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LD: 2149 An Act to Protect Affordability in Mobile Home Parks and Manufactured Housing Communities

Senator Curry, Representative Gere, distinguished members of the Joint Standing Committee on Housing and Economic Development.

My name is Susan Bulay, I am the Register of Deeds for Penobscot County and am speaking today on behalf of the several members of the Registers of Deeds Association neither for nor against LD 2149.

Last year, in the first year of this legislative session, LD 1016, An Act to Establish the Manufactured Housing Community and Mobile Home Park Preservation and Assistance Fund was passed. It appears that this bill LD2149 seeks to clarify that legislation.

The Registers of Deeds Association failed to timely offer testimony on the prior bill and did not attend the public hearing on it. Therefore, we are not fully aware of the back story of the legislation. While we make no comment on the substantive issues of the bill, we have a couple of comments for your consideration.

1. The transfer tax collected under the provisions of the current law is to be paid “to the registry of deeds of the county where all or a majority of the acreage of the purchased real property . . . is located.” Currently, with the purchase of any property in multiple counties, the transfer tax is paid to each county in proportion of the value of the property in each county. A person who owns property in more than one town or county, gets separate property tax bills for each town. And since the deed needs to be recorded in each county anyway, it would not be overly burdensome for them to properly apportion the tax. We respectfully request that each county be paid for the work they must do.
2. Along with the documents for recording in each registry, the legislation provides for a form from the Maine State Housing Authority stating whether the additional fee of \$10,000 per lot must be paid or not be presented to the Registry. This is very helpful to us. But this form “must be retained by the registry of deeds.” And this language is confusing to us. How long are we retaining it? Is it to be recorded as part of the deed and thus retained in that fashion? It would be much easier for us if we retained it until such time as we sent our monthly transfer tax forms to Maine Revenue Service and included this form with that packet. We ask for more clarification on this small point.

3. The current law provides that the register pay to the Treasurer of the State 95% of the fees collected and retain 5% as reimbursement for services of the registry. Every register accounts for these fees through registry specific software provided by our computer services vendor. For the ease of programing, it would be much better if the percentage in this section was the same as the percentage in Title 36, section 4641B. Currently this rate is 90% to the state and 10% to the county, except for fiscal years 2025-26 and 2026-27 when it is 90.8% to the state and 9.2% to the county. This rate is also the subject of at least one other piece of legislation before this session, LD 2124, An Act to Support Emergency Shelter Funding Using Revenue from the Real Estate Transfer Tax.

Thank you for your time and consideration of our housekeeping issues.