

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

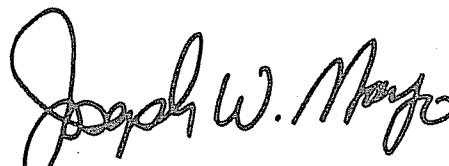
No. 201

H.P. 149

House of Representatives, January 28, 1993

An Act to Establish a Statute of Limitations for Claims against Titles to Property Acquired for Nonpayment of Taxes.

Reference to the Committee on Taxation suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative SKOGLUND of St. George.
Cosponsored by Representatives: CARON of Biddeford, CARR of Sanford, COLES of Harpswell, DRISCOLL of Calais, LIBBY of Kennebunk, Senators: LAWRENCE of York, PINGREE of Knox.

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

4 **Sec. 1. 36 MRSA §946-A is enacted to read:**

6 **§946-A. Statute of limitations; title in fee simple**

8 Fifteen years after expiration of the period of redemption
10 set forth in this chapter has expired, a municipality that has
12 acquired real estate for nonpayment of taxes, or the successor in
14 interest to that municipality following in chain of title, duly
16 recorded, from the municipality's quitclaim deed, is vested with
18 an estate in fee simple absolute in that real estate and
20 subsequent deeds must so state, subject only to:

22 1. **Governmental claims.** Claims of the municipality, county
24 or State for taxes, liens or other encumbrances;

26 2. **Easements; rights-of-way.** Easements or rights-of-way
28 that were in existence at the time of the levy of the taxes, the
30 nonpayment of which resulted in the tax sale or transfer; and

32 3. **Court-decreed cancellation.** A cancellation of the tax
34 sale or transfer ordered by a court of competent jurisdiction for
36 a defect in proceedings affecting jurisdiction, or on grounds of
unconstitutionality, if issued in a proceeding brought within 5
years from the expiration of the period of redemption.

28 **STATEMENT OF FACT**

30 This bill establishes a 15-year statute of limitations on
32 claims against titles to real estate acquired for nonpayment of
34 taxes. After that time the title, though acquired from a
36 municipality by quitclaim deed, becomes title in fee simple
absolute subject only to preexisting easements, governmental
liens or prior court-decreed cancellation of the sale.