

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
OCTOBER 9, 1991

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1991

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**PUBLIC LAWS**

**OF THE**

**STATE OF MAINE**

**AS PASSED AT THE**

**FIRST REGULAR SESSION**

**of the**

**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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30-A MRSA c. 3, sub-c. I, art. 9 is enacted to read:

**Article 9**

**FRANKLIN COUNTY BUDGET**

**§871. Budget; appropriations; approval**

Notwithstanding sections 2, 701 and 702, in Franklin County the county commissioners may appropriate money, according to a budget which must be approved by a majority of the county commissioners.

**§872. Interim budget**

If the budget is not approved before the start of a fiscal year, until a budget is finally adopted, the county shall operate on an interim budget which may not exceed 80% of the previous year's budget.

**§873. Advisory committee**

There is established a Franklin County Budget Advisory Committee comprised as follows.

**1. Municipal officers.** Municipal officers within each commissioner district shall caucus and shall elect municipal officers from that district to fill vacancies as they arise, for terms as provided in paragraph A.

**A. Members shall serve for 3-year terms, except that initially each district caucus shall select one member for a one-year term, one member for a 2-year term and one member for a 3-year term. There must be 3 members from each commissioner district. If a committee member ceases to be a municipal officer during the term of membership, the committee member shall resign the membership and the next district caucus shall elect a qualified municipal officer to fill the membership for the remainder of the unexpired term.**

**2. Legislative member.** The Franklin County legislative delegation shall select one of the delegation's members to serve as a nonvoting member on the committee.

**3. Committee chair.** The committee shall select its own chair each year.

**§874. Budget procedures**

**1. Budget procedures.** The Franklin County commissioners shall submit itemized finance estimates in the form of a budget to the advisory committee no later than 60 days before the end of the county's fiscal year.

**2. Budget review process.** The advisory committee shall review the itemized estimated budget prepared by the county commissioners, together with any supplementary material prepared by the head of each county department

or provided by any independent board or institution or another governmental agency. The advisory committee shall prepare a proposed budget and may increase, decrease or alter the estimated budget as long as:

**A. The advisory committee enters into its minutes an explanation for any suggested change in the estimated expenditures and revenues as initially presented by the county commissioners; and**

**B. In the proposed budget, the total estimated revenues, together with the amount of county tax to be levied, equal the total estimated expenditures.**

**3. Public hearing.** The advisory committee shall hold a public hearing in the county on the proposed budget before the end of the county's fiscal year and before the final adoption of the budget. Notice of the hearing must be given in all newspapers of general circulation within the county at least 10 days before the hearing. Written notice and a copy of the proposed budget must be sent by mail, or delivered in person, to the clerk of each municipality in the county. The municipal clerk shall notify the municipal officials of the proposed budget.

**4. Finality of budget.** After the public hearing is completed, the advisory committee shall adopt a final budget and transmit that budget to the county commissioners. The county commissioners may not further increase, decrease, alter or revise the budget adopted by the advisory committee, except by unanimous vote of the county commissioners. If the adopted budget is changed by the county commissioners, the advisory committee may reject that change by a 2/3 vote of its membership. Those actions are final and are not subject to further action by either the county commissioners or the advisory committee.

**§875. Filing of final budget**

A copy of the final budget must be filed with the State Auditor on forms approved by the Department of Audit. The State Auditor shall retain the forms for 3 years.

**§876. Repeal**

This article is repealed on April 30, 1994, unless continued by act of the Legislature upon the review and recommendation of the joint standing committee of the Legislature having jurisdiction over state and local government matters.

See title page for effective date.

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**CHAPTER 496**

**H.P. 557 - L.D. 800**

**An Act to Protect the Public Health by  
Strengthening Maine's Radiation  
Protection Program**

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

Sec. 1. 22 MRSA §664, sub-§2, as enacted by PL 1987, c. 519, §1, is amended to read:

2. Monitoring. Each nuclear power plant licensee shall permit monitoring, for the purposes of this chapter, of the premises, equipment and materials, including source, special nuclear and by-product materials, in its possession or use, or subject to its control. For the purposes of this subsection, ~~monitoring~~ "monitoring" means observing the conduct of operations, including maintenance, quality assurance activities, the preparation, transportation and handling of radioactive waste, emissions monitoring, radiation protection and the observation of emergency preparedness tests and drills. Nothing in this chapter prohibits a State Nuclear Safety Inspector from participating in licensee training activities ~~which~~ that are scheduled for licensee personnel.

