

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. 435

H. P. 371

House of Representatives, February 16, 1977

Reported by Mr. Henderson of Bangor from the Committee on Local and County Government. 2,000 copies printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk

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Sec. 2. 18 MRSA § 256, first ¶ is repealed and the following enacted in its place:

Any register of probate in this State may appoint a deputy register of probate for the county, with the approval of the county commissioners. The deputy may perform any of the duties prescribed by law to be performed by the register of probate. His signature as the deputy shall have the same force and effect as the signature of the register. The deputy shall give bond to the county for the faithful discharge of his duties in such sum and in the same manner as the register of probate. The deputy register shall act as register in the event of a vacancy or absence of the register, until the register resumes his duties or another is qualified as register. The deputy register shall receive an annual salary as established by the register and approved by the county commissioners.

Sec. 3. 30 MRSA § 2, as last amended by PL 1975, c. 735, § 22, is repealed and the following enacted in its place: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

C. 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. 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 § 3 is repealed.

Sec. 5. 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. 6. 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 an annual salary as established by the treasurer and approved by the county commissioners.

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 PL 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. 33 MRSA § 605, first ¶ is repealed and the following enacted in its place:

Each register may appoint a deputy register of deeds with the approval of the county commissioners; the deputy register shall be sworn. He shall give bond to the county for the faithful discharge of his duties in such sum as the county commissioners order and with such sureties as they approve in writing thereon. The premium of the bond shall be met by the county. The deputy register shall receive an annual salary as established by the register and approved by the county commissioners. In case of sickness, absence or any temporary disability of the register, such deputy shall make and sign for him all certificates and make all entries and minutes required to be signed or made by the register. Such certificates, entries and minutes shall be as valid as if made by the register.

Sec. 10. 34 MRSA § 904 is repealed.

Sec. 11. **Application.** That part of section 3 of this Act that enacts Title 30, section 2, subsection 1, and reduces the statutory salaries of 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 commissioner, 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. The reduction in the statutory salary of the chairman of the Aroostook county commissioners shall take effect on the effective date of this Act.

That part of section 3 of this Act that enacts Title 30, section 2, subsection 1, paragraph B, shall not authorize the reduction of the salaries of county treasurers below the statutory salaries established by Title 30, section 2 as in effect on January 1, 1977, until the beginning of the next term of office for the county treasurer following the effective date of this Act.

Notwithstanding Title 30, section 3, that part of section 3 of this Act that enacts Title 30, section 2, subsection 1 and increases the statutory salaries of county officers, shall be retroactive to January 1, 1977.