

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**  
AS PASSED BY THE

**ONE HUNDRED AND TENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
December 3, 1980 to June 19, 1981

**AND AT THE**

**FIRST SPECIAL SESSION**  
August 3, 1981

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

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1981

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amount of the post-project excise taxes payable by each landowner in accordance with this section.

In the event that the amount so calculated results in a negative balance for any landowner, the State Tax Assessor shall refund to that landowner the amount of the balance in the form of a tax rebate. The rebate shall be made no later than February 28th of the year following the assessment date.

Sec. 11. 12 MRSA § 8429, sub-§ 1, first sentence, as enacted by PL 1979, c. 737, § 12, is amended to read:

There is established within the Bureau of Forestry the position of Forest Insect Manager, which shall be funded by the General Fund or any other funds available.

Sec. 12. 12 MRSA § 8430, sub-§ 1, 2nd sentence, as enacted by PL 1979, c. 737, § 12, is amended to read:

This research may be funded with ~~other than excise tax moneys~~ any funds available, provided that the cost of environmental and health monitoring of spray projects shall be part of annual spray project costs and not paid out of General Fund moneys.

Effective September 18, 1981

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## CHAPTER 279

### H. P. 766 — L. D. 936

#### AN ACT to Clarify the Duties of the Register of Deeds.

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

Sec. 1. 11 MRSA § 9-403, sub-§ (5), as repealed and replaced by PL 1969, c. 582, § 2, is amended to read:

(5) The fee for filing, indexing and furnishing filing data for an original financing statement shall be \$5, **except that a register of deeds shall receive a filing fee of \$6 for the first record page and \$2 for each additional record page.** The fee for filing, indexing and furnishing filing data for a continuation statement or any amendment to a financing statement or to a continuation statement shall be \$3, **except that a register of deeds shall receive a filing fee of \$6 for the first record page and \$2 for each additional record page.**

Sec. 2. 11 MRSA § 9-404, sub-§ (3), as repealed and replaced by PL 1969, c. 582, § 4, is amended by adding at the end a new paragraph to read:

**Notwithstanding this subsection, a register of deeds shall receive a fee for filing and indexing a termination statement with relation to a financing statement of \$6 for the first record page and \$2 for each additional record page.**

Sec. 3. 11 MRSA § 9-405, sub-§ (1), 3rd sentence, as amended by PL 1971, c. 11, is further amended to read:

The uniform fee for filing, indexing and furnishing filing data for a financing statement so indicating an assignment shall be \$5, **except that a register of deeds shall receive a filing fee of \$6 for the first record page and \$2 for each additional record page.**

Sec. 4. 11 MRSA § 9-407, sub-§ (2), 2nd ¶, as enacted by PL 1977, c. 702, § 2, is amended to read:

**Notwithstanding the above this subsection, if the filing officer is a municipal clerk or a register of deeds, his issuance of the certificate of information is discretionary.**

Sec. 5. 14 MRSA § 4154, as amended by PL 1965, c. 306, § 30-A, is further amended to read:

**§ 4154. Record of attachment of bulky personal property**

When any personal property is attached which by reason of its bulk or other special cause cannot be immediately removed, the officer may within 5 days thereafter file in the office of the municipal clerk or the Secretary of State or in the registry of deeds, as the case may be, where filing is required to perfect a security interest in such goods under Title 11, section 9-401, an attested copy of so much of his return on the writ of attachment as relates to the attachment, with the value of the defendant's property which he is thereby commanded to attach, the names of the parties, the date of the writ of attachment and the court to which it is returnable, and such attachment is as effectual and valid as if the property had remained in his possession and custody. ~~The municipal clerk or Secretary of State or register of deeds, as the case may be shall receive the copy thereof with a fee of \$2, noting thereon the time, enter it in a suitable book or file and keep it on file for the inspection of those interested therein.~~ **The register of deeds shall receive a copy with a fee of \$6, noting thereon the time, and record it under the provisions of Title 33, section 651.**

Sec. 6. 14 MRSA § 4601, last sentence, is amended to read:

The register shall be entitled to the same fee for bringing forward such attachment upon the ~~said~~ book of attachments as for the original entry thereof, and shall be entitled to ~~a fee of \$2~~ **the fee set in Title 33, section 751** for recording an order for such extension.

