

MAINE STATE LEGISLATURE

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5/16/18

L.D. 1679

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STATE AND LOCAL GOVERNMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1167, L.D. 1679, Bill, "An Act To Authorize the Oxford County Commissioners To Close the Western District Registry of Deeds"

Amend the bill by striking out the title and substituting the following:

'An Act Regarding the Registry of Deeds in Oxford County'

Amend the bill by striking out everything after the title and before the summary and inserting the following:

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

Whereas, this legislation affects the position of register of deeds for Oxford County and eliminates the position of western district register of deeds in Oxford County; and

Whereas, it is necessary that certain provisions of this legislation take effect immediately to ensure the Oxford County general elections in November 2018, and the associated June 2018 primary elections, are conducted in accordance with elimination of the western district register of deeds effective December 31, 2018; and

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

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

Sec. 1. 33 MRSA §702 is amended to read:

§702. Western district office in Oxford County

The Towns of Hiram, Porter, Brownfield, Denmark, Fryeburg, Sweden, Lovell, Stoneham and Stowe Stow, in the County of Oxford, compose the western registry district of Oxford County and the register shall keep his the register's office at Fryeburg.

COMMITTEE AMENDMENT

1 This section is repealed December 31, 2018.

2 **Sec. 2. Register of deeds in Oxford County; November 2018 election.**
3 Notwithstanding the Maine Revised Statutes, Title 33, section 602, at the November 2018
4 general election, the legally qualified voters of Oxford County shall elect a single register
5 of deeds for Oxford County to a 4-year term, and there may not be an election for a
6 register of deeds for the western registry district of Oxford County described in Title 33,
7 section 702.

8 **Sec. 3. Western registry district transition; western subregistry.** The
9 register of deeds of the western registry district of Oxford County and the western district
10 office in the Town of Fryeburg shall continue to operate and function as provided in the
11 Maine Revised Statutes, Title 33, section 702 until December 31, 2018. Effective
12 January 1, 2019, the Oxford County register of deeds shall maintain a western subregistry
13 of deeds that maintains all records of the former western registry district. Except as
14 provided in section 4 of this Act, the Oxford County register of deeds shall operate a
15 western subregistry office in the Town of Fryeburg at the same location as the former
16 western registry district office and the office must be open for recording and research
17 activities during normal business hours.

18 **Sec. 4. Conditions for closure of Oxford County western subregistry.** The
19 Oxford County Commissioners may close the western subregistry office in the Town of
20 Fryeburg only if the commissioners have completed the following:

21 1. Conducted at least 2 public hearings in the area covered by the towns of Hiram,
22 Porter, Brownfield, Denmark, Fryeburg, Sweden, Lovell, Stoneham and Stow; these
23 hearings must be conducted at least 90 days prior to the vote conducted pursuant to
24 subsection 2;

25 2. Voted to close the western subregistry office in Fryeburg on a date certain;

26 3. Duplicated all historical maps and plot plans on display or available at the western
27 subregistry office and offered and provided copies of those maps and plot plans to
28 member towns for display or for the towns to make them available at their town offices;

29 4. Made provisions for the preservation of, and public access to, the record books of
30 the western subregistry of deeds;

31 5. Provided online access to all files and documents of the Oxford County registry of
32 deeds and the western subregistry of deeds;

33 6. Made available electronic recording of documents in the Oxford County registry of
34 deeds and the western subregistry of deeds; and

35 7. Provided electronic recording of documents at no additional cost or surcharge to
36 the municipal governments in Oxford County.

37 **Emergency clause.** In view of the emergency cited in the preamble, this
38 legislation takes effect when approved.'

SUMMARY

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This amendment replaces the bill, which authorizes the Oxford County commissioners to close the office of the western district register of deeds in Fryeburg. Instead, the amendment does the following.

1. It repeals the provision of law providing for the Oxford County western registry district and eliminates the associated position of western district register of deeds effective December 31, 2018.

2. It provides for the election of a single register of deeds to serve all of Oxford County at the next general election in November 2018.

3. It specifies that the current register of deeds of the western district and the western district office operate and function without change between the effective date of this legislation and the repeal date of December 31, 2018. It requires that, effective January 1, 2019, the Oxford County register of deeds maintain a western subregistry of deeds that includes all records of the former western registry district. It also requires that the county register of deeds operate a subregistry office at the location of the former western registry district office in Fryeburg, unless the Oxford County commissioners fulfill certain requirements; upon doing so the county commissioners may close the Fryeburg office. These requirements are that the county commissioners: conduct 2 public hearings in the area served by the office; vote to close the office on a date certain; duplicate all historical maps and plot plans and provide copies to the member towns; make provisions for preservation of and access to the record books; provide online access to all documents; make electronic recording of documents available; and provide electronic recording at no additional cost or surcharge for municipal governments.

The amendment adds an emergency preamble and emergency clause.