

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 1998 to June 19, 1999**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 18, 1999**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1999**

**§772. Words of inheritance; habendum**

**1. Words of inheritance; habendum.** In a conveyance or reservation of real estate, the terms "heirs," "successors," "assigns," "forever" or other technical words of inheritance, or an habendum clause, are not necessary to convey or reserve an estate in fee. A conveyance or reservation of real estate, whether made before or after the effective date of this section, must be construed to convey or reserve an estate in fee simple, unless a different intention clearly appears in the deed.

**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.

**4. Construction of laws.** This section may not be construed to extend the period for bringing of an action or for the doing of any other required act under any statute of limitations.

**5. Liberal construction.** This section must be liberally construed to effect the legislative purpose of clarifying title to land currently encumbered by ancient deeds that lacked technical words of inheritance or an habendum clause.

See title page for effective date.

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**CHAPTER 70**

**S.P. 203 - L.D. 592**

**An Act to Establish the Chesuncook Soil Series as the Official State Soil and to Remove Enhanced Protection Status from State Symbols**

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

**Sec. 1.** 1 MRSA §§222 and 223 are enacted to read:

**§222. State soil**

The Chesuncook soil series, a coarse-loamy, mixed, frigid, Typic Haplorthod, is the official state soil.

**§223. No enhanced protection**

Designation as a state symbol under this subchapter does not confer enhanced protection under the environmental laws or any other applicable laws.

See title page for effective date.

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**CHAPTER 71**

**H.P. 373 - L.D. 498**

**An Act Relating to Transfer of Ownership of Dams**

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

**Whereas,** several dams in the State are presently in the process of being transferred to private owners; and

**Whereas,** there are presently no systems in place to ensure that the persons who take ownership of the dams have adequate insurance to cover losses in the event of a dam failure or a significant flood; and

**Whereas,** it is imperative that the State take immediate steps to ensure that dam owners have adequate insurance and proper safety plans with respect to these dams; and

**Whereas,** the safe operation of dams is essential to the safety of a large number of communities below the dams; and

**Whereas,** the transfer of dams involving inter-local agreements with municipalities depends upon funding assistance through the state-municipal revenue sharing program; 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.** 37-B MRSA §1065, as amended by PL 1997, c. 517, §1 and affected by §4, is further amended to read:

**§1065. Inspection of dams**