

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND THIRTEENTH LEGISLATURE
4

5 Legislative Document NO. 49
6

7 H.P. 46 House of Representatives, January 26, 1987
8 Reference to the Committee on Judiciary suggested and
ordered printed.

9 EDWIN H. PERT, Clerk
Presented by Representative Marsano of Belfast.

10 Cosponsored by Representative Lebowitz of Bangor and
Representative Allen of Washington.

11
12 STATE OF MAINE
13

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

17 AN ACT to Validate Certain Abstracts of
18 Divorce Decrees.
19

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

22 Sec. 1. 19 MRSA §725, sub-§2, as enacted by PL
23 1983, c. 748, §1, is amended to read:

24 2. Decree or abstract as deed. Any rights ac-
25 quired under sections 721 and 723 on or before Decem-
26 ber 31, 1971 and all rights under section 722-A by a
27 party in the real estate of a party are effectual
28 against any person when the decree of divorce, or an
29 abstract thereof, setting forth the names and
30 residence of the parties, the date of the decree and
31 the court where granted, is filed in the registry of
32 deeds for the county or registry district where the
33 real estate is situated. The failure of a party to

1 record the decree or an abstract within any time pe-
2 riod formerly prescribed by this section shall not
3 affect the rights of that party as against the other
4 party, his heirs and devisees. The recording of such
5 a decree or abstract, in the manner provided in this
6 section, shall have the force and effect of a quit-
7 claim deed releasing all interest in the real estate
8 described in the decree or abstract, whether the in-
9 terest is in fee or by statute.

10 Sec. 2. 33 MRSA §353-A, as amended by PL 1981,
11 c. 698, §165, is further amended by adding at the end
12 a new paragraph to read:

13 All abstracts of divorce decrees recorded in any
14 registry of deeds prior to the effective date of this
15 paragraph and otherwise valid, which failed to state
16 the residence of any party to the divorce action are
17 validated and shall have the force and effect of a
18 quitclaim deed releasing all interest in the real es-
19 tate described in the decree or abstract.

20 STATEMENT OF FACT

21 The law on recording of abstracts of divorce de-
22 crees has provided that the residences of the parties
23 appear in the abstract. The form provided by the
24 court for the abstracts has never contained a place
25 to recite the residences. Some title attorneys have
26 questioned the ability of these abstracts to operate
27 as deeds releasing the interest of one spouse to the
28 other, as the law intends. This bill removes the
29 residence recital requirement and validates existing
30 abstracts in order to remove any objections to title.

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