

MAINE STATE LEGISLATURE

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(EMERGENCY)

(New Draft of H.P. 1176, L.D. 1570)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 1687

H.P. 1273

House of Representatives, May 25, 1983

Reported by Representative Cooper from the Committee on State Government and printed under Joint Rule 2.

Original bill presented by Representative Gwadosky of Fairfield.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-THREE

AN ACT to Clarify the Types of Property
Which Pass by Deed.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Title 33, section 151, parts of which were enacted in the 19th century, unnecessarily and arbitrarily classify stoves and carpets as personal property even though under applicable common law some stoves and carpets may be classified as realty; and

Whereas, the statute as written could cause confusion among buyers and sellers of real estate, lenders, financial institutions and their attorneys; and

1 tory standard, allows this determination to be made
2 on a case-by-case basis under applicable principles
3 of the common law of fixtures. With respect to the
4 Maine State Housing Authority's home improvement and
5 energy conservation loan program, the authority will
6 adopt program standards pursuant to the Maine Admin-
7 istrative Procedure Act, Title 5, chapter 375, for
8 classifying those stoves which are fixtures under the
9 common law and which are therefore eligible for the
10 authority's tax-exempt loan funds.

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