

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)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

(New Draft of H.P. 634, L.D. 785)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 1594

H.P. 1200

House of Representatives, May 12, 1983

Reported by Representative Roberts from the Committee on Local and County Government and printed under Joint Rule 2..

Original bill presented by Representative Armstrong of Wilton. Cosponsored by Representative Bonney of Falmouth and Representative Dexter of Kingfield.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-THREE

AN ACT Relating to the Appointment
of County Officials.

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

Sec. 1. 30 MRSA §101, as amended by PL 1975, c. 771, §308, is further amended by adding at the end a new paragraph to read:

In making the appointment, the Governor shall choose from any recommendations submitted to him by the county committee of the political party, if any, from which the appointment is to be made.

Sec. 2. 30 MRSA §103, as amended by PL 1975, c. 771, §309, is further amended by adding at the end a new paragraph to read:

1 In making the appointment, the Governor shall
2 choose from any recommendations submitted to him by
3 the county committee of the political party, if any,
4 from which the appointment is to be made.

5 Sec. 3. 30 MRSA §552, as amended by PL 1975, c.
6 771, §314, is further amended to read:

7 §552. Appointment of substitute on death or removal

8 Whenever the office of the district attorney
9 becomes vacant by reason of the death, permanent
10 incapacity, removal from office under section 455 or
11 removal from the prosecutorial district of the incum-
12 bent of the office, except as provided for in section
13 452, the Governor shall appoint a competent attorney,
14 a resident of the prosecutorial district affected and
15 enrolled in the same political party, if any, as the
16 district attorney who has vacated the office, to
17 serve as a substitute district attorney until the
18 first day of January in the year next following an
19 election for Representative.

20 In making the appointment, the Governor shall
21 choose from any recommendations submitted to him by
22 the county committee of the political party, if any,
23 from which the appointment is to be made.

24 Sec. 4. 30 MRSA §601, as amended by PL 1975, c.
25 771, §315, is further amended to read:

26 §601. Election; vacancy

27 A treasurer shall be elected for each county by
28 the legally qualified voters thereof. He shall be a
29 resident of such county and shall serve for a term of
30 4 years. Neither the Attorney General, county attor-
31 ney, clerk of courts, sheriff of the county nor any
32 of his deputies shall be county treasurer.

33 If a person so chosen declines to accept or a
34 vacancy occurs, the Governor may appoint a suitable
35 resident of the county who is enrolled in the same
36 political party, if any, as the person who has
37 declined to accept or vacated the office who, having
38 accepted the trust, given bond and been sworn, shall
39 be treasurer until the first day of January following

1 the next biennial election, at which said election a
2 treasurer shall be chosen for the remainder of the
3 term, if any; but in any event he shall hold office
4 until another is chosen and qualified.

5 In making the appointment, the Governor shall
6 choose from any recommendations submitted to him by
7 the county committee of the political party, if any,
8 from which the appointment is to be made.

9 Sec. 5. 33 MRSA §601, as amended by PL 1981, c.
10 698, §166, is further amended to read:

11 §601. Election of register; vacancies

12 A register of deeds shall be elected for each
13 county and in each registry district by the legally
14 qualified voters thereof, who shall serve for a term
15 of 4 years.

16 Vacancies shall be filled for the unexpired term
17 by election as provided for in section 602 at the
18 next November election after their occurrence. In the
19 meantime, the Governor may fill vacancies by appoint-
20 ment, and the person so appointed shall be enrolled
21 in the same political party, if any, as the register
22 who has vacated the office and shall hold his office
23 until the first day of January, next after the elec-
24 tion last mentioned. Until a vacancy is filled by
25 appointment by the Governor, the deputy register
26 shall serve as acting register as provided in section
27 605.

28 In making the appointment, the Governor shall
29 choose from any recommendations submitted to him from
30 the county committee of the political party, if any,
31 from which the appointment is to be made.

32 STATEMENT OF FACT

33 The purpose of the original bill was to insure
34 that replacements for county officials who vacate
35 their offices are affiliated with the same political
36 party as the officials they are replacing. The orig-
37 inal bill, however, sought to enact a general provi-
38 sion to this effect.

1 This new draft amends current sections of the
2 statutes that already address vacancies in county
3 offices. References to certain county officials are
4 omitted from this new draft: Vacancies in the offi-
5 ces of Judge of Probate, register of probate and
6 sheriff are filled according to provisions of the
7 Constitution of Maine and therefore may not be
8 changed by statute. Appointments of county commis-
9 sioners by the Governor must already be made with
10 regard to party enrollment, Title 30, sections 101
11 and 103, but a new paragraph is added to each of
12 these sections requiring commissioner appointments to
13 be made from those suggested by the county committee
14 of the relevant political party. This new draft also
15 addresses filling vacancies in the offices of dis-
16 trict attorney, treasurer and register of deeds. The
17 new draft requires the Governor to choose appointees
18 to these offices from those recommended to him by the
19 county committee of the political party, if any, in
20 which the person vacating the office was enrolled.

21

3694050583