

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2272

S. P. 789

In Senate, January 2, 1974

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Speers of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FOUR

AN ACT to Clarify the Real Estate Subdivision Law.

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

Sec. 1. R. S., T. 30, § 4956, sub-§ 4, amended. The first sentence of subsection 4 of section 4956 of Title 30 of the Revised Statutes, as repealed and replaced by chapter 454 of the public laws of 1971 and as amended by section 5 of chapter 465 of the public laws of 1973, is further amended to read as follows:

No person, firm, corporation or other legal entity who is the original subdivider may sell, lease or convey for consideration, offer or agree to sell, lease or convey for consideration any land in a subdivision which has not been approved by the municipal reviewing authority of the municipality where the subdivision is located, and recorded in the proper registry of deeds.

Sec. 2. R. S., T. 30, § 4956, sub-§ 5, amended. Subsection 5 of section 4956 of Title 30 of the Revised Statutes, as enacted by section 7 of chapter 465 of the public laws of 1973, is amended by adding a new sentence at the end to read as follows:

Bona fide mortgages shall not be deemed sales or conveyances for consideration within this section.

Sec. 3. R. S., T. 30, § 4956, amended. The first sentence of the last paragraph of section 4956 of Title 30 of the Revised Statutes, as repealed and replaced by chapter 454 of the public laws of 1971 and as amended by section 6 of chapter 465 of the public laws of 1973, is further amended to read as follows:

Any person, firm, corporation or other legal entity **who is the original subdivider and** who sells, leases or conveys for consideration, offers or agrees to sell, lease or convey for consideration any land in a subdivision which has not been approved as required by this section shall be punished by a fine of not more than \$1,000 for each such sale, lease or conveyance for consideration, offering or agreement.

STATEMENT OF FACT

Banks lending mortgage money, and title attorneys, have raised questions concerning possible adverse effects of the existing subdivision law on the marketability of property. This bill clarifies the law to remove these problems which in some instances have caused delays for persons seeking home mortgage financing.