

# MAINE STATE LEGISLATURE

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STATE OF MAINE

ONE HUNDRED AND SEVENTH LEGISLATURE

LOCAL AND COUNTY GOVERNMENT

December 20, 1976

Senator Jerrold B. Speers, Chairman  
Legislative Council  
State House  
Augusta, Maine 04333

Dear Senator Speers:

In accordance with House Paper 1477, directing the Committee on Local and County Government to study the salaries of county officers, we enclose herein the final report of the Committee.

Respectfully submitted,

Philip C. Jackson (VJCH)  
Philip C. Jackson, Senate Co-Chairman  
Local and County Government Committee

C. Everett Dam (EKH)  
C. Everett Dam, House Co-Chairman  
Local and County Government Committee

enclosures

REPORT OF THE LOCAL AND COUNTY

GOVERNMENT COMMITTEE:

STUDY ON COUNTY OFFICERS  
SALARIES. H.P. 1477

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Roland J. Carbonneau

House

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Dorothy B. Kelley  
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Legislative Assistant: Jonathan C. Hull

## INTRODUCTION

The 107th Legislature, during its Regular Session ordered the Joint Standing Committee on Local and County Government to study the salaries of county officers, and in particular, the legislative policies for setting salaries, methods of setting salaries and proper salary ranges for each type of county officer. (A copy of the Study Order is attached as Appendix A.)

Under present law, the salaries of county officers in each county are established individually by statute (30 MRSA § 2). The officers are the County Commissioners, Clerk of Courts, County Treasurer, Sheriff, Register of Probate, Register of Deeds and Judge of Probate. In the past, this statutory provision has been amended several times in each biennium, with each officer's salary being considered individually. In addition, the statutes provide for certain fringe benefits, such as retention of certain civil fees and housing (4 MRSA § 302; 30 MRSA §§ 2,1051, & 1054; 34 MRSA §§ 901 & 904), which have traditionally been considered in setting the salaries of officers entitled to such benefits.

## COMMITTEE PROCEDURE

The Committee held six meetings on the subject of county officers' salaries. During these meetings the Committee analyzed and discussed the present method of setting salaries and other methods that might be employed. A job description was sought from each county officer whose salary was a study subject, and written or oral opinions from the officers' were also accepted. The Com-

mittee compiled extensive data that reflected the actual operations and work-load of each county office with the aid of the Department of Audit and by direct responses from county officers. The Committee then analyzed this data in determining salaries. The Committee briefly considered alternates to a statutorily prescribed salary schedule, but found none of them appropriate within the current structure of county government. From the data and resulting discussion, the Committee developed a new salary schedule based on a general classification of counties, set the appropriate salaries within each class, and removed the possible discrepancies that resulted from unregulated "fringe benefits".

The Committee reviewed its final report and the accompanying draft legislation at its meeting on December 8, 1976, and after discussion, unanimously voted to submit the draft legislation, and this report, for legislative action during the 108th First Regular Session.

#### REPORT

The Committee has limited its recommendations on salaries to those county officers who are paid directly from the county treasury: the County Commissioners, Treasurer, Sheriff, Register of Deeds, Judge of Probate and Register of Probate. The Committee did not consider the salaries for the offices of District Attorney, Assistant District Attorney or Clerk of Courts, because these "county officers" are no longer paid directly from the county treasury nor county officers in the traditional sense.

During the first committee meeting, and continuing throughout the study, several alternatives to the present statutory method of setting salaries for county officers were discussed. The Committee decided not to recommend changes in the present method, though it considered the alternative of granting the County Commissioners the authority to set salaries, both with and without maximum or minimum levels. Such a grant of authority, without other basic changes in the administrative structure of county government and in the present budget determination authority, would create more problems and confusion than it would resolve. Granting the authority to set officers' salaries to the Commissioners would, in effect, significantly alter the relationship between the Commissioners and other independently elected county officers. Further, that authority would operate unchecked, except through the legislative approval of the budget, and would combine in the Commissioners both the "executive" power of administering county government and the "legislative" power of determining salaries of elected officials. This, in turn, would create a greater reliance on the legislative approval or amendment of county budgets, as the only balancing force available to the Commissioners salary determination authority. Because legislative approval of the budget is already sufficiently complex, the Committee believes that the issue of county officers' salaries should remain separate. Thus, there is no choice but to retain the present method of direct legislative determination of salaries, until basic changes are made in the administrative structure of county government and in the present county budget deter-

mination authority. As such changes are outside the scope of the study, the Committee reluctantly agreed to continue the present method of determining salaries.

