

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)



123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 130

H.P. 122

House of Representatives, January 9, 2007

An Act To Allow County Commissioners To Appoint Registers of Deeds

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative HOTHAM of Dixfield.
Cosponsored by Senator COURTNEY of York and
Representatives: HAYES of Buckfield, SAVIELLO of Wilton, TARDY of Newport.

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

2 **Sec. 1. 33 MRSA §612** is enacted to read:

3 **§612. Creation of position of appointed county register of deeds**

4 **1. County commissioners' decision.** Notwithstanding sections 601 and 602, the
5 county commissioners may decide to change the county register of deeds position from
6 elected to appointed. This decision is not effective until approved by the voters of the
7 county under subsection 3.

8 **2. Alternative method; petition by voters.** As an alternative to the procedure in
9 subsection 1, on the written petition of a number of voters equal to at least 10% of the
10 number of votes cast in the county at the last gubernatorial election, the county
11 commissioners, by order, shall provide for changing the county register of deeds position
12 from elected to appointed in the form and manner provided in this section.

13 **A.** The petition procedure of Title 30-A, section 1321, subsection 3 must be used,
14 except that the legend at the top of each petition form must read as follows:

15 "County of

16 Each of the undersigned voters respectively requests the county commissioners to
17 change the county register of deeds position from elected to appointed by the
18 county commissioners."

19 **B.** The procedure after the petition is filed is the same as that under Title 30-A,
20 section 1321, subsection 4.

21 **3. Election procedure.** Within 30 days after a decision under subsection 1 or the
22 receipt of a certificate or final determination of sufficiency under subsection 2, paragraph
23 B, the county commissioners, by order, shall submit the question of changing the county
24 register of deeds position from elected to appointed to the voters of the county at the next
25 regular or special statewide election. The question to be submitted to the voters must be
26 in substance as follows:

27 "Do you favor changing the county register of deeds position from elected to
28 appointed by the county commissioners?"

29 If a majority of those voting on this question vote in the affirmative, the position of
30 elected county register of deeds is changed after the term of the current elected county
31 register of deeds expires, and the county commissioners shall appoint a register of deeds
32 under subsection 4.

33 **4. Term; compensation; authority.** Upon changing the position of elected county
34 register of deeds under this section, the county commissioners shall appoint a register of
35 deeds to serve at their will and, notwithstanding section 604, with the compensation they
36 set. The appointed register of deeds has all authority granted to registers of deeds under
37 this chapter and is subject to all the requirements of this chapter.

SUMMARY

1

2

3

4

5

This bill allows county commissioners to change the position of elected register of deeds to appointed register of deeds. It follows the process available to commissioners to replace elected treasurers with appointed treasurers by requiring a countywide vote on the question.