

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 1188

6  
7 S.P. 430

In Senate, April 1, 1985

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

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Berube of Androscoggin.

11 Cosponsored by Representative Pouliot of Lewiston, Representative  
Jalbert of Lisbon and Senator Gauvreau of Androscoggin.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FIVE  
16

17 AN ACT to Provide Disclosures to Nursing Home  
18 and Hospital Residents Transferring  
19 Property.  
20

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

23 33 MRSA §§458 and 459 are enacted to read:

24 §458. Conveyances by persons not resident in a nurs-  
25 ing home or hospital

26 All deeds and other instruments for the convey-  
27 ance of real property shall contain, in addition to  
28 the name of the grantor, a statement that the grantor  
29 is not presently a patient or resident at a nursing  
30 home or hospital, except as provided in section 459.

31 §459. Conveyances by persons residing in a nursing  
32 home or hospital

1       1. Statement of disclosure required. All deeds  
2 and other instruments for the conveyance of real  
3 property by a person who at the time of conveyance is  
4 a patient or resident in a nursing home or hospital  
5 shall contain a statement that the grantor has seen  
6 and signed a Disclosure of Patient Conveying Real  
7 Property form, which shall be attached to the deed  
8 and recorded with it.

9       2. Disclosure of Patient Conveying Real Proper-  
10 ty. The Disclosure of Patient Conveying Real Proper-  
11 ty shall be in the following form.

12                   DISCLOSURE OF PATIENT CONVEYING  
13                   REAL PROPERTY

14           This statement contains important  
15 matters to be considered in the  
16 transfer of real estate. State law  
17 requires that this statement be  
18 signed by every person transferring  
19 property who is a patient or resi-  
20 dent in a nursing home or hospital.

21           There are many different ways to  
22 transfer ownership or possession of  
23 real estate. If you give someone a  
24 warranty or quitclaim deed, it com-  
25 pletely ends all your legal rights  
26 to the property and you may not use  
27 the property again without the new  
28 owner's permission.

29           It is possible to transfer ownership  
30 of the property to a new owner, but  
31 keep your right to use the property  
32 until your death. This is called a  
33 life estate.

34           You should consider the different  
35 ways carefully before giving up your  
36 property and should seek advice if  
37 you are uncertain.

38           If your wish assistance or advice,  
39 or both, before transferring your  
40 property, you may call the Maine

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Committee on Aging toll-free at  
1-800-452-1912.

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STATEMENT OF FACT

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This bill provides that residents of a nursing home or hospital must see and sign a disclosure before transferring property, which advises of the potential significance of such a transfer, the possibility of retaining a life estate and a source of free advice and assistance in considering a transfer of property.

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