

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 62

H. P. 72

House of Representatives, January 13, 1977

Reported by Mr. Gray from the Committee on Local and County Government, pursuant to H. P. 1477. Printed under Joint Rules No. 17.

EDWIN H. PERT, Clerk

Filed by the Joint Standing Committee on Local and County Government under Joint Rule No. 17, pursuant to House Paper 1477.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Revise the Salaries of County Officers.

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

Sec. 1. 18 MRSA § 251, 3rd ¶, 2nd sentence is amended to read:

They may make copies of wills, accounts, inventories, petitions and decrees and furnish the same to persons calling for them and may charge a reasonable fee for such service, which shall be deemed a fee for the use of the county.

Sec. 2. 18 MRSA § 256, first sentence is repealed and the following enacted in its place:

Any register of probate in this State may appoint, with the approval of the county commissioners, any person who is employed on a full-time basis in the probate office as the deputy register of probate for that county. The county commissioners shall approve the recommended appointment unless the appointment reduces the hours spent by the register in official duties below an average minimum of 32 hours a week. The deputy may perform any of the duties prescribed by law to be performed by the register of probate.

Sec. 3. 30 MRSA § 2, as last amended by PL 1975, c. 735, § 22, is repealed and the following enacted in its place:

§ 2. Salaries

1. County officers' salaries.

A. The county commissioners, county treasurers, sheriffs, judges of probate and registers of probate in the several counties shall receive annual salaries from the county treasury, in weekly or monthly payments, as follows:

(1) Androscoggin, Aroostook, Cumberland, Kennebec, Penobscot and York Counties :

(a) County commissioners, chairman,	\$ 4,800;
member,	4,000;
(b) County treasurer,	7,500;
(c) Sheriff,	13,500;
(d) Judge of probate,	8,500; and
(e) Register of probate,	8,500;

(2) Franklin, Hancock, Knox, Lincoln, Sagadahoc and Waldo Counties :

(a) County commissioners, chairman,	\$ 3,000;
member,	2,500;
(b) County treasurer,	4,800;
(c) Sheriff,	12,500;
(d) Judge of probate,	8,500; and
(e) Register of probate,	8,000;

(3) Somerset, Oxford, Piscataquis and Washington Counties :

(a) County commissioners, chairman,	\$ 3,000;
member,	2,500;
(b) County treasurer,	5,500;
(c) Sheriff,	12,500;
(d) Judge of probate,	8,500; and
(e) Register of probate,	8,000.

B. The registers of deeds in the several register districts shall receive annual salaries from the county treasury, in weekly or monthly payments, as follows :

- | | |
|---|--------------|
| (1) Androscoggin, Cumberland, Kennebec, Penobscot and York Counties, | \$9,100; |
| (2) Northern and Southern Districts of Aroostook County and Franklin, Hancock, Knox, Lincoln, Sagadahoc and Waldo Counties, | \$8,300; |
| (3) Eastern District of Oxford County and Somerset, Piscataquis and Washington Counties, | \$8,300; and |
| (4) Western District of Oxford County, | \$4,850. |

2. District Attorneys' salaries. The district attorney for each of the prosecutorial districts, as described in section 553-A, shall receive an annual salary of \$23,500. The district attorneys and their assistants shall receive their annual salaries from the State Treasury in biweekly payments on a date to be determined by the State Controller and in a sum which will, in a year aggregate, most nearly equal the annual salary.

3. Clerk hire and expenses. County commissioners shall allow to the officers, except clerks of courts, all office expense, clerk hire and travel which are necessary, just and proper to the performance of their duties. County commissioners shall not allow all or part of the requested clerk hire for the county treasurer or register of probate, if by doing so the hours spent in official duties by that officer would be reduced below an average minimum of

32 hours a week. Without limiting the generality of the foregoing, the county commissioners shall allow to sheriffs the cost of boarding, guarding and transporting prisoners, whether awaiting trial or after conviction, and whether acting within or outside the county.

The Chief Justice of the Supreme Judicial Court or his designee shall allow to clerks of court, for payment by the State, their office expenses, clerk hire and travel expenses which, in his opinion, are necessary, just and proper to the performance of their official duties. Clerks shall secure approval of these expenses at such time and in such manner as the Chief Justice or his designee shall direct.

4. Fees and charges.

A. County officers. The salaries mentioned in this section shall be in full compensation for the performance of all official duties by those officers and judges. All fees and charges of whatever nature which may be payable to any county officer, except clerks of court, shall be payable by them to the county treasurer for the use and benefit of the county. The fee payable to clerks of courts shall be payable by them as elsewhere provided by law or, in the absence of express provision, to the State. No county officer shall receive a private benefit from the labor of any person in the employ of the county.

