. Real estate contract. "Real estate contract" means a contract for the transfer of ownership of residential real property by any of the ways described in section 172.
[PL 1999, c. 476, §1 (NEW).]

6. Residential real property. "Residential real property" means real estate consisting of one or not more than 4 residential dwelling units.
[PL 1999, c. 476, §1 (NEW).]

SECTION HISTORY

PL 1999, c. 476, §1 (NEW).

§172. Applicability; exemptions

This subchapter applies to the transfer of any interest in residential real property, whether by sale, exchange, installment land contract, lease with an option to purchase or any other option to purchase. If a person licensed to practice real estate brokerage is involved in the transaction, the licensee is subject to the requirements of licensure in Title 32, chapter 114. The following transfers are exempt from this subchapter: [PL 2005, c. 378, §24 (AMD); PL 2005, c. 378, §29 (AFF).]

1. Court order. Transfers pursuant to court order, including, but not limited to, transfers ordered by a court in the administration of an estate, transfers pursuant to a writ of execution, transfers by any foreclosure sale, transfers by a trustee in bankruptcy, transfers by eminent domain and transfers resulting from a decree for specific performance;
[PL 1999, c. 476, §1 (NEW).]

2. Default. Transfers to a mortgagee by a mortgagor or successor in interest who is in default or transfers to a beneficiary of a deed of trust by a trustor or successor in interest who is in default;
[PL 1999, c. 476, §1 (NEW).]

3. Power of sale. Transfers by a sale under a power of sale or any foreclosure sale under a decree of foreclosure after default in an obligation secured by a mortgage or deed of trust or secured by any other instrument containing a power of sale, or transfers by a mortgagee or a beneficiary under a deed of trust who has acquired the residential real property at a sale conducted pursuant to a power of sale under a mortgage or deed of trust or a sale pursuant to a decree of foreclosure or who has acquired the residential real property by a deed in lieu of foreclosure;
[PL 1999, c. 476, §1 (NEW).]

4. Fiduciary. Transfers by a fiduciary in the course of administration of a decedent's estate, guardianship, conservatorship or trust;
[PL 1999, c. 476, §1 (NEW).]

5. Coowner. Transfers from one or more coowners solely to one or more other coowners;
[PL 1999, c. 476, §1 (NEW).]

6. Testate; intestate succession. Transfers pursuant to testate or intestate succession;
[PL 1999, c. 476, §1 (NEW).]

7. Consanguinity. Transfers made to a spouse or to a person or persons in the lineal line of consanguinity of one or more of the owners;
[PL 1999, c. 476, §1 (NEW).]

8. Divorce. Transfers between spouses resulting from a judgment of divorce or a judgment of separate maintenance or from a property settlement agreement incidental to such a judgment;
[PL 1999, c. 476, §1 (NEW).]

9. Government. Transfers or exchanges to or from any governmental entity;
[PL 1999, c. 476, §1 (NEW).]

10. Relocation. Transfers from an entity that has taken title to a residential real property to assist the prior owner in relocating, as long as the entity makes available to the purchaser a copy of the property disclosure statement furnished to the entity by the prior owner;
[PL 1999, c. 476, §1 (NEW).]

11. Living trust. Transfers to a living trust; and
[PL 1999, c. 476, §1 (NEW).]

12. Corrective deed. Transfers that, without additional consideration and without changing ownership or ownership interest, confirm, correct, modify or supplement a deed previously recorded.
[PL 1999, c. 476, §1 (NEW).]

SECTION HISTORY

PL 1999, c. 476, §1 (NEW). PL 2005, c. 378, §24 (AMD). PL 2005, c. 378, §29 (AFF).

§173. Required disclosures

Unless the transaction is exempt under section 172, the seller of residential real property shall provide to the purchaser a property disclosure statement containing the following information: [PL 1999, c. 476, §1 (NEW).]

1. Water supply system. The type of system used to supply water to the property. If the property has a private water supply, the seller shall disclose:

A. The type of system; [PL 1999, c. 476, §1 (NEW).]

B. The location of the system; [PL 1999, c. 476, §1 (NEW).]

C. Any malfunctions of the system; [PL 1999, c. 476, §1 (NEW).]

D. The date of the most recent water test, if any; and [PL 1999, c. 476, §1 (NEW).]

E. Whether the seller has experienced a problem such as an unsatisfactory water test or a water test with notations; [PL 1999, c. 476, §1 (NEW).]

[PL 1999, c. 476, §1 (NEW).]

2. Insulation.

[PL 2005, c. 378, §25 (RP); PL 2005, c. 378, §29 (AFF).]

2-A. Heating system or heating source. Detailed information on the system or source used to supply heat to the property, including:

A. The type of heating system or source; [PL 2005, c. 378, §26 (NEW); PL 2005, c. 378, §29 (AFF).]

B. The age of the heating system or source; [PL 2005, c. 378, §26 (NEW); PL 2005, c. 378, §29 (AFF).]

C. The name of the company that services the heating system or source; [PL 2005, c. 378, §26 (NEW); PL 2005, c. 378, §29 (AFF).]

D. The date of the most recent service call on the heating system or source; [PL 2005, c. 378, §26 (NEW); PL 2005, c. 378, §29 (AFF).]

E. The annual fuel consumption per heating system or source; [PL 2019, c. 37, §1 (AMD).]

F. Any malfunctions per heating system or source within the past 2 years; and [PL 2019, c. 37, §1 (AMD).]

G. The date of the most recent inspection of the chimneys and vents for the heating system or source; [PL 2019, c. 37, §2 (NEW).]

[PL 2019, c. 37, §§1, 2 (AMD).]

3. Waste disposal system. The type of waste disposal system used on the property. If the property has a private waste disposal system, the seller shall disclose:

A. The type of system; [PL 1999, c. 476, §1 (NEW).]

B. The size and type of the tank; [PL 1999, c. 476, §1 (NEW).]

C. The location of the tank; [PL 1999, c. 476, §1 (NEW).]

D. Any malfunctions of the tank; [PL 1999, c. 476, §1 (NEW).]

E. The date of installation of the tank; [PL 1999, c. 476, §1 (NEW).]

F. The location of the leach field; [PL 1999, c. 476, §1 (NEW).]

G. Any malfunctions of the leach field; [PL 1999, c. 476, §1 (NEW).]

H. The date of installation of the leach field; [PL 1999, c. 476, §1 (NEW).]

I. The date of the most recent servicing of the system; [PL 1999, c. 476, §1 (NEW).]

J. The name of the contractor who services the system; and [PL 1999, c. 476, §1 (NEW).]

K. For systems within shoreland zones, disclosures on septic systems required by Title 30-A, section 4216; [PL 1999, c. 476, §1 (NEW).]

[PL 1999, c. 476, §1 (NEW).]

4. Hazardous materials. The presence or prior removal of hazardous materials or elements on the residential real property, including, but not limited to:

A. Asbestos; [PL 1999, c. 476, §1 (NEW).]

B. Lead-based paint for pre-1978 homes in accordance with federal regulations; [PL 2011, c. 96, §5 (AMD).]

C. Radon; [PL 2019, c. 234, §1 (AMD).]

D. Underground oil storage tanks as required under Title 38, section 563, subsection 6; and [PL 2019, c. 234, §2 (AMD).]

E. Methamphetamine; [PL 2019, c. 234, §3 (NEW).]
[PL 2019, c. 234, §§1-3 (AMD).]

5. Known defects. Any known defects;
[PL 2023, c. 585, §1 (AMD); PL 2023, c. 602, §3 (AMD).]

6. Access to the property. Information describing the means of accessing the property by:

A. A public way, as defined in Title 29-A, section 101, subsection 59; and [PL 2017, c. 181, §3 (NEW).]

B. Any means other than a public way, in which case the seller shall disclose information about who is responsible for maintenance of the means of access, including any responsible road association, if known by the seller; [RR 2023, c. 2, Pt. A, §50 (COR).]
[RR 2023, c. 2, Pt. A, §50 (COR).]

7. Flood hazard. Information regarding potential flood risks, including:

A. Whether, at the time the seller provides the information to the purchaser, the property is located wholly or partly within an area of special flood hazard mapped on the effective flood insurance rate map issued by the Federal Emergency Management Agency on or after March 4, 2002; the federally designated flood zone for the property indicated on that flood insurance rate map; and a copy of the relevant panel of that flood insurance rate map. For the purposes of this paragraph, "area of special flood hazard" has the same meaning as in Title 38, section 436-A, subsection 1-C; [PL 2023, c. 585, §3 (NEW).]

B. Whether, during the time that the prospective seller has owned the property:

(1) Any flood events affected the property or a structure on the property;

(2) Any flood-related damage to a structure occurred on the property;

(3) Any flood insurance claims were filed for a structure on the property and, if so, the date of each claim; and

(4) Any past disaster-related aid was provided related to the property or a structure on the property from federal, state or local sources for the purposes of flood recovery and, if so, the date of each payment; and [PL 2023, c. 585, §3 (NEW).]

C. For the purposes of this subsection, "flood" means:

(1) A general and temporary condition of partial or complete inundation of normally dry areas from:

(a) The overflow of inland or tidal waters; or

(b) The unusual and rapid accumulation or runoff of surface waters from any source; or

(2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event that results in flooding as described in subparagraph (1), division (a); [RR 2023, c. 2, Pt. A, §51 (COR).]
[RR 2023, c. 2, Pt. A, §51 (COR).]

REVISOR'S NOTE: (Subsection 7 as enacted by PL 2023, c. 602, §5 is REALLOCATED TO TITLE 33, SECTION 173, SUBSECTION 8)

8. (REALLOCATED FROM T. 33, §173, sub-§7) Shoreland zoning ordinance. Detailed information on any of the following related to a shoreland zoning ordinance adopted pursuant to Title 38, chapter 3, subchapter 1, article 2-B:

A. A notice of violation issued by a municipal official or state agency; [PL 2025, c. 69, §1 (NEW).]

B. A pending enforcement action; [PL 2025, c. 69, §1 (NEW).]

C. Litigation; [PL 2025, c. 69, §1 (NEW).]

D. A court judgment; and [PL 2025, c. 69, §1 (NEW).]

E. A settlement or consent agreement. [PL 2025, c. 69, §1 (NEW).]
[PL 2025, c. 69, §1 (RPR).]

SECTION HISTORY

PL 1999, c. 476, §1 (NEW). PL 2005, c. 339, §3 (AMD). PL 2005, c. 378, §§25,26 (AMD). PL 2005, c. 378, §29 (AFF). PL 2011, c. 96, §5 (AMD). PL 2017, c. 181, §§1-3 (AMD). PL 2019, c. 37, §§1, 2 (AMD). PL 2019, c. 234, §§1-3 (AMD). PL 2023, c. 585, §§1-3 (AMD). PL 2023, c. 602, §§3-5 (AMD). RR 2023, c. 2, Pt. A, §§50-52 (COR). PL 2025, c. 69, §1 (AMD).

