

Title 33: PROPERTY
Chapter 11: REGISTER OF DEEDS

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Maine Revised Statutes
Title 33: PROPERTY
Chapter 11: REGISTER OF DEEDS

Subchapter 1: PERSONNEL OF OFFICE

§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. [1975, c. 445, §1 (RPR).]

Vacancies caused by death, resignation, removal from the county, permanent incapacity as defined in Title 30-A, section 1, subsection 2-A or any other reason must be filled for the unexpired term by election as provided for in section 602 at the next general election, as defined in Title 21-A, section 1, subsection 19, after their occurrence. In the meantime, the Governor may fill vacancies by appointment, and the person so appointed shall hold office until the first day of January next after the election. Until a vacancy is filled by appointment by the Governor, the deputy register serves as acting register as provided in section 605. [1995, c. 683, §8 (AMD).]

In the case of a vacancy in the term of a register of deeds who was nominated by primary election before the general election, the register of deeds appointed by the Governor must be enrolled in the same political party as the register of deeds whose term is vacant. In making the appointment, the Governor shall choose from any recommendations submitted by the county committee of the political party from which the appointment is to be made. [1995, c. 245, §7 (NEW).]

SECTION HISTORY

1971, c. 230, §1 (AMD). 1975, c. 445, §1 (RPR). 1975, c. 771, §374 (AMD). 1981, c. 698, §166 (AMD). 1989, c. 502, §B40 (AMD). 1995, c. 245, §7 (AMD). 1995, c. 683, §8 (AMD).

§602. EXAMINATION OF LISTS BY GOVERNOR; 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 shall open and examine the same and the list of votes of citizens in the military service returned to said office. He has the same power to correct errors as is conferred by Title 21-A. He 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. [1985, c. 614, §28 (AMD).]

SECTION HISTORY

1975, c. 771, §375 (AMD). 1985, c. 614, §28 (AMD).

§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.

§604. SALARIES

Registers of deeds in the several counties shall receive annual salaries as set forth in Title 30-A, section 2. [1987, c. 737, Pt. C, §§74, 106 (AMD); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §8, 10 (AMD).]

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 monthly 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 monthly by the 15th day of the following month. 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. [1981, c. 40, §6 (AMD).]

Registers shall photocopy each warranty or quitclaim deed received and send the copy to the assessors of the appropriate municipality within 30 days of recordation. They may charge a reasonable fee for such service. [1979, c. 710, §1 (NEW).]

SECTION HISTORY

1979, c. 710, §§1,2 (AMD). 1981, c. 40, §6 (AMD). 1987, c. 737, §§C74,C106 (AMD). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,C10 (AMD).

§605. DEPUTY; OATH AND DUTIES

Each register shall appoint a deputy register of deeds subject to the requirements of Title 30-A, section 501; the deputy register shall be sworn. He shall give bond to the county for the faithful discharge of his duties in such sum as the county commissioners order and with such sureties as they approve in writing thereon. The premium of the bond shall be met by the county. The deputy register shall receive an annual salary as established by the register and approved by the county commissioners. 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. [1987, c. 737, Pt. C, §§75, 106 (AMD); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §8, 10 (AMD).]

In case of vacancy in the office of register, in any county or registry district, the deputy register then holding such office pursuant to this section shall assume the title of acting register, be sworn as such by a dedimus justice and thereafter 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. [1975, c. 445, §2 (NEW).]

SECTION HISTORY

1975, c. 445, §2 (AMD). 1977, c. 67, §9 (AMD). 1981, c. 279, §20 (AMD). 1981, c. 394, §8 (AMD). 1981, c. 698, §167 (AMD). 1987, c. 737, §§C75,C106 (AMD). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,C10 (AMD).

§606. CLERK OF COURTS AS REGISTER

(REPEALED)

SECTION HISTORY

1971, c. 230, §2 (RPR). 1975, c. 445, §3 (RPR). 1981, c. 279, §21 (RP).

