

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1147

S. P. 437

In Senate, March 10, 1971

Reported by Senator Harding of Aroostook from Committee on Judiciary
and printed under Joint Rules No. 18.

HARRY N. STARBRANCH, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

**AN ACT Relating to Jurisdiction of the District Court in Proceedings to
Quiet Title in Real Estate Matters.**

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., T. 4, § 152, amended. The first sentence of section 152 of Title 4 of the Revised Statutes, as amended by chapter 236 of the public laws of 1965, is further amended to read as follows:

The District Court shall possess the civil and criminal jurisdiction exercised by all trial justices and municipal courts in the State on September 16, 1961, and in addition, original jurisdiction, concurrent with that of the Superior Court of all civil actions in which neither damages in excess of \$10,000 nor equitable relief is demanded, of **proceedings under Title 14, sections 6651 to 6658 and of actions for divorce or annulment of marriage and of proceedings under Title 19 and original jurisdiction, concurrent with that of the probate court, of actions for separation.**

Sec. 2. R. S., T. 14, § 6651, amended. The first sentence of section 6651 of Title 14 of the Revised Statutes is amended to read as follows:

A person in possession of real property, claiming an estate of freehold therein or an unexpired term of not less than 10 years, or a person who has conveyed such property or any interest therein with covenants of title or warranty, upon which he may be liable, may, if he or those under whom he claims or those claiming under him have been in uninterrupted possession of such property for 4 years or more, bring an action in the Superior Court, or in the **District Court in the county or district respectively in which said real property lies**, setting forth his estate, stating the source of his title, describing

the premises, and averring that an apprehension exists that persons named in the complaint, or persons unknown claiming as heirs, devisees or assigns, or in any other way, by, through or under a person or persons named in the complaint, claim or may claim some right, title or interest in the premises adverse to his said estate; and that such apprehension creates a cloud upon the title and depreciates the market value of the property; and praying that such persons be summoned to show cause why they should not bring an action to try their title to the described premises.

Sec. 3. R. S., T. 14, § 6652, amended. The first sentence of section 6652 of Title 14 of the Revised Statutes is amended to read as follows:

A person in possession of real property, claiming an estate of freehold therein or an unexpired term of not less than 10 years, or a person who has conveyed such property or any interest therein with covenants of title or warranty, upon which he may be liable, may, if he or those under whom he claims or those claiming under him have been in uninterrupted possession of such property for 4 years or more, bring an action in the Superior Court, **or in the District Court in the county or district respectively in which said real property lies**, by complaint setting forth his estate, describing the premises and averring that an apprehension exists that persons named in the complaint, or persons unknown, claim by continued and uninterrupted use for 20 years or more, by grant, prescription, custom or in any other way, an easement through or on such real property adverse to the estate of the said plaintiff and that such apprehension creates a cloud upon the title and depreciates the market value of such property; and praying that such persons be summoned to show cause why they should not bring an action to determine their legal rights in and to such easement over or upon said real estate.

Sec. 4. R. S., T. 14, § 6653, amended. The first and 3rd sentences of section 6653 of Title 14 of the Revised Statutes are amended to read as follows: An action under either section 6651 or 6652 shall be brought in the county ~~where~~ **or district respectively in which** the real estate lies.

Upon the filing of the complaint the clerk of courts in the county, **or the clerk of the District Court in the district respectively** where such proceedings are pending shall file a certificate in the registry of deeds in the county or district where said land is situated, setting forth the names of the parties, the date of the complaint and the filing thereof and the description of the real estate as given in the complaint, which said certificate shall be recorded by the register of deeds, who shall receive therefor the same fee as for recording a deed.

Sec. 5. R. S., T. 14, § 6654, amended. The last sentence of section 6654 of Title 14 of the Revised Statutes is amended to read as follows:

Trial of any action brought pursuant to a decree hereunder or of any counter-claim asserting such title or such easement shall be by jury, **if brought in the Superior Court, unless waived.**