

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

**PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
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PUBLIC LAWS
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commission may grant the application or request only if it finds by clear and convincing evidence that the decision was without justifiable cause.

4. **Restriction.** In no event may a license be issued to any person who has moved a retail store or restaurant into or opened a new retail store or restaurant in an unincorporated place contiguous to any organized or unincorporated place where a local option vote has resulted in his being unable to procure a license in the place of his prior location of business for a period of one year after the local option vote.

5. **Appeal to Superior Court.** Any person or governmental entity aggrieved by a decision of the State Liquor Commission under this section may appeal the decision to the Superior Court.

Effective September 18, 1981

CHAPTER 367

S. P. 599 — L. D. 1595

AN ACT to Amend the Short Form Deeds Act.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, there is a need for a clarification of the ambiguities existing currently in the Short Form Deeds Act; and

Whereas, title attorneys have stated that the certainty of titles has been affected by the current state of the law; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 18-A MRSA § 1-110 is enacted to read:

§ 1-110. Transfer for value

Any recorded instrument described in this Code on which the register of deeds shall note by an appropriate stamp "Maine Real Estate Transfer Tax Paid" shall be prima facie evidence that such transfer was made for value.

Sec. 2. 33 MRSA § 772-A is enacted to read:

§ 772-A. Effect of release

A recital of release of all rights by a spouse in a conveyance or transfer of real estate has the effect of a joinder in an assent and consent to the conveyance and a release and waiver of all rights in the premises being conveyed.

Sec. 3. 33 MRSA § 775, sub-§§ 3-A, 3-B, 3-C and 3-D are enacted to read:

3-A Deed of Distribution by Personal Representative (Intestate)

3-B Deed of Distribution by Personal Representative (Testate)

3-C Deed of Sale by Personal Representative (Intestate)

3-D Deed of Sale by Personal Representative (Testate)

Sec. 4. 33 MRSA § 775, Form 1, 3rd ¶, as enacted by PL 1967, c. 377, is amended to read:

~~E.F., wife spouse of said the grantor, joins as grantor and releases all rights by descent and all other rights in the premises being conveyed.~~

Sec. 5. 33 MRSA § 775, Form 2, 3rd ¶, as enacted by PL 1967, c. 377, is amended to read:

~~E.F., wife spouse of said the grantor, joins as grantor, and releases all rights by descent and all other rights in the premises being conveyed.~~

Sec. 6. 33 MRSA § 775, Form 3, as amended by PL 1969, c. 344, § 3, is repealed and the following enacted in its place:

3 Deed of Personal Representative, Trustee, Conservator, Receiver, Commissioner, Executor, Administrator, Guardian or Other Specified Authorized Representative.

A.B., personal representative of the estate of C.D., (“trustee of”, “conservator of”, “receiver of the estate of”, “commissioner”, “executor of the will of”, “administrator of the estate of”, “guardian of”, or “other specified authorized representative of”) by the power conferred by law, and every other power, for dollars paid, grant to E.F. of County,, the land in,..... County,

(description)

(with appropriate release of spouse)

Witness hand and seal this day of (here add acknowledgment)

Sec. 7. 33 MRSA § 775, Forms 3-A, 3-B, 3-C and 3-D are enacted to read:

3-A Deed of Distribution by Personal Representative (Intestate)

A.B., of County,, duly appointed and acting personal representative of the estate of C.D., deceased, as shown by the probate records of County, Maine, by the powers conferred by law, and every other power, (in distribution of the estate) grants to E.F. of, County,, whose mailing address is, being the person(s) entitled to distribution, the real property in, County, Maine, described as follows:

(description)

Witness hand and seal this day of (here add acknowledgment)

3-B Deed of Distribution by Personal Representative (Testate)

A.B., of County,, duly appointed and acting personal representative of the estate of C.D., deceased, whose will was duly admitted to probate in the Probate Court for County, Maine, by the power conferred by law, and every other power, (in distribution of the estate) grants to E.F. of, County,, whose mailing address is, being the person(s) entitled to distribution, the real property in, County, Maine, described as follows:

(description)

Witness hand and seal this day of (here add acknowledgment)

3-C Deed of Sale by Personal Representative (Intestate)

A.B., of County,, duly appointed and acting personal representative of the estate of C.D., deceased (intestate), as shown by the probate records of County, Maine, and having given notice to each person succeeding to an interest in the real property described below at least ten (10) days prior to the sale, by the power conferred by the Probate Code, and every other power, for consideration paid grants to E.F. of, County,, whose mailing address is, the real property in, County, Maine, described as follows:

