

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

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Legislative Document

No. 965

H.P. 714

House of Representatives, March 22, 1993

**An Act to Facilitate the Identification of Mortgagees of Record in  
Certain Transactions.**

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Reference to the Committee on Taxation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative CARR of Sanford.  
Cosponsored by Representative: CARON of Biddeford.

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

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

§201-C. Recording of mortgage

1. Recording required; notice to municipality. For all mortgages on real property entered into on or after January 1, 1994, the mortgagee shall register a notice of the mortgage in the registry of deeds for the county in which the property subject to the mortgage is located and shall send the notice of the mortgage to the municipality in which the property is located. After January 1, 1994, when a mortgagee holding a mortgage on real property sells, assigns or otherwise transfers the mortgagee's interest in the mortgage, the purchaser, assignee or other transferee shall register a notice of that transfer in the registry of deeds for the county in which the property is located and shall send the notice of the transfer to the municipality in which the property subject to the mortgage is located. The tax collector of a municipality is not required to send a copy of the tax lien certificate required under Title 36, section 942 to any mortgagee or transferee that has not sent to the municipality the required notice.

2. Contents of notice. The notice must include the following:

A. A reference to the volume and page in the registry of deeds of the most recent recorded deed or other instrument on which the mortgagee's or transferee's interest is based;

B. The legal description of the property; and

C. The name and mailing address of the mortgagee or transferee.

Sec. 2. 36 MRSA §942, 4th ¶, as amended by PL 1977, c. 630, §8, is further amended to read:

At the time of the recording of the tax lien certificate in the registry of deeds, in all cases the tax collector shall file with the municipal treasurer a true copy of the tax lien certificate and shall send by certified mail, return receipt requested, to each record holder of a mortgage on said the real estate, to his the record holder's last known address, a true copy of the tax lien certificate. The tax collector is not required to send a copy of the tax lien certificate to any mortgagee or transferee that has not sent to the municipality the notice required in Title 33, section 201-C. If the real estate has not been assessed to its record owner, the tax collector shall send by certified mail, return receipt requested, a true copy of the tax lien certificate to the record owner.

2           **Sec. 3. 36 MRSA §4641-D, first ¶**, as amended by PL 1991, c.  
3 591, Pt. Y, §1 and affected by §3, is further amended to read:

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5           Any deed, except as provided in this section, must, when  
6 offered for recording, be accompanied by a statement or  
7 declaration prepared in duplicate and signed, subject to the  
8 penalties of perjury, by the parties to the transaction or their  
9 authorized representatives, declaring the consideration for the  
10 property transferred and indicating the taxpayer identification  
11 numbers of the grantor and grantee. The statement or declaration  
12 must include evidence of compliance with section 5250-A and  
13 reference to the appropriate tax map and parcel number unless no  
14 tax map exists that includes that property, in which event the  
15 declaration must indicate that no appropriate tax map exists.  
16 The statement of declaration must also include the names and  
17 mailing addresses of all mortgagees. The exceptions to the  
18 foregoing are the following:

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### STATEMENT OF FACT

24           Municipalities can have a difficult time determining who is  
25 the current holder of a mortgage, partly because mortgages are  
26 often sold on the secondary market. If the person acquiring the  
27 mortgage from the bank or other original mortgagee does not file  
28 information about the transfer in the registry of deeds, it is  
29 extremely difficult to track down who the current holder of the  
30 mortgage is. This bill requires mortgagees to register  
31 information about the mortgage in the registry of deeds and to  
32 send the same information to the municipality in which the  
33 property is located. This bill also requires, in the case of the  
34 transfer of a mortgage, that the person acquiring the mortgage  
35 file information about the transfer in the registry of deeds and  
36 send the same information to the municipality in which the  
37 property is located. If the mortgagee or transferee does not  
38 send the notice to the municipality, the municipal tax collector  
39 is not required to send a copy of any municipal tax liens to the  
40 mortgagee or transferee.

42           This bill also requires the statement or declaration of  
43 value prepared for real estate transfer tax purposes to include  
44 the names and addresses of all mortgagees.