§173-A. Information provided

Beginning January 1, 2004, unless the transaction is exempt under section 172, the seller of residential real property shall provide to the purchaser information developed by the Director of the Bureau of Health within the Department of Health and Human Services regarding what homeowners should know about arsenic in private water supplies and arsenic in treated wood. Copies of this information must be provided to sellers at cost. [PL 2003, c. 457, §1 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

SECTION HISTORY

PL 2003, c. 457, §1 (NEW). PL 2003, c. 689, §B6 (REV).

§174. Delivery and time of disclosure; cancellation of contract

1. Delivery and time of disclosure. The seller of residential real property under this subchapter shall deliver or cause to be delivered the property disclosure statement to the purchaser no later than the time the purchaser makes an offer to purchase, exchange or option the property or exercises the option to purchase the property pursuant to a lease with an option to purchase.
[PL 1999, c. 476, §1 (NEW).]

2. Terminate contract. If the property disclosure statement is delivered to the purchaser after the purchaser makes an offer, the purchaser may terminate any resulting real estate contract or withdraw the offer no later than 72 hours after receipt of the property disclosure statement.
[PL 1999, c. 476, §1 (NEW).]

3. Withdrawal without penalty. If the purchaser terminates a real estate contract or withdraws an offer in compliance with this section, the termination or withdrawal of offer is without penalty to the purchaser and any deposit must be promptly returned to the purchaser.
[PL 1999, c. 476, §1 (NEW).]

4. Rights waived. Any rights of the purchaser to terminate the real estate contract provided by this section are waived conclusively if not exercised prior to settlement or occupancy, whichever is earlier, by the purchaser in the case of a sale or exchange, or prior to settlement in the case of a purchase

pursuant to a lease with option to purchase. Any rights of the purchaser to terminate the real estate contract for reasons other than those set forth in this section are not affected by this section.
[PL 1999, c. 476, §1 (NEW).]

5. Invalidated. A transfer subject to this subchapter is not invalidated solely because of the failure of any person to comply with this subchapter.
[PL 1999, c. 476, §1 (NEW).]

SECTION HISTORY

PL 1999, c. 476, §1 (NEW).

§175. Change in circumstances

1. Inaccurate information. If information disclosed in accordance with this subchapter becomes inaccurate as a result of any action, occurrence or agreement after the delivery of the property disclosure statement, the resulting inaccuracy does not constitute a violation of this subchapter.
[PL 1999, c. 476, §1 (NEW).]

2. Supplemental disclosure. If prior to settlement or occupancy a seller has actual knowledge of an error, inaccuracy or omission in the disclosure after delivery of the property disclosure statement to purchaser, the seller shall supplement the property disclosure statement with a written supplemental disclosure.
[PL 1999, c. 476, §1 (NEW).]

SECTION HISTORY

PL 1999, c. 476, §1 (NEW).

§176. Rights and duties of seller and purchaser

1. Seller's rights and duties. A property disclosure statement and any supplement to a property disclosure statement are not a warranty by the seller. The information in the disclosure statement is for disclosure only and is not intended to be a part of any contract between the purchaser and the seller.

If, at the time the disclosures are required to be made, an item of information required to be disclosed under this subchapter is unknown or unavailable to the seller, the seller may comply with this subchapter by advising the purchaser of the fact that the information is unknown.

The information provided to the purchaser is based upon the best information available to the seller. The seller is not obligated under this subchapter to make any specific investigation or inquiry in an effort to complete the property disclosure statement.
[PL 1999, c. 476, §1 (NEW).]

2. Purchaser's rights and duties. The property disclosure statement and any supplement to the property disclosure statement may not be used as substitutes for any inspections or warranties that the purchaser or seller may obtain. Nothing in this subchapter precludes the obligation of a purchaser to inspect the physical condition of the property.
[PL 1999, c. 476, §1 (NEW).]

SECTION HISTORY

PL 1999, c. 476, §1 (NEW).

§177. Liability

A seller is not liable for any error, inaccuracy or omission of any information required to be delivered to the purchaser under this subchapter if: [PL 1999, c. 476, §1 (NEW).]

1. Without actual knowledge. The error, inaccuracy or omission was not within the actual knowledge of the seller or was based on information provided by a public agency or by another person

with a professional license or special knowledge who provided a written or oral report or opinion that the seller reasonably believed to be correct; and
[PL 1999, c. 476, §1 (NEW).]

2. Without negligence. The seller was not negligent in obtaining information from a 3rd party and transmitting that information to the purchaser.
[PL 1999, c. 476, §1 (NEW).]

SECTION HISTORY

PL 1999, c. 476, §1 (NEW).

§178. Effect on other statutes or common law

This subchapter is not intended to limit or modify any obligation to disclose created by any other statute or that may exist in common law in order to avoid fraud, misrepresentation or deceit in the transaction. [PL 1999, c. 476, §1 (NEW).]

SECTION HISTORY

PL 1999, c. 476, §1 (NEW).

§179. Effective date

This subchapter takes effect January 1, 2000. [PL 1999, c. 476, §1 (NEW).]

SECTION HISTORY

PL 1999, c. 476, §1 (NEW).

SUBCHAPTER 1-B

NONRESIDENTIAL PROPERTY DISCLOSURES

§191. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2017, c. 345, §4 (NEW).]

1. Nonresidential real property. "Nonresidential real property" means real estate that is not residential real property as defined in section 171, subsection 6.
[PL 2017, c. 345, §4 (NEW).]

2. Public easement. "Public easement" has the same meaning as in Title 23, section 3021, subsection 2.
[PL 2017, c. 345, §4 (NEW).]

3. Town way. "Town way" has the same meaning as in Title 23, section 3021, subsection 3.
[PL 2017, c. 345, §4 (NEW).]

SECTION HISTORY

PL 2017, c. 345, §4 (NEW).

§192. Applicability; exemptions

This subchapter applies to the transfer of any interest in nonresidential real property, whether by sale, installment land contract, lease with an option to purchase or any other option to purchase. If a person licensed to practice real estate brokerage is involved in the transaction, the licensee is subject to the requirements of licensure in Title 32, chapter 114. The following transfers are exempt from this subchapter: [PL 2017, c. 345, §4 (NEW).]

1. Court order. Transfers pursuant to court order, including, but not limited to, transfers ordered by a court in the administration of an estate, transfers pursuant to a writ of execution, transfers by any foreclosure sale, transfers by a trustee in bankruptcy, transfers by eminent domain and transfers resulting from a decree for specific performance;
[PL 2017, c. 345, §4 (NEW).]

2. Default. Transfers to a mortgagee by a mortgagor or successor in interest who is in default or transfers to a beneficiary of a deed of trust by a trustor or successor in interest who is in default;
[PL 2017, c. 345, §4 (NEW).]

3. Co-owner. Transfers from one or more co-owners solely to one or more other co-owners;
[PL 2017, c. 345, §4 (NEW).]

4. Testate; intestate succession. Transfers pursuant to testate or intestate succession;
[PL 2017, c. 345, §4 (NEW).]

5. Divorce. Transfers between spouses resulting from a judgment of divorce or a judgment of separate maintenance or from a property settlement agreement incidental to such a judgment;
[PL 2017, c. 345, §4 (NEW).]

6. Living trust. Transfers to a living trust; and
[PL 2017, c. 345, §4 (NEW).]

7. Corrective deed. Transfers that, without additional consideration and without changing ownership or ownership interest, confirm, correct, modify or supplement a deed previously recorded.
[PL 2017, c. 345, §4 (NEW).]

SECTION HISTORY

PL 2017, c. 345, §4 (NEW).

§193. Disclosures

Unless the transaction is exempt under section 192, the seller of nonresidential real property shall provide to the purchaser a property disclosure statement containing the following: [PL 2017, c. 345, §4 (NEW).]

1. Roads on or abutting property.
[PL 2019, c. 142, §1 (RP).]

2. Road maintenance.
[PL 2019, c. 142, §1 (RP).]

3. Access to the property. Information describing the means of accessing the property by:

A. A public way, as defined in Title 29-A, section 101, subsection 59; and [PL 2019, c. 142, §2 (NEW).]

B. Any means other than a public way, in which case the seller shall disclose information about who is responsible for maintenance of the means of access, including any responsible road association, if known by the seller; and [PL 2023, c. 585, §4 (AMD).]
[PL 2023, c. 585, §4 (AMD).]

4. Flood hazard. Information regarding potential flood risks, including:

A. Whether, at the time the seller provides the information to the purchaser, the property is located wholly or partly within an area of special flood hazard mapped on the effective flood insurance rate map issued by the Federal Emergency Management Agency on or after March 4, 2002; the federally designated flood zone for the property indicated on that flood insurance rate map; and a copy of the relevant panel of that flood insurance rate map. For the purposes of this paragraph, "area of

special flood hazard" has the same meaning as in Title 38, section 436-A, subsection 1-C; [PL 2023, c. 585, §5 (NEW).]

B. Whether, during the time that the prospective seller has owned the property:

(1) Any flood events affected the property or a structure on the property;

(2) Any flood-related damage to a structure occurred on the property;

(3) Any flood insurance claims were filed for a structure on the property and, if so, the date of each claim; and

(4) Any past disaster-related aid was provided related to the property or a structure on the property from federal, state or local sources for the purposes of flood recovery and, if so, the date of each payment; and [PL 2023, c. 585, §5 (NEW).]

C. For the purposes of this subsection, "flood" means:

(1) A general and temporary condition of partial or complete inundation of normally dry areas from:

(a) The overflow of inland or tidal waters; or

(b) The unusual and rapid accumulation or runoff of surface waters from any source; or

(2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event that results in flooding as described in subparagraph (1), division (a). [PL 2023, c. 585, §5 (NEW).]

[PL 2023, c. 585, §5 (NEW).]

SECTION HISTORY

PL 2017, c. 345, §4 (NEW). PL 2019, c. 142, §§1, 2 (AMD). PL 2023, c. 585, §§4, 5 (AMD).

§194. Delivery and time of disclosure; cancellation of contract

1. Definition. As used in this section, "flood risk disclosure statement" means a statement containing, at minimum, the information required by section 193, subsection 4.
[PL 2023, c. 585, §6 (NEW).]

2. Delivery and time of disclosure. The seller of nonresidential real property under this subchapter shall deliver or cause to be delivered a flood risk disclosure statement to the purchaser no later than the time the purchaser makes an offer to purchase, exchange or option the property or exercises an option to purchase the property pursuant to a lease with an option to purchase.
[PL 2023, c. 585, §6 (NEW).]