(description)

Witness hand and seal this day of (here add acknowledgment)

3-D Deed of Sale by Personal Representative (Testate)

A.B., of, County,, duly appointed and acting personal representative of the estate of C.D., deceased (testate), as shown by the probate records of County, Maine, (and having given notice to each person succeeding to an interest in the real property described below at least ten (10) days prior to the sale) (and not having given notice to each person succeeding to an interest in the real property described below at least ten (10) days prior to the sale, such notice not being required under the terms of the decedent's will), by the power conferred by the Probate Code, and every other power, for consideration paid grants to E.F. of, County,, whose mailing address is, the real property in, County, Maine, described as follows:

(description)

Witness hand and seal this day of (here add acknowledgment)

Sec. 8. 33 MRSA § 775, Form 4, 3rd ¶, as enacted by PL 1967, c. 377, is amended to read:

E.F., wife spouse of ~~said the grantor, joins as grantor, and~~ releases all rights by ~~descent and all other rights in the premises being conveyed.~~

Sec. 9. 33 MRSA § 775, Form 5, 4th ¶, as enacted by PL 1967, c. 377, is amended to read:

E.F., wife spouse of ~~said the grantor, joins as grantor, and~~ releases all rights by ~~descent and all other rights in the premises being conveyed.~~

Sec. 10. 33 MRSA § 775, Form 9, 3rd ¶, as enacted by PL 1967, c. 377, is amended to read:

E.F., wife spouse of ~~said the grantor, joins as grantor, and~~ releases all rights by ~~descent and all other rights in the premises being conveyed.~~

Sec. 11. 33 MRSA § 775, Form 10, 3rd ¶, as repealed and replaced by PL 1975, c. 104, § 2, is amended to read:

A.B. and C. D., husband and wife, (and E.F., and M.N., wife spouse of E.F.) (both) ~~join as grantors and (both) release all rights by descent and all other rights in the premises being conveyed~~ (or I.J., wife spouse of A.B. and K.L., wife spouse of C.D., ~~both join as grantors and both release all rights by descent and all other rights in the premises being conveyed.~~)

Sec. 12. Validation. Any deed which was recorded after January 1, 1981, and which, on its face, purports to be a deed of distribution and which includes a reasonable reference that its purpose and effect is to be a deed of distribution shall be construed to be a deed of distribution for purposes of the Revised Statutes, Title 18-A.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective May 29, 1981

CHAPTER 368

S. P. 582 — L. D. 1558

AN ACT to Reimburse Owners of Livestock, Poultry or Beehives which are Destroyed or Damaged by Dogs or Wild Animals.

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

Sec. 1. 5 MRSA § 1510-B, as enacted by PL 1979, c. 672, § 3, is amended to read:

§ 1510-B. No liability for wild animal damage

The State is not liable for damage done by ~~dogs or~~ wild animals to beehives or livestock ~~other than sheep~~. Neither state agencies nor the State Claims Board may accept claims for such ~~dog or~~ wild animal damage.

Sec. 2. 7 MRSA § 3406, sub-§ 1, 2nd sentence, as amended by PL 1979, c. 663, § 22, is further amended to read:

Any licensed veterinarian, humane society or shelter accepting a sick, stray, injured or abandoned dog shall keep that dog for a period of ~~10~~ 8 days and shall be entitled to receive from the State the sum of \$2.50 per day for the period or part thereof for which food and shelter are furnished for that dog, provided that the licensed veterinarian, humane society or shelter notifies the clerk of the respective municipality within 24 hours after accepting the dog.

Sec. 3. 7 MRSA § 3406, sub-§ 1, 4th sentence, as enacted by PL 1979, c. 121, is amended to read:

Upon the expiration of the ~~10~~ 8 days, if the owner of the dog has not appeared to claim the dog, then the licensed veterinarian, humane society or shelter may give away, sell or otherwise humanely dispose of the dog.

Sec. 4. 7 MRSA § 3451, 5th ¶, as last amended by PL 1979, c. 731, § 19, is repealed and the following enacted in its place:

All license blanks and tags shall be furnished by the commissioner. The commissioner shall carry out the dog licensing laws and the adjustment of, and authorization of payment of, claims for damages to livestock, poultry and