

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

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

Penmor Lithographers
Lewiston, Maine
2003

may work up to 8 hours on the last scheduled day of the school week;

E. More than 6 consecutive days;

F. After 10 p.m. on a day preceding a ~~school~~ day on which the minor's school is in session or after 12 midnight on a day that does not precede such a school day; or

G. Before 7 a.m. on a ~~school~~ day on which the minor's school is in session or before 5 a.m. on a ~~day that is not a school day~~ any other day.

See title page for effective date.

CHAPTER 54

H.P. 352 - L.D. 460

An Act To Encourage Dog Tracking of Wounded Big Game Animals

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

Sec. 1. 12 MRSA §7101, sub-§5, ¶N, as enacted by PL 1999, c. 467, §1 and affected by §5, is amended to read:

N. License to use leashed dogs to track wounded deer (Permits a person to use one or more leashed dogs to track a lawfully wounded deer, moose or bear) \$25

Sec. 2. 12 MRSA §7112 is enacted to read:

§7112. Tracking wounded animals with leashed dogs; fee for services

A person who holds a valid license issued under section 7101, subsection 5, paragraph N to use leashed dogs to track wounded big game animals may charge a fee for dog tracking services. Notwithstanding section 7001, subsection 13, a person is not a guide if the only services that person charges a fee for are dog tracking services pursuant to this section.

See title page for effective date.

CHAPTER 55

S.P. 325 - L.D. 984

An Act To Amend the Laws Governing Registers of Deeds

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

Sec. 1. 33 MRSA §651, as amended by PL 1965, c. 215, is repealed and the following enacted in its place:

§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.

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.

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.

Sec. 2. 33 MRSA §652, as amended by PL 2001, c. 667, Pt. C, §18, is further amended to read:

§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.

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, sealed or both, 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~~ 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.

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. 3. 33 MRSA §653, as repealed and replaced by PL 1983, c. 15, is repealed and the following enacted in its place:

§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.

Sec. 4. 33 MRSA §654 is amended to read:

§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 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 ~~books,~~ records properly indexed.

Sec. 5. 33 MRSA §654-A, as enacted by PL 1965, c. 425, §20-A, is repealed.

Sec. 6. 33 MRSA §660 is amended to read:

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

Sec. 7. 33 MRSA §662 is amended to read:

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

~~The aldermen municipal officers of any a city and the selectmen of any 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 said the city or town, to be recorded in the registry of deeds in the county or registry district wherein in which 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. The plans must be recorded and kept in accordance with the provisions of section 652.~~

Sec. 8. 33 MRSA §751, sub-§1, as amended by PL 1991, c. 497, §2, is further amended to read:

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 \$8 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 ~~25¢~~ \$1 must be paid for each additional name, counting all grantors and grantees;

Sec. 9. 33 MRSA §751, sub-§13-A is enacted to read:

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 \$8 for each additional previously recorded instrument referred to must be paid.

See title page for effective date.

CHAPTER 56

H.P. 369 - L.D. 477

An Act To Establish the Maine Week of Heroes

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

Sec. 1. 1 MRSA §146 is enacted to read:

§146. Maine Week of Heroes

Each political subdivision and school administrative unit is encouraged to observe a Maine Week of Heroes during the week, commencing on a Sunday and ending on the next following Saturday, within which September 11th occurs. The observance may include public proclamations, appropriate ceremonies and the introduction of curricula in school systems recognizing the efforts of heroic people in Maine communities, such as active duty military personnel, emergency medical technicians, firefighters, law enforcement officers, members of the National Guard, members of the United States Coast Guard, United States military veterans and all other heroes who have given their courageous service without regard for their own lives or personal safety to benefit the people of this great land and to serve the needs of the citizens of the State.

See title page for effective date.

CHAPTER 57

H.P. 412 - L.D. 527

An Act To Improve the Method of Reapportionment of School Boards

Emergency preamble. **Whereas**, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation changes the method of achieving necessary reductions in the number of directors of school administrative districts; and

Whereas, it is essential that this improved method be applied as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,