

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2003**

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,

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

**Sec. 1. 20-A MRSA §1255, sub-§10, ¶B,** as enacted by PL 1981, c. 693, §§5 and 8, is repealed and the following enacted in its place:

B. If the approved plan requires a reduction of the number of directors to be elected in a municipality, the reduction must be achieved in accordance with this paragraph.

(1) If possible, the reduction must be achieved by the voluntary resignation of one or more of the directors.

(2) If the reduction can not be achieved in accordance with subparagraph (1) and the plan is approved and filed less than 30 days prior to the annual municipal election, the number of open positions to be filled by the election process must be reduced to the number required by the approved plan.

(3) If the reduction can not be achieved in accordance with subparagraph (1) or (2), or a combination of the 2, all of the remaining existing directors representing the municipality shall choose by lot which directors' terms must terminate.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective April 18, 2003.

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**CHAPTER 58**

**H.P. 319 - L.D. 411**

**An Act To Provide Employees Fair Access to Personnel Files**

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

**Sec. 1. 26 MRSA §631,** as amended by PL 1999, c. 235, §1, is further amended to read:

**§631. Employee right to review personnel file**

The employer shall, upon written request from an employee or former employee, provide the employee, former employee or duly authorized representative with an opportunity to review and copy the employee's personnel file if the employer has a personnel file for that employee. The reviews and copying must take place at the location where the personnel files are maintained and during normal office hours unless, at the employer's discretion, a more convenient time and

location for the employee are arranged. In each calendar year, the employer shall provide, at no cost to the employee, one copy of the entire personnel file when requested by the employee or former employee and, when requested by the employee or former employee, one copy of all the material added to the personnel file after the copy of the entire file was provided. The cost of copying any other material requested during that calendar year is paid by the person requesting the copy. For the purpose of this section, a personnel file includes, but is not limited to, any formal or informal employee evaluations and reports relating to the employee's character, credit, work habits, compensation and benefits and nonprivileged medical records or nurses' station notes relating to the employee that the employer has in the employer's possession. Records in a personnel file may be maintained in any form including paper, microfiche or electronic form. The employer shall take adequate steps to ensure the integrity and confidentiality of these records. An employer maintaining records in a form other than paper shall have available to the employee, former employee or duly authorized representative the equipment necessary to review and copy the personnel file. Any employer who, following a request pursuant to this section, without good cause fails to provide an opportunity for review and copying of a personnel file, within 10 days of receipt of that request, is subject to a civil forfeiture of \$25 for each day that a failure continues. The total forfeiture may not exceed \$500. An employee, former employee or the Department of Labor may bring an action in the District Court or the Superior Court for such equitable relief, including an injunction, as the court may consider to be necessary and proper. The employer may also be required to reimburse the employee, former employee or the Department of Labor for costs of suit including a reasonable attorney's fee if the employee or the department receives a judgment in the employee's or department's favor, respectively. For the purposes of this section, the term "nonprivileged medical records or nurses' station notes" means all those materials that have not been found to be protected from discovery or disclosure in the course of civil litigation under the Maine Rules of Civil Procedure, Rule 26, the Maine Rules of Evidence, Article V or similar rules adopted by the Workers' Compensation Board or other administrative tribunals.

See title page for effective date.

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**CHAPTER 59**

**H.P. 129 - L.D. 170**

**An Act To Improve the Health and Safety of Young Workers**