

MAINE STATE LEGISLATURE

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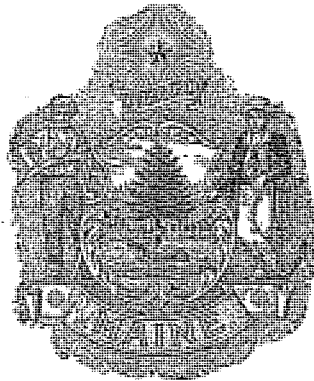
SIXTH REVISION

THE
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CHAPTER 12.

Registers of Deeds.

Sec. 1. Chosen every four years. R. S. c. 11, § 1. In each county and in each registry district a register of deeds shall be chosen by ballot, by persons qualified to vote for representatives at town meetings, on the second Monday of September eighteen hundred and eighty-two and every four years thereafter.

50 Me. 245; 64 Me. 599.

Sec. 2. Election, how and when held; governor and council to examine lists of votes; shall issue certificates of election; tenure of office. R. S. c. 11, § 2. The meetings for such election shall be notified, held and regulated, and the votes received, sorted, counted, declared and recorded in the same manner as votes for representatives, and fair copies of the lists of votes shall be attested by the municipal officers and clerks of towns, and sealed up in open town meeting; and town clerks shall cause them to be delivered into the office of the secretary of state within thirty days next succeeding such meeting. The governor and council shall, by the first day of December following, open and examine the same, and the list of votes of citizens in the military service returned to said office. They have the same power to correct errors as is conferred by section fifty-three of chapter seven; and they shall, forthwith, issue certificates of election to such persons as have a plurality of all the votes for each county or registry district; and the person thus elected, and giving the bond required in the following section, approved by the county commissioners, shall hold his office for four years from the first day of the next January and until another is chosen and qualified.

25 Me. 568; 64 Me. 599; See c 7, §§ 82-84.

Sec. 3. Bond. R. S. c. 11, § 3. He shall give bond, with sufficient sureties, to the county, in the sum of two thousand dollars for the faithful discharge of his duties.

See Const. of Me. Art. ix, § 1.

Sec. 4. Vacancies. R. S. c. 11, § 4. Vacancies shall be filled by election in manner aforesaid, at the next September election after their occurrence; and in the mean time the governor, with the advice and consent of the council, may fill vacancies by appointment, and the person so appointed shall hold his office until the first day of January, next after the election last mentioned.

64 Me. 599, 600.

Sec. 5. May appoint clerk; clerk's oath and duties. R. S. c. 11, § 5. Each register may appoint a clerk for whose doings and misdoings he shall be responsible, who shall be sworn. In case of sickness, absence, or any temporary disability of the register, such clerk shall make and sign for him all certificates, and make all entries and minutes required to be signed or made by the register, and such certificates, entries and minutes, shall be as valid as if made by the register.

Sec. 6. Western district in county of Oxford. R. S. c. 11, § 6. The towns of Hiram, Porter, Brownfield, Denmark, Fryeburg, Sweden, Lovell, Stoneham and Stowe, in the county of Oxford, compose the western registry district of Oxford county, and the register shall keep his office at Fryeburg.

Sec. 7. Northern district in county of Aroostook. R. S. c. 11, § 7. 1911, c. 52. All that part of the county of Aroostook lying north of a line commencing at the southeast corner of township F, in the first range, west from the east line of the state, thence west on the south line of said township and the south line of township K in the second range, to township numbered fifteen in the third range, thence north to the northeast corner of township number fifteen in the third range, thence west to the northwest corner of township numbered fifteen in the third range, thence south to the southwest corner of township numbered fifteen in the third range, thence west to the northwest corner of township numbered fourteen in the fourth range, thence south to the southwest corner of township numbered fourteen in the fourth range, thence west on the dividing line of townships thirteen and fourteen to the seventh range line, thence north to the northeast corner of township number fourteen in the eighth range, thence west to the west line of the state, compose the northern registry district of Aroostook county and the register shall keep his office in the town of Fort Kent.