§607. ASSISTANT*(REPEALED)*

SECTION HISTORY

1981, c. 698, §168 (RP).

§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 register of deeds. [1981, c. 698, §169 (AMD).]

SECTION HISTORY

1981, c. 698, §169 (AMD).

§609. SUCCESSORS MAY COMPLETE RECORDS AND GRANT CERTIFICATES

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 the removed predecessor should have done if such records and certificates had been completed by the predecessor, which certificates shall be as effectual in law as if made by the predecessor; for doing this, the minutes made by the predecessor upon such deeds or other papers and the entries made by the predecessor in the books required to be kept for such purposes shall be sufficient authority. If payment for such services has been made to the predecessor, the newly appointed or elected register or any successor shall be paid for them out of the county treasury, and the former register and the former register's sureties shall refund such payments to the county treasury, to be recovered by a civil action upon the former register's official bond. [1981, c. 502, Pt. B, §41 (AMD).]

SECTION HISTORY

1989, c. 502, §B41 (AMD).

§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.

§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.

Subchapter 2: RECORDS AND RECORDING

§651. RECORDS; INDEX

The records and indexes in each registry office must be made and kept for public inspection on at least one of the following media: white, acid-free paper, microfilm, microfiche, or digital image stored on magnetic or optical media. The register shall make an alphabetical index to the records without charge to the county so that the same surnames are recorded together and 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 the index in such manner that all deeds recorded since the last revision of the index are indexed so that the same surnames appear together and all names are in alphabetical order. The revised and consolidated index must contain all data as to each and every deed or other instrument referred to in this section. If it becomes necessary to revise, renew or replace any index, the new index must be made in conformity with this section. [2003, c. 55, §1 (RPR).]

When the register of deeds is required by law or common practice to make a note in the margin of a record, it is determined sufficient if the note is made to the index in such a fashion that the note becomes a permanent part of the indexing of the record to which the marginal note is required to be made. [2003, c. 55, §1 (NEW).]

The register shall prepare, or have prepared, a microfilm record of each page of every instrument, plan or other document recorded in the registry office. The microfilm record made must be stored in a fireproof area. When original record books or plans are considered by the register to be in a condition that warrants withdrawal from regular use, the register may make a true copy of the contents of the record or may provide suitable means for reading the microfilm, microfiche or digital image stored on magnetic or optical media of the instruments withdrawn. The records and certified copies made either from the true copy or from images stored as provided in this section must be received in all courts of law with the same legal effect as those contained in the original. [2003, c. 55, §1 (RPR).]

Notwithstanding Title 1, section 408-A, this chapter governs fees for copying records maintained under this chapter. [2011, c. 662, §21 (AMD).]

SECTION HISTORY

1965, c. 215, (AMD). 2003, c. 55, §1 (RPR). 2009, c. 575, §1 (AMD). 2011, c. 662, §21 (AMD).

§651-A. GRANTOR, GRANTEE NAMES; FORM OF INDEXING

No instrument executed on or after October 1, 1983, may be accepted by a register of deeds for recording unless beneath the signature of the grantor, grantee, if it appears on the instrument, and the person taking the acknowledgement, the name of each signer is typed or printed. Names used for indexing must be indexed as typed or printed under each signature. A name may be typed or printed under a signature at the registry of deeds by the person bringing the instrument to the registry, as long as the name is typed or printed on the instrument prior to the certification on the instrument under section 653 of the time when the instrument was received. The register of deeds may return documents that are not legible for recording and archival purposes. [1993, c. 230, §1 (AMD).]

SECTION HISTORY

1983, c. 57, (NEW). 1983, c. 530, §8 (AMD). 1993, c. 230, §1 (AMD).

