

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1959 - 1960

MAINE STATE
LIBRARY

munity from suit. By accepting such arbitration decision, the parties to the contract may be undertaking a responsibility that the legislature would have refused to undertake. For these reasons, we are of the opinion that it is improper for the State of Maine to submit disputes to arbitration.

JAMES GLYNN FROST
Deputy Attorney General

March 24, 1959

To: Niran C. Bates, Director of Bureau of Public Improvements

Re: Deeds — With Respect to Sale of Land by the State

We are in receipt of your memo of February 13, 1959 addressed to all Departments and Institutions, which memo contains instructions to be followed by all state departments and institutions with respect to the manner in which deeds which evidence the sale of land by the state should be handled.

We must advise that in our opinion your instruction would impress upon a state employee a most unusual and improper responsibility. Your memo reads in part as follows:

“In establishing Records of the State’s ownership in Land it has become apparent that certain procedures should be followed when a parcel is sold so that there will be continuous records of all transactions.

“The description in the deed should be as complete as possible. It should contain adequate references to the State’s title in the parcels involved including the data as to recording in the Registry of Deeds.

“Arrangements should be made with the *Grantee* so that upon receipt of payment, the original deed would be forwarded to the proper County Registry by the department handling the transaction. The Register of Deeds should be instructed to record it and return it to the *Grantor*. The department will then write on the copy the date of record, the book and page reference as they appear on the certificate of the registry.

“The original should then be delivered to the *Grantee*, and the copy filed with the State Forest Commissioner, except for Highway Deeds.”

We would point out that the deed to which you refer is the muniment of title belonging to the grantee. It is his property. The State, as grantor should not attempt to so control an instrument that belongs to another person. There is no law that requires the recording of a deed, and the grantee may have good reason for delaying the filing of such an instrument.

For the reasons stated, we believe your instructions violate the rights of one who is entitled by law to the possession of that instrument which is evidence of his title, and also places an undue responsibility upon a state employee with respect to the property of another person.

We are of the further opinion that a plain copy of the deed properly filed in the office of the Forest Commissioner, with perhaps another copy or abstract in your office, is all that is needed for the sake of state records.

FRANK E. HANCOCK
Attorney General