

MAINE STATE LEGISLATURE

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January 13, 1975

Richard Barringer, Director

Bureau of Public Lands

Donald G. Alexander, Assistant

Attorney General

Questions regarding Incomplete Coastal Island Registry Forms

We have received your letter of December 10, 1974, requesting guidance with regard to processing of incomplete Coastal Island Registry forms. As the penalty for failure to file such forms, or filing forms which turn out to be void is high--loss of rights to property--new prospective registrants, utilizing this procedure for the first time, should be given adequate opportunity to correct mistakes. Courts are unlikely to look with favor upon the State's taking land on the basis of technical inadequacies of registration forms before prospective registrants have been given an opportunity to correct such inadequacies.

It is suggested that the Bureau of Public Lands give each person who has filed an inadequate form the opportunity to correct the error. This could be done by sending the person a registered or certified letter, return receipt requested, describing the inadequacy on the registration form, and perhaps also enclosing the form to be corrected, or a new form to be filled out. The letter you send should, however, specify a time certain (for example 30 days) within which the correction should be made. The letter should also warn the prospective registrants of the implications of failure to file a proper registration form, and might suggest that the recipient may wish to consult his or her attorney.

The same procedure should be followed where payment of checks has been refused for insufficient funds.

Two other observations:

1. The failure to sign the registration form might be correctable for purposes of your records by the demonstration of intent to file such a registration form evidenced by a signed letter which might have been presented with the registration form, or the signed check with the registration fee. However, again because of the significant legal implications of these transactions, it will be best to have unsigned forms corrected by returning them for signature.

2. Some persons may well not understand what is meant by "legal description" on the form. In those cases where you view the legal description as inadequate, it may also be appropriate to describe to the persons what is desired and indicate to them that, for example, they may be able to copy the legal description from the deed for island which they may possess.

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