SUSAN F. BULAY

Penobscot County Register of Deeds

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LD 756: An Act to Enhance the Address Confidentiality Program Regarding Property Records

Sen. Burns, Rep. Hobbins, members of the Joint Standing Committee on Judiciary,

My name is Susan Bulay, I am the Register of Deeds for Penobscot County and the President of the Maine Registers of Deeds Association. I am speaking today in opposition to LD 756.

At the risk of repeating information you already know, I want to start with a very brief overview of the duties of the registry of deeds. We are the recording office for all documents relating to property records. We record deeds, mortgages, tax liens, surveys and other types of documents. Our records are used by title attorneys, surveyors, credit bureaus or maybe just by someone who wants to do research on the family farm. By 1623, or 3 years after the Pilgrims landed, they had set up systems for tracking births, deaths, marriages and land records in the new colony. We are the land records system.

Title 33, section 651et seq. governs much of what we do with a document that has been accepted for recording. Sec. 651 states that "the records and indexes in each registry office must be made and kept for public inspection. . ." Sec. 653 states " . . . 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."

Our charge since 1623 has been the same. Record the documents that pertain to real property in our county, make an index so the documents can be found and keep a true copy for public inspection. Surveyors, attorneys, bankers, everyone expects this of us and relies upon us to do this important function. The margin of error for a title examiner is 0% and he relies upon the accuracy and completeness of our records to be able to meet this high standard and be able to establish certifiable title. Our web site is a true and accurate copy of the records held in the office and is used extensively for the same purposes as the office records. In fact, 95% of the registry users use our web site rather than make the trip into the office.

At our monthly association meetings, discussions revolve around the idea that more indexing is always better than less so that people can find the document and be able to make informed decisions regarding it. We are always conscious of the "integrity of the record." The names of the persons involved and the description of the property are essential.

For these long-standing, fundamental reasons, we are opposed to the basic concepts put forth in sections 4 and 5 of the proposed legislation. We cannot hide or keep confidential that information that we have been charged to keep open for public inspection. Any field that we are required to index, (grantor, grantee, location, dates) must be kept public.

In addition, the registry records not only deeds and mortgages, but also town tax liens, IRS tax liens, DHS support liens, divorce decrees, foreclosure documents, UCC forms, and survey plans that contain names and addresses. Some of these documents might contain the same names as a person protected under this program, but not be the same person. What happens to those records? Who makes the decision that this document is relevant to the protected person? Is there some liability for the register or the staff if a document is missed? I, personally, would not feel very comfortable redacting any information on an IRS lien, and we have instructions from them dealing with this issue.

Sec. 5 of the proposed bill shows the current language dealing with redaction of social security numbers. In these cases, the person must supply us with the actual book and page of the document that contains the number he wishes to have redacted and that is the only document that is affected. However, remember social security numbers are not an indexed field, and if someone wants a copy without the redaction, we will provide them with it, no questions asked.

I mean no disrespect to the Secretary of State or any member of his staff, but I see a great potential for the Secretary of State to forget to notify the registry of deeds when someone is no longer a member of this program. I could foresee a case where someone's name remains blacked out for years because of a simple oversight.

Also, the registries have no capability to substitute a number for a name on a document. We index what the document says and the copy that we store as a permanent record cannot be altered. Perhaps there is another entity, such as a trust, limited liability company or corporation that could hold title to the property and not involve the protected person's name. That would be a legal issue that we cannot definitely answer because none of the registers is an attorney.

In conclusion, the changes in registry procedure contemplated by this legislation would forever change the reliability, faith and trust placed upon our office. We are the office of public notice and to fulfill that primary function, our records must be complete and open to all. We urge a unanimous vote of "Ought Not to Pass."