§651-B. PRIVACY PROTECTION

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Personal information" means an individual's first name or first initial and last name in combination with any one or more of the data elements described in this paragraph:

- (1) Social security number;
- (2) Driver's license number or state identification card number;
- (3) Account number, credit card number or debit card number if circumstances exist such that the number could be used without additional identifying information, access codes or passwords;
- (4) Account passwords or personal identification numbers or other access codes; or
- (5) Any of the data elements contained in subparagraphs (1) to (4) when not in connection with the individual's first name, or first initial, and last name if the information included would be sufficient to permit a person to fraudulently assume or attempt to assume the identity of the person whose information was included. [2007, c. 626, §1 (NEW).]

[2007, c. 626, §1 (NEW) .]

2. Personal information on registry's website. If a document that includes an individual's personal information is recorded with a register of deeds and is available on the registry's publicly accessible website, the individual may request that the register of deeds redact that personal information from the record available on the website. The register shall establish a procedure by which individuals make such requests at no fee to the requesting individual. The register shall comply with an individual's request to redact personal information.

[2007, c. 626, §1 (NEW) .]

SECTION HISTORY
2007, c. 626, §1 (NEW).

§652. BOOKS FOR RECORDING PLANS

The county commissioners shall provide, at the expense of the several counties, suitable storage for plans with a minimum size of 12 by 18 and a maximum of 24 by 36 inches in dimension, for the preservation of such plans. [1991, c. 497, §1 (RPR).]

No plan may be accepted for recording unless all of the following criteria are met. The plan must:
[1991, c. 497, §1 (RPR).]

- 1. Materials.** Be drawn upon strong linen cloth or polyester film with archival photographic image;

[1991, c. 497, §1 (NEW) .]

- 2. Seals.** Be embossed, sealed or both, with the seal of an architect, professional engineer or registered land surveyor;

[2001, c. 667, Pt. C, §18 (AMD) .]

- 3. Signature.** Contain the signature and address of the person who prepared the plan;

[1991, c. 497, §1 (NEW) .]

- 4. Recording information.** Provide a space for recording the county, date, time, plan book and page or file number and register's attest; and

[1991, c. 497, §1 (NEW) .]

5. Title. Provide a title block containing the name of the plan, the record owner's name and address, the location by street and town and the date of the plan.

[1991, c. 497, §1 (NEW) .]

Original plans must be recorded with a paper copy. The register shall permanently file the original and maintain a copy for public inspection in at least one of the following media: paper, microfilm, microfiche or digital image stored on magnetic or optical media. Suitable arrangements must be made for the preserving of original plans while affording the public reasonable opportunity to examine either the original or a reproduction. No additional fee is required for recording the copy. Each register shall maintain an index of all plans on records in the register's office. [2003, c. 55, §2 (AMD) .]

The several registers shall establish, and thereafter adhere to, reasonable standards for the implementation of reproducing copies of original plans as recorded. Reproduction must be on a scale of one to one and must be accomplished with the least possible error and distortion. Methods of reproduction must be to standards in keeping with accepted engineering and survey practices. [1991, c. 497, §1 (NEW) .]

SECTION HISTORY

1971, c. 448, (AMD). 1973, c. 485, (AMD). 1991, c. 497, §1 (RPR).
2001, c. 667, §C18 (AMD). 2003, c. 55, §2 (AMD).

§653. TIME OF RECORDING; VERIFICATION

A register shall, at the time of receiving a deed or instrument for record, certify on the deed or instrument the day and the hour and minute when it was received and the book number and page number where the document is located. If the deed or instrument does not have sufficient room on the page or pages for the location of the recording information so that the register is required to add an additional page for the placement of the recording information, the register may charge in addition to any other fees allowed by law a fee of \$2 for each page the register is required to add. An instrument is considered recorded at the time when it was received and that time must be entered on the record. The register shall enter that time, the names of the grantor and grantee and the name of the town or unincorporated place as shown by the instrument in which the property affected is located in a record kept for that purpose and open to inspection in business hours. The register may not permit a deed or instrument for the conveyance of real estate to be altered, amended or withdrawn until it is fully recorded and examined. The record must be verified as a true record of the original document by comparing the indexing record and the copy kept for public inspection, as described in section 651, to the original document before the original document is allowed to leave the registry office. [2003, c. 55, §3 (RPR) .]

