

§173. Required disclosures

Unless the transaction is exempt under section 172, the seller of residential real property shall provide to the purchaser a property disclosure statement containing the following information: [PL 1999, c. 476, §1 (NEW).]

1. Water supply system. The type of system used to supply water to the property. If the property has a private water supply, the seller shall disclose:

- A. The type of system; [PL 1999, c. 476, §1 (NEW).]
- B. The location of the system; [PL 1999, c. 476, §1 (NEW).]
- C. Any malfunctions of the system; [PL 1999, c. 476, §1 (NEW).]
- D. The date of the most recent water test, if any; and [PL 1999, c. 476, §1 (NEW).]
- E. Whether the seller has experienced a problem such as an unsatisfactory water test or a water test with notations; [PL 1999, c. 476, §1 (NEW).]

[PL 1999, c. 476, §1 (NEW).]

2. Insulation.

[PL 2005, c. 378, §25 (RP); PL 2005, c. 378, §29 (AFF).]

2-A. Heating system or heating source. Detailed information on the system or source used to supply heat to the property, including:

- A. The type of heating system or source; [PL 2005, c. 378, §26 (NEW); PL 2005, c. 378, §29 (AFF).]
- B. The age of the heating system or source; [PL 2005, c. 378, §26 (NEW); PL 2005, c. 378, §29 (AFF).]
- C. The name of the company that services the heating system or source; [PL 2005, c. 378, §26 (NEW); PL 2005, c. 378, §29 (AFF).]
- D. The date of the most recent service call on the heating system or source; [PL 2005, c. 378, §26 (NEW); PL 2005, c. 378, §29 (AFF).]
- E. The annual fuel consumption per heating system or source; [PL 2019, c. 37, §1 (AMD).]
- F. Any malfunctions per heating system or source within the past 2 years; and [PL 2019, c. 37, §1 (AMD).]
- G. The date of the most recent inspection of the chimneys and vents for the heating system or source; [PL 2019, c. 37, §2 (NEW).]

[PL 2019, c. 37, §§1, 2 (AMD).]

3. Waste disposal system. The type of waste disposal system used on the property. If the property has a private waste disposal system, the seller shall disclose:

- A. The type of system; [PL 1999, c. 476, §1 (NEW).]
- B. The size and type of the tank; [PL 1999, c. 476, §1 (NEW).]
- C. The location of the tank; [PL 1999, c. 476, §1 (NEW).]
- D. Any malfunctions of the tank; [PL 1999, c. 476, §1 (NEW).]
- E. The date of installation of the tank; [PL 1999, c. 476, §1 (NEW).]
- F. The location of the leach field; [PL 1999, c. 476, §1 (NEW).]
- G. Any malfunctions of the leach field; [PL 1999, c. 476, §1 (NEW).]

H. The date of installation of the leach field; [PL 1999, c. 476, §1 (NEW).]

I. The date of the most recent servicing of the system; [PL 1999, c. 476, §1 (NEW).]

J. The name of the contractor who services the system; and [PL 1999, c. 476, §1 (NEW).]

K. For systems within shoreland zones, disclosures on septic systems required by Title 30-A, section 4216; [PL 1999, c. 476, §1 (NEW).]

[PL 1999, c. 476, §1 (NEW).]

4. Hazardous materials. The presence or prior removal of hazardous materials or elements on the residential real property, including, but not limited to:

A. Asbestos; [PL 1999, c. 476, §1 (NEW).]

B. Lead-based paint for pre-1978 homes in accordance with federal regulations; [PL 2011, c. 96, §5 (AMD).]

C. Radon; [PL 2019, c. 234, §1 (AMD).]

D. Underground oil storage tanks as required under Title 38, section 563, subsection 6; and [PL 2019, c. 234, §2 (AMD).]

E. Methamphetamine; [PL 2019, c. 234, §3 (NEW).]

[PL 2019, c. 234, §§1-3 (AMD).]

5. Known defects. Any known defects; [PL 2023, c. 585, §1 (AMD); PL 2023, c. 602, §3 (AMD).]

6. Access to the property. Information describing the means of accessing the property by:

A. A public way, as defined in Title 29-A, section 101, subsection 59; and [PL 2017, c. 181, §3 (NEW).]

B. Any means other than a public way, in which case the seller shall disclose information about who is responsible for maintenance of the means of access, including any responsible road association, if known by the seller; [RR 2023, c. 2, Pt. A, §50 (COR).]

[RR 2023, c. 2, Pt. A, §50 (COR).]

7. Flood hazard. Information regarding potential flood risks, including:

A. Whether, at the time the seller provides the information to the purchaser, the property is located wholly or partly within an area of special flood hazard mapped on the effective flood insurance rate map issued by the Federal Emergency Management Agency on or after March 4, 2002; the federally designated flood zone for the property indicated on that flood insurance rate map; and a copy of the relevant panel of that flood insurance rate map. For the purposes of this paragraph, "area of special flood hazard" has the same meaning as in Title 38, section 436-A, subsection 1-C; [PL 2023, c. 585, §3 (NEW).]

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 [PL 2023, c. 585, §3 (NEW).]

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); [RR 2023, c. 2, Pt. A, §51 (COR).]

[RR 2023, c. 2, Pt. A, §51 (COR).]

REVISOR'S NOTE: (Subsection 7 as enacted by PL 2023, c. 602, §5 is REALLOCATED TO TITLE 33, SECTION 173, SUBSECTION 8)

8. (REALLOCATED FROM T. 33, §173, sub-§7) Notice of violation. Detailed information on an actual or alleged violation of a shoreland zoning ordinance adopted pursuant to Title 38, chapter 3, subchapter 1, article 2-B, including those that were state-imposed, imposed on and applicable to the property.

[PL 2023, c. 602, §5 (NEW); RR 2023, c. 2, Pt. A, §52 (RAL).]

SECTION HISTORY

PL 1999, c. 476, §1 (NEW). PL 2005, c. 339, §3 (AMD). PL 2005, c. 378, §§25,26 (AMD). PL 2005, c. 378, §29 (AFF). PL 2011, c. 96, §5 (AMD). PL 2017, c. 181, §§1-3 (AMD). PL 2019, c. 37, §§1, 2 (AMD). PL 2019, c. 234, §§1-3 (AMD). PL 2023, c. 585, §§1-3 (AMD). PL 2023, c. 602, §§3-5 (AMD). RR 2023, c. 2, Pt. A, §§50-52 (COR).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 131st Maine Legislature and is current through January 1, 2025. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.