

MAINE STATE LEGISLATURE

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STATE OF MAINE

SENATE

131ST LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 863, L.D. 2035, "An Act Regarding Disclosure of Flood Risk by Sellers of Real Estate"

Amend the bill in section 3 in subsection 7 in paragraph A in the 3rd line (page 1, line 14 in L.D.) by striking out the following: "a" and inserting the following: 'the effective'

Amend the bill in section 3 in subsection 7 by striking out all of paragraphs B and C (page 1, lines 19 to 29 in L.D.) and inserting the following:

B. Whether, during the time that the prospective seller has owned the property:

- (1) Any flood events affected the property or a structure on the property;
- (2) Any flood-related damage to a structure occurred on the property;
- (3) Any flood insurance claims were filed for a structure on the property and, if so, the date of each claim; and
- (4) Any past disaster-related aid was provided related to the property or a structure on the property from federal, state or local sources for the purposes of flood recovery and, if so, the date of each payment; and

C. For the purposes of this subsection, "flood" means:

- (1) A general and temporary condition of partial or complete inundation of normally dry areas from:
 - (a) The overflow of inland or tidal waters; or
 - (b) The unusual and rapid accumulation or runoff of surface waters from any source; or
- (2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or

COMMITTEE AMENDMENT

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by some similarly unusual and unforeseeable event that results in flooding as described in subparagraph (1), division (a).'

Amend the bill in section 5 in subsection 4 in paragraph A in the 3rd line (page 1, line 39 in L.D.) by striking out the following: "a" and inserting the following: 'the effective'

Amend the bill in section 5 in subsection 4 by striking out all of paragraphs B and C (page 2, lines 4 to 14 in L.D.) and inserting the following:

B. Whether, during the time that the prospective seller has owned the property:

- (1) Any flood events affected the property or a structure on the property;
- (2) Any flood-related damage to a structure occurred on the property;
- (3) Any flood insurance claims were filed for a structure on the property and, if so, the date of each claim; and
- (4) Any past disaster-related aid was provided related to the property or a structure on the property from federal, state or local sources for the purposes of flood recovery and, if so, the date of each payment; and

C. For the purposes of this subsection, "flood" means:

- (1) A general and temporary condition of partial or complete inundation of normally dry areas from:
 - (a) The overflow of inland or tidal waters; or
 - (b) The unusual and rapid accumulation or runoff of surface waters from any source; or
- (2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event that results in flooding as described in subparagraph (1), division (a).'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment, which is the minority report of the committee, clarifies that sellers of real property must notify buyers whether the property is in an area of special flood hazard mapped on the effective flood insurance rate map at the time of the required disclosure. The amendment also removes the provision of the bill that includes an active flood insurance policy as an indicator of a flood hazard. Finally, the amendment removes the requirement to disclose the amount of insurance claims and the amount of disaster-related aid received related to the property being conveyed and defines the term "flood."