SECTION HISTORY

1983, c. 15, (RPR). 2003, c. 55, §3 (RPR).

§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 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 that 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 records properly indexed. [2003, c. 55, §4 (AMD).]

SECTION HISTORY

2003, c. 55, §4 (AMD).

§654-A. CERTAIN COUNTY RECORDS OF DEEDS TO BE COPIED; LEGAL EFFECT

(REPEALED)

SECTION HISTORY

1965, c. 425, §20A (NEW). 2003, c. 55, §5 (RP).

§655. TOWN RECORDS TO STATE ARCHIVIST FOR SAFEKEEPING

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 State Archivist for preservation and safekeeping. [1973, c. 28, §14 (AMD).]

SECTION HISTORY

1965, c. 441, §6 (AMD). 1969, c. 318, §14 (AMD). 1973, c. 28, §14 (AMD).

§656. OWNER OF ORIGINAL RECORDS REIMBURSED FOR SAFEKEEPING

(REPEALED)

SECTION HISTORY

1965, c. 441, §7 (AMD). 1969, c. 318, §15 (AMD). 1973, c. 28, §15 (RP).

§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.

§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.

§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.

§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 can not be had at a reasonable price, they shall procure copies of the most authentic plans known to exist. All copies must be on the best quality of linen paper backed with cloth or polyester film with archival photographic image. Suitable filing cases must be provided in each registry of deeds for the reception and preservation of the plans and a suitable index of the plans must be made, having at least both alphabetical and chronological arrangement, and must be revised whenever new plans for recording are received. [2003, c. 55, §6 (AMD) .]

SECTION HISTORY

2003, c. 55, §6 (AMD) .

§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.

§662. PLANS SHOWING ALLOTMENT OF LANDS IN CITIES AND TOWNS

The municipal officers of a city or 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 the city or town, to be recorded in the registry of deeds in the county or registry district in which any such city or town is situated. The plans must be recorded and kept in accordance with the provisions of section 652. [2003, c. 55, §7 (AMD) .]

SECTION HISTORY

2003, c. 55, §7 (AMD) .

§662-A. MUNICIPAL LAND CONTROL ORDINANCES

(REPEALED)

SECTION HISTORY

1973, c. 177, (NEW). 1973, c. 788, §167 (AMD). 1981, c. 216, §3 (RP).

§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.

§664. NOTICES OF FEDERAL TAX LIENS*(REPEALED)*

SECTION HISTORY

1981, c. 279, §22 (AMD). 1987, c. 645, §2 (RP).

§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 name together with the description of the lands shall be recorded by the register of deeds under section 651. The register of deeds shall be paid the fee set in section 751. No 2 names so designated and recorded may be alike in the same county. [1981, c. 279, §§ 23, 23-A (AMD).]

SECTION HISTORY

1981, c. 279, §§23,23A (AMD).

§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.

§667. CONSERVATION RESTRICTIONS; DEFINED*(REPEALED)*

SECTION HISTORY

1969, c. 566, §1 (NEW). 1985, c. 395, §1 (RP).

§668. -- ACQUISITION, EFFECT, RECORDING AND RELEASE*(REPEALED)*

SECTION HISTORY

1969, c. 566, §2 (NEW). 1983, c. 458, §13 (AMD). 1985, c. 395, §2 (RP).

§669. COPIES OF BANKRUPTCY ORDERS AND DECREES

At any time after a petition in bankruptcy is filed, or a decree of adjudication or an order approving the trustee's bond is made, pursuant to the Federal Bankruptcy Act of 1898, as amended, the bankrupt, trustee, receiver, custodian, referee or any creditor may record a certified copy of such petition, with the schedules omitted, or of such decree or order in the registry of deeds for any county or district wherein the bankrupt owns or has an interest in any land. [1971, c. 68, (NEW).]

