

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 752

H. P. 738

House of Representatives, March 10, 1977

Reported by Mr. Henderson from the Committee on Local and County Government, and 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Sec. 2. 18 MRSA § 256, first ¶ is repealed and the following enacted in its place: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Sec. 3. 30 MRSA § 2, as last amended by PL 1975, c. 735, § 22, is repealed and the following enacted in its place: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. The county commissioners, treasurers, sheriffs, judges of probate, registers of probate and registers of deeds in the

several counties shall receive annual salaries from the county treasury, in weekly or monthly payments, as follows:

A. Androscoggin County:

(1) Commissioners	
(a) Chairman	\$ 4,800
(b) Members	4,000
(2) Treasurer	8,125
(3) Sheriff	13,500
(4) Judge of probate	8,069
(5) Register of probate	8,500
(6) Register of deeds	9,100

B. Aroostook County:

(1) Commissioners	
(a) Chairman	\$ 7,778
(b) Members	4,000
(2) Treasurer	6,000
(3) Sheriff	13,500
(4) Judge of probate	7,500
(5) Register of probate	7,000
(6) Register of deeds	
(a) Northern District	9,500
(b) Southern District	9,500

C. Cumberland County:

(1) Commissioners	
(a) Chairman	\$ 6,192
(b) Members	6,192
(2) Treasurer	10,666
(3) Sheriff	13,000
(4) Judge of probate	12,861
(5) Register of probate	10,505
(6) Register of deeds	10,666

D. Franklin County:

(1) Commissioners	
(a) Chairman	\$ 3,000
(b) Members	2,500
(2) Treasurer	2,957
(3) Sheriff	12,500
(4) Judge of probate	8,500
(5) Register of probate	8,000
(6) Register of deeds	8,300

E. Hancock County:

(1) Commissioners	
(a) Chairman	\$ 4,062
(b) Members	3,722

(2) Treasurer	6,103
(3) Sheriff	8,939
(4) Judge of probate	7,521
(5) Register of probate	7,521
(6) Register of deeds	7,521
F. Kennebec County:	
(1) Commissioners	
(a) Chairman	\$ 4,286
(b) Members	3,917
(2) Treasurer	6,121
(3) Sheriff	10,010
(4) Judge of probate	9,871
(5) Register of probate	9,213
(6) Register of deeds	9,213
G. Knox County:	
(1) Commissioners	
(a) Chairman	\$ 2,112
(b) Members	2,112
(2) Treasurer	2,556
(3) Sheriff	7,279
(4) Judge of probate	6,431
(5) Register of probate	6,450
(6) Register of deeds	7,279
H. Lincoln County:	
(1) Commissioners	
(a) Chairman	\$ 2,549
(b) Members	1,912
(2) Treasurer	2,675
(3) Sheriff	12,000
(4) Judge of probate	7,179
(5) Register of probate	7,772
(6) Register of deeds	8,843
I. Oxford County:	
(1) Commissioners	
(a) Chairman	\$ 3,000
(b) Members	2,551
(2) Treasurer	3,589
(3) Sheriff	12,500
(4) Judge of probate	5,440
(5) Register of probate	8,000
(6) Register of deeds	
(a) Eastern District	8,300
(b) Western District	4,850
J. Penobscot County:	

(1) Commissioners

(a) Chairman	\$ 5,246
(b) Members	4,948
(2) Treasurer	6,145
(3) Sheriff	9,963
(4) Judge of probate	10,572
(5) Register of probate	8,778
(6) Register of deeds	9,375

K. Piscataquis County:

(1) Commissioners

(a) Chairman	\$ 2,368
(b) Members	1,965
(2) Treasurer	2,745
(3) Sheriff	8,950
(4) Judge of probate	6,860
(5) Register of probate	7,240
(6) Register of deeds	7,897

L. Sagadahoc County:

(1) Commissioners

(a) Chairman	\$ 1,903
(b) Members	1,903
(2) Treasurer	4,000
(3) Sheriff	9,341
(4) Judge of probate	7,369
(5) Register of probate	8,040
(6) Register of deeds	7,927

M. Somerset County:

(1) Commissioners

(a) Chairman	\$ 3,000
(b) Members	2,500
(2) Treasurer	5,500
(3) Sheriff	12,500
(4) Judge of probate	8,500
(5) Register of probate	8,000
(6) Register of deeds	8,300

N. Waldo County:

(1) Commissioners

(a) Chairman	\$ 1,860
(b) Members	1,860
(2) Treasurer	2,619
(3) Sheriff	8,422
(4) Judge of probate	7,239
(5) Register of probate	7,239
(6) Register of deeds	7,239

O. Washington County :

(1) Commissioners	
(a) Chairman	\$ 3,000
(b) Members	2,500
(2) Treasurer	6,885
(3) Sheriff	12,500
(4) Judge of probate	7,800
(5) Register of probate	7,721
(6) Register of deeds	7,721

P. York County :

(1) Commissioners	
(a) Chairman	\$ 3,182
(b) Member	3,182
(2) Treasurer	3,182
(3) Sheriff	11,200
(4) Judge of probate	8,875
(5) Register of probate	7,081
(6) Register of deeds	9,400.

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 duties 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. So much of sections 1, 3, 5, 7, 8 and 10 of this Act that enacts new provisions governing the retention of fees or charges by the register of probate or register of deeds, or enacts new provisions governing the housing of the sheriff or jailer on county jail premises and requiring rental payments, shall not apply to Knox County and the Knox County register of probate, register of deeds or sheriff, until January 1, 1978. The statutory provisions governing these issues, as they exist on July 1, 1977, shall govern Knox County and these officers until January 1, 1978.

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.

STATEMENT OF FACT

The purpose of this new draft is to replace the grouping of county officers' salaries with salaries set by each county. In addition, this new draft removes the requirement for minimum working hours for the register of probate and treasurer and delays the effective date for the loss of fees and free housing for the officers in Knox County. In other respects, this bill has the same purpose and intent as that of L. D. 62.