

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 984

S.P. 325

In Senate, February 25, 2003

### An Act To Amend the Laws Governing Registers of Deeds

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Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator YOUNGBLOOD of Penobscot.  
Cosponsored by Representative PEAVEY-HASKELL of Greenbush and  
Senators: CATHCART of Penobscot, President DAGGETT of Kennebec, DAVIS of  
Piscataquis, MITCHELL of Penobscot, PENDLETON of Cumberland, Representative:  
LEDWIN of Holden.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 33 MRSA §651**, as amended by PL 1965, c. 215, is repealed and the following enacted in its place:

6 **§651. Records; index**

8 The records and indexes in each registry office must be made  
10 and kept for public inspection on at least one of the following  
12 media: white, acid-free paper, microfilm, microfiche, or digital  
14 image stored on magnetic or optical media. The register shall  
16 make an alphabetical index to the records without charge to the  
18 county so that the same surnames are recorded together and shall  
20 show in addition to the names of the parties and the nature of  
22 the instrument, the date of the instrument, the date of its  
24 record and the name of the city, town or unincorporated place  
26 where the land conveyed is situated. As often as every 10 years  
the register shall revise and consolidate the index in such  
manner that all deeds recorded since the last revision of the  
index are indexed so that the same surnames appear together and  
all names are in alphabetical order. The revised and  
consolidated index must contain all data as to each and every  
deed or other instrument referred to in this section. If it  
becomes necessary to revise, renew or replace any index, the new  
index must be made in conformity with this section.

28 When the register of deeds is required by law or common  
30 practice to make a note in the margin of a record, it is  
32 determined sufficient if the note is made to the index in such a  
fashion that the note becomes a permanent part of the indexing of  
the record to which the marginal note is required to be made.

34 The register shall prepare, or have prepared, a microfilm  
36 record of each page of every instrument, plan or other document  
38 recorded in the registry office. The microfilm record made must  
40 be stored in a fireproof area. When original record books or  
42 plans are considered by the register to be in a condition that  
44 warrants withdrawal from regular use, the register may make a  
true copy of the contents of the record or may provide suitable  
means for reading the microfilm, microfiche or digital image  
stored on magnetic or optical media of the instruments  
withdrawn. The records and certified copies made either from the  
true copy or from images stored as provided in this section must  
be received in all courts of law with the same legal effect as  
those contained in the original.

46 **Sec. 2. 33 MRSA §652**, as amended by PL 2001, c. 667, Pt. C,  
48 §18, is further amended to read:

50 **§652. Books for recording plans**

2 The county commissioners shall provide, at the expense of  
3 the several counties, suitable storage for plans with a minimum  
4 size of 12 by 18 and a maximum of 24 by 36 inches in dimension,  
5 for the preservation of such plans.

6  
7 No plan may be accepted for recording unless all of the  
8 following criteria are met. The plan must:

9  
10 1. **Materials.** Be drawn upon strong linen cloth or  
11 polyester film with archival photographic image;

12  
13 2. **Seals.** Be embossed, sealed or both, with the seal of an  
14 architect, professional engineer or registered land surveyor;

15  
16 3. **Signature.** Contain the signature and address of the  
17 person who prepared the plan;

18  
19 4. **Recording information.** Provide a space for recording  
20 the county, date, time, plan book and page or file number and  
21 register's attest; and

22  
23 5. **Title.** Provide a title block containing the name of the  
24 plan, the record owner's name and address, the location by street  
25 and town and the date of the plan.

26  
27 Original plans must be recorded with a paper copy. The  
28 register shall permanently file the original and maintain the a  
29 copy for public inspection in at least one of the following  
30 media: paper, microfilm, microfiche or digital image stored on  
31 magnetic or optical media. Suitable arrangements must be made  
32 for the preserving of original plans while affording the public  
33 reasonable opportunity to examine either the original or a  
34 reproduction. No additional fee is required for recording the  
35 copy. Each register shall maintain an index of all plans on  
36 records in the register's office.

37  
38 The several registers shall establish, and thereafter adhere  
39 to, reasonable standards for the implementation of reproducing  
40 copies of original plans as recorded. Reproduction must be on a  
41 scale of one to one and must be accomplished with the least  
42 possible error and distortion. Methods of reproduction must be to  
43 standards in keeping with accepted engineering and survey  
44 practices.