SECTION HISTORY

1971, c. 68, (NEW).

§670. FACSIMILE SIGNATURE OF THE REGISTER AND DEPUTY REGISTER OF DEEDS

A facsimile of the signature of the register or deputy register of deeds imprinted at his direction upon any deed or other instrument that is customarily recorded at the registry of deeds, including plans and the like, shall have the same validity as his signature. [1979, c. 179, (NEW).]

SECTION HISTORY
1979, c. 179, (NEW).

Subchapter 3: LOCATION OF OFFICES

§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.

§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.

§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 Township 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.

Subchapter 4: FEES

§751. SCHEDULE

Except as provided in any other provision of law, registers of deeds shall receive the following fees for: [1993, c. 560, §3 (AMD).]

1. Instruments generally. Receiving, recording and indexing any instrument that may be recorded and for which a specific fee is not set forth in this section or in any other section, the sum of \$19 for the first record page and \$2 for each additional record page or portion of an additional record page. In addition, if more than 4 names are to be indexed, a fee of \$1 must be paid for each additional name, counting all grantors and grantees;

[2013, c. 370, §1 (AMD) .]

1-A. Divorce decrees or abstracts.

[1991, c. 497, §3 (RP) .]

2. Discharge.

[1981, c. 279, §26 (RP) .]

3. Municipal quitclaim deed.

[1977, c. 145, §3 (RP) .]

4. Copy of writ of attachment in unincorporated place.

[1977, c. 145, §4 (RP) .]

5. Certain corporation certificates.

[1973, c. 625, §228 (RP) .]

6. Copy of process against domestic corporation.

[1977, c. 145, §5 (RP) .]

7. Organization of nonprofit corporation.

[1979, c. 541, Pt. A, §208 (RP) .]

8. Federal liens.

[1991, c. 497, §4 (RP) .]

9. Plans. Recording, indexing and preserving plans, the sum of \$21;

[2013, c. 370, §2 (AMD) .]

10. Municipal and unorganized territory tax liens.

[1991, c. 497, §5 (RP) .]

11. Mortgage foreclosure.

[1977, c. 145, §9 (RP) .]

12. District liens.

[1991, c. 497, §6 (RP) .]

13. Secured transactions.

[1991, c. 497, §7 (RP) .]

13-A. Previously recorded instrument. An instrument satisfying, releasing, discharging, assigning, subordinating, continuing, amending or extending an instrument previously recorded in the county in which recording is requested must make reference to only one previously recorded instrument, or a fee of \$13 for each additional previously recorded instrument referred to must be paid.

[2005, c. 246, §3 (AMD) .]

14. Abstracts and copies.

[2011, c. 378, §1 (RP) .]

14-A. Bail liens.

[1991, c. 497, §9 (RP) .]

14-B. Paper copies. Making paper copies of records at the office of the register of deeds as follows:

A. Five dollars per page for paper copies of plans; and [2013, c. 370, §3 (AMD).]

B. One dollar per page for other paper copies; [2013, c. 370, §3 (AMD).]

C. [2013, c. 370, §3 (RP).]

[2013, c. 370, §3 (AMD) .]

14-C. Abstracts and copies.

[2011, c. 508, §2 (RP) .]

14-D. Downloads of 1,000 or more consecutive electronic images or electronic abstracts from a county registry of deeds. Acquiring downloads of 1,000 or more consecutive electronic images or electronic abstracts from a county registry of deeds equipped to provide downloads of images or electronic abstracts, 5¢ per image or electronic abstract;

[2013, c. 370, §4 (NEW) .]

14-E. Electronic images, printed images or electronic abstracts from a county registry of deeds website. Acquiring electronic images, printed images or electronic abstracts from a county registry of deeds website as follows:

A. No charge for the first 500 images or electronic abstracts, or a combination of the first 500 images and electronic abstracts, acquired by a person in a calendar year; and [2013, c. 370, §5 (NEW).]