3. Terminate contract. If the seller does not deliver or cause to be delivered a flood risk disclosure statement to the purchaser before the purchaser makes an offer or exercises an option in accordance with subsection 2, the purchaser may terminate any resulting real estate contract or withdraw the offer within 72 hours after receipt of the flood risk disclosure statement.
[PL 2023, c. 585, §6 (NEW).]

4. Withdrawal without penalty. If the purchaser terminates a real estate contract or withdraws an offer pursuant to this section, the termination or withdrawal is without penalty to the purchaser and the seller shall promptly return to the purchaser any deposits made by the purchaser.
[PL 2023, c. 585, §6 (NEW).]

5. Rights waived. Any rights of the purchaser to terminate a real estate contract provided by this section are waived conclusively if not exercised prior to settlement or occupancy, whichever is earlier,

by the purchaser in the case of a sale or exchange, or prior to settlement in the case of a purchase pursuant to a lease with an option to purchase. Any rights of the purchaser to terminate a real estate contract for reasons other than those set forth in this section are not affected by this section.
[PL 2023, c. 585, §6 (NEW).]

6. Invalidated. A transfer subject to this subchapter is not invalidated solely because of the failure of any person to comply with this subchapter.
[PL 2023, c. 585, §6 (NEW).]

SECTION HISTORY

PL 2023, c. 585, §6 (NEW).

SUBCHAPTER 2

RECORDING

§201. Priority of recording

No conveyance of an estate in fee simple, fee tail or for life, or lease for more than 2 years or for an indefinite term is effectual against any person except the grantor, his heirs and devisees, and persons having actual notice thereof unless the deed or lease is acknowledged and recorded in the registry of deeds within the county where the land lies, and if the land is in 2 or more counties then the deed or lease shall be recorded in the registry of deeds of each of such counties, and in counties where there are 2 or more registry districts then the deed or lease shall be recorded in the district legal for such record. Conveyances of the right, title or interest of the grantor, if duly recorded, shall be as effectual against prior unrecorded conveyances, as if they purported to convey an actual title. All recorded deeds, leases or other written instruments regarding real estate take precedence over unrecorded attachments and seizures.

A memorandum of lease of real estate may be recorded, and if so recorded, the lease shall be considered recorded for all purposes. Said memorandum shall be executed and acknowledged by one of the lessors, name all the parties to the lease, contain an intelligible description of the property leased, state the date and the term of the lease, describe any provisions related to renewals or extensions, describe any provisions relating to options to purchase or the transfer of title, but need not describe any provisions relating to rent. The recording of said memorandum shall constitute notice of all terms of the lease including all provisions relating to rental, price, considerations and default, as effectively as if said lease had been recorded in full. Nothing herein contained shall be deemed to affect the validity of the recording of an abstract, memorandum or statement of lease prior to September 21, 1963, but any such abstract, memorandum or statement of lease recorded prior to September 21, 1963, shall be deemed to meet the requirements of a memorandum of lease made and recorded hereunder if it reasonably describes the parties to the lease and contains a reasonable description of the leased property.

§201-A. Conditions of actual notice

An exception, reservation, or recital in a conveyance, mortgage, devise or other transfer of real property or of any interest therein, shall not constitute actual notice within the meaning of section 201 of any other conveyance, mortgage, devise or other transfer of real property or of any interest therein unless it contains the following: [PL 1977, c. 504 (NEW).]

1. Reference to the volume and page of the registry or probate court record. A reference to the volume and page of the registry or probate court record of the deed or other instrument evidencing such other conveyance, mortgage, devise or other transfer, which record can be found at the time of the recording of the deed or other instrument containing the exception, reservation or recital; or
[PL 1977, c. 504 (NEW).]

2. Adequate description. An adequate description by metes and bounds or by reference to the volume and page of the record of a survey plan of the property affected by the exception, reservation or recital, in which case the actual notice shall extend only to the property so described.

Any such exception, reservation or recital lacking such reference or adequate description shall not except, reserve or otherwise affect real property or any interest therein; provided that this section shall not prevent any such exception, reservation or recital from constituting a waiver, limitation or negation of a warranty of title in the document in which the exception, reservation or recital occurs, or from being taken into account in determining the existence of a contractual obligation or condition between the immediate parties to the document in which the exception, reservation or recital occurs.
[PL 1977, c. 504 (NEW).]

SECTION HISTORY

PL 1977, c. 504 (NEW).

§201-B. Notice; construction of provisions

1. Preservation of claims by filing of notice. Section 201-A shall apply to an exception, reservation or recital in a conveyance, mortgage, devise or other transfer of real property or of any interest therein made prior to the effective date of this section as well as to those made thereon or thereafter; provided that, if and to the extent constitutionally necessary to preserve rights, if any, existing at the effective date of section 201-A, that section shall not apply to such an exception, reservation or recital made previous to the effective date of that section, provided that within 2 years of the effective date of this section a person claiming such existing right, if any, shall have recorded in the registry of deeds for the county or district thereof in which the land is located the following:

A. The notice provided in subsection 2, and the deed or other instrument evidencing the previous conveyance, mortgage, devise or other transfer under which he claims, if such deed or instrument was not recorded previous to the effective date of this section; or [PL 1977, c. 504 (NEW).]

B. The notice provided in subsection 2, if such deed or other instrument under which he claims is lost or if such deed or instrument although recorded previous to the effective date of this section was not recorded previous to the deed or other instrument containing such exception, reservation or recital. [PL 1977, c. 504 (NEW).]

[PL 1977, c. 504 (NEW).]

2. Filing of notice; recording fee; indexing. In order for the notice specified in subsection 1 to be effective, it shall contain an adequate description of the property in which the right, title or interest is claimed; a reference to the deed or other instrument on which the claim is based; the name of the current record owner of the property; a specific reference by date of recording and by volume and page numbers to the recorded deed or other instrument containing the exception, reservation or recital; and shall be duly verified by oath taken by any person authorized to perform notarial acts. The register of deeds for the county or district thereof in which the land is located shall accept all such notices presented that describe property located in such county or district and shall enter and record them in the same manner that deeds and other instruments are recorded and shall be entitled to charge the same fee for the recording thereof as is charged for recording deeds. In indexing such notice, the register of deeds shall enter it in the grantee index of deeds under the name of the claimant appearing in the notice and in the grantor index of deeds under the name of the record owner appearing in the notice. Within a reasonable time after recording such notice, the register of deeds shall enter upon the margin of the record of the previous instruments referred to by volume and page numbers in such notice the volume and page in which the record of such notice may be found. The person filing the notice shall deliver or mail a copy thereof to the current record owner of the property at the last known address of such owner.
[PL 1977, c. 504 (NEW).]

3. Persons under disability; 2-year period not suspended. The notice provided in subsection 1 may be filed for record by the claimant or any other person acting on behalf of any claimant who is under a disability or unable to assert a claim on his own behalf, but no disability or lack of knowledge of any kind shall suspend or extend the period provided for such filing.
[PL 1977, c. 504 (NEW).]

4. Statutes of limitations not extended. Nothing contained in section 201-A and in this section shall be construed to extend the period limited for the bringing of any action or for the doing of any other required act or to otherwise extend any statute of limitations; nor shall it be construed as legislative recognition of the existence of any claims that it may bar.
[PL 1977, c. 504 (NEW).]

5. Liberal construction. Section 201-A and this section shall be liberally construed to effect the legislative purpose of enhancing the marketability of the title to real property by eliminating the possibility of interests under certain unrecorded or late recorded deeds.
[PL 1977, c. 504 (NEW).]

SECTION HISTORY

PL 1977, c. 504 (NEW).

§202. Failure to record, effect of

A deed purporting to convey an absolute estate in land cannot be defeated by an instrument intended as a defeasance, as against any other person than the maker, his heirs and devisees, unless such instrument is recorded in the registry where the deed is recorded.

§203. Need for acknowledgment

Deeds and all other written instruments before recording in the registries of deeds, except those issued by a court of competent jurisdiction and duly attested by the proper officer thereof, and excepting plans and notices of foreclosure of mortgages and certain financing statements as provided in Title 11, section 9-1501, subsection (1), paragraph (a), and excepting notices of liens for internal revenue taxes and certificates discharging such liens and excepting notices of liens for the collection of taxes pursuant to Title 36, Part 1 and Parts 3 to 8 and Title 26, chapter 13, and releases discharging such liens, and excepting notices of liens for the collection of taxes pursuant to Title 36, Part 2 and Part 9 when filed by the State Tax Assessor, and releases discharging such liens, must be acknowledged by the grantors, or by the persons executing any such written instruments, or by one of them, or by their attorney executing the same, or by the lessor in a lease or one of the lessors or lessor's attorney executing the same, before a notary public in the State, or before an attorney-at-law duly admitted and eligible to practice in the courts of the State, if within the State; or before any clerk of a court of record having a seal, notary public or commissioner appointed by the Governor of this State for the purpose, or a commissioner authorized in the state where the acknowledgment is taken, within the United States; or before a minister, vice-consul or consul of the United States or notary public in any foreign country.
[PL 2025, c. 271, Pt. A, §1 (AMD).]

Any person who is in the Armed Forces of the United States, and who executes a general or special power of attorney, deed, lease, contract or any instrument that is required to be recorded, may acknowledge the same as that person's true act and deed before any lieutenant or officer of senior grade thereto in the Army, U. S. Marine Corps or Air Force or before any ensign or officer of senior grade thereto in the Navy or Coast Guard and the record of such acknowledgment by said officers must be received and have the same force and effect as acknowledgments under the other provisions of this section, and all such instruments heretofore executed are hereby validated as to acknowledgment and authenticity. Powers of attorney and other instruments requiring seals executed by such members of the armed forces may be accepted for recordation in registries of deeds and other offices of record in cases where no seal is affixed after the name of the person or persons executing the instrument with like force

and effect as though seals were affixed thereto. [PL 1999, c. 699, Pt. D, §20 (AMD); PL 1999, c. 699, Pt. D, §30 (AFF).]

Any notary public who is a stockholder, director, officer or employee of a bank or other corporation may take the acknowledgment of any party to any written instrument executed to or by such corporation, provided such notary public is not a party to such instrument either individually or as a representative of such bank or other corporation. [PL 1987, c. 736, §48 (AMD).]

This section may not be construed as invalidating any instrument duly executed in accordance with the statutes heretofore in effect or made valid by any such statute. All such instruments may be admitted to record which at the time of their execution or subsequent validation could be so recorded. [PL 1999, c. 699, Pt. D, §20 (AMD); PL 1999, c. 699, Pt. D, §30 (AFF).]

Notwithstanding any of the requirements in this section, an instrument with an acknowledgment conforming to the requirements of the Revised Uniform Law on Notarial Acts must be accepted for recording purposes. [PL 2021, c. 651, Pt. A, §7 (AMD); PL 2021, c. 651, Pt. A, §8 (AFF).]