Sec. 2. 22 MRSA §674, sub-§4, ¶¶L and M, as enacted by PL 1987, c. 769, Pt. A, §69, are amended to read:

L. Shall establish and maintain a continuous radiation monitoring system to record the radioactive levels of gaseous and liquid discharges from any commercial nuclear power facility operating in the State; ~~and~~

M. Shall establish and maintain an off-site monitoring network to provide continuous monitoring of gamma radiation levels within the vicinity of any commercial nuclear power facility operating in the State. Portable off-site monitoring devices ~~shall~~ must be made available to members of the public to establish a network of volunteer monitors who shall report to the department their findings. For this purpose, the department shall make Geiger Rate meters available to 50 volunteer monitors. In addition to the placement of Geiger Rate meters, the department shall procure 20 Gamma Scintillation Detection Devices and place 16 of them in homes of members of the public who volunteer to participate in the program. The 4 additional devices ~~shall~~ must be maintained by the department in reserve. The volunteers with Gamma Scintillation Detection Devices ~~shall~~ must also be provided with 2-way radios so they can report their findings in the case of emergency. All volunteers ~~will~~ shall assist the department in its continuous monitoring network. All off-site monitoring devices ~~shall~~ must be geographically distributed throughout the surveillance area to provide the most effective monitoring network. The department shall adopt rules to provide for the selecting of the volunteers, the appropriate and accurate use of the meters and devices and the method and frequency of reporting to the department and other procedures necessary to implement the program: and

Sec. 3. 22 MRSA §674, sub-§4, ¶N is enacted to read:

N. Shall provide 24-hour-per-day coverage of existing radiation monitors through the use of a dialer-server computer system and the use of pagers.

Sec. 4. 22 MRSA §680, sub-§1, as amended by PL 1987, c. 882, §3, is further amended to read:

1. Nuclear power plants. The annual registration fee for operating nuclear power plants is ~~\$310,000~~ \$138,000 for the fiscal year ~~ending 1989~~, 1991-92 and \$100,000 ~~thereafter~~ per year in subsequent fiscal years.

Sec. 5. Radiation Monitoring Issues Committee. In addition to the ongoing duties described in the Maine Revised Statutes, Title 5, section 52, the State Nuclear Safety Advisor shall convene and chair a special committee to study certain issues relating to the monitoring of radiation emissions from any nuclear electricity generating station located within the State. In particular, the committee shall consider the adequacy of existing monitoring systems and evaluate the need for, and potential nature of, additional systems. The committee consists of one representative of the general public from the community surrounding any nuclear station, one representative from the scientific or medical community having knowledge of the effects of radiation on public health, the State Nuclear Safety Inspector and one representative of any nuclear station. The committee members, with the exception of the State Nuclear Safety Inspector, must be selected by the State Nuclear Safety Advisor. Committee members who are not state employees must be reimbursed for expenses in accordance with Title 5, chapter 379. The State Planning Office may include the costs of this special committee in calculating the amount of the fee assessed under Title 25, section 52, subsection 3. The committee shall prepare a report of its findings and recommendations and present that report to the Joint Standing Committee on Human Resources no later than January 1, 1992.

Sec. 6. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1991-92

EXECUTIVE DEPARTMENT

State Planning Office

All Other \$25,000

Provides for an allocation of funds for consultant services to assist the Radiation Monitoring Issues Committee in conducting a study of radiation monitoring systems.

EXECUTIVE DEPARTMENT  
 TOTAL \$25,000

HUMAN SERVICES, DEPARTMENT OF

Special Revenue - Health  
 Capital Expenditures \$38,000

Provides for an allocation of funds to purchase computer software and pagers necessary for 24-hour coverage of existing radiation monitors.

DEPARTMENT OF HUMAN SERVICES  
 TOTAL \$38,000

TOTAL ALLOCATIONS \$63,000

See title page for effective date.

**CHAPTER 497**

**H.P. 95 - L.D. 136**

**An Act to Enhance the Filing of Documents in the Registry of Deeds**

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

**Sec. 1. 33 MRSA §652**, as amended by PL 1973, c. 485, is repealed and the following enacted in its place:

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

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.

No plan may be accepted for recording unless all of the following criteria are met. The plan must:

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

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

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

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

**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.

Original plans must be recorded with a paper copy. The register shall permanently file the original and maintain the copy for public inspection. 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.

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.

**Sec. 2. 33 MRSA §751, sub-§1**, as amended by PL 1981, c. 279, §24, is further amended to read:

**1. Instruments generally.** Receiving, recording and indexing any deed or mortgage or any other instrument ~~which is entitled to 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 \$6 ~~8~~ for the first record page and \$2 for each additional record page or portion thereof of an additional record page. In addition, if more than 4 names are to be indexed, a fee of 25¢ ~~shall~~ must be paid for each additional name, counting all grantors and grantees;

**Sec. 3. 33 MRSA §751, sub-§1-A**, as amended by PL 1981, c. 279, §25, is repealed.

**Sec. 4. 33 MRSA §751, sub-§8**, as repealed and replaced by PL 1987, c. 645, §3, is repealed.

**Sec. 5. 33 MRSA §751, sub-§10**, as amended by PL 1981, c. 557, §3, is repealed.

**Sec. 6. 33 MRSA §751, sub-§12**, as amended by PL 1981, c. 279, §30, is repealed.

**Sec. 7. 33 MRSA §751, sub-§13**, as repealed and replaced by PL 1981, c. 279, §31, is repealed.

**Sec. 8. 33 MRSA §751, sub-§14**, as repealed and replaced by PL 1971, c. 321, is amended to read:

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

**Sec. 9. 33 MRSA §751, sub-§14-A**, as enacted by PL 1983, c. 795, §6, is repealed.