

# MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 426, L.D. 568, Bill, "An Act to Amend the Laws Pertaining to Conveyance and Reservation of Real Estate"

Amend the bill in section 1 in that part designated "§772." in subsection 1 in the last line (page 1, line 15 in L.D.) by striking out the following: "conveyance" and inserting in its place the following: 'deed'

Further amend the bill in section 1 in that part designated "§772." by striking out all of subsections 2 to 5 and inserting in their place the following:

'2. Preservation of rights. A person claiming an interest in real estate by reason of the omission of technical words of inheritance or the lack of an habendum clause in a deed that conveyed or reserved a property interest before October 7, 1967 may preserve that claim by commencing a civil action for the recovery of that property in the Superior Court or the District Court in the county or division in which the property is located on or before December 31, 2002.

3. Limitation. After December 31, 2002, a person may not commence a civil action for the recovery of property or enter that property under a claim of right based on the absence of an habendum clause or technical words of inheritance in any deed.'

Further amend the bill in section 1 in that part designated "§772." by renumbering the subsections to read consecutively.

2 Further amend the bill by inserting at the end before the  
summary the following:

4  
6 **FISCAL NOTE**

8 This bill may increase the number of civil suits filed in  
the court system. The additional workload and administrative  
10 costs associated with the minimal number of new cases filed can  
be absorbed within the budgeted resources of the Judicial  
12 Department. The collection of additional filing fees may also  
increase General Fund revenue by minor amounts.'

14  
16 **SUMMARY**

18 This amendment changes the method by which a person who  
claims an interest in property due to the absence of an habendum  
20 clause or technical words of inheritance may preserve the claim  
to that property. In the bill, the person preserved the claim by  
22 filing notice in the registry of deeds. In the amendment, the  
person preserves the claim by beginning a civil action in court  
24 by December 31, 2002. After that date, a person may not bring an  
action or enter upon property under a claim of right based on the  
26 lack of an habendum or technical words of inheritance.

28 This amendment also adds a fiscal note to the bill.