SECTION HISTORY

PL 1969, c. 260 (AMD). PL 1979, c. 20 (AMD). PL 1981, c. 456, §§A114,A115 (AMD). PL 1983, c. 635 (AMD). PL 1987, c. 736, §48 (AMD). PL 1993, c. 395, §1 (AMD). PL 1999, c. 699, §D20 (AMD). PL 1999, c. 699, §D30 (AFF). PL 2019, c. 607, Pt. A, §3 (AMD). PL 2021, c. 651, Pt. A, §7 (AMD). PL 2021, c. 651, Pt. A, §8 (AFF). PL 2025, c. 271, Pt. A, §1 (AMD).

§204. Deed lost before recording

If a deed, duly executed and delivered, is lost or destroyed before being recorded, the grantee or person claiming under him may file a copy of it in the registry of deeds in the county where the land lies. It shall have the same effect as a record for 90 days. He may thereupon proceed to have the depositions of the subscribing witnesses and others knowing the facts taken, as depositions are taken in perpetuam; but if any person supposed to have an adverse interest lives out of the State in an unknown place, the Superior Court may order notice of the taking of such depositions by publication as it deems proper. The filing and recording of such depositions and copy within said 90 days shall have the same effect as if the deed itself had been recorded when said copy was first filed. Certified copies thereof are evidence when the original would be.

§205. Certified copies of deeds recorded in other registries

If a deed conveying lands in more than one county is lost before being recorded in all, or if a deed is recorded in the wrong county or registry district and lost, a certified copy from a registry where it has been recorded may be recorded in another county or registry district with the same effect as a record of the original.

§206. Recording by compulsion

A person having an interest in real estate of which any prior grantee has an unrecorded deed or other evidence of title may give the latter personal notice in writing to have the same recorded. If he neglects to have it so recorded for 30 days, the Superior Court, on complaint, may cause said grantee or his heirs to be brought before it for examination and, unless sufficient cause is shown for such neglect, may order such deed or other evidence of title to be recorded, and the cost paid by the defendant, together with the legal fees of the register for recording such deed or other evidence of title.

§207. Recording master form

An instrument containing a form or forms of convenants, conditions, obligations, powers and other clauses of a mortgage, or deed of trust, may be recorded in the registry of deeds of any county and the recorder of such county, upon the request of any person, on tender of the lawful fees therefor, shall record the same in his registry. Every such instrument shall be entitled on the face thereof as a "Master form recorded by ..... (name of person causing the

instrument to be recorded)." Such instrument need not be acknowledged to be entitled to record. [PL 1967, c. 107 (NEW).]

SECTION HISTORY

PL 1967, c. 107 (NEW).

§208. Indexing

When any such instrument is recorded, the recorder shall index such instrument under the name of the person causing it to be recorded in the manner provided for miscellaneous instruments relating to real estate. [PL 1967, c. 107 (NEW).]

SECTION HISTORY

PL 1967, c. 107 (NEW).

§209. Incorporating master form

Thereafter any of the provisions of such master form instrument may be incorporated by reference in any mortgage, or deed of trust, of real estate situated within this State, if such reference in the mortgage, or deed of trust, states that the master form instrument was recorded in the county in which the mortgage, or deed of trust, is offered for record, the date when and the book and page or pages where such master form instrument was recorded, and that a copy of such master form instrument was furnished to the person executing the mortgage, or deed of trust. The recording of any mortgage, or deed of trust, which has so incorporated by reference therein any of the provisions of a master form instrument recorded as provided in this section shall have like effect as if such provisions of the master form so incorporated by reference had been set forth fully in the mortgage, or deed of trust. [PL 1967, c. 107 (NEW).]

SECTION HISTORY

PL 1967, c. 107 (NEW).

§210. Recording instrument incorporating master forms

Whenever a mortgage, or deed of trust, is presented for recording on which is set forth matter purporting to be a copy or reproduction of such master form instrument or of part thereof, identified by its title as provided in section 207 and stating the date when it was recorded and the book and page where it was recorded, preceded by the words "do not record" or "not to be recorded" and plainly separated from the matter to be recorded as a part of the mortgage, or deed of trust, in such manner that it will not appear upon a photographic reproduction of any page containing any part of the mortgage, or deed of trust, such matter shall not be recorded by the recorder to whom the instrument is presented for recording. In such case the recorder shall record only the mortgage, or deed of trust, apart from such matter and shall not be liable for so doing, any other provisions of law to the contrary notwithstanding. [PL 1967, c. 107 (NEW).]

SECTION HISTORY

PL 1967, c. 107 (NEW).

SUBCHAPTER 3

EXECUTION AND ACKNOWLEDGMENT

ARTICLE 1

COMMISSIONER OF DEEDS

§251. Appointment; powers

The Governor may appoint one or more commissioners in any other of the United States and in any foreign country, who shall continue in office during his pleasure; and have authority to take the acknowledgment and proof of the execution of any deed, other conveyance or lease of lands lying in this State; and of any contract, letter of attorney or any other writing, under seal or not, to be used or recorded in this State.

§252. Legal effect of official acts

The acknowledgment or proof, taken according to the laws of this State and certified by any such commissioner under his seal of office, annexed to or indorsed on such instrument, shall have the same force and effect as if done by an officer authorized to perform such acts within this State.

§253. Administration of oaths and depositions

Every commissioner appointed under section 251 may administer any oath lawfully required in this State to any person willing to take it; and take and duly certify all depositions to be used in any of the courts in this State, in conformity to the laws thereof, on interrogatories proposed under commission from a court of this State, by consent of parties or on legal notice given to the opposite party. All such acts shall be as valid as if done and certified according to law by a judicial officer or notary public in this State. [PL 1987, c. 736, §49 (AMD).]

SECTION HISTORY

PL 1987, c. 736, §49 (AMD).

§254. Qualifications and seal

Every commissioner appointed under section 251, before performing any duty or exercising any power by virtue of his appointment, shall take and subscribe an oath or affirmation, before a judge or clerk of one of the superior courts of the state or country in which he resides, well and faithfully to execute and perform all his official duties under the laws of this State; which oath and a description of his seal of office shall be filed in the office of the Secretary of State.

ARTICLE 2

PROOF OF EXECUTION

§301. Grantor dead or out of State

When a grantor or lessor dies, or departs from the State without acknowledging his deed, its execution may be proved by a subscribing witness before any court of record in the State. No deed without one subscribing witness can, for this purpose, be proved before any court or justice.

§302. Witness dead or absent

When the witnesses are dead or out of the State, the handwriting of the grantor and subscribing witness may be proved by other testimony.

§303. Grantor refusing to acknowledge

When a grantor refuses to acknowledge his deed, the grantee or person claiming under him may leave a true copy of it with the register of deeds, and it shall have the same effect for 40 days as a record of the deed.

§304. Proof before justice of the peace after summons

In such case, a justice of the peace where the grantor resides or where his land lies, upon application of the grantee or person claiming under him, may summon the grantor to appear before him at a time

and place named, to hear the testimony of the subscribing witnesses. The date of the deed, the names of the parties and of the subscribing witnesses to it must be stated in the summons, which must be served 7 days before the time for proving the deed. [PL 1987, c. 736, §50 (AMD).]

SECTION HISTORY

PL 1981, c. 456, §A116 (AMD). PL 1987, c. 736, §50 (AMD).

§305. Certification

When the justice of the peace at the hearing is satisfied by the testimony of witnesses that they saw the deed duly executed by the grantor, he shall certify the same thereon, and state in his certificate the presence or absence of the grantor. [PL 1987, c. 736, §51 (AMD).]

SECTION HISTORY

PL 1981, c. 456, §A117 (AMD). PL 1987, c. 736, §51 (AMD).

§306. -- indorsement of certificate of acknowledgment

A certificate of acknowledgment or proof of execution must be indorsed on or annexed to the deed, and then the deed and certificate may be recorded in the registry of deeds. No deed can be recorded without such certificate.

SUBCHAPTER 3-A

VALIDITY OF SIGNATURES

(REPEALED)

§331. Electronic signatures not valid on certain real property documents

(REPEALED)

SECTION HISTORY

PL 1999, c. 711, §3 (NEW). PL 2001, c. 121, §1 (RP).

SUBCHAPTER 4

VALIDATION OF DEFECTS

§351. Acknowledgments after commission expired

When a person authorized to take acknowledgments takes and certifies one in good faith after the expiration of his commission, not being aware of it, such acknowledgment is as valid as if done before such expiration.

§352. Defective acknowledgments

A record of a deed or other instrument, including a power of attorney, made for the conveyance of real property, or of any interest in real property, and recorded for at least 2 years in the registry of deeds of the county or district in which the real property is located is valid and enforceable even if: [PL 2017, c. 196, §1 (AMD).]

1. Acknowledgment. The acknowledgment was incomplete or defective in any respect, no acknowledgment appears in the record of the deed, other instrument or power of attorney or no acknowledgment was taken; or

A. [PL 2017, c. 196, §1 (RP).]

B. [PL 2017, c. 196, §1 (RP).]

C. [PL 2017, c. 196, §1 (RP).]

D. [PL 2017, c. 196, §1 (RP).]

E. [PL 2017, c. 196, §1 (RP).]

F. [PL 2017, c. 196, §1 (RP).]

G. [PL 2017, c. 196, §1 (RP).]

H. [PL 2017, c. 196, §1 (RP).]

I. [PL 2017, c. 196, §1 (RP).]

J. [PL 2017, c. 196, §1 (RP).]

K. [PL 2017, c. 196, §1 (RP).]

L. [PL 2017, c. 196, §1 (RP).]

M. [PL 2017, c. 196, §1 (RP).]

N. [PL 2017, c. 196, §1 (RP).]

O. [PL 2017, c. 196, §1 (RP).]

[PL 2017, c. 196, §1 (AMD).]

2. Records relating to title to real property. The records in relating to the title to real property fail to disclose the date when received for record or the records have not been signed by the register of deeds or other duly authorized recording officer for the county or district.

[PL 2017, c. 196, §1 (AMD).]

SECTION HISTORY

PL 1971, c. 469, §1 (AMD). PL 1981, c. 181, §1 (AMD). PL 1995, c. 304, §1 (RPR). PL 2001, c. 275, §B1 (AMD). PL 2015, c. 157, §1 (AMD). PL 2017, c. 196, §1 (AMD).

§353. Miscellaneous defects

(REPEALED)

SECTION HISTORY

PL 1965, c. 120 (AMD). PL 1967, c. 158 (AMD). PL 1967, c. 544, §83 (AMD). PL 1971, c. 469, §§2-4 (AMD). PL 1973, c. 266 (AMD). PL 1981, c. 181, §2 (RP).

