

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 994

S. P. 284

In Senate, March 11, 1975

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Speers of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Clarifying the Title to Real Estate Included in a Divorce Decree.

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

19 MRSA § 725, as last amended by PL 1971, c. 622, § 61-E, is repealed and the following enacted in place thereof:

§ 725. Descent of real estate in divorce

Any rights acquired under sections 721 and 723 on or before December 31, 1971 and all rights under section 722-A by a party in the real estate of a party are effectual against any person when the decree of divorce, or an abstract thereof setting forth the names and residence of the parties, the date of the decree and the court where granted, is filed in the registry of deeds for the county or registry district where the real estate is situated. The recording of such a decree or abstract, in the manner provided herein, shall have the force and effect of a quitclaim deed releasing all interest in the real estate described in said decree or abstract, whether such interest is in fee or by statute.

The clerk of the court granting the divorce shall at the expiration of any appeal period from such decree make and send such an abstract, for recording, by registered mail, or deliver said abstract, to such registry or registries as required.

When a divorce has been granted out of the State, the plaintiff, or his attorney, shall cause a duly authenticated copy of such order to be filed with the clerk of courts in each of the counties where the real estate or any part thereof is situated, and said clerk, within 5 days thereof, shall make and send said abstract to such registry or registries as required.

When an abstract of a divorce decree is transmitted to the registry of deeds, the clerk of courts shall be paid \$6.50 for each such abstract, of which \$4 shall be paid to the register of deeds and \$2.50 shall be retained as fee and cost of registered mail. An additional \$2 shall be paid as the filing fee of the authenticated copy of a foreign divorce decree.

STATEMENT OF FACT

This bill will clarify the conveying of real estate as a result of a divorce decree which orders certain interests to either party of the divorce. There are several instances where a divorce decree recorded under the present statute has been relied upon as conveying full fee interest in real estate whereas language to that effect does not exist in the statute at present.