

MAINE STATE LEGISLATURE

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1 (New Draft of H.P. 1052, L.D. 1396)
2 (New Title)

3 FIRST REGULAR SESSION
4

5 ONE HUNDRED AND ELEVENTH LEGISLATURE
6

7 Legislative Document

No. 1727

8
9 H.P. 1303

House of Representatives, June 3, 1983

10 Reported by the Majority from the Committee on Local and County
11 Government and printed under Joint Rule 2.

12 Original bill presented by Representative McHenry of Madawaska.
Cosponsored by Representative Bost of Orono.

EDWIN H. PERT, Clerk

13
14 STATE OF MAINE
15

16 IN THE YEAR OF OUR LORD
17 NINETEEN HUNDRED AND EIGHTY-THREE
18

19 AN ACT to Permit Appointment of Registers
20 of Deeds and to Involve the County Budget
21 Committee in Certain Proposed Appointments.
22

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

25 Sec. 1. 30 MRSA §606, sub-§2, as enacted by PL
26 1981, c. 419, is amended to read:

27 2. County officers' or county budget committee's
28 decision. Notwithstanding sections 601 and 602, the
29 county officers or the county budget committee may
30 decide to abolish the position of elected county
31 treasurer and replace it with an appointed county
32 treasurer. If the county officers initiate this ac-
33 tion, it must be approved by the county budget com-
34 mittee. This decision shall not be effective until

1 approved by the voters of the county under the proce-
2 dures set forth in subsection 6.

3 Sec. 2. 30 MRSA §606, sub-§6, as enacted by PL
4 1981, c. 419, is amended to read:

5 6. Election procedure. Within 30 days after a
6 decision under subsection 2 or the receipt of a cer-
7 tificate or final determination of sufficiency under
8 subsection 5, the county officers shall by order
9 submit the question of the abolition of the position
10 of elected county treasurer and its replacement with
11 an appointed county treasurer to the voters of the
12 county at the next regular or special statewide elec-
13 tion. The question to be submitted to the voters, if
14 the question is initiated under subsection 2, shall
15 be in substance as follows:

16 "Shall the position of elected county treasurer
17 be abolished as recommended by the county budget
18 committee and replaced with a treasurer appointed
19 by the county officers?"

20 The question to be submitted to the voters, if the
21 question is initiated under subsection 3, shall be in
22 substance as follows:

23 "Shall the position of elected county treasurer
24 be abolished and replaced with a treasurer
25 appointed by the county officers?"

26 Upon an affirmative vote by a majority of those
27 voting on this question, the position of elected
28 county treasurer shall be abolished after the term of
29 the current elected county treasurer expires and the
30 county officers shall appoint a treasurer under
31 section 607.

32 Sec. 3. 30 MRSA §607, as enacted by PL 1981, c.
33 419, is amended to read:

34 §607. Term; qualification; compensation of appointed
35 treasurer

36 Upon abolition of the position of elected county
37 treasurer under section 606, the county officers
38 shall appoint a treasurer to serve at their pleasure

1 and, notwithstanding section 604, with the compensa-
2 tion ~~they set~~ shall be established and appropriated
3 as part of the annual county budget process as de-
4 scribed in section 252. The treasurer shall be quali-
5 fied in matters of business administration and
6 finance. The appointed treasurer shall have all
7 authority granted to treasurers under this subchapter
8 and be subject to all requirements of this subchap-
9 ter.

10 Sec. 4. 33 MRSA §§602-A and 602-B are enacted to
11 read:

12 §602-A. Creation of position of appointed register
13 of deeds

14 1. Definition of county officers. For the pur-
15 poses of this section and section 602-B, "county
16 officers" has the meaning set forth in Title 30,
17 section 1502, subsection 1.

18 2. County officers' of county budget committee's
19 decision. Notwithstanding sections 601 and 602, the
20 county officers or the county budget committee may
21 decide to abolish the position of elected register of
22 deeds and replace it with an appointed register of
23 deeds. If the county officers initiate this action,
24 it must be approved by the county budget committee.
25 This decision shall not be effective until approved
26 by the voters of the county under the procedures set
27 forth in subsection 6.

28 3. Alternative method initiative. On the writ-
29 ten petition of a number of voters equal to at least
30 10% of the number of votes cast in the county at the
31 last gubernatorial election, the county officers
32 shall, by order, provide for the abolition of the
33 position of elected register of deeds and its re-
34 placement with an appointed register of deeds in the
35 form and manner provided in this section and section
36 602-B.

37 4. Petition procedure. The petition procedure
38 set forth in Title 30, section 1551, subsection 3,
39 shall be used in the alternative method set out in
40 subsection 3, except that the legend at the top of
41 each petition form shall read as follows:

1 "County of.....
2 Each of the undersigned voters respectively
3 requests the county officers to abolish the posi-
4 tion of elected register of deeds and replace it
5 with a register of deeds appointed by the county
6 officers."

7 5. Procedure after filing. The procedure after
8 the petition is filed shall be the same as that set
9 forth in Title 30, section 1551, subsection 4.

10 6. Election procedure. Within 30 days after a
11 decision under subsection 2 or the receipt of a cer-
12 tificate or final determination of sufficiency under
13 subsection 5, the county officers shall by order
14 submit the question of the abolition of the position
15 of elected register of deeds and its replacement with
16 an appointed register of deeds to the voters of the
17 county at the next regular or special statewide elec-
18 tion. The question to be submitted to the voters, if
19 the question is initiated under subsection 2, shall
20 be in substance as follows:

21 "Shall the position of elected register of deeds
22 be abolished as recommended by the county budget
23 committee and replaced with a register of deeds
24 appointed by the county officers?"

25 The question to be submitted to the voters, if the
26 question is initiated under subsection 3, shall be in
27 substance as follows:

28 "Shall the position of elected register of deeds
29 be abolished and replaced with a register of
30 deeds appointed by the county officers?"

31 Upon an affirmative vote by a majority of those
32 voting on this question, the position of elected
33 register of deeds shall be abolished after the term
34 of the current elected register of deeds expires and
35 the county officers shall appoint a register of deeds
36 under section 602-B.

37 §602-B. Term; qualification; compensation of
38 appointed register of deeds

1 Upon abolition of the position of elected regis-
2 ter of deeds under section 602-A, the county officers
3 shall appoint a register of deeds to serve at their
4 pleasure and, notwithstanding section 604, the com-
5 penensation shall be established and appropriated as
6 part of the annual county budget process as described
7 in Title 30, section 252. The appointed register of
8 deeds shall have all authority granted to registers
9 under this chapter and be subject to all requirements
10 of this chapter.

11

STATEMENT OF FACT

12 This new draft amends existing statutes providing
13 for a referendum on abolishing the position of
14 elected county treasurer and replacing it with an
15 appointed county treasurer. The new draft requires
16 approval by the county budget committee before the
17 question of abolishing the position of elected county
18 treasurer can be submitted to the voters if the ques-
19 tions is initiated by the county officers. The
20 salary of an appointed county treasurer is to be set
21 as part of the county budget committee process.

22 This new draft also establishes a statutory
23 mechanism for putting out to referendum the question
24 of abolishing the position of elected register of
25 deeds and replacing it with an appointed register of
26 deeds. The procedures are similar to those already
27 in statute concerning appointed county treasurers.

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