109 Me. 48.

Sec. 8. Office in shire town. R. S. c. 11, § 19. The register of deeds in each county in which there is but one register, shall keep his office in the shire town.

Sec. 9. In case of vacancy, clerk of courts to be register. R. S. c. 11, § 8. In case of vacancy in the office of register and of his clerk in any county or registry district, the clerk of the judicial courts of the same county, being first sworn, shall perform all duties and services required of a register of deeds, during such vacancy; complete all unfinished business; receive the same compensation and be subject to the same liabilities as a register of deeds; and his certificate shall have the same effect as if made by the register.

See Constitution, Art. ix. § 2.

Sec. 10. Clerk may appoint an assistant; sworn. R. S. c. 11, §§ 9, 10. In any county where there are two or more registry districts, such clerk may appoint some suitable person under him to take charge and perform the duties of said office, during such vacancy, in the district or districts in which the registry is not kept in the shire town. The person so appointed shall be sworn, and said clerk shall be responsible in all cases for his doings.

Sec. 11. Register may be removed for misconduct or incapacity. R. S. c. 11, § 11. When on presentment of the grand jury or information of the attorney-general to the supreme judicial or superior court, any register of deeds, by default, confession, demurrer or verdict, after due notice, is found guilty of misconduct in his office, or incapable of discharging its duties, the court shall enter judgment for his removal from office, and issue a writ to the sheriff to take possession of all the books and papers belonging thereto, and deliver them to the clerk of said court, that he may perform the duties of register as prescribed in sections nine and ten.

60 Me. 66.

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Sec. 12. Register's successors may complete records, and grant certificates. R. S. c. 11, § 12. Such clerk or his substitute, or the newly appointed or elected register, or any successor within five years after the original vacancy occurred, shall complete, compare and certify any unfinished record or certificate required by law; and make all requisite certificates upon deeds and other papers recorded, which his removed predecessor should have done if such records and certificates had been completed by him, which certificates shall be as effectual in law as if made by his predecessor; for doing this, the minutes made by his predecessor upon such deeds or other papers, and the entries made by him in the books required to be kept for such purposes, shall be sufficient authority. If payment for such services has been made to his predecessor, he shall be paid for them out of the county treasury; and the former register and his sureties shall refund such payments to the county treasury, to be recovered by suit upon his official bond.

Sec. 13. Certificates, conditions and requisites of. R. S. c. 11, § 13. No such certificate shall be made, except upon comparison of the original instrument with the record thereof, by the register making the certificate, and such certificate shall state the date when it was made, the fact of comparison, and the date when the original instrument was left for record; but shall be only prima facie evidence of the last fact.

Sec. 14. Recording officer shall not draft or aid in drafting any document he is required to record. R. S. c. 11, § 14. 1913, c. 15. No city, town, county or state officer whose duty it is to record conveyances of any kind, assignments, certificates or other documents or papers whatsoever, shall draft or aid in drafting any conveyance, assignment, certificate or other document or paper which he is by law required to record, in full or in part; under a penalty of not exceeding one hundred dollars, to be recovered by any complainant by action of debt for his benefit or by indictment for the benefit of the county.

See c. 67, § 30; c. 84, § 15.

Sec. 15. Records. Index. R. S. c. 11, § 15. 1905, c. 139, § 1. 1907, c. 144. The records in each registry office shall be made on a paper of firm texture, well sized and finished, the principal ingredient of which is linen. The registers shall make an alphabetical index to the records without charge to the county, in the form known as ledger index, so that the same surnames shall be recorded together in each column of index, or in lieu of such book shall make a suitable card index. All indexes made under the provisions of this section shall show in addition to the names of the parties and the nature of the instrument, the date of the instrument, the date of its record and the name of the town, city or unincorporated place where the land conveyed is situated. As often as every ten years the register shall revise and consolidate such index in such manner that all deeds recorded since the last revision of the index shall be so indexed that the same surnames shall appear together, and all names in alphabetical order. Such revised and consolidated index shall contain all data as to each and every such deed or other instrument, as is above set forth. For this work the register shall receive a reasonable compensation to be approved by the county commissioners of

the respective counties, and drawn from the county treasury. Whenever for any cause it may become necessary to revise, renew or replace any index, the new volume shall be made in conformity with the provisions hereof.