§353-A. Miscellaneous defects

1. Omission of consideration; failure to seal. A deed or other instrument, including a power of attorney, whenever made for the conveyance of real property, or any interest in real property, in this State and otherwise valid, except that the deed or instrument does not state any consideration for the real property or was not sealed by the grantors, is valid.

[PL 2017, c. 196, §2 (AMD).]

2. Discharge or assignment of mortgage. A duly recorded satisfaction piece or instrument made and recorded for at least 2 years in the registry of deeds of the county or district in which the real property is located with the intent to cancel and discharge or assign a mortgage of real estate, fully identifying the mortgage intended to be canceled and discharged or assigned, but not drawn in accordance with statutory requirements is considered valid.

[PL 2017, c. 196, §2 (AMD).]

3. Corporations and other entities organized or attempted to be organized; validation of deeds and other instruments. A corporation or other legal entity organized or attempted to be organized under the laws of this State for more than 20 years and not yet declared to be invalid is for all intents and purposes a lawful corporation or other legal entity as applicable. The deeds or other instruments of the corporation or other legal entity, given in its corporate or other legal entity name, that affect or convey real estate or any interest in real estate and that have been recorded for at least 2 years in the registry of deeds in the county where the real estate is located may not be held invalid by reason of:

A. The lack of authority for or informality in their execution or delivery if executed or delivered in good faith by the acting officers or other authorized officials or members of the corporation or other legal entity as applicable; [PL 2017, c. 196, §2 (AMD).]

B. The failure to disclose the corporation's or other legal entity's authority for the conveyance of real estate; [PL 2017, c. 196, §2 (AMD).]

C. The failure to bear the seal of the corporation or other legal entity; [PL 2017, c. 196, §2 (AMD).]

D. A person executing or acknowledging a deed or instrument in that person's individual capacity; [PL 1995, c. 304, §2 (NEW).]

E. The failure to disclose the official capacity of the person executing the deed or instrument; or [PL 1995, c. 304, §2 (NEW).]

F. The failure of the duly authorized officer to sign the deed or instrument. [PL 2017, c. 196, §2 (AMD).]

[PL 2017, c. 196, §2 (AMD).]

4. Omission of authorization for conveyance of real estate. A deed or other instrument for the conveyance of real property, or any interest in the real property executed by a person or persons purporting to act as the agent or attorney of the grantors or their spouses, that has been recorded for at least 20 years in the registry of deeds of the county or district in which the real property is located is valid even if no power of attorney authorizing and empowering an agent or attorney to make the conveyance or execute and deliver the deed or instrument appears of record, but the real property has in the meantime been occupied, claimed or treated by the grantees or their heirs, successors or assigns as their own property.

[PL 2017, c. 196, §2 (AMD).]

5. Discharge of mortgage. An instrument that has been recorded or written on the record in the registry of deeds of the county or district in which the real property is located for at least 20 years that is signed or executed by a person or persons purporting to act as the agent or attorney of a mortgagee of real estate and purporting to discharge the mortgage is valid even if no power of attorney authorizing an agent or attorney appears of record.

[PL 2017, c. 196, §2 (AMD).]

6. Failure to secure bond or comply with licensing. In all cases in which an executor, administrator, personal representative, guardian, conservator, trustee, master, receiver or similar officer has been authorized or ordered by a court of probate or other court to distribute, sell or exchange real estate and has distributed, sold or exchanged the real estate, or any interest in the real estate, in accordance with the authority, without first having filed a bond covering the faithful administration and distribution of the estate when a bond was required by law or has failed to comply with any other prerequisite for the issuance of the license authorizing the distribution, sale or exchange and has given a deed to the distributee or purchaser of the real estate or to the person with whom an exchange was authorized or ordered or when the executor, administrator, personal representative, guardian, conservator, trustee, master, receiver or other officer appointed has acted in that capacity under a decree

of any court appointing that person to the office, but the decree of appointment erroneously or inadvertently excused the person from giving bond in that capacity when a bond was required by law and was not in fact given, the deeds and acts previously done are valid.
[PL 2017, c. 196, §2 (AMD).]

7. Foreclosure by publication. In all cases of foreclosure of real estate mortgages by publication, a certificate of the publication of foreclosure made by the mortgagee or by an officer, member, partner or other authorized representative of the mortgagee, if the mortgagee is a corporation or other legal entity, or made by an officer or employee of the newspaper that published the notice recorded in the registry of deeds of the county or district in which the real property is located is prima facie evidence of the publication of foreclosure to the same extent as if the certificate had in fact been made by the register of deeds and recorded; certificates made by the mortgagee or by an officer, member, partner or other authorized representative of the mortgagee, if the mortgagee is a corporation or other legal entity, or made by an officer or employee of the newspaper that published the notice recorded in the registry of deeds of the county or district in which the real property is located have the same force and effect as if made by the register of deeds and are valid.
[PL 2017, c. 196, §2 (AMD).]

8. Foreclosure by civil action. All foreclosures commenced on or after October 1, 1975 of real estate mortgages executed on or prior to October 1, 1975 using the method of foreclosure set forth in Title 14, sections 6321 to 6324 for which the period of redemption allowed was not less than one year and that would be valid but for the date of execution of the mortgage are valid and effective according to their terms.
[PL 1995, c. 304, §2 (NEW).]

9. Abstracts of divorce decrees. An abstract of a divorce decree recorded in any registry of deeds on or after August 20, 1955 and otherwise valid that failed to state the residence of any party to the divorce action is valid and has the force and effect of a quitclaim deed releasing all interest in the real estate described in the decree or abstract.
[PL 2017, c. 196, §2 (AMD).]

SECTION HISTORY

PL 1981, c. 181, §3 (NEW). PL 1981, c. 698, §165 (AMD). PL 1987, c. 15, §2 (AMD). PL 1995, c. 304, §2 (RPR). PL 1997, c. 62, §1 (AMD). PL 2001, c. 275, §B2 (AMD). PL 2015, c. 157, §2 (AMD). PL 2017, c. 196, §2 (AMD).

§353-B. Defects in plats

Any plats of a subdivision approved by the municipal officers of the municipality in which the land is located that have been recorded for at least 2 years in the registry of deeds for the county or district in which the land is located and otherwise valid, except that the same were not approved by a planning board pursuant to the 1944 Revised Statutes, chapter 80, section 85, as amended, the 1954 Revised Statutes, chapter 91, section 94, as amended, the 1954 Revised Statutes, chapter 90-A, section 61, as amended, or the 1964 Revised Statutes, Title 30, section 4956, as amended, or by the municipal reviewing authority pursuant to Title 30-A, section 4403, as amended, are validated. [PL 2017, c. 196, §3 (AMD).]

Any plat or subdivision approved by the planning board of the municipality in which the land is located that has been recorded for at least 2 years in the registry of deeds for the county or district in which the land is located and otherwise valid, except that the same was not approved by the municipal officers pursuant to the 1944 Revised Statutes, chapter 80, section 85, as amended, the 1954 Revised Statutes, chapter 91, section 94, as amended, the 1954 Revised Statutes, chapter 90-A, section 61, as amended, or the 1964 Revised Statutes, Title 30, section 4956, as amended, or by the municipal reviewing authority pursuant to Title 30-A, section 4403, as amended, is validated. [PL 2017, c. 196, §3 (AMD).]

Any plats of a subdivision approved by the planning board or by the municipal officers of the municipality or by both in which the land is located that have been recorded in the registry of deeds for the county or district in which the land is located and otherwise valid, except that the approval is not noted thereon pursuant to the 1944 Revised Statutes, chapter 80, section 85, as amended, the 1954 Revised Statutes, chapter 91, section 94, as amended, the 1954 Revised Statutes, chapter 90-A, section 61, as amended, the 1964 Revised Statutes, Title 30, section 4956, as amended, or Title 30-A, section 4403, as amended, are validated, if the approval by the appropriate board can be substantiated by affidavit recorded in the registry of deeds for the county or district in which the land is located, the recording of the affidavit to be noted on the plat. [PL 2017, c. 196, §3 (AMD).]

Any deed or other instrument for the conveyance of real property or any interest therein in the unorganized or deorganized territory, including plantations, in this State, that was otherwise validly made or placed on record, except that it was made in violation of Title 12, section 687, as enacted by the Public Laws of 1969, chapter 494 and repealed by the Public Laws of 1971, chapter 457, section 7, made in violation of Title 12, section 685-B, subsection 6, as enacted by the Public Laws of 1971, chapter 457, section 5 and amended by the Public Laws of 1971, chapter 544, section 28-G, or made in violation of Title 12, section 685-B, subsection 6-A as enacted by Public Law 1991, chapter 687, section 2 and amended by Public Law 2001, chapter 431, section 4, is validated. All structures on land in the unorganized or deorganized territory, including plantations, that are not otherwise nuisances, may not be deemed to be nuisances merely because they are located upon land conveyed by deed or other instrument that lacked evidence of the approval of the Maine Land Use Regulation Commission or the Maine Land Use Planning Commission, as applicable, thereon. [PL 2017, c. 196, §3 (AMD).]

SECTION HISTORY

PL 1981, c. 181, §4 (NEW). PL 2011, c. 682, §38 (REV). PL 2017, c. 196, §3 (AMD).

SUBCHAPTER 5

TIMBER AND WOODLANDS

§401. Cutting and sale of trees; order of court

Any person seized of a freehold estate, or of a remainder or reversion in fee simple or fee tail, in a tract of woodland or timberland, on which the trees are of a growth and age fit to be cut, may apply to the Superior Court in any county for leave to cut and dispose of such trees and invest the proceeds for the use of the persons interested therein. The court after due notice to all persons interested and a hearing of the parties, if any appear, may appoint one or more persons to examine the land and report to the court, and the court may thereupon order the whole or a part of such trees to be cut and sold and the proceeds brought into court subject to further orders. The court shall appoint one or more commissioners to superintend the cutting and sale of such trees who shall account for the proceeds to the court and be under bond to the clerk for the faithful performance of their trust.

§402. -- proceeds invested; income appropriated

The court may cause the net proceeds of sale to be invested in other real estate in the State or in public stocks, to the same uses and under the same limitations as the land; the income thereof to be paid to the persons entitled to the income of the land, or apportioned among the persons interested in the estate, according to their interests.

§403. -- appointment of trustees; bond

The court may appoint one or more trustees, removable at its pleasure, to hold said estates or stocks for said uses, who shall give bond with sufficient sureties to the clerk of said court for the faithful discharge of their duty.

SUBCHAPTER 6

MISCELLANEOUS PROVISIONS

§451. Rights of aliens

An alien may take, hold, convey and devise real estate or any interest therein. All conveyances and devises of such estate or interest already made by or to an alien are valid.

§452. Deeds and contracts by agents

Deeds and contracts executed by an authorized agent of a person or corporation in the name of his principal, or in his own name for his principal, are in law the deeds and contracts of such principal.