Sec. 7. 14 MRSA § 6201, sub-§ 3, 2nd sentence, is amended to read:

A certificate of the fact and time of such entry shall be made, signed and sworn to by such witnesses before a justice of the peace, **a notary public or an attorney-at-law.**

**Sec. 8. 14 MRSA § 6704, 2nd ¶, first sentence,** is amended to read:

Within 30 days after ~~said the~~ judgment is recovered, the clerk of the court from which ~~said the~~ judgment issues shall forward to the registry of deeds in the county where the real estate is situated a true copy of the property described in ~~said the~~ judgment, together with the names of the parties, the date of judgment and the term of court in which ~~said the~~ judgment was rendered, and ~~said the~~ register of deeds receiving such copy shall forthwith file the same, minuting thereon the time of the reception thereof, and record in the same manner as a deed of real estate, and the fee of the clerk of ~~said the~~ court for preparing ~~said the~~ copy shall be \$1 and the register of deeds shall be paid ~~the~~ **the fee set in Title 33, section 751** for entering and recording the same.

**Sec. 9. 17 MRSA § 2741, 3rd sentence** is amended to read:

~~Such injunction shall be recorded within 30 days in the registry of deeds in the county where said nuisance is located and shall forever run against the building or other place or structure in which said the nuisance is committed.~~

**Sec. 10. 18-A MRSA § 1-602, sub-§ (1), 3rd sentence,** as amended by PL 1979, c. 719, § 1, is repealed and the following enacted in its place:

**The register of deeds shall receive the fee set in Title 33, section 751 when the certified copy is furnished to him.**

**Sec. 11. 30 MRSA § 65, sub-§ 1, first sentence,** as enacted by PL 1977, c. 67, § 5, is amended to read:

The county commissioners shall set the amount to be charged by the register of probate ~~and the register of deeds~~ for the publication of notices required by law.

**Sec. 12. 30 MRSA § 253, 3rd ¶, 2nd sentence,** as repealed and replaced by PL 1979, c. 351, § 1, is amended to read:

These records shall be a public record at the office of the ~~clerk of courts~~ **county commissioners** in the county which transmitted them.

**Sec. 13. 30 MRSA § 303, 2nd sentence,** as enacted by PL 1969, c. 219, is amended to read:

Copies of the inventory shall be filed in the office of the ~~clerk of courts~~ **county commissioners** of the county on or before January 1st of each year.

**Sec. 14. 30 MRSA § 1051, sub-§ 4** is amended to read:

4. **Attachment of real estate.** For attachment of real estate at registry of deeds, ~~which includes fee of 50¢ to registry~~ \$4;

Sec. 15. 30 MRSA § 1051, ~~sub-§ 17, first sentence~~, is amended to read:

The fees of the register of deeds for recording a levy upon real estate or the deed of the officer for the sale of real estate on execution and all sums paid by the officer for ~~internal revenue stamps to be affixed to such deeds~~ the state transfer tax shall be taxed by the officer in his return.

Sec. 16. 30 MRSA § 1151 is amended to read:

§ 1151. **Meridian line; record**

The county commissioners, at the expense of their several counties, shall erect and forever maintain therein, at such place or places remote from electrical disturbances as the public convenience requires, a true meridian line to be perpetuated by stone pillars with brass or copper points firmly fixed on the tops thereof, indicating the true range of such meridian; and shall protect the same and provide a book of records to be kept by the ~~clerk of courts~~ county commissioners or by a person appointed by them nearer to such structure and accessible to all persons wishing to refer thereto.

Sec. 17. 30 MRSA § 1152, ~~first sentence~~, is amended to read:

The structures referred to in section 1151 shall be under the care and custody of ~~such clerk~~ the county commissioners.

Sec. 18. 30 MRSA § 1154, ~~4th sentence~~, is amended to read:

They shall be under the care and custody of the ~~clerk of courts~~ county commissioners, who shall keep a suitable book for the record of comparisons, and they shall be accessible to any person for comparing any tape, chain or other linear measure.

Sec. 19. 30 MRSA § 1155, ~~3rd sentence~~, is amended to read:

All such reports shall be full and accurate and be deposited in the ~~office~~ Department of the Secretary of State and a certified copy shall be filed and recorded in the office of the ~~clerk of courts~~ county commissioners in the county where such structure is situated.

