

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 355, L.D. 485, Bill, "An Act Concerning Destruction of Certain Court Records in Real Estate Matters"

Amend the bill in that part designated "§2401." in subsection 1 in the last line (page 1, line 15 in L.D.) by inserting after the following: "records." the following: 'This subsection is repealed January 1, 1996.'

Further amend the bill in that part designated "§2401." by striking out all of subsection 2 (page 1, lines 17 to 41 in L.D.) and inserting in its place the following:

'2. Identification on docket. On and after January 1, 1992, judicial proceedings in any Maine court, including appeals from judicial proceedings, that affect title to real estate must be identified on the docket. Judicial proceedings subject to this section include but are not limited to, proceedings involving:

A. Partition actions;

B. Boundary and access disputes;

C. Insolvency;

D. Mortgage foreclosure;

E. Declaratory judgment actions;

F. Attachment and mechanic liens;

G. Dissolution; and

H. Actions to quiet title.'

2 Further amend the bill in that part designated "§2401." in
3 subsection 3 in the 4th and 5th lines (page 1, lines 46 and 47 in
4 L.D.) by striking out the following: "prepared and the court may
5 direct the counsel of record to prepare the abstract." and
6 inserting in its place the following: 'prepared. The court shall
7 name the party or parties responsible for preparing and recording
8 the abstract and for paying the recording fees.'

9 Further amend the bill by inserting at the end before the
10 statement of fact the following:

12 **FISCAL NOTE**

14 The costs associated with docket identification, preparing
15 and recording abstracts and other recording requirements can be
16 absorbed within the budgeted resources of the Judicial
17 Department.'

20 **STATEMENT OF FACT**

22 This amendment repeals the prohibition on the destruction of
23 court records beginning January 1, 1996. This sunset provision
24 will give the Advisory Committee on Judicial Records adequate
25 time to review court records and to decide upon appropriate
26 storage or destruction provisions.

28 This amendment deletes the requirement that the court clerks
29 need not separately index these records. The clerks will
30 identify these with an appropriate labeling system.

32 The requirement that the dockets be labeled for divorce
33 proceedings is eliminated. The divorce laws handle adequately
34 the recording of the decree.

36 This amendment clarifies who will be responsible for
37 recording fees.

38 This amendment adds a fiscal note to the bill.
40
42

Reported by the Committee on Judiciary
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House
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