

# MAINE STATE LEGISLATURE

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**CHAPTER 11**

**REGISTER OF DEEDS**

<b>Subch.</b>	<b>Sec.</b>
<b>I. Personnel of Office</b> .....	<b>601</b>
<b>II. Records and Recording</b> .....	<b>651</b>
<b>III. Location of Offices</b> .....	<b>701</b>
<b>IV. Fees</b> .....	<b>751</b>

**SUBCHAPTER I**

**PERSONNEL OF OFFICE**

- Sec.
- 601. Election of register; vacancies.
  - 602. Examination of lists by Governor and Council; certificates; tenure.
  - 603. Bond.
  - 604. Salaries.
  - 605. Deputy; oath and duties.
  - 606. Clerk of courts as register.
  - 607. Assistant.
  - 608. Removal of register for misconduct or incapacity.
  - 609. Successors may complete records and grant certificates.
  - 610. Certificates, conditions and requisites of.
  - 611. Recording officer not to draft or aid in drafting recorded instrument.

**§ 601. Election of register; vacancies**

A register of deeds shall be elected for each county and in each registry district by the legally qualified voters thereof, who shall serve for a term of 4 years.

Vacancies shall be filled for the unexpired term by election as provided for in section 602 at the next November election after their occurrence. In the meantime, 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.

R.S.1954, c. 89, § 212; 1959, c. 204, § 31.

**§ 602. Examination of lists by Governor and Council; certificates; tenure**

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. The Governor and Council shall 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 Title 21. They shall forthwith issue certificates of election to such persons as have a plurality of all the votes for each county or registry district. The person thus elected and giving the bond required in section 603 approved by the county commissioners shall hold his office for 4 years from the first day of the next January and until another is chosen and qualified.

R.S.1954, c. 89, § 213; 1961, c. 360, § 5; 1963, c. 414, § 99.

**§ 603. Bond**

Each register shall give bond with sufficient sureties to the county in the sum of \$2,000 for the faithful discharge of his duties.

R.S.1954, c. 89, § 214.

**§ 604. Salaries**

Registers of deeds in the several counties shall receive annual salaries as set forth in Title 30, section 2.

The salaries of the registers of deeds shall be in full compensation for the performance of all official duties and no other fees or compensation shall be allowed them. All registers, except in the western district of Oxford County, shall devote their entire time to the duties of the office. They shall account quarterly under oath to the county treasurers for all fees received by them or payable to them by virtue of the office, specifying the items, and shall pay the whole amount of the same to the treasurers of their respective counties quarterly on the 15th days of January, April, July and October of each year. They may make abstracts and copies from the records and furnish the same to persons calling for them and may charge a reasonable fee for such service, but shall not give an opinion upon the title to real estate.

R.S.1954, c. 89, § 215; 1959, c. 372, § 6; 1961, c. 323, § 3.

**§ 605. Deputy; oath and duties**

Each register may appoint a deputy register of deeds 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 deputy shall make and sign for him all certificates and make all entries and minutes required to be signed or made by the register. Such certificates, entries and minutes shall be as valid as if made by the register.

R.S.1954, c. 89, § 217; 1959, c. 36, § 1.

**§ 606. Clerk of courts as register**

In case of vacancy in the office of register and of his deputy 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.

R.S.1954, c. 89, § 221; 1959, c. 36, § 2.

**§ 607. Assistant**

In any county where there are 2 or more registry districts, the clerk of the judicial court in the county 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.

R.S.1954, c. 89, § 222.

**§ 608. Removal of register for misconduct or incapacity**

When on presentment of the grand jury or information of the Attorney General to the 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 606 and 607.

R.S.1954, c. 89, § 223.

**§ 609. Successors may complete records and grant certificates**

Such clerk as referred to in section 607, or his substitute, or the newly appointed or elected register or any successor within 5 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 a civil action upon his official bond.

R.S.1954, c. 89, § 224; 1961, c. 317, § 238.

**§ 610. Certificates, conditions and requisites of**

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.

R.S.1954, c. 89, § 225.

**§ 611. Recording officer not to draft or aid in drafting recorded instrument**

No city, town, county or state officer whose duty 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 more than \$100, to be recovered by any complainant by a civil action for his benefit or by indictment for the benefit of the county.

R.S.1954, c. 89, § 226; 1961, c. 317, § 239.



## SUBCHAPTER II

## RECORDS AND RECORDING

Sec.

- 651. Records; index.
- 652. Books for recording plans; strong linen paper required.
- 653. Time of recording; attestation.
- 654. Miscellaneous records.
- 655. Town records to historical society for safekeeping; use of copies.
- 656. Owner of original records reimbursed for safekeeping.
- 657. Filing of subdivision plats; penalty.
- 658. Recording of releases or waivers of conditions.
- 659. Duplicates of plans in court files.
- 660. Plans of townships; copies; filing and indexing.
- 661. Plans deemed of interest to county.
- 662. Plans showing allotment of lands in cities and towns.
- 663. Copies of transfers of lands in unorganized territory sent to State Tax Assessor.
- 664. Notices of federal tax liens.
- 665. Farm owner may name lands for filing and recording.
- 666. Transfer of named farm lands.