Sec. 16. Books for records of plans furnished at expense of county; description of books; plan shall be drawn on strong linen paper. R. S. c. 11, § 16. 1905, c. 125. The county commissioners shall provide, at the expense of the several counties, suitable books at least twenty-four by thirty-three inches in dimension, of the best quality of strong linen drawing paper, alternated with pages of the best quality of tracing cloth, substantially bound, for the recording of such plans presented for record as may be traced or redrawn upon its pages; and shall provide other books of substantial binding with stubs for the insertion and preservation of such plans as may be presented for record drawn in ink upon muslin backed paper or parchment, that it may not be expedient to copy into the first book mentioned; no plan shall be accepted for record except to be redrawn upon the pages of said books, except said plan shall be drawn with ink upon strong linen paper or tracing cloth. Each register shall make a suitable index of all plans on record in his office.

Sec. 17. Deeds considered recorded when minute of time of reception is made; records attested by volume. R. S. c. 11, § 17. 1909, c. 46. Every register shall, at the time of receiving any deed or instrument for record, certify thereon the day and the time of day when it was received and filed; every such paper shall be considered as recorded at the time when it was received and such time shall be entered on the record thereof. Within one hour after its delivery to him, the register shall enter such time, the names of the grantor and grantee, and their places of residence, the nature of the instrument, the amount of the consideration named therein and the name of the town or unincorporated place as shown by the instrument, in which the property conveyed is located, in a book kept for that purpose, and open to inspection in business hours; and he shall suffer no deed or instrument for the conveyance of real estate to be altered, amended or withdrawn, until it is fully recorded and examined. The records may be attested by the volume, and it shall be deemed to be a sufficient attestation of such records, when each volume bears the attest with the written signature of the register or other person authorized by law to attest such records.

12 Me. 501; 17 Me. 395; 33 Me. 375; 35 Me. 557; 42 Me. 341; 81 Me. 302;
97 Me. 223, 224, 227.

Sec. 18. Miscellaneous records. R. S. c. 11, § 18. 1905, c. 34. Registers shall receive and record all certificates in equity, copies of judgments and decrees certified by the clerk of courts in the county where the bill is pending, or the judgment or decree is rendered, certified copies of the proceedings of any court, corporation, municipal body or other tribunal, through or by which the right of eminent domain has been or may hereafter be exercised to affect the title to real estate, copies of portions of wills devising real estate situated in their respective counties or districts, and all other instruments which 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 dis-

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tracts; and certify on them the time when they are received; also 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, properly indexed.

See c. 4, § 88; c. 38, § 17; c. 61, § 12; c. 67, § 24; c. 80, § 15; c. 82, §§ 13, 30; c. 86, § 20; c. 96, § 39; c. 115, §§ 7, 10, 30, 62; c. 118, § 18.

Sec. 19. Records of towns may be delivered to Maine Historical Society for safe keeping; certified copies may be used in evidence. 1907, c. 108, § 1. All persons, other than registers of deeds, having possession of or owning the records of the original proprietors of any town or plantation in this state, may deliver the same to the Maine Historical Society for preservation and safe keeping. Said society shall cause a true copy thereof to be made and certified by the secretary of the society and the same shall then be filed in the registry of deeds in the county or registry district in which said town or plantation is situated, and be kept there as a public record. Any transcript from said copy of said records, certified by the register of deeds, may be used in evidence in all cases in which the same is material and with the same effect as though the original records were produced.

Sec. 20. Owner of original records reimbursed for expenses. 1907, c. 108, § 2. Whoever, having possession of, or owning any such original records, delivers them to the Maine Historical Society as provided in the preceding section, shall be paid from the state treasury the reasonable expenses incurred by him in obtaining possession or becoming the owner thereof, whenever the amount of such expenses shall have been certified by the Maine Historical Society to, and approved by the governor and council; and the cost of making said copy and of filing it in the registry of deeds shall be paid to said Maine Historical Society by the treasurer of state whenever said cost shall have been certified to and approved by the governor and council; provided, however, that the sums expended in any year under the provisions of this section shall not exceed in the aggregate the sum of five hundred dollars.

