

# MAINE STATE LEGISLATURE

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12 & S.

L.D. 157

DATE: April 8, 1997

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STATE AND LOCAL GOVERNMENT

Reported by: Majority

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STATE OF MAINE
SENATE
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 47, L.D. 157, Bill, "An Act to Impose a Surcharge on Documents Recorded in a Registry of Deeds to Fund Preservation of Registry Documents"

Amend the bill by inserting after the title and before the enacting clause the following:

'Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.'

Further amend the bill in section 1 in that part designated "\$752." by striking out all of subsection 1 and inserting in its place the following:

'1. Surcharge. In addition to any other fees required by law, a register of deeds shall collect a surcharge of \$3 per document for all records that are recorded in the registry of deeds, except those recorded by agencies of State Government and municipalities.'

Further amend the bill in section 1 in that part designated "\$752." by inserting after subsection 3 the following:

'4. Repeal. This section is repealed January 1, 2002.'

Further amend the bill by inserting at the end before the summary the following:

COMMITTEE AMENDMENT

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**FISCAL NOTE**

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The requirement that a registry of deeds collect a surcharge represents a state mandate pursuant to the Constitution of Maine. The additional county costs associated with establishing and administering the surcharge are expected to be minor. Pursuant to the mandate preamble, the 2/3 vote of all members elected to each House exempts the State from the constitutional requirement to fund 90% of the additional local costs.'

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**SUMMARY**

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The bill establishes a surcharge for documents recorded in a registry of deeds to be used to fund the restoration, re-creation and preservation of records in the offices of registers of deeds. This majority amendment exempts documents filed by state agencies and municipalities from that requirement, repeals the surcharge established in the bill on January 1, 2002 and adds a mandate preamble and a fiscal note to the bill.

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