45  
46 **Sec. 3. 33 MRSA §653,** as repealed and replaced by PL 1983, c.  
47 15, is repealed and the following enacted in its place:

48 **§653. Time of recording; verification**

49  
50

2 A register shall, at the time of receiving a deed or  
4 instrument for record, certify on the deed or instrument the day  
6 and the hour and minute when it was received and the book number  
8 and page number where the document is located. If the deed or  
10 instrument does not have sufficient room on the page or pages for  
12 the location of the recording information so that the register is  
14 required to add an additional page for the placement of the  
16 recording information, the register may charge in addition to any  
18 other fees allowed by law a fee of \$2 for each page the register  
20 is required to add. An instrument is considered recorded at the  
22 time when it was received and that time must be entered on the  
24 record. The register shall enter that time, the names of the  
26 grantor and grantee and the name of the town or unincorporated  
28 place as shown by the instrument in which the property affected  
30 is located in a record kept for that purpose and open to  
32 inspection in business hours. The register may not permit a deed  
34 or instrument for the conveyance of real estate to be altered,  
36 amended or withdrawn until it is fully recorded and examined.  
38 The record must be verified as a true record of the original  
40 document by comparing the indexing record and the copy kept for  
42 public inspection, as described in section 651, to the original  
44 document before the original document is allowed to leave the  
46 registry office.

24 **Sec. 4. 33 MRSA §654** is amended to read:

26 **§654. Miscellaneous records**

28  
30 Registers shall receive and record all certificates in  
32 equitable proceedings, copies of judgments and decrees certified  
34 by the clerk of courts in the county where the complaint is  
36 pending or the judgment or decree is rendered, certified copies  
38 of the proceedings of any court, corporation, municipal body or  
40 other tribunal through or by which the right of eminent domain  
42 has been or may hereafter be exercised to affect the title to  
44 real estate, copies of portions of wills devising real estate  
46 situated in their respective counties or districts and all other  
instruments ~~which~~ that they are by law required to record. They  
shall receive all copies of seizures on execution and special  
attachments made and attested by any officer of real property  
situate in their respective counties or districts and certify on  
them the time when they are received, and certificates of  
advertised stallions and copies of processes against domestic  
corporations filed for service by officers in the registry, keep  
them on file for the inspection of parties interested and enter  
them in suitable books, ~~records~~ properly indexed.

48 **Sec. 5. 33 MRSA §654-A**, as enacted by PL 1965, c. 425, §20-A,  
is repealed.

50

2                   **Sec. 6. 33 MRSA §660** is amended to read:

4                   **§660. Plans of townships; copies; filing and indexing**

6                   The county commissioners shall, at the expense of their  
8                   respective counties, procure such plans of the townships in their  
10                  counties as may be in existence. If the original plans are not  
12                  in existence or ~~cannot~~ can not be had at a reasonable price, they  
14                  shall procure copies of the most authentic plans known to exist.  
16                  All ~~such~~ copies shall must be on the best quality of linen paper  
18                  backed with cloth or polyester film with archival photographic  
20                  image. Suitable filing cases shall must be provided in each  
22                  registry of deeds for the reception and preservation of ~~such~~ the  
24                  plans and a suitable index ~~thereof~~ of the plans must be  
26                  made, having at least both alphabetical and chronological  
28                  arrangement, and shall must be revised whenever new plans for  
30                  recording are received.

32                   **Sec. 7. 33 MRSA §662** is amended to read:

34                   **§662. Plans showing allotment of lands in cities and  
36                   towns**

38                   The ~~aldermen~~ municipal officers of any a city ~~and--the~~  
40                   ~~selectmen of any~~ or town may, and upon the written request of 3  
42                   or more taxpayers of the city or town shall, cause any plans in  
44                   the possession of the city or town or otherwise available,  
46                   showing the allotment of lands in ~~said~~ the city or town, to be  
48                   recorded in the registry of deeds in the county or registry  
50                   district ~~wherein~~ in which any such city or town is situated.  
52                   ~~Said plans shall be transcribed or copied upon mounted drawing~~  
54                   ~~paper of the best quality in a suitable book furnished by the~~  
56                   ~~register at the expense of the county.~~ The plans must be recorded  
58                   and kept in accordance with the provisions of section 652.

60                   **Sec. 8. 33 MRSA §751, sub-§1**, as amended by PL 1991, c. 497,  
62                   §2, is further amended to read:

64                   **1. Instruments generally.** Receiving, recording and  
66                   indexing any instrument that may be recorded and for which a  
68                   specific fee is not set forth in this section or in any other  
70                   section, the sum of \$8 for the first record page and \$2 for each  
72                   additional record page or portion of an additional record page.  
74                   In addition, if more than 4 names are to be indexed, a fee of 25¢  
76                   \$1 must be paid for each additional name, counting all grantors  
78                   and grantees;

80                   **Sec. 9. 33 MRSA §751, sub-§13-A** is enacted to read:

2       13-A. Previously recorded instrument. An instrument  
3       satisfying, releasing, discharging, assigning, subordinating,  
4       continuing, amending or extending an instrument previously  
5       recorded in the county in which recording is requested, must make  
6       reference to only one previously recorded instrument, or a fee of  
7       \$8 for each additional previously recorded instrument referred to  
8       must be paid.

10

#### SUMMARY

12

      This bill sets uniform standards for registers of deeds with  
13       regard to the documents submitted to registries for recording.  
14       The bill also clarifies the recording methods that may be used by  
      registries.