02649

WARRANTY DEED

SUSAN F. BULAY, formerly SUSAN F. CARR, of Old Town, County of Penobscot, State of Maine, for consideration paid, grant to ROBERT L. BULAY and SUSAN F. BULAY, husband and wife, both of Old Town, said County and State, with WARRANTY COVENANTS, as JOINT TENANTS, the land in Old Town, said County and State, to wit:

A certain lot or parcel of land in Old Town, County of Penobscot, State of Maine, together with the buildings thereon, bounded and described as follows, to wit: Lot numbered nine (9) in a plan of houselots situate on the northerly side of Perkins Avenue easterly of Seventh Street, southerly of the Bradbury and Perkins Division line and westerly of Sixth Street according to plan of H. Hilliard, C.E., dated May 20, 1915, and recorded in Penobscot Registry of Deeds, Book 10, Page 30, and more particularly bounded and described as follows: Beginning at a point on the easterly line of Seventh Street which said point is ninety-five and six tenths (95.6) feet northerly of the intersection of the easterly line of Seventh Street and the northerly line of Perkins Avenue measured along said easterly line of Seventh Street and also marking the northwest corner of lot numbered ten (10) according to said Plan; thence easterly and along the northerly line of said lot numbered ten (10) and continuing in same course and along the northerly line of lot numbered eleven (11) according to said plan to a point marked by an iron rod driven into the ground a distance of one hundred one and fifty-five hundredths (101.55) feet; thence northerly and along the westerly line of lot numbered four (4) according to said plan, sixty-five and six tenths (65.6) feet more or less, to a point marking the southeast corner of lot numbered eight (8) according to said plan; thence westerly and along the southerly line of said lot numbered eight (8) one hundred (100) feet more or less to the easterly line of Seventh Street; thence southerly and along the easterly line of said Seventh Street to the point of beginning.

EXCEPTING, HOWEVER, an easement to be located on Lot No. 9 according to Plan of Houselots of Fifth, Sixth and Seventh Streets, in said Old Town, recorded in Plan Book 10, Page 30, Penobscot Registry of Deeds, said easement for the following uses and purposes: To install a pole on said land to be used for connecting utilities to premises owned by Carl J. Betterley et ux and being Lot No. 11 according to said Plan of Houselots, with the right to enter upon said land above described for the purpose of maintaining said pole and repairing the same to allow access to electrical utilities located on Seventh Street in said Old Town. Being the same premises conveyed by Lawrence Daigle to Carl J. Betterley, et ux, by deed dated March 17, 1976, and duly recorded in Penobscot Registry of Deeds on March 22, 1976 in Vol. 2629, Page 182.

Being the same premises conveyed to the Grantor herein under the name of Susan F. Carr by deed of Lillian Binette et al, dated October 13, 1978, and recorded in the Penobscot Registry of Deeds.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 14th day of February, 1984.

Witness:

Karen A. Guay

Susan F. Bulay
SUSAN F. BULAY

STATE OF MAINE
PENOBSCOT, ss

February 14, 1984

Then personally appeared the above named Susan F. Bulay and acknowledged the foregoing instrument to be her free act and deed.

Before me,

No Transfer Tax Necessary

Karen Ann Guay
Notary Public

Karen Ann Guay

RECEIVED PENOB, SS. FEB 16 1984 AT 8 30 M A.M.

Selected by Public Inquiry

Book: 3494-280 Recorded: 02-16-1984 Inst #: 2649 Chg:Y Vfy:Y
Document date: 02-14-1984

Grp: 1 Type: DEEDS

Town: OLD TOWN

Gtor:	BULAY	SUSAN F
Gtor:	CARR	SUSAN F
Gtee:	BULAY	ROBERT L
Gtee:	BULAY	SUSAN F

Ref By:05-29-1992 MISC MISCELLANEOUS RECORDINGS In book:5079-11

Request to Redact Personal Information

For Office Use Only

Date Redacted _____

_____

Signature of Employee Redacting

Date: _____

Name: _____

Address: _____

Telephone: _____

I hereby request that the Register of Deeds for Penobscot County redact the personal information (please circle: Social Security #, Driver's license number or state identification card #, Financial institution account number and credit, debit or charge card number) located in said registry in Book _____ Page _____.

I am authorized to make this request because:

_____ It is my personal information

_____ I am the duly authorized attorney for the person

_____ Other: _____

_____

_____
Signature

_____
Printed Name

State of Maine County ss:

On this ___day of _____, 20___, personally appeared the above named _____ and acknowledged the foregoing instrument to be of his/her free act and deed.

Before me,

_____
Notary Public/Attorney at Law

My Commission Expires:

_____

Disclaimer

The Penobscot County Registry of Deeds will comply with your request to remove or obscure personal information from the document you have indicated above from our registry's website. The Penobscot County Registry of Deeds makes no guarantee concerning the accuracy or reliability of the content of our website and shall not be liable for errors contained therein or for any damages in connection with the use of the information contained therein.