MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

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NO. 448

H.P. 349 House of Representatives, February 19, 1987
On Motion of Representative PARADIS of Augusta referred
to the Committee on Judiciary. Sent up for concurrence and
ordered printed.

EDWIN H. PERT, Clerk Presented by Representative WARREN of Scarborough. (By Request)

STATE OF MAINE

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

<u>_</u>	ΑN	ACT	Relating	to	Judgment	Liens	and	Divorce
2					Liens.			
≀								

- Be it enacted by the People of the State of Maine as follows:
- Sec. 1. 14 MRSA §4651, last ¶ as amended by PL 1985, c. 187, §4, is further amended to read:

If a lien created by this section is filed during the pendency of any prejudgment or post-judgment attachment obtained in the underlying civil action, the effective date of the lien shall relate back to the date of perfection of the attachment. The lien created by this section shall continue so long as the judgment in the underlying civil action shall remain unpaid and unsatisfied, unless sooner released or

unpaid and unsatisfied, unless sooner released or otherwise discharged. The lien created by this section shall run with the land.

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<pre>Sec. 2. 19 MRSA §725, sub-§1, as enacted by PL 1983, c. 748, §1, is amended to read:</pre>
1. Claims by spouse. Notwithstanding the actual notice provisions of Title 14, section 4455 or any other laws, any claim of a nenewner spouse to real estate as "marital property," as defined by Title 19, section 722-A, shall not affect title to the real estate of the ewner other spouse until the nenewner spouse records in the appropriate registry of deeds either:
A. A copy of the divorce complaint as filed in court; $\Theta \mathbf{r}$
B. A clerk's certificate of the divorce complaint, as described in Title 14, section 4455, subsection 2; or
C. A decree or abstract thereof as described in this section.
This recording requirement shall apply to all divorce proceedings in Maine or in any other jurisdiction commenced after the effective date of this subsection.

22 STATEMENT OF FACT

23 Section 1 of this bill provides that judgment liens shall run with the land. Section 2 of the bill 24 provides that spouse, whether owner, joint owner or other similar status, has the right to make a claim 25 26 for marital property during the pendancy of a di-27 vorce. This allows a party in a divorce action to protect the claim on the property as against other 28 29 potential lienholders pending the outcome of the di-30 31 vorce.

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