

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1499

H.P. 1100

House of Representatives, April 20, 2011

An Act Concerning Fees for Users of County Registries of Deeds

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Received by the Clerk of the House on April 15, 2011. Referred to the Committee on State and Local Government pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative COTTA of China.
Cosponsored by Senator KATZ of Kennebec and
Representatives: BURNS of Alfred, HANLEY of Gardiner, MALABY of Hancock,
MORISSETTE of Winslow, SARTY of Denmark, WEBSTER of Freeport.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** the registry of deeds offices provide a valuable public service in recording
4 and maintaining the land records of the State; and

5 **Whereas,** current law allows the county commissioners to set fees for copying at
6 only the cost of providing the copies; and

7 **Whereas,** the cost to the counties to maintain the information and to make it
8 accessible cannot be adequately reimbursed by fees defined by copying cost; and

9 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
10 the meaning of the Constitution of Maine and require the following legislation as
11 immediately necessary for the preservation of the public peace, health and safety; now,
12 therefore,

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

14 **Sec. 1. 33 MRSA §751, sub-§14,** as amended by PL 2009, c. 575, §2, is further
15 amended to read:

16 **14. Abstracts and copies.** Making abstracts and copies from the records, a
17 reasonable fee as determined by the county commissioners for each category of abstracts
18 and copies, such as paper copies, attested copies, copies obtained online and bulk
19 transfers of copies. In setting a reasonable fee for each category of abstracts and copies,
20 the commissioners shall consider the revenue needs of the county and factors relating to
21 the cost of producing and making copies available, which may include, but are not limited
22 to: the cost of depleted supplies; records storage media costs; actual mailing and
23 alternative delivery costs or other transmitting costs; amortized infrastructure costs; any
24 direct equipment operating and maintenance costs; costs associated with media
25 processing time; personnel costs, including actual costs paid to private contractors for
26 copying services; contract and contractor costs for database maintenance and for online
27 provision and bulk transfer of copies in a manner that protects the security and integrity
28 of registry documents; and a reasonable rate for the time a computer server is dedicated to
29 fulfilling the request; and

30 **Sec. 2. Retroactivity.** Notwithstanding the Maine Revised Statutes, Title 1,
31 section 302, this Act applies to any appeal from the Superior Court to the Supreme
32 Judicial Court filed on or after February 1, 2011 and applies retroactively to September 1,
33 2009.

34 **Emergency clause.** In view of the emergency cited in the preamble, this
35 legislation takes effect when approved.

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SUMMARY

This bill allows county commissioners to consider the revenue needs of the county in establishing reasonable fees for copies and abstracts provided by the registry of deeds offices.