Sec. 21. Plans of land lotted for sale shall be filed; penalty for neglect. 1905, c. 139, § 2. Whoever lots or causes to be lotted for the purpose of sale, any tract of land, shall, before making any deed of such land or any part thereof, file with the register of deeds for the county or registry district wherein such land is situated, an accurate plan of such property, which plan shall give such courses, angles and distances as will be sufficient to enable a skilful surveyor to locate any lot shown thereby. If such party, after request by any interested party or by the register of deeds, fails to comply with this section, he shall be liable to a penalty of not exceeding fifty dollars, to be recovered in an action of debt in the name of the register of deeds for the benefit of the county.

Sec. 22. Duplicates of plans on court files. 1905, c. 139, § 3. Whenever in the settlement of any disputed line or in the division of any estate, any plans are made for filing in the office of the clerk of courts or the register of probate, duplicate plans shall in all cases be filed in the registry of deeds.

Sec. 23. County commissioners may collect and preserve plans of townships; copies, how prepared; filing and indexing. 1915, c. 130, §§ 1, 2. The

county commissioners shall, at the expense of their respective counties, procure such plans of the townships in their counties as may be in existence; and if the original plans are not in existence, or cannot be had at a reasonable price, they shall procure copies of the most authentic plans known to exist. All such copies shall be on the best quality of linen paper backed with cloth. Suitable filing cases shall be provided in each registry of deeds for the reception and preservation of such plans and a suitable index thereof shall be made.

Sec. 24. May procure other plans of interest to county; exception. 1915, c. 130, § 3. Said commissioners may at their discretion procure such plans, other than township plans, of properties within their counties, either originals or copies, as they deem for the interest of their counties to have preserved on the files of the registry of deeds. This section shall not be construed to allow of the purchase of any plan which the proprietor of any estate is required by law to file with the register of deeds.

Sec. 25. Plans showing allotment of lands in cities and towns, recorded. 1911, c. 56. The aldermen of any city and the selectmen of any town may, and upon the written request of three or more taxpayers of the city or town, shall cause any plans in the possession of the city or town, or otherwise available, showing the allotment of lands in said city or town, to be recorded in the registry of deeds in the county or registry district, wherein any such city or town is situated. Said plans shall be transcribed or copied upon mounted drawing paper of the best quality in a suitable book furnished by the register at the expense of the county.

Sec. 26. Copies of transfers of wild lands sent to state assessors. 1907, c. 93. In each county containing wild lands, so called, the register of deeds shall transmit to the board of state assessors certified copies of the record of all transfers of wild lands made after the twentieth day of March, nineteen hundred and seven, within ten days after such record is made. Such copies shall be placed on file and retained for future reference by the board of state assessors.

Additional Records in Registry of Deeds:

- Copies of records of deeds in land office, c. 8, § 4;
- Certificate discharging lien of inheritance tax, c. 69, § 10;
- Release of lands sold by treasurer of state for taxes, c. 10, § 48;
- Returns of Indian commissioners, c. 14, § 28.
- Proceedings for location of lands reserved for public uses, c. 17, § 63.
- Proceedings for location of drains and ditches, c. 22, § 32.
- Proceedings for abolishment of grade crossings, c. 24, § 34;
- Proceedings for taking of land by state highway commission, c. 25, § 11;
- Order of commissioners of inland fisheries and game, setting apart waters for fish culture, c. 33, § 5.
- Description of land taken for fish hatcheries, c. 33, § 8;
- Proceedings for taking of land for cultivation of shell fish, c. 45, § 51.
- Certificate of claim to lien for amount due on premium note given to mutual insurance company, c. 53, § 40.
- Decree for judicial separation of husband and wife, c. 66, § 16.
- Notices of election to waive will and claim share of estate, c. 80, § 15.
- Judgment for partition, c. 93, § 21.