§453. Conveyances for use of county

Conveyances, in whatever form, made to the inhabitants of a county, or to its treasurer, or to a person or committee for its benefit, are as effectual as if made in the corporate name of the county.

§454. Church pews

Pews and rights in houses of public worship are real estate. Deeds of them, and levies by execution upon them may be recorded by the clerk of the town where the houses are situated, with the same effect as if recorded in the registry of deeds.

§455. Agreements to treat building as personal property

No agreement, that a building erected with the consent of the landowner by one not the owner of the land upon which it is erected shall be and remain personal property, shall be effectual against any person, except the owner of such land, his heirs, devisees and persons having actual notice thereof, unless such agreement is in writing and signed by such landowner or by someone duly authorized for that purpose, and acknowledged and recorded as deeds are required to be acknowledged and recorded under this chapter. This section shall not apply to agreements entered into prior to the 28th day of April, 1903, and then outstanding.

§456. Address of buyer

All deeds and other instruments for the conveyance of real property shall contain, in addition to the name of the grantee, his address, including street and number, municipality and state. [PL 1971, c. 57 (NEW).]

SECTION HISTORY

PL 1971, c. 57 (NEW).

§457. Error or omission of mailing address

Any error in or omission of mailing address of grantee or mortgagee in the deed, mortgage or other conveyance, required by any provision of this Title, shall not affect in any way the validity, effectiveness or recordability of such deed, mortgage or other conveyance of real estate. [PL 1971, c. 57 (NEW).]

SECTION HISTORY

PL 1971, c. 57 (NEW).

§458. Easements or rights-of-way; installation of utility services

1. Easements or rights-of-way established on or after January 1, 1990. The owner of an easement or right-of-way does not have the right by implication to install utility services on or under the easement or right-of-way if:

A. The easement or right-of-way is originally established in a written instrument executed on or after January 1, 1990; and [PL 1989, c. 149 (NEW).]

B. The instrument granting or reserving the easement or right-of-way does not expressly include the right to install utility services. [PL 1989, c. 149 (NEW).]
[PL 1989, c. 149 (NEW).]

2. Definitions. As used in this section, the following terms have the following meanings.

A. "Easement or right-of-way" means the right of a person to pass over the land of another person. [PL 1989, c. 149 (NEW).]

B. "Utility services" includes facilities necessary for the transmission of electricity, gas, telephone communications, cable television, sewerage, water or similar services which are currently or may in the future become available. [PL 1989, c. 149 (NEW).]
[PL 1989, c. 149 (NEW).]

SECTION HISTORY

PL 1989, c. 149 (NEW).

§459. Easements and rights-of-way; installation of docks

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Dock" means a platform used for access to a water body or to secure, protect and provide access to a boat or ship. The platform may extend from a shore over the water body or may be a floating platform attached to a mooring. [PL 2017, c. 194, §1 (NEW).]

B. "Easement or right-of-way" means the right of a person to pass over the land of another person. [PL 2017, c. 194, §1 (NEW).]

C. "Water body" means all inland and coastal waters, including but not limited to all ponds, great ponds, lakes, rivers, streams and coastal waters. [PL 2017, c. 194, §1 (NEW).]
[PL 2017, c. 194, §1 (NEW).]

2. Easements or rights-of-way established on or after January 1, 2018. The owner of an easement or right-of-way leading to or touching upon a water body does not have the right by implication to construct a dock on the easement or right-of-way or use the easement or right-of-way to facilitate the construction of a dock on the water body if:

A. The easement or right-of-way is originally established in a written instrument executed on or after January 1, 2018; and [PL 2017, c. 194, §1 (NEW).]

B. The instrument granting or reserving the easement or right-of-way does not expressly include the right to construct a dock on the easement or right-of-way or the right to use the easement or right-of-way to facilitate the construction of a dock on the water body. [PL 2017, c. 194, §1 (NEW).]
[PL 2017, c. 194, §1 (NEW).]

SECTION HISTORY

PL 2017, c. 194, §1 (NEW).

SUBCHAPTER 7

TITLE TO ROADS AND WAYS

§460. Conveyance of land abutting a road or way

A conveyance of land which abuts a town or private way, county road, highway or proposed, unaccepted way laid out on a subdivision plan recorded in the registry of deeds shall be deemed to convey all of the grantor's interest in the portion of the road or way which abuts the land, except: [PL 1987, c. 385, §3 (RPR).]

1. Proposed, unaccepted ways. With respect to a proposed, unaccepted way laid out on a subdivision plan recorded in the registry of deeds, those rights provided to owners of other lots in the subdivision by Title 23, section 3031; and
[PL 1987, c. 385, §3 (NEW).]

2. All roads and ways. With respect to a town or private way, county road or highway, an easement of access necessary to provide ingress and egress to property adjoining the town or private way, county road or highway which shall be preserved, unless the grantor expressly reserves his title to the road or way by a specific reference to the road or way contained in the conveyance.
[PL 1987, c. 385, §3 (NEW).]

SECTION HISTORY

PL 1973, c. 505 (NEW). PL 1975, c. 416 (AMD). PL 1987, c. 385, §3 (RPR).

§461. Prior conveyances

Any conveyance made prior to October 3, 1973 which conveyed land abutting upon a town or private way, county road or highway shall be deemed to have conveyed all of the grantor's interest in the portion of such road or way, which abutted said land unless the grantor shall have expressly reserved his title to such road or way by a specific reference thereto contained in said conveyance. This section shall not apply to any conveyance of a lot or lots by reference to a recorded plan. [PL 1973, c. 788, §165 (AMD).]

SECTION HISTORY

PL 1973, c. 505 (NEW). PL 1973, c. 788, §165 (AMD).

§462. Preservation of claims by filing of notice within 2 years

Any grantor who, prior to the effective date of this Act, shall have conveyed land abutting a town or private way, county road or highway, with the intent to reserve his title in such road or way, but who shall not have expressly reserved his title thereto by specific reference as required in section 461, or any person who claims title to any road or way, or discontinued portion thereof, by, through or under, or as the heir, successor, executor, administrator or assign of any such grantor, may preserve his title or claim by filing the notice provided in section 463 in the registry of deeds for the county in which the road or way is located, within 2 years after the effective date of this Act. In any action concerning title to a road or way, or discontinued portion thereof, the burden of proof in establishing the grantor's intent to reserve such title shall be on said grantor or those claiming by, through or under him. [PL 1973, c. 505 (NEW).]

SECTION HISTORY

PL 1973, c. 505 (NEW).

§463. Filing of notice; recording fee

In order for the notice specified in section 462 to be effective, it shall contain an accurate description of the road or way, or portion thereof, to which title is being claimed; the name or names of the person or persons on behalf of whom the title is being claimed; and a specific reference by volume and page to the recorded conveyance in which the title to such road or way is alleged to have been reserved by the grantor therein. The register of deeds for the county in which the road or way is located shall accept all such notices presented to him which describe land located in said county and shall enter and record full copies thereof in the same way that deeds and other instruments are recorded and shall be entitled

to charge the same fee for the recording thereof as is charged for recording deeds. Within a reasonable time after recording such notice, the register of deeds shall enter upon the margin of the record of the prior conveyance referred to in said notice the volume and page in which the copy of said notice may be found. [PL 1973, c. 505 (NEW).]

SECTION HISTORY

PL 1973, c. 505 (NEW).

§464. Persons under a disability; 2-year period not suspended

The notice specified in section 463 may be filed for record by the claimant or by any other person acting on behalf of any claimant who is under a disability or unable to assert a claim on his own behalf, but no disability or lack of knowledge of any kind shall suspend or extend the 2-year period provided for such filing. [PL 1973, c. 505 (NEW).]

SECTION HISTORY

PL 1973, c. 505 (NEW).

§465. Abutters own the centerline of road or way

Any person owning land in this State abutting a town or private way, county road or highway, whose predecessors in title have not reserved any title in such road or way as provided in sections 460 and 461, or filed the notice provided in section 462 within the time specified therein, shall be deemed to own to the centerline of such road or way except as provided in sections 466 to 469. [PL 1977, c. 696, §257 (AMD).]

SECTION HISTORY

PL 1973, c. 505 (NEW). PL 1977, c. 696, §257 (AMD).

§466. -- State and municipal owned roads

This subchapter shall not apply to any road or way, title to which is owned by the State or any municipality or other governmental body. [PL 1973, c. 505 (NEW).]

SECTION HISTORY

PL 1973, c. 505 (NEW).

§467. -- public easement acquired over opposite sides of road or way in unequal proportion

Where a town or private way, county road or highway shall be, or shall have been, laid out, widened or altered in such a manner that the public easement is located over land taken from the land on opposite sides of such road or way in unequal proportions, then the persons owning the land abutting the road or way on opposite sides thereof, shall each be deemed to own that portion of such road or way which shall have been acquired from their respective sides of such road or way. If it cannot be determined from which side of the road or way the land was so acquired, the owners of the abutting land on opposite sides of such road or way shall each be deemed to own to the centerline thereof. [PL 1973, c. 505 (NEW).]

SECTION HISTORY

PL 1973, c. 505 (NEW).

§468. Statutes of limitation not extended

Nothing contained in this subchapter shall be construed to extend the period for the bringing of an action or for the doing of any other required act under any statute of limitations. [PL 1973, c. 505 (NEW).]

SECTION HISTORY

PL 1973, c. 505 (NEW).

§469. Liberal construction

This subchapter shall be liberally construed to effect the legislative purpose of clarifying the title to the land underlying roads and ways by eliminating the possibility of ancient claims. [PL 1973, c. 505 (NEW).]

SECTION HISTORY

PL 1973, c. 505 (NEW).

§469-A. Title to proposed, unaccepted ways

1. Reservation of title. Any conveyance made before September 29, 1987 that conveyed land abutting upon a proposed, unaccepted way laid out on a subdivision plan recorded in the registry of deeds is deemed to have conveyed all of the grantor's interest in the portion of the way that abuts the land conveyed, unless the grantor expressly reserved the grantor's title to the way by a specific reference to this reservation in the conveyance of the land.
[PL 2011, c. 312, §1 (AMD).]

2. Intent to reserve. Any grantor who, before September 29, 1987, conveyed land abutting a proposed, unaccepted way laid out on a subdivision plan recorded in the registry of deeds with the intent to reserve title to the way, but who did not expressly reserve title to the way as required in subsection 1, or any person who claims title to the way by, through or under the grantor, may preserve the grantor's claim by recording the notice set forth in subsection 3, in the registry of deeds where the pertinent subdivision plan is recorded, within 2 years after September 29, 1987.
[PL 2011, c. 312, §1 (AMD).]

