

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 736

H.P. 542

House of Representatives, February 14, 2003

### An Act To Specify Information Required in a Divorce Decree

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Reference to the Committee on Judiciary suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative NORBERT of Portland.  
Cosponsored by Senator PENDLETON of Cumberland and  
Representatives: MILLS of Farmington, SIMPSON of Auburn, TARDY of Newport.

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

4 **Sec. 1. 19-A MRSA §953, sub-§7**, as enacted by PL 1995, c. 694,  
5 Pt. B, §2 and affected by Pt. E, §2, is repealed and the  
6 following enacted in its place:

7 7. Decree or abstract as deed. All rights acquired under  
8 former Title 19, section 721 or 723 on or before December 31,  
9 1971 and all rights acquired under this section by a party in the  
10 real estate of the other party are effective against a person  
11 when the decree of divorce or an abstract of the decree is filed  
12 in the registry of deeds for the county or registry district  
13 where the real estate is situated. The decree or abstract, at a  
14 minimum, must contain:

15 A. The caption of the case, including the names of the  
16 parties, and any changes to the parties' names after the  
17 decree;

18 B. The date the judgment is final and the court that issued  
19 the decree;

20 C. An adequate description of the real estate, such as by  
21 reference to the volume and page number of an instrument  
22 recorded in the registry of deeds or the probate court  
23 record, or an adequate description by metes and bounds or by  
24 reference to the volume and page number of the registry of  
25 deeds' records of a survey plan of the property;

26 D. Any provision of the decree intended by the court to  
27 constitute an encumbrance against real estate, including any  
28 conditions pertaining to the encumbrance, in the verbatim  
29 language used by the court. If the abstract does not  
30 contain the provision required by this paragraph, an  
31 encumbrance may not be considered effective against a 3rd  
32 party unless the encumbrance has been memorialized in a  
33 separate, duly recorded instrument; and

34 E. A clear statement of the ownership interest of the  
35 parties in the real estate intended by the court to result  
36 from that decree.

37 An inconsequential failure to provide all the details required  
38 pursuant to paragraphs A to E does not create an invalid abstract  
39 for purposes of this section.

40 The failure of a party to record the decree or an abstract of the  
41 decree within a time period prescribed by former Title 19,  
42 section 725 does not affect the rights of that party as against  
43 the other party or the other party's heirs or devisees. The  
44 failure of a party to record the decree or an abstract of the  
45 decree within a time period prescribed by former Title 19,  
46 section 725 does not affect the rights of that party as against  
47 the other party or the other party's heirs or devisees. The  
48 failure of a party to record the decree or an abstract of the  
49 decree within a time period prescribed by former Title 19,  
50 section 725 does not affect the rights of that party as against  
51 the other party or the other party's heirs or devisees. The

2 recording of the decree or abstract of the decree has the force  
3 and effect of a quitclaim deed releasing all interest in the real  
4 estate described in the decree or abstract of the decree, whether  
5 the interest is in fee or by statute.

6

## 8 SUMMARY

10 This bill clarifies that a decree of divorce or an abstract  
11 of a decree for divorce involving rights to real property must be  
12 filed in the registry of deeds for the county or the district  
13 where the real property is located for the decree to have any  
14 effect. This bill also expands the information that is required  
to be contained in the abstract or decree.