

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 698

S.P. 249

In Senate, March 10, 1987

Reference to the Committee on Judiciary suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate  
Presented by Senator KANY of Kennebec.

Cosponsored by Representative MURPHY of Berwick,  
Representative SIMPSON of Casco, Senator USHER of Cumberland.

STATE OF MAINE

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

AN ACT to Provide Notice of  
Underground Facilities Upon Transfers  
of Real Property.

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

7 Sec. 1. 33 MRSA §201-C is enacted to read:

8 §201-C. Notice of underground facilities

9 Every warranty deed or quitclaim deed with cove-  
10 nant executed after January 1, 1988, shall, as a con-  
11 dition of recording, contain the following statement  
12 if it is true:

13 "There have been no underground facilities in-  
14 stalled on this premises since January 1, 1988,

1 or the date on which the grantor gained an inter-  
2 est in this property, whichever is later."

3 If an underground facility has been installed on  
4 the property since January 1, 1988, or since the  
5 grantor gained an interest in the property, whichever  
6 occurred later, or if the deed to the grantor con-  
7 tains notice that an underground facility exists on  
8 the property, the deed shall recite a general de-  
9 scription of the underground facility and the phrase:

10 "An underground facility, as defined in the Maine  
11 Revised Statutes, Title 33, section 201-C, exists  
12 on the property."

13 As used in this section, the term "underground  
14 facility" includes any man-made thing, including any  
15 tank, box, pipe, tube, container, solid structure or  
16 similar thing installed below the natural surface of  
17 the ground on a piece of real estate other than a  
18 cellar or basement which is clearly attached to a  
19 structure and which does not extend below the lowest  
20 level accessible to the surface without disassembly.  
21 The term "underground facility" also includes any  
22 hole in the ground, whether drilled or dug, which ex-  
23 tends more than 10 feet below the natural surface of  
24 the ground or which extends more than 4 feet below  
25 the natural surface of the ground and comprises a  
26 volume of more than 10 cubic yards.

27 Sec. 2. 33 MRSA §761, sub-§1 is enacted to read:

28 1. Notice of underground facilities. Notice of  
29 the presence or absence, type and general location of  
30 underground facilities shall be recorded with every  
31 warranty deed or quitclaim deed as provided in sec-  
32 tion 201-C.

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STATEMENT OF FACT

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The purpose of this bill is to ensure that purchasers of real property are notified of the presence or absence of underground facilities in the warranty deed or quitclaim deed.

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