

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 1845

7 S.P. 654

In Senate, January 4, 1984

8 Reference to the Committee on Judiciary. Ordered printed and sent down  
9 for concurrence.

10 Approved for introduction by the Legislative Council pursuant to Joint  
Rule 26.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Trafton of Androscoggin.

11 Cosponsor: Senator Collins of Knox.

12 STATE OF MAINE  
13

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

17 AN ACT Eliminating the Need for the  
18 Non-owner Spouse to Sign All Deeds of  
19 Conveyance.  
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21 Be it enacted by the People of the State of Maine as  
22 follows:

23 33 MRSA c. 7, sub-c. IX is enacted to read:

24 SUBCHAPTER IX

25 SIGNATURE OF NON-OWNER SPOUSES

26 §476. Signature of non-owner spouse on deeds of con-  
27 veyance

28 Notwithstanding any other provisions of law, the  
29 signature of a non-owner spouse shall not be required  
30 on all deeds of conveyance including, but not limited  
31 to, all mortgage deeds signed after the effective  
32 date of this subchapter.

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STATEMENT OF FACT

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The purpose of this bill is to attempt to resolve the difference of opinion that has prevailed among the title attorneys in the State since enactment of the Maine Probate Code concerning the continued necessity of obtaining the signature of a non-owner spouse for the purpose of releasing that spouse's right and interest to the property being conveyed by descent.

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A new Title Standard #35 was adopted in an attempt to deal with this issue by a vote of the Title Standards Committee of the Maine Bar Association on April 5, 1983, which standard indicates that the signature of a non-owner spouse is not required on a conveyance "for value" dated after December 31, 1980. Unfortunately, this Title Standard has failed to resolve the issue which existed prior to its adoption among many of the title attorneys in the State. The uncertainty which exists as a result of this situation has created many legal and practical problems for both title attorneys and their clients in the State.

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As indicated above in this statement of fact, this bill seeks to provide a simple and precise standard for all title attorneys and parties to real estate transactions to follow in the future concerning the question of the necessity of obtaining the signature of a non-owner spouse on a deed of conveyance.

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