

# MAINE STATE LEGISLATURE

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R. of S.

C

L.D. 1092

DATE: 5/6/5

(Filing No. H-269)

STATE AND LOCAL GOVERNMENT

Report C

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
122ND LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "B" to H.P. 745, L.D. 1092, Bill, "An Act To Increase County Filing Fees"

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, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 33 MRSA §753 is enacted to read:

§753. Registry of deeds surcharge

1. Surcharge. In addition to any other fees required by law, a register of deeds shall collect a surcharge of \$6 per document for each document recorded in the registry of deeds except documents recorded by agencies of State Government and municipalities.

R.O.S.

COMMITTEE AMENDMENT "B" to H.P. 745, L.D. 1092

2 2. New Century Community Program account. One half of the  
3 surcharge imposed in subsection 1 must be transferred to the  
4 Treasurer of State, who shall deposit the money in a separate  
5 nonlapsing account within 30 days of receipt. Money in the  
6 account is not available for use as general revenue of the  
7 State. Interest earned on the account must be credited to the  
8 account. The money in the account must be used by the Maine  
9 State Cultural Affairs Council for the New Century Community  
10 Program established in Title 27, section 558.

11 3. Retention amount. One half of the surcharge imposed  
12 pursuant to subsection 1 is retained by the county.

13 **Sec. 2. Appropriations and allocations.** The following  
14 appropriations and allocations are made.

15 **CULTURAL AFFAIRS COUNCIL, MAINE STATE**

16 **New Century Program Fund 0904**

17 Initiative: Provides ongoing funds for grants to communities.

18	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2005-06</b>	<b>2006-07</b>
19	All Other	\$975,000	\$1,300,000
20		<hr/>	<hr/>
21	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$975,000</b>	<b>\$1,300,000'</b>

22 **SUMMARY**

23 This amendment is the minority report. It adds a mandate  
24 preamble. It replaces the bill and imposes a \$6 surcharge on  
25 fees for recording documents in the registry of deeds, half of  
26 which is retained by the county and half of which is used to  
27 provide funding for the New Century Community Program. The New  
28 Century Community Program provides seed money grants to  
29 communities, with a local match, for the preservation of  
30 archives, historic records, artifacts and libraries and related  
31 structures. The amendment also adds an appropriations and  
32 allocations section.

33 **FISCAL NOTE REQUIRED**  
34 (See attached)



# 122nd MAINE LEGISLATURE

LD 1092

LR 1779(03)

## An Act To Increase County Filing Fees

Fiscal Note for Bill as Amended by Committee Amendment "B"

Committee: State and Local Government

Fiscal Note Required: Yes

Minority Report

### Fiscal Note

#### Exempted State Mandate

	2005-06	2006-07	Projections 2007-08	Projections 2008-09
<b>Appropriations/Allocations</b>				
Other Special Revenue Funds	\$975,000	\$1,300,000	\$1,300,000	\$1,300,000
<b>Revenue</b>				
Other Special Revenue Funds	\$975,000	\$1,300,000	\$1,300,000	\$1,300,000

#### State Mandate

##### New or Expanded Activity

Requiring the Register of Deeds to impose a \$6 surcharge for all documents that are recorded in the county registry of deeds except those recorded by agencies of state government and municipalities is a state mandate pursuant to the Constitution of Maine. The additional costs to administer the county surcharge can not be determined at this time. Pursuant to the Mandate Preamble, the two-thirds vote of all members elected to each House exempts the State from the constitutional requirement to fund 90% of the additional local costs.

##### Unit Affected

County

##### Costs

Significant

#### Fiscal Detail and Notes

It is estimated that the annualized revenue derived from the state receiving half of the proposed \$6 surcharge on certain registry of deeds documents will be approximately \$975,000 for fiscal year 2005-06 and \$1,300,000 in fiscal year 2006-07. An equal amount will be retained by the counties. This estimate is based on 2003 data and it is anticipated that the Treasurer of State will experience a one month lag in receipt of revenue.

This bill includes Other Special Revenue Funds allocations of \$975,000 in fiscal year 2005-06 and \$1,300,000 in fiscal year 2006-07 for the New Century Grant Program within the Maine State Cultural Affairs Council to provide grants to communities.