

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

SECOND REGULAR SESSION-2010

Legislative Document

No. 1554

H.P. 1096

House of Representatives, December 21, 2009

An Act Regarding Document Fees at County Registries of Deeds

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 17, 2009. Referred to the Committee on State and Local Government pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CROCKETT of Augusta.

Cosponsored by Representatives: BERRY of Bowdoinham, BLANCHARD of Old Town, BLODGETT of Augusta, BRIGGS of Mexico, CAIN of Orono, CLARK of Millinocket, CONNOR of Kennebunk, GILBERT of Jay, GOODE of Bangor, JONES of Mount Vernon, McCABE of Skowhegan, MILLER of Somerville, SCHATZ of Blue Hill, STUCKEY of Portland, TREAT of Hallowell, Senators: GOODALL of Sagadahoc, GOOLEY of Franklin, McCORMICK of Kennebec, SMITH of Piscataquis.

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

2 **Sec. 1. 33 MRSA §651**, as repealed and replaced by PL 2003, c. 55, §1, is
3 amended to read:

4 **§651. Records; index**

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

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

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

31 Copies of records in any medium obtained pursuant to this section that are then sold
32 or distributed to 3rd parties must be marked on each page with substantially the words
33 "Not an official copy. Source documents may be obtained at the (name of county)
34 County Registry of Deeds."

35 Title 1, chapter 13 does not apply to public inspection and fees for copying records
36 maintained under this chapter.

37 **Sec. 2. 33 MRSA §751, sub-§1**, as amended by PL 2005, c. 246, §1, is further
38 amended to read:

39 **1. Instruments generally.** Receiving, recording and indexing any instrument that
40 may be recorded and for which a specific fee is not set forth in this section or in any other

1 section, the sum of \$13 for the first record page and \$2 ~~\$2~~ \$4 for each additional record page
2 or portion of an additional record page. In addition, if more than 4 names are to be
3 indexed, a fee of \$1 must be paid for each additional name, counting all grantors and
4 grantees;

5 **Sec. 3. 33 MRSA §751, sub-§14**, as amended by PL 1991, c. 497, §8, is further
6 amended to read:

7 **14. Abstracts and copies.** Making abstracts and copies from the records, a
8 reasonable fee as determined by the county commissioners, which may include, but is not
9 limited to, the cost of depleted supplies; records storage media costs; actual mailing and
10 alternative delivery costs or other transmitting costs; amortized infrastructure costs; any
11 direct equipment operating and maintenance costs; costs associated with media
12 processing time; personnel costs, including actual costs paid to private contractors for
13 copying services; and a reasonable rate for the time a computer server is dedicated to
14 fulfilling the request; and

15 **SUMMARY**

16 This bill increases the filing fee that county registers of deeds may charge for the
17 second and subsequent pages of documents from \$2 to \$4 and clarifies the "reasonable
18 fee" that may be charged for obtaining abstracts and copies of records. The bill also
19 requires persons who obtain records from registers of deeds and subsequently sell or
20 distribute those records to indicate on the records that they are not official copies.