Sec. 20. 33 MRSA § 605, ~~first ¶, first sentence~~, as repealed and replaced by PL 1977, c. 67, § 9, is amended to read:

Each register ~~may~~ shall appoint a deputy register of deeds with the approval of the county commissioners; the deputy register shall be sworn.

**Sec. 21.** 33 MRSA § 606, as repealed and replaced by PL 1975, c. 445, § 3, is repealed.

**Sec. 22.** 33 MRSA § 664, 3rd paragraph is amended to read:

The fee to be paid by the United States to registers of deeds for recording each such notice or discharge is ~~50¢~~ \$5, which need not be prepaid.

**Sec. 23.** 33 MRSA § 665, 2nd sentence is repealed and the following enacted in its place:

**The name together with the description of the lands shall be recorded by the register of deeds under section 651.**

**Sec. 23-A.** 33 MRSA § 665 is amended by adding, after the 2nd sentence, 2 new sentences to read:

**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.**

**Sec. 24.** 33 MRSA § 751, sub-§ 1, first sentence, as last amended by PL 1975, c. 198, § 1, is further amended to read:

Receiving, recording and indexing any deed or mortgage or any other instrument which is entitled to be recorded and for which a specific fee is not set forth in this section or in any other section, the sum of ~~\$5~~ \$6 for the first record page and ~~\$1~~ \$2 for each additional record page or portion thereof.

**Sec. 25.** 33 MRSA § 751, sub-§ 1-A, as enacted by PL 1979, c. 72, § 3, is amended to read:

**1-A. Divorce decrees or abstracts.** Receiving, recording and indexing a divorce decree or abstract thereof, the sum of ~~\$5~~ \$6.

**Sec. 26.** 33 MRSA § 751, sub-§ 2, as last amended by PL 1977, c. 145, § 2, is repealed.

**Sec. 27.** 33 MRSA § 751, sub-§ 8, as last amended by PL 1977, c. 145, § 7, is further amended to read:

**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, ~~\$3~~ \$5;

**Sec. 28.** 33 MRSA § 751, sub-§ 9, as repealed and replaced by PL 1971, c. 321, is repealed and the following enacted in its place:

**9. Plans.** Recording, indexing and preserving plans, the sum of \$10;



**Sec. 29.** 33 MRSA § 751, sub-§ 10, as last amended by PL 1979, c. 666, § 4, is further amended to read:

**10. Municipal and unorganized territory tax liens.** Recording and indexing a municipal or unorganized territory tax lien filed in accordance with Title 36, section 942 or 1281, the sum of ~~\$\$~~ \$5, together with an additional ~~\$\$~~ \$5 for recording and indexing each discharge of a municipal or unorganized territory tax lien;

**Sec. 30.** 33 MRSA § 751, sub-§ 12, as last amended by PL 1977, c. 145, § 10, is further amended to read:

**12. District liens.** Receiving, recording and indexing any sewer or water district lien or discharge thereof, the sum of ~~\$\$~~ \$5 each;

**Sec. 31.** 33 MRSA § 751, sub-§ 13, as last amended by PL 1977, c. 422, § 1, is repealed and the following enacted in its place:

**13. Secured transactions.** For receiving, indexing and filing original, assignment, continuation, termination or other statements in secured transactions the sum of \$6 for the first record page and \$2 for each additional record page;

**Sec. 32.** 36 MRSA § 1281, last sentence, as amended by PL 1979, c. 666, § 31, is further amended to read:

The costs to be charged by the register of deeds for such filing shall not exceed ~~\$\$~~ \$5.

Effective September 18, 1981

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## CHAPTER 280

S. P. 522 — L. D. 1452

### AN ACT to Increase the Number of Signatures Required to Initiate Rule-making Proceedings under the Maine Administrative Procedure Act.

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

**Sec. 1.** 5 MRSA § 8055, sub-§ 3, last sentence, as enacted by PL 1979, c. 425, § 7, is amended to read:

Whenever a petition to adopt or modify a rule is submitted by ~~100~~ 150 or more persons registered voters of the State, the agency shall initiate appropriate rule-making proceedings within 60 days after receipt of the petition.