

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 131

6  
7 H.P. 123

House of Representatives, January 10, 1983

8 Reference to the Committee on Judiciary. Sent up for concurrence and  
9 ordered printed.

10 EDWIN H. PERT, Clerk

11 Presented by Representative Armstrong of Wilton.

Cosponsor: Representative Stover of West Bath.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-THREE  
16

17 AN ACT Regarding the Recording of Divorce  
18 Decrees in the Registry of Deeds.  
19

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

22 Sec. 1. 19 MRSA §722-A, sub-§5, as enacted by PL  
23 1979, c. 72, §1, is amended to read:

24 5. Decree contents. If the final divorce decree  
25 disposes of real property, it shall name the party or  
26 parties responsible for preparing and recording the  
27 ~~decree of divorce or~~ abstract thereof and paying the  
28 recording fee. The decree may name different parties  
29 to be responsible for different parcels.

30 Sec. 2. 19 MRSA §725, as amended by PL 1979, c.  
31 663, §128, is further amended to read:

32 §725. Descent of real estate in divorce

1 Any rights acquired under sections 721 and 723 on  
2 or before December 31, 1971 and all rights under  
3 section 722-A by a party in the real estate of a  
4 party are effectual against any person when ~~the~~  
5 ~~decree of divorce, or~~ an abstract ~~thereof~~ of the  
6 divorce decree setting forth the names and residence  
7 of the parties, the date of the decree and the court  
8 where granted, is ~~filed~~ recorded in the registry of  
9 deeds for the county or registry district where the  
10 real estate is situated. The failure of a party to  
11 record ~~the decree or~~ an abstract within any time  
12 period formerly prescribed by this section shall not  
13 affect the rights of that party as against the other  
14 party, his heirs and devisees. The recording of ~~such~~  
15 ~~a decree or~~ an abstract of a divorce decree, in the  
16 manner provided herein, shall have the force and  
17 effect of a quitclaim deed releasing all interest in  
18 the real estate described in ~~said decree or~~ the ab-  
19 ~~stract, whether such~~ the interest is in fee or by  
20 statute.

21 Each party or his attorney shall include, with  
22 any final decree submitted to the court, the ab-  
23 stracts that are necessary to implement that decree.  
24 The recording fee for the ~~decree of divorce or~~ those  
25 ~~abstracts thereof~~ shall be paid to the clerk prior to  
26 the entry of the final decree. The clerk of the court  
27 in which the divorce is granted shall, at the expira-  
28 tion of any appeal period from that decree, send the  
29 ~~decree of divorce or~~ abstract ~~thereof~~ for recording,  
30 by certified mail, or deliver the ~~decree of divorce~~  
31 ~~or~~ abstract ~~thereof~~ to ~~such~~ the registry or  
32 registries as required.

33 When a divorce has been granted out of the State,  
34 the plaintiff, or his attorney, shall cause a ~~duly~~  
35 authenticated copy of such order an abstract of the  
36 divorce decree to be recorded with the register of  
37 deeds in each of the counties where the real estate  
38 or any part thereof is situated. The appropriate  
39 recording fee shall be paid prior to the recording.

40 Sec. 3. 33 MRSA §751, sub-§1-A, as amended by PL  
41 1981, c. 279, §25, is further amended to read:

42 1-A. Abstracts of divorce decrees. Receiving,  
43 recording and indexing an abstract of a divorce

1 decree or abstract thereof, the sum of \$6.

2 STATEMENT OF FACT

3 The purpose of this bill is to require that only  
4 abstracts of divorce decrees be filed with the regis-  
5 try of deeds. Little of the content of most divorce  
6 decrees has to do with real property yet the entire,  
7 often lengthy, documents must be filed with the  
8 registry of deeds. An abstract of the divorce  
9 decree, which would identify the real property sub-  
10 ject to the decree, is adequate and is generally less  
11 than one page in length.

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