3. Notice. The notice required under subsection 2 shall contain:

A. An intelligible description of the way or portion of a way in which title is being claimed; [PL 1987, c. 385, §4 (NEW).]

B. The name and address of the person on whose behalf the title is being claimed; [PL 1987, c. 385, §4 (NEW).]

C. A description, including specific reference, by date of recording and the volume and page numbers, to that conveyance, of the recorded instrument in which the person claims title to the way or portion of the way which was intended to be reserved; and [PL 1987, c. 385, §4 (NEW).]

D. A duly verified oath taken by the person claiming title before a person authorized to administer oaths. [PL 1987, c. 385, §4 (NEW).]
[PL 1987, c. 385, §4 (NEW).]

4. Register's duties. The register of deeds shall enter upon the margin of the recorded conveyance, described in the notice under subsection 3, paragraph C, the volume and page numbers where the notice is recorded.

The register of deeds may charge the same fee for recording the notice that is charged for recording deeds.
[PL 1987, c. 385, §4 (NEW).]

5. Who may present notice for recording. The notice required under subsection 2 may be presented for recording by the person claiming title or a person acting on his behalf. Disability or lack of knowledge by the person claiming title shall not extend the time limitations related to the recording of the notice.
[PL 1987, c. 385, §4 (NEW).]

6. Lack of reservation. Any person owning land in this State abutting a proposed, unaccepted way or portion of a proposed, unaccepted way, whose predecessors in title had not reserved title in the way under subsection 1 or 2, is deemed to own to the center line of the way or portion of the way, except for a proposed, unaccepted way under subsection 6-A.
[PL 2011, c. 312, §2 (AMD).]

6-A. Bounded by other property. A person owning land in a subdivision abutting a proposed, unaccepted way or portion of a proposed, unaccepted way owns the entire width of the portion of the way that abuts the person's land if:

A. The proposed, unaccepted way or portion of the proposed, unaccepted way is part of the subdivision and is laid out on the subdivision plan recorded in the registry of deeds; [PL 2011, c. 312, §3 (NEW).]

B. The person's predecessors in title had not reserved title in the proposed, unaccepted way or portion of the proposed, unaccepted way under subsection 1 or 2; and [PL 2011, c. 312, §3 (NEW).]

C. The proposed, unaccepted way or portion of the proposed, unaccepted way is bounded on the opposite side by land that is not included in the subdivision. [PL 2011, c. 312, §3 (NEW).]

If the land on the opposite side of a proposed, unaccepted way or a portion of a proposed, unaccepted way under this subsection extends beyond the person's land, then the person owns the entire width of that portion of the extension of the proposed, unaccepted way that is not bounded by another owner's land on the person's side of the way.
[PL 2011, c. 312, §3 (NEW).]

7. Action to establish title. In any action concerning title to a proposed, unaccepted way, the burden of proof concerning the grantor's intent to reserve title shall be on the grantor or those claiming title by, through or under the grantor.
[PL 1987, c. 385, §4 (NEW).]

8. Construction of laws. Nothing contained in this section may be construed to extend the period for the bringing of an action or for the doing of any other required act under any statute of limitations.

This section shall be liberally construed to affect the legislative purpose of clarifying the title to land underlying proposed, unaccepted ways by eliminating the possibility of ancient claims.
[PL 1987, c. 385, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 385, §4 (NEW). PL 2011, c. 312, §§1-3 (AMD).

SUBCHAPTER 8

OMITTED MARITAL RELEASE

§470. Failure of spouse to join in release of right and interest by descent

If the spouse of a grantor in a conveyance of land fails to join in the conveyance in release of the spouse's right and interest by descent, such spouse and all persons claiming by, through or under such spouse shall be forever barred from claiming such right and interest by descent by real or mixed action for the recovery of lands, by entry, or otherwise unless such spouse has filed the notice provided in section 472 or has made some other claim of record within the time limited in section 471. [PL 1975, c. 511 (NEW).]

SECTION HISTORY

PL 1975, c. 511 (NEW).

§471. Preservation of claims by filing of notice

The spouse of a grantor who, 20 years or more before October 1, 1975, has conveyed land without the joinder therein of such spouse in release of the spouse's right and interest by descent in the land conveyed, and which spouse intends to claim such right and interest, or any person claiming by, through or under the spouse after such right and interest has become vested in the spouse, may preserve such right and interest, or claim thereto, by filing the notice provided in section 472 in the registry of deeds for the county in which the land is located, within 2 years of October 1, 1975. [PL 1977, c. 564, §126 (AMD).]

The spouse of a grantor who, less than 20 years before or at any time after October 1, 1975, has conveyed land without the joinder therein of such spouse in release of the spouse's right and interest by descent in the land conveyed and which spouse intends to claim such right and interest, or any person claiming by, through or under the spouse after said right and interest has become vested in the spouse, may preserve such right and interest, or claim thereto, by filing the notice provided in section 472 in the registry of deeds for the county in which the land is located, before the recording of the conveyance or within the later of 20 years of the date of recording of the conveyance or 2 years of October 1, 1975. [PL 1977, c. 564, §126 (AMD).]

A spouse may also preserve a claim to right and interest by descent by filing the notice provided in section 472 at any time prior to a conveyance in which the spouse does not intend to join in the release of such right and interest. [PL 1975, c. 511 (NEW).]

In all cases the spouse must bring a claim of record for title or possession within one year of the later of the filing of the notice or the vesting of the right and interest. [PL 1975, c. 511 (NEW).]

SECTION HISTORY

PL 1975, c. 511 (NEW). PL 1977, c. 564, §126 (AMD).

§472. Filing of notice; recording fee; indexing

In order for the notice specified in section 471 to be effective, it shall contain an intelligible description of the land in which the right and interest by descent is claimed; the name of the person on whose behalf such right and interest is claimed; the name of the current record owner of the land; a specific reference by date of recording and by volume and page numbers to the recorded conveyance, if any, that omitted the release of such right and interest; and shall be duly verified by oath taken by any person authorized to perform notarial acts. The register of deeds for the county in which the land is located shall accept all such notices presented that describe land located in said county and shall enter and record them in the same manner that deeds and other instruments are recorded and shall be entitled to charge the same fee for the recording thereof as is charged for recording deeds. In indexing such notice, the register of deeds shall enter it in the grantee index of deeds under the name of the claimant appearing in the notice, and in the grantor index of deeds under the name of the record owner appearing in the notice. Within a reasonable time after recording such notice, the register of deeds shall enter upon the margin of the record of the prior conveyance, if any, referred to in said notice the volume and page in which the record of said notice may be found. The person filing the notice shall deliver or mail a copy thereof to the current record owner of the land at the last known address of such owner. [PL 1975, c. 511 (NEW).]

SECTION HISTORY

PL 1975, c. 511 (NEW).

§473. Persons under disability; 2-year period not suspended

The notice provided in section 472 may be filed for record by the claimant or any other person acting on behalf of any claimant who is under a disability or unable to assert a claim on his own behalf,

but no disability or lack of knowledge of any kind shall suspend or extend the periods provided for such filing. [PL 1975, c. 511 (NEW).]

SECTION HISTORY

PL 1975, c. 511 (NEW).

§474. Statutes of limitations not extended; bar or release not affected

Nothing contained in this subchapter shall be construed to extend the period limited for the bringing of an action or for the doing of any other required act or to otherwise extend any statute of limitations; nor shall it be construed to affect the nature of the right and interest by descent, the time at which it becomes vested or any provision of law regarding its bar, release or other disposition. [PL 1975, c. 511 (NEW).]

SECTION HISTORY

PL 1975, c. 511 (NEW).

§475. Liberal construction

This subchapter shall be liberally construed to affect the legislative purpose of enhancing the marketability of the title to land by eliminating the possibility of ancient marital interests that are outstanding on the record but are unclaimed. [PL 1975, c. 511 (NEW).]

SECTION HISTORY

PL 1975, c. 511 (NEW).

SUBCHAPTER 8-A

CONSERVATION EASEMENTS

§476. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1985, c. 395, §3 (NEW).]

1. Conservation easement. "Conservation easement" means a nonpossessory interest of a holder in real property imposing limitations or affirmative obligations the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining or enhancing air or water quality of real property.
[PL 1985, c. 395, §3 (NEW).]

2. Holder. "Holder" means:

A. A governmental body empowered to hold an interest in real property under the laws of this State or the United States; or [PL 1985, c. 395, §3 (NEW).]

B. A nonprofit corporation or charitable trust, the purposes or powers of which include retaining or protecting the natural, scenic or open space values of real property; assuring the availability of real property for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining or enhancing air or water quality or preserving the historical, architectural, archaeological or cultural aspects of real property. [PL 1985, c. 395, §3 (NEW).]
[PL 1985, c. 395, §3 (NEW).]

3. Real property. "Real property" includes without limitation surface waters.
[PL 2007, c. 412, §1 (AMD).]

4. Third-party right of enforcement. "Third-party right of enforcement" means a right provided in a conservation easement to enforce any of its terms granted to a governmental body, nonprofit corporation or charitable trust, which, although eligible to be a holder, is not a holder.
[PL 1985, c. 395, §3 (NEW).]

SECTION HISTORY

PL 1985, c. 395, §3 (NEW). PL 2007, c. 412, §1 (AMD).

§477. Creation, conveyance, acceptance and duration

1. Conservation easement. Except as otherwise provided in this subchapter, a conservation easement may be created, conveyed, recorded, assigned or partially released in the same manner as other easements created by written instrument. A conservation easement may be terminated or amended by the parties only as provided in section 477-A, subsection 2.
[PL 2007, c. 412, §2 (AMD).]

2. Right or duty. No right or duty in favor of or against a holder arises under a conservation easement unless it is accepted by the holder and no right in favor of a person having a 3rd-party right of enforcement arises under a conservation easement unless it is accepted by any person having a 3rd-party right of enforcement.
[PL 1985, c. 395, §3 (NEW).]

3. Limitation. Except as provided in this subchapter, a conservation easement is unlimited in duration unless:

A. The instrument creating it otherwise provides; or [PL 1985, c. 395, §3 (NEW).]

B. Change of circumstances renders the easement no longer in the public interest as determined by the court as provided in section 477-A, subsection 2, paragraph B in an action under section 478. [PL 2007, c. 412, §3 (AMD).]
[PL 2007, c. 412, §3 (AMD).]

4. Interest. An interest in real property in existence at the time a conservation easement is created shall not be impaired by it unless the owner of the interest is a party to the conservation easement or consents to it.
[PL 1985, c. 395, §3 (NEW).]

5. Entitled to enter land. The instrument creating a conservation easement must provide in what manner and at what times representatives of the holder of a conservation easement or of any person having a 3rd-party right of enforcement shall be entitled to enter the land to assure compliance.
[PL 1985, c. 395, §3 (NEW).]

