

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1797

S. P. 510

In Senate, May 23, 1977

Reported by Senator Curtis of Penobscot from the Committee on Judiciary
and printed under Joint Rules No 2.

MAY M. ROSS, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Relating to the Definition of Deed under the Real Estate Transfer
Laws.

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

Sec. 1. 36 MRSA § 4641-C, as amended by PL 1975, c. 655, § 1, is repealed
and the following enacted in its place:

§ 4641-C. Exemptions

The following deeds shall be exempt from the tax imposed by this chapter:

1. Deeds to government property. Deeds to property acquired by the United States of America, the State of Maine or any of their instrumentalities, agencies or subdivisions;
2. Mortgage deeds. Mortgage deeds, discharges of mortgage deeds and partial releases of mortgage deeds;
3. Deeds affecting a previous deed. Deeds which, without additional consideration, confirm, correct, modify or supplement a deed previously recorded;
4. Deeds between family members. Deeds between husband and wife, or parent and child, without actual consideration therefor;
5. Tax deeds. Tax deeds;
6. Deeds of partition. Deeds of partition;
7. Deeds pursuant to mergers. Deeds made pursuant to mergers of corporations;

8. Deeds by subsidiary corporation. Deeds made by a subsidiary corporation to its parent corporation for no consideration other than the cancellation or surrender of the subsidiary's stock; and

9. Deeds prior to October 1, 1975. Deeds dated or acknowledged prior to October 1, 1975, and offered for recording subsequent to that date.

Sec. 2. 36 MRSA § 4641-D, first ¶, as amended by PL 1975, c. 655, § 2, is repealed and the following enacted in its place:

Any deed, except as provided in this section, shall, when offered for recording, be accompanied by a statement or declaration prepared in duplicate and signed, subject to the penalties of perjury, by the parties to the transaction or their authorized representatives, declaring the consideration for the property thereby transferred. The exceptions to the foregoing are the following:

1. Governmental conveyances. Any conveyance by or to the United States of America, the State of Maine or any of their instrumentalities, agencies or subdivisions;

2. Mortgage. Any mortgage or mortgage discharge;

3. Partial release of mortgage. Any partial release of a mortgage deed;

4. Deed affecting previous deed. Any deed which, without additional consideration, confirms, corrects, modifies or supplements a previously recorded deed; and

5. Deed dated prior to October 1, 1975. Any deed dated or acknowledged prior to October 1, 1975, and offered for recording after that date.

If the transfer is declared not subject to the tax, the reason therefor shall be stated.

STATEMENT OF FACT

The purpose of this new draft is to clarify the wording of the bill.