### § 651. Records; index

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 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 city, town or unincorporated place where the land conveyed is situated. As often as every 10 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. Whenever for any cause it may become necessary to revise, renew or replace any index, the new volume shall be made in conformity with this section.

R.S.1954, c. 89, § 227.

**§ 652. Books for recording plans; strong linen paper required**

The county commissioners shall provide, at the expense of the several counties, suitable books at least 24 by 33 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 at least 24 by 33 inches in dimension 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.

R.S.1954, c. 89, § 228.

**§ 653. Time of recording; attestation**

Every register shall, at the time of receiving any deed or instrument for record, certify thereon the day and the hour and minute 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. 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.

R.S.1954, c. 89, § 229.

**§ 654. Miscellaneous records**

Registers shall receive and record all certificates in equitable proceedings, copies of judgments and decrees certified by the clerk

of courts in the county where the complaint 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 districts and certify on them the time when they are received, and 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.

R.S.1954, c. 89, § 230; 1961, c. 317, § 240.

**§ 655. Town records to historical society for safekeeping; use of copies**

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 safekeeping. 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.

R.S.1954, c. 89, § 231.

**§ 656. Owner of original records reimbursed for safekeeping**

Whoever, having possession of or owning any such original records, delivers them to the Maine Historical Society as provided in section 655 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 to by the Maine Historical Society and approved by the Governor and Council. 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. The sums expended in any year under this section shall not exceed in the aggregate the sum of \$500.

R.S.1954, c. 89, § 232.

**§ 657. Filing of subdivision plats; penalty**

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 skillful 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 more than \$50, to be recovered in a civil action in the name of the register of deeds for the benefit of the county.

R.S.1954, c. 89, § 233; 1961, c. 317, § 241.

**§ 658. Recording of releases or waivers of conditions**

Whenever land has been lotted in accordance with section 657 and lots described therein have been conveyed by deeds of conveyance containing one or more uniform conditions which restrict the full and unqualified enjoyment of the right or estate granted, the grantor may subsequently by a writing under seal and by the grantor signed and acknowledged and recorded in the registry of deeds for the county or registry district in which the land lies, release and waive one or more of such conditions by reference to lot numbers, block numbers, section numbers or other apt description. Such release and waiver need not state a consideration and need not contain the names of the grantees or present owners of the respective parcels. Such release and waiver shall thereafter accrue to the respective individual benefit of the owners of the parcels described in such release and waiver and may be used by them as a bar to any action by the said grantor for breach of any such condition thus released and waived. Such writing shall not in any way affect or impair like conditions in respect to other deeds of lots shown on such plans and not included in such release and waiver, and such writing shall not in any way affect or impair other conditions contained in deeds of the parcels referred to in such release and waiver.

R.S.1954, c. 89, § 234.

**§ 659. Duplicates of plans in court files**

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.

R.S.1954, c. 89, § 235.

**§ 660. Plans of townships; copies; filing and indexing**

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. 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, having at least both alphabetical and chronological arrangement, and shall be revised whenever new plans for recording are received.

R.S.1954, c. 89, § 236; 1959, c. 165.

**§ 661. Plans deemed of interest to county**

The county 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 the purchase of any plan which the proprietor of any estate is required by law to file with the register of deeds.

R.S.1954, c. 89, § 237.

**§ 662. Plans showing allotment of lands in cities and towns**

The aldermen of any city and the selectmen of any town may, and upon the written request of 3 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.

R.S.1954, c. 89, § 238.

**§ 663. Copies of transfers of lands in unorganized territory sent to State Tax Assessor**

In each county containing lands in unorganized territory, so called, the register of deeds shall transmit to the State Tax Assessor certified copies of the record of all transfers of lands in unorganized territory made after the 20th day of March, 1907, within 10 days after such record is made. Such copies shall be placed on file and retained for future reference by the State Tax Assessor.

R.S.1954, c. 89, § 239.

**§ 664. Notices of federal tax liens**

Notices of liens for internal revenue taxes payable to the United States of America and certificates discharging such liens, prepared in accordance with the laws of the United States pertaining thereto, may be filed in any county in this State in the registry of deeds for that county or counties within which the property subjected to such lien is situated.

Registers of deeds shall receive, record and index such notices and discharges in the same manner as similar instruments are recorded and indexed.

The fee to be paid by the United States to registers of deeds for recording each such notice or discharge is 50¢, which need not be prepaid.

R.S.1954, c. 89, § 240.

**§ 665. Farm owner may name lands for filing and recording**

The owner of any farm lands may designate a specific name for such lands and the said name together with a description of said farm lands according to the latest authentic survey thereof may be filed with the register of deeds of the county wherein the said lands or a part thereof are situated. The said name together with the description of said lands shall be recorded by the register of deeds in a book to be provided for such purpose upon payment of a fee of 50¢, but no 2 names so designated and recorded shall be alike in the same county.

