

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

SECOND SPECIAL SESSION

November 18, 1983

AND AT THE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

AND AT THE

THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH
IN ACCORDANCE WITH MAINE REVISED STATUTES
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND ELEVENTH LEGISLATURE
JANUARY 4, 1984 TO APRIL 25, 1984

3. Use of fund. All moneys appropriated and otherwise received under this section shall be credited to the Poultry Disease Control Fund account and shall be nonlapsing. Moneys in the fund may be used for the purposes contained in subsection 1.

4. Reversion. When, in the judgment of the commissioner, the immediate threat of the introduction of a contagious or infectious poultry disease into the State no longer exists and no federal poultry quarantine is in effect in the State, he may direct that moneys remaining in the Poultry Disease Control Fund revert to contributors on a pro rata basis according to the amount of contributions made since the establishment of the fund or since the most recent reversion of the fund, whichever has last occurred.

5. Penalties. Assessments authorized under subsection 2 may be recovered in a civil action. Any person who violates any provision or any rules adopted under this section shall be subject to a civil penalty not to exceed \$1,000 to be recovered in a civil action.

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

Effective April 12, 1984.

CHAPTER 748

S.P. 855 - L.D. 2313

AN ACT Requiring Nonowner Spouses to Record Claims to Marital Property under Divorce Laws, and Clarifying the Need for the Nonowner Spouse to Sign Conveyances in General.

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

Sec. 1. 19 MRSA §725, as amended by PL 1979, c. 663, §128, is repealed and the following enacted in its place:

§725. Descent of real estate in divorce

1. Nonowner spouse claims. Notwithstanding the actual notice provisions of Title 14, section 4455 or any other laws, any claim of a nonowner spouse to

real estate as "marital property," as defined by Title 19, section 722-A, shall not affect title to the real estate of the owner spouse until the nonowner spouse records in the appropriate registry of deeds either:

A. Copy of complaint. A copy of the divorce complaint as filed in court; or

B. Clerk's certificate. A clerk's certificate of the divorce complaint, as described in Title 14, section 4455, subsection 2; or

C. Decree or abstract. A decree or abstract thereof as described in this section.

This recording requirement shall apply to all divorce proceedings in Maine or in any other jurisdiction commenced after the effective date of this subsection.

2. Decree or abstract as deed. Any rights acquired under sections 721 and 723 on or before December 31, 1971 and all rights under section 722-A by a party in the real estate of a party are effectual against any person when the decree of divorce, or an abstract thereof, setting forth the names and residence of the parties, the date of the decree and the court where granted, is filed in the registry of deeds for the county or registry district where the real estate is situated. The failure of a party to record the decree or an abstract within any time period formerly prescribed by this section shall not affect the rights of that party as against the other party, his heirs and devisees. The recording of such a decree or abstract, in the manner provided in this section, shall have the force and effect of a quitclaim deed releasing all interest in the real estate described in the decree or abstract, whether the interest is in fee or by statute.

3. Abstracts. Each party or his attorney shall include, with any final decree submitted to the court, the abstracts that are necessary to implement that decree. The recording fee for the decree of divorce or abstracts thereof shall be paid to the clerk prior to the entry of the final decree. The clerk of the court in which the divorce is granted shall, at the expiration of any appeal period from that decree, send the decree of divorce or abstract thereof for recording, by certified mail, or deliver the decree of divorce or abstract thereof to such registry or registries as required.

4. Out-of-state divorce decrees. When a divorce has been granted out of the State, the plaintiff, or

his attorney, shall cause a duly authenticated copy of such order to be recorded with the register of deeds in each of the counties where the real estate or any part thereof is situated. The appropriate recording fee shall be paid prior to the recording.

Sec. 2. 33 MRSA c. 7, sub-c. IX is enacted to read:

SUBCHAPTER IX

SIGNATURE OF A NONOWNER SPOUSE

§480. Signature of nonowner

An owner of real estate may convey that real estate, or any interest in it free from any claim to the real estate by his nonowner spouse, by deed, mortgage or any other instrument, without signature of his nonowner spouse, unless:

1. Nonbona fide purchaser. The transfer requires signature pursuant to the Title 18-A, section 2-202, subsections (1) and (3); or

2. Divorce action. The nonowner spouse has filed a claim in the registry of deeds pursuant to Title 19, section 725, and either the divorce action is still pending or the nonowner spouse has been granted an interest in the real estate by the court.

After that conveyance, any claim of the nonowner spouse under probate, divorce or any other laws, shall be against the proceeds of that conveyance and not against the real estate. Notwithstanding any provision of the Maine Probate Code, a mortgage deed does not need to be signed by a nonowner spouse, provided that the mortgage deed secures actual consideration in money or money's worth given in good faith by the mortgagee to the owner. Notwithstanding any provision of the Maine Probate Code or divorce laws, a correcting deed does not need to be signed by a nonowner spouse.

Effective July 25, 1984.

CHAPTER 749

. S.P. 843 - L.D. 2266

AN ACT to Ensure Medical Coverage
of Residents in Cost Reimbursement
Boarding Homes.