B. Fifty cents per image or electronic abstract for each subsequent image or electronic abstract after 500 acquired in the same calendar year; and [2013, c. 370, §5 (NEW).]

[2013, c. 370, §5 (NEW) .]

15. When 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.

[1971, c. 321, (RPR) .]

SECTION HISTORY

1965, c. 265, (AMD). 1971, c. 321, (RPR). 1973, c. 226, (AMD). 1973, c. 625, §§228,230 (AMD). 1975, c. 198, §§1-6 (AMD). 1977, c. 145, §§1-11 (AMD). 1977, c. 422, §1 (AMD). 1979, c. 72, §3 (AMD). 1979, c. 541, §A208 (AMD). 1979, c. 666, §4 (AMD). 1981, c. 279, §§24-31 (AMD). 1981, c. 557, §§2,3 (AMD). 1983, c. 795, §6 (AMD). 1987, c. 645, §3 (AMD). 1991, c. 497, §§2-9 (AMD). 1993, c. 560, §3 (AMD). 2003, c. 55, §§8,9 (AMD). 2005, c. 246, §§1-3 (AMD). 2009, c. 575, §2 (AMD). 2011, c. 378, §§1, 2 (AMD). 2011, c. 508, §§1, 2 (AMD). 2013, c. 370, §§1-5 (AMD).

§752. RECORDS PRESERVATION SURCHARGE

1. Surcharge. In addition to any other fees required by law, a register of deeds may collect a surcharge of \$3 per document for all records that are recorded in the registry of deeds, except those recorded by agencies of State Government and municipalities.

[1997, c. 503, §1 (NEW) .]

2. Account. The surcharge imposed in subsection 1 must be transferred to the county treasurer who shall deposit it in a separate nonlapsing account within 30 days of receipt. Money in the account is not available for use as a general revenue of the county. Interest earned on the account must be credited to the account.

[1997, c. 503, §1 (NEW) .]

3. Expenditures from account. The money in the account established in subsection 2 must be used for the restoration, re-creation and preservation of the records recorded in the office of the register of deeds, including preservation by creation of a digital image stored on magnetic or optical media. The money may not be used for initial recording of documents.

[2005, c. 584, §1 (AMD) .]

4. Repeal.

[2003, c. 294, §2 (RP) .]

5. Annual report. The register of deeds for each county shall report annually to the joint standing committee of the Legislature having jurisdiction over state and local government matters on the amount of surcharge funds raised and expended and the use of those funds. The registers of deeds may jointly prepare and submit the report required under this subsection, as long as the required information is separately described for each county.

[2003, c. 294, §3 (NEW) .]

6. Misappropriation of funds; penalty. Any county that uses funds from the records preservation surcharge account established in subsection 2 for any purpose that is not in accordance with the standards established in subsection 3 commits a civil violation for which a fine of \$100 per day from the date of the withdrawal to the date the money is restored to the account must be adjudged. Fines must be paid out of the county budget and be deposited in the account established in subsection 2.

[2005, c. 584, §2 (NEW) .]

SECTION HISTORY

1997, c. 503, §1 (NEW). 2001, c. 317, §1 (AMD). 2003, c. 294, §§1-3 (AMD). 2005, c. 584, §§1,2 (AMD).

§753. DEFINITIONS

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [2013, c. 370, §6 (NEW).]

1. Electronic abstract. "Electronic abstract" means the digital indexing information for a document.

[2013, c. 370, §6 (NEW) .]

2. Image. "Image" means a digital capture of an individual page of a document or plan filed in a county registry of deeds.

[2013, c. 370, §6 (NEW) .]

3. Person. "Person" means a person, corporation, partnership or other entity.

[2013, c. 370, §6 (NEW) .]

SECTION HISTORY

2013, c. 370, §6 (NEW) .

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