B. Deputy sheriffs. All fees and charges of whatever nature which may be payable to any deputy sheriff shall be payable by him to the county treasurer for the use and benefit of the county, except that deputies not on a salary or per diem basis may receive and retain fees for the service of criminal or civil process.

Fees chargeable by sheriffs and their deputies for service of civil process shall be collected by them exclusively from the litigants. Fees chargeable by deputies not on salary or per diem for service of criminal process shall be approved by the respective district attorneys and paid by the respective county treasurers.

Sec. 4. 30 MRSA § 65 is enacted to read:

§ 65. Charges and rents

1. Publication charges. 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. The amount set shall not be less than the actual cost to the county of providing the publication service, including the actual cost of publication.

2. Rent for county housing. The county commissioners shall set the amount of rent to be charged the sheriff or jailer occupying the house or apartment connected with the county jail. The amount of rent shall be reasonable, but shall not be less than the actual cost of operating and maintaining the house or apartment, including the cost of any fuel and lights supplied by the county.

Sec. 5. 30 MRSA § 604 is repealed and the following enacted in its place:
§ 604. Salaries

County treasurers shall receive annual salaries as set forth in section 2. The deputy treasurer shall receive annual salaries as established by the treasurer and approved by the county commissioners.

Sec. 6. 30 MRSA § 651, as last amended by PL 1967, c. 277, is further amended by adding after the first sentence the following new sentence to read:

The county commissioners shall not approve the appointment of any deputy if the appointment would reduce the hours spent in official duties by the treasurer below an average minimum of 32 hours a week.

Sec. 7. 30 MRSA § 908 is repealed and the following enacted in its place:
§ 908. Salaries

The sheriffs of the several counties shall receive annual salaries as set forth in section 2. The salaries shall be in full compensation for services in attendance upon the Supreme Judicial Court and upon the Superior Court, as jailer, master or keeper of the jail in each county, for receiving and committing prisoners therein and for the service of all criminal and civil processes and the performance of all duties relating to the enforcement of all criminal laws. All actual and necessary expenses for travel and hotel bills within their respective counties and necessary incidental expenses as are just and proper, incurred in the performance of their public duties, including all necessary expense for aid in keeping the jails, shall be allowed by the respective boards of county commissioners of the counties and paid from the county treasuries.

Sec. 8. 30 MRSA § 958, as repealed and replaced by 1975, c. 274, is amended by adding at the end the following new paragraph:

All fees received by full-time deputies for the service of civil process shall be deemed fees for the use of the county and shall be paid to the county treasurer for the use and benefit of the county.

Sec. 9. 34 MRSA § 904 is repealed.

Sec. 10. Application. That part of section 3 of this Act that enacts Title 30, section 2, subsection 1, and reduces the statutory salaries of the chairman of the Aroostook county commissioners, the chairmen and members of the Cumberland and Hancock county commissioners, the chairman of the Lincoln county commissioners, the members, not including the chairman, of the Oxford county commissioners, the treasurers of Cumberland, Androscoggin and Hancock counties, the register of deeds of Cumberland county, the judge of probate of Cumberland, Kennebec and Penobscot counties and the register of probate of Cumberland county, shall not be applied to those officers until the beginning of the next term of office following the effective date of this Act.

STATEMENT OF FACT

This bill contains the recommended changes of the study of the salaries of county officers. The study was undertaken by the Local and County Govern-

ment Committee of the 107th Legislature under Study Order H. P. 1477. The committee also wrote a narrative report on its procedures, findings and recommendations.

The purpose of this bill is to create a rational system for determining the salaries of county officers and to set those salaries at an equitable level. The salaries contained in this bill were determined after a critical study of each of the county offices. The bill also removes the unevenly distributed non-salary compensation some county officers receive and places all officers in an exclusively salaried position. To reach an equitable and rational salary for each officer, this bill makes the following changes in present statutes:

1. Groups the counties into 3 categories, or in the case of registers of deeds, 4 categories, for the purpose of setting the statutory salaries;
2. Establishes the salaries of the county commissioners, county treasurer, sheriff, register of deeds, judge of probate and register of probate for each group of counties;
3. Requires that all fees received by the registers of probate and registers of deeds, including publication fees, are to be turned over to the county treasury;
4. Requires that all fees received by the sheriffs and all full-time deputies, including civil process fees, are to be turned over to the county treasury;
5. Repeals the statutory provisions requiring sheriffs or jailers to live on the jail premises and requires them to pay rent if they do live there;
6. Requires the treasurer or register of probate to work a minimum average of 32 hours a week if a deputy is appointed or clerks hired; and
7. Delays the effective date of any reductions in salary until the beginning of a new term following the effective date of the bill.

These recommendations are an integrated and rational basis for establishing these salaries and draw a fair balance between the need to provide an adequate level of compensation for the services required of each officeholder and the desire to not unduly burden the county taxpayer.