R.S.1954, c. 89, § 241.

**§ 666. Transfer of named farm lands**

Whenever any owner of farm lands, the name of which has been recorded as provided in section 665 transfers by deed or

otherwise the whole of such farm lands, such transfer may include the registered name thereof. If the owner shall transfer only a portion of such farm lands, then the registered name thereof shall not be transferred to the purchaser, unless so stated in the deed of conveyance.

R.S.1954, c. 89, § 242.

### SUBCHAPTER III

#### LOCATION OF OFFICES

Sec.

701. Office in shire town.

702. Western district office in Oxford County.

703. Northern district office in Aroostook County.

#### **§ 701. Office in shire town**

The register of deeds in each county in which there is but one register shall keep his office in the shire town.

R.S.1954, c. 89, § 220.

#### **§ 702. Western district office in Oxford County**

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.

R.S.1954, c. 89, § 218.

#### **§ 703. Northern district office in Aroostook County**

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 2nd range, to Township number 15 in the 3rd range, thence north to the northeast corner of Township number 15 in the 3rd range, thence west to the northwest corner of Township number 15 in the 3rd range, thence south to the southwest corner of Township number 15 in the 3rd range, thence west to the northwest corner of Township number 14 in the 4th range, thence south to the southwest corner of Township number 14 in the 4th range, thence west on the dividing line of Townships 13 and 14 to the 7th range line, thence north to the northeast corner of Town-

ship number 14 in the 8th range, thence west to the west line of the State, compose the northern registry district of Aroostook County. The register shall keep his office in the Town of Fort Kent.

R.S.1954, c. 89, § 219.

#### SUBCHAPTER IV

#### FEEES

Sec.

751. Schedule.

#### § 751. Schedule

Except as provided in Title 11, registers of deeds shall receive for:

**1. Deed or mortgage.** Recording a deed or mortgage that fits the printed form currently in use in the registry, \$2.50.

1961, c. 323, § 1.

**2. Assignment or discharge.** Recording an assignment or discharge of mortgage, discharge of attachment or discharge of a municipal tax lien in the usual short form, \$1.

**3. Discharge on margin of record.** Entering in the margin of a record, a discharge of mortgage, attachment or tax lien, to be signed by the person discharging it, 50¢.

**4. Copy of writ of attachment in unincorporated place.** Receiving from an officer a copy of writ of attachment of real estate or a copy of writ of attachment of personal property in an unincorporated place, minuting it when it is received, keeping it on file and entering it in a book kept for that purpose, 50¢.

**5. Certain corporation certificates.** Receiving and filing a certificate of election of a clerk of a corporation, resignation of such clerk, or certificate of change of name or change of location of a corporation, \$1.

**6. Copy of process against domestic corporation.** Filing and indexing copy of process against a domestic corporation, to be paid by the officer serving it, 50¢.

**7. Organization of corporation.** Recording certificates of organization of corporations and certifying copies thereof for fil-



ing with the Secretary of State: Corporation with capital stock, \$5; corporation without capital stock, \$2.

**8. Liens for internal revenue taxes.** Recording and indexing notices and discharges of liens for internal revenue taxes of the United States of America under section 664 when paid by the United States, \$1.

1961, c. 323, § 2.

**9. Plans.** Recording, indexing and preserving a plan, a minimum of \$3; plans requiring more than one page of the plan book shall be \$3 per page.

**10. Abstract of wills.** Recording abstracts of wills when received from registers of probate within the State, \$1.50.

**11. Municipal tax liens.** Recording a municipal tax lien in accordance with Title 36, section 942, \$1.

1957, c. 397, § 43.

**12. Instruments that will not fit printed form.** Receiving, recording and indexing of any deed or mortgage, that will not fit the printed form, any assignment or discharge in long form or any other instrument by law entitled to record, the sum of \$2.50 for the first 500 words and the sum of 25¢ for each 100 words or a fraction thereof in excess of 500 words. If recording is done by photographic, photostatic or other mechanical methods as permitted by law the charge shall be \$2 for the first record page and \$1 per page for each additional page or fraction of a record page so recorded of same instrument. The fees provided by this subsection shall not apply to the recording of instruments the fees for which are otherwise provided by law.

1959, c. 133; 1961, c. 323, § 2.

**13. Abstracts and copies.** Making abstracts and copies from the records, a reasonable fee as determined by the county commissioners.

1963, c. 291.

**14. When fees payable.** Fees provided by this section shall be paid when the instrument is offered for record, except that fees payable by the State shall be paid monthly by the department or agencies requesting the recording, upon rendition of bills by the register of deeds. Said bills shall be paid within 10 days of receipt of same by the department or agencies. (1955, c. 84.)

R.S.1954, c. 89, § 216; 1955, c. 84; 1957, c. 397, § 43; 1959, c. 133; 1961, c. 323, §§ 1, 2; 1963, c. 291.