SECTION HISTORY

PL 1985, c. 395, §3 (NEW). PL 2007, c. 412, §§2, 3 (AMD).

§477-A. Conservation easement standards

1. Conservation values. A conservation easement executed on or after the effective date of this section must include a statement of the conservation purposes of the easement, the conservation attributes associated with the real property and the benefit to the general public intended to be served by the restriction on uses of the real property subject to the conservation easement.
[PL 2007, c. 412, §4 (NEW).]

2. Amendment and termination. Amendments and termination of a conservation easement may occur only pursuant to this subsection.

A. A conservation easement executed on or after the effective date of this section must include a statement of the holder's power to agree to amendments to the terms of the conservation easement in a manner consistent with the limitations of paragraph B. [PL 2007, c. 412, §4 (NEW).]

B. A conservation easement may not be terminated or amended in such a manner as to materially detract from the conservation values intended for protection without the prior approval of the court in an action in which the Attorney General is made a party. In making this determination, the court shall consider, among other relevant factors, the purposes expressed by the parties in the easement and the public interest. If the value of the landowner's estate is increased by reason of the amendment or termination of a conservation easement, that increase must be paid over to the holder or to such nonprofit or governmental entity as the court may designate, to be used for the protection of conservation lands consistent, as nearly as possible, with the stated publicly beneficial conservation purposes of the easement. [PL 2007, c. 412, §4 (NEW).]

[PL 2007, c. 412, §4 (NEW).]

3. Monitoring. The holder of a conservation easement shall monitor the condition of the real property subject to the conservation easement at least every 3 years and shall prepare and retain a written monitoring report in its permanent records. The holder shall make available to the landowner, upon request, a copy of the monitoring report.

[PL 2007, c. 412, §4 (NEW).]

4. Failure to comply. Failure to comply with the requirements of subsection 1, subsection 2, paragraph A or subsection 3 does not invalidate a conservation easement otherwise entitled to the protections of this subchapter.

[PL 2007, c. 412, §4 (NEW).]

SECTION HISTORY

PL 2007, c. 412, §4 (NEW).

§478. Judicial actions

1. Action or intervention. An action affecting a conservation easement may be brought or intervened in by:

A. An owner of an interest in the real property burdened by the easement; [PL 1985, c. 395, §3 (NEW).]

B. A holder of the easement; [PL 2007, c. 412, §5 (AMD).]

C. A person having a 3rd-party right of enforcement; or [PL 2007, c. 412, §5 (AMD).]

D. The Attorney General; except that the Attorney General may initiate action seeking enforcement of a conservation easement only when the parties designated as having the right to do so under the terms of the conservation easement:

(1) Are no longer in legal existence;

(2) Are bankrupt or insolvent;

(3) Cannot be contacted after reasonable diligence to do so; or

(4) After 90 days' prior written notice by the Attorney General of the nature of the asserted failure, have failed to take reasonable actions to bring about compliance with the conservation easement. [PL 2007, c. 412, §5 (NEW).]

[PL 2007, c. 412, §5 (AMD).]

2. Intervention only. An action affecting a conservation easement may be intervened in by a political subdivision of the State in which the real property burdened by the easement is located, in accordance with court rules for permissive intervention.

[PL 2007, c. 412, §5 (AMD).]

3. Power of court. The court may permit termination of a conservation easement or approve amendment to a conservation easement that materially detracts from the conservation values it serves, as provided in section 477-A, subsection 2, paragraph B, and may enforce a conservation easement by injunction or proceeding at law and in equity. A court may deny equitable enforcement of a conservation easement only when it finds that change of circumstances has rendered that easement no longer in the public interest or no longer serving the publicly beneficial conservation purposes identified in the conservation easement. If the court so finds, the court may allow damages as the only remedy in an action to enforce the easement.

[PL 2007, c. 412, §5 (AMD).]

4. Confidentiality of records. Documents and records obtained by the Attorney General, which would otherwise not legally be subject to public disclosure, may be shared with other public agencies but must be held as legally confidential under Title 1, section 402, unless disclosed in the course of a public proceeding in court.
[PL 2007, c. 412, §5 (NEW).]

No comparative economic test may be used to determine under this subchapter if a conservation easement is in the public interest or serves a publicly beneficial conservation purpose. [PL 2007, c. 412, §5 (NEW).]

SECTION HISTORY

PL 1985, c. 395, §3 (NEW). PL 2007, c. 412, §5 (AMD).

§479. Validity

A conservation easement is valid even though: [PL 1985, c. 395, §3 (NEW).]

1. Not appurtenant to interest in real property. It is not appurtenant to or does not run with an interest in real property;
[PL 1985, c. 395, §3 (NEW).]

2. Assigned to another holder. It can be or has been assigned to another holder;
[PL 1985, c. 395, §3 (NEW).]

3. Not recognized at common law. It is not of a character that has been recognized traditionally at common law;
[PL 1985, c. 395, §3 (NEW).]

4. Negative burden. It imposes a negative burden;
[PL 1985, c. 395, §3 (NEW).]

5. Affirmative obligations. It imposes affirmative obligations upon the owner of an interest in the burdened property or upon the holder;
[PL 1985, c. 395, §3 (NEW).]

6. Benefit does not touch or concern real property. The benefit does not touch or concern real property;
[PL 1985, c. 395, §3 (NEW).]

7. No privity of estate or of contract. There is no privity of estate or of contract;
[PL 2007, c. 412, §6 (AMD).]

8. Does not run to successors or assigns. It does not run to the successor and assigns of the holder;
[PL 2007, c. 412, §7 (AMD).]

9. Acquired for tax delinquency. A lien has been established for property tax delinquency under Title 36, section 552, or title to the real property subject to the conservation easement has been acquired by procedures for enforcement and foreclosure of delinquent taxes under Title 36, chapter 105, subchapter 9; or
[PL 2007, c. 412, §8 (NEW).]

10. Merger. The title to the real property subject to the conservation easement has been acquired by the holder, unless the holder, with the consent of any 3rd party with rights of enforcement, replaces the conservation easement with legally binding restrictions under a conservation easement or declaration of trust at least as protective of the conservation values of the protected property as provided by the replaced easement.
[PL 2007, c. 412, §9 (NEW).]

SECTION HISTORY

PL 1985, c. 395, §3 (NEW). PL 2007, c. 412, §§6-9 (AMD).

§479-A. Applicability

1. Interest created after effective date. This subchapter applies to any interest created after its effective date which complies with this subchapter, whether designated as a conservation easement or as a covenant, equitable servitude, restriction, easement or otherwise.
[PL 1985, c. 395, §3 (NEW).]

2. Conservation easement created before effective date. This subchapter applies to any conservation easement created before the effective date of this subchapter if the conservation easement would have been enforceable had it been created after the effective date of this subchapter, unless retroactive application contravenes the Constitution of Maine or the United States Constitution.
[PL 1985, c. 395, §3 (NEW).]

3. Subchapter does not invalidate interest. This subchapter does not invalidate any interest, whether designated as a conservation or preservation easement or as a covenant, equitable servitude, restriction, easement or otherwise, that is enforceable under other laws of this State.
[PL 1985, c. 395, §3 (NEW).]

SECTION HISTORY

PL 1985, c. 395, §3 (NEW).

§479-B. Uniformity of application and construction

This subchapter shall be applied and construed to effectuate its general purpose to make uniform the laws with respect to the subject of the subchapter among states enacting it. [PL 1985, c. 395, §3 (NEW).]

SECTION HISTORY

PL 1985, c. 395, §3 (NEW).

§479-C. Conservation lands reporting

For each conservation easement and each parcel owned in fee for conservation purposes in the State, the holder of the conservation easement and the fee owner of each parcel of land that is organized or doing business in the State shall annually report to the department, the municipality, the approximate number of acres protected, the approximate number of acres that are exempt from taxation pursuant to Title 36, section 652 for which the municipality or county does not receive payments in lieu of taxes and such other information as the department determines necessary to fulfill the purposes of this subchapter. The report must be made by a date and in the form established by the department to certify the accuracy of the conservation easement holder's or fee owner's information, avoid duplicative filings when possible, provide public access to the information reported and otherwise reduce administrative

burdens. The department is authorized to adopt a form of reporting that results in the creation of a geographic information system map layer that displays the information required by this section. The annual certification must be accompanied by an $80 fee. The department shall maintain a permanent current record of these reporting requirements in a form conducive to public dissemination of the information and shall report to the Attorney General any failure of a holder of a conservation easement disclosed by the filing or otherwise known to the department. The fees established under this section must be held by the department in a nonlapsing, special account to defray the costs of maintaining the reported information and carrying out its duties under this section. For the purposes of this section, "department" means the Department of Agriculture, Conservation and Forestry. [PL 2025, c. 471, Pt. C, §1 (AMD).]

SECTION HISTORY

PL 2007, c. 412, §10 (NEW). PL 2011, c. 655, Pt. II, §7 (AMD). PL 2011, c. 655, Pt. II, §11 (AFF). PL 2011, c. 657, Pt. W, §5 (REV). PL 2017, c. 284, Pt. TT, §1 (AMD). PL 2017, c. 475, Pt. A, §56 (AMD). PL 2025, c. 471, Pt. C, §1 (AMD).

SUBCHAPTER 9

SIGNATURE OF A NONOWNER SPOUSE

§480. Signature of nonowner

An owner of real estate may convey that real estate, or any interest in it free from any claim to the real estate by his nonowner spouse, by deed, mortgage or any other instrument, without signature of his nonowner spouse, unless: [PL 1983, c. 748, §2 (NEW).]

1. Non-bona fide purchaser. The transfer requires signature pursuant to Title 18-C, section 2-208, subsection 1; or
[PL 2017, c. 402, Pt. C, §89 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

2. Divorce action. The nonowner spouse has filed a claim in the registry of deeds pursuant to Title 19-A, section 953, and either the divorce action is still pending or the nonowner spouse has been granted an interest in the real estate by the court.
[PL 1995, c. 694, Pt. D, §60 (AMD); PL 1995, c. 694, Pt. E, §2 (AFF).]

After that conveyance, any claim of the nonowner spouse under probate, divorce or any other laws, shall be against the proceeds of that conveyance and not against the real estate. Notwithstanding any provision of the Maine Probate Code, a mortgage deed does not need to be signed by a nonowner spouse, provided that the mortgage deed secures actual consideration in money or money's worth given in good faith by the mortgagee to the owner. Notwithstanding any provision of the Maine Probate Code or divorce laws, a correcting deed does not need to be signed by a nonowner spouse. [PL 1983, c. 748, §2 (NEW).]

SECTION HISTORY

PL 1983, c. 748, §2 (NEW). PL 1995, c. 694, §D60 (AMD). PL 1995, c. 694, §E2 (AFF). PL 2017, c. 402, Pt. C, §89 (AMD). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF).

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