

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 871

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H.P. 620

House of Representatives, March 7, 2017

**An Act To Require Disclosures Relating to the Sale of Residential  
Real Property Accessible Only by a Private Way**

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative FAY of Raymond.  
Cosponsored by Senator BELLOWS of Kennebec and  
Representatives: COLLINGS of Portland, FULLER of Lewiston, MASTRACCIO of Sanford,  
RILEY of Jay.

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

2 **Sec. 1. 33 MRSA §173, sub-§4, ¶D,** as enacted by PL 1999, c. 476, §1, is  
3 amended to read:

4 D. Underground oil storage tanks as required under Title 38, section 563, subsection  
5 6; ~~and~~

6 **Sec. 2. 33 MRSA §173, sub-§5,** as enacted by PL 1999, c. 476, §1, is amended to  
7 read:

8 **5. Known defects.** Any known defects; and

9 **Sec. 3. 33 MRSA §173, sub-§6** is enacted to read:

10 **6. Property accessible by private way.** For residential real property accessible only  
11 by a private way, the name of the person who owns the private way and the name of the  
12 person who is responsible for the maintenance and repair of the private way. If any of the  
13 information required to be disclosed under this subsection is unknown to the seller, the  
14 seller shall disclose that fact. For the purposes of this subsection, "private way" has the  
15 same meaning as in Title 29-A, section 101, subsection 58.

16

## SUMMARY

17 This bill provides that, for residential real property accessible only by a private way,  
18 the seller must disclose, if known, the name of the person who owns the private way and  
19 the name of the person who is responsible for the maintenance and repair of the private  
20 way.