

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)



115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1315

H.P. 918

House of Representatives, March 27, 1991

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

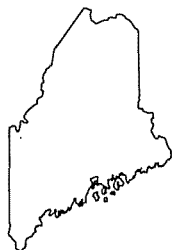
EDWIN H. PERT, Clerk

Presented by Representative BUTLAND of Cumberland.
Cosponsored by Representative HASTINGS of Fryeburg and Senator CARPENTER of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Improve the Efficiency of County Government.



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

2
4 **Sec. 1. 18-A MRSA §1-501, first ¶**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

6 Registers of probate are elected ~~or~~ appointed as ~~provided in~~
8 ~~the Constitution by the county commissioners. Their election is~~
10 ~~effected and determined as is provided respecting county~~
12 ~~commissioners by Title 30-A, chapter 1, subchapter II, and they~~
14 ~~enter upon the discharge of their duties on the first day of~~
16 ~~January following, but the term of those appointed to fill~~
18 ~~vacancies commences immediately. All registers, before acting,~~
20 ~~shall give bond to the treasurer of their county with sufficient~~
22 ~~sureties in the sum of \$2,500, except that this sum shall be is~~
24 ~~\$10,000 for Cumberland County. Every register, having executed~~
26 ~~such bond, shall file it in the office of the clerk of the county~~
28 ~~commissioners of his the register's county, to be presented to~~
30 ~~them at their next meeting for approval. After the bond has been~~
32 ~~so approved, the clerk shall record it and certify the fact~~
34 ~~thereon that approval, and retaining a copy thereof, deliver the~~
36 ~~original to the register, who shall deliver it to the treasurer~~
38 ~~of the county within 10 days after its approval, to be filed in~~
40 ~~his the treasurer's office.~~

24 **Sec. 2. 30-A MRSA §151, first ¶**, as amended by PL 1989, c. 104,
26 Pt. C, §§8 and 10, is repealed and the following enacted in its
28 place:

30 The county commissioners of each county shall appoint a
32 county treasurer.

32 **Sec. 3. 30-A MRSA §151, sub-§§2 and 3**, as amended by PL 1989,
34 c. 104, Pt. C, §§8 and 10, are repealed.

34 **Sec. 4. 30-A MRSA §152**, as amended by PL 1989, c. 104, Pt. C,
36 §§8 and 10, is repealed.

38 **Sec. 5. 30-A MRSA §153**, as amended by PL 1989, c. 104, Pt. C,
40 §§8 and 10, is further amended to read:

42 **§153. Bond required**

44 The person elected ~~under section 152~~ appointed and accepting
46 the office of county treasurer shall give bond to the county for
48 the faithful discharge of duties in the sum ordered by the
50 commissioners and with such sureties as they approve in writing
on the bond.

50 **Sec. 6. 30-A MRSA §156**, as amended by PL 1989, c. 104, Pt. C,
§§8 and 10, is repealed.

2 **Sec. 7. 33 MRSA §601**, as amended by PL 1989, c. 502, Pt. B,
§40, is further amended to read:

4 **§601. Appointment of register; vacancies**

6 A register of deeds shall ~~be elected~~ is appointed for each
7 county and in each registry district by the ~~legally-qualified~~
8 ~~voters thereof, who shall serve for a term of 4 years~~ county
commissioners.

10 Vacancies shall must be filled ~~for the unexpired term~~ by
12 ~~election as provided for in section 602 at the next general~~
14 ~~election, as defined in Title 21-A, section 1, subsection 19,~~
~~after their occurrence~~ appointment by the county commissioners.
16 ~~In the meantime, the Governor may fill vacancies by appointment,~~
18 ~~and the person so appointed shall hold office until the first day~~
~~of January next after the election.~~ Until a vacancy is filled by
20 appointment by the Governor county commissioners, the deputy
register shall serve as acting register as provided in section
605.

22 **Sec. 8. 33 MRSA §602**, as amended by PL 1985, c. 614, §28, is
repealed.

24 **Sec. 9. 33 MRSA §609**, as amended by PL 1981, c. 502, Pt. B,
26 §41, is further amended to read:

28 **§609. Successors may complete records and grant certificates**

30 The newly appointed ~~ex-elected~~ register or any successor
32 within 5 years after the original vacancy occurred shall
complete, compare and certify any unfinished record or
34 certificate required by law and make all requisite certificates
upon deeds and other papers recorded, which the removed
predecessor should have done if such records and certificates had
36 been completed by the predecessor, which certificates ~~shall be~~
are as effectual in law as if made by the predecessor; for doing
38 this, the minutes made by the predecessor upon such deeds or
other papers and the entries made by the predecessor in the books
40 required to be kept for such purposes ~~shall be~~ are sufficient
authority. If payment for such services has been made to the
42 predecessor, the newly appointed ~~ex-elected~~ register or any
successor shall must be paid for them out of the county treasury,
44 and the former register and the former register's sureties shall
refund such payments to the county treasury, to be recovered by a
46 civil action upon the former register's official bond.

48 **Sec. 10. Application.** This Act applies to registers of
probate, registers of deeds and county treasurers who are
50 appointed to fill the vacancies created by the expired terms of
registers of probate, registers of deeds and county treasurers in
52 office on the effective date of this Act.

2

STATEMENT OF FACT

4

6 Current law requires that registers of probate, county
treasurers and registers of deeds are elected by the voters of
the State. This bill changes the law so these positions are
8 filled by appointment by the county commissioners.