In reviewing the present salaries for county officers, it was noted that there is an apparently inexplicable diversity between the counties for each office, and a lack of any expressed rationale for the diversity or changes over the past several years. From the experience of its members, the Committee was aware of past practice in setting these salaries on the basis of testimony heard on "salary bills" and on basic assumptions of the relative time and effort required for each office. However, the Committee was unaware of any objective study of these issues or critical examination of the offices in each county. Thus, the Committee determined that such a study was necessary in order to establish objective criteria for the different positions in each county, and for the same position in different counties.

Because the offices are elective positions, many of the criteria used in personnel and salary decisions are inapplicable. Such criteria as an officeholder's qualifications, performance, experience and longevity in the position, which are usually included in determining ranges of salaries or actual salaries in the normal employment situation, are not applicable in this situation because of the elective method of selection. The salary of the office goes to the winner of an election, despite any "objective" evaluation of qualifications, performance, experience or longevity; and continuation in office is at the pleasure of the voters. Thus, the underlying consideration in setting the salaries of each county officeholder should

be that each salary should be sufficient to adequately recompense the officeholder for the service required of him and to attract qualified and capable candidates, but that it should not unduly tax the different salaries for the different offices in any county. The key criteria is the responsibility and expertise required for the services performed by that officeholder. This in essence is a job description. In determining the salaries for the same office in different counties, the key criteria is responsibility and "work-load" of that county's office compared with the office in other counties.

In order to examine the criteria for each office on an objective basis, both a statutory job description and a survey of each officeholder was made. The job description was based on the statutorily required or authorized duties of each office. A questionnaire was also sent to each officeholder requesting his opinion of his duties and the time spent on each. This information was then summarized for each office. To determine any differences in the office among the different counties, the "work-load" and responsibility of the office in each county was measured by selected objective figures. Certain "data parameters" were chosen for each office, and then measured in each county. The figures were developed from county budgets and annual reports, from public documents and from in-person audits by the Department of Audit. All this data was then considered, first in establishing any difference between the various counties, and then in establishing the salary for each office. In determining the salaries for each office, the



Committee also considered those fringe benefits that may be considered "salary substitutes", such as housing or retained fees. As a result of this study the following recommendations are made by the Committee:

RECOMMENDATION ON GROUPING COUNTIES:

The counties should be placed in the following groups for the purpose of setting county officeholders' salaries:

Group I: Androscoggin, Aroostook, Cumberland, Kennebec, Penobscot and York.

Group II: Franklin, Hancock, Knox, Lincoln, Sagadahoc, and Waldo.

Group III: Somerset, Oxford, Piscataquis, and Washington.

In reaching this conclusion, the Committee studied information concerning the general characteristics of each county and particular information about each officer's duties and workload. It became obvious during the study that the offices in several of the counties were roughly equal in the demands placed on the officeholder, as is implicitly recognized in the present salary statute. As the Committee attempted to rationalize and simplify the present structure, based on the information it gained, certain identifiable patterns emerged. Group I counties are all large population counties with major metropolitan areas and with county budgets in excess of \$600,000 per year. Group II counties have small populations without major metropolitan concentrations and with county budgets of less than \$550,000. Group III counties also have small to medium

populations, but have large land areas, including significant areas of unorganized territories. Though there are variations within each grouping, the differences between the three groups are much more significant. As these groups are to be established only for the purpose of determining salaries, the significant differences are those that relate to the duties performed by the county offices. In considering the information gathered to assess the work-load and responsibility of these officers, the striking similarities within each group are much stronger than the disparities. Likewise, the distinctions between each group, in terms of the work of these officers, are clear. Thus, the Committee recommends that the salaries of county officers be based on this grouping, which will bring some rationality and simplicity into the decisions about salaries. This would eliminate, to some degree, the inconsistency in paying different salaries for the same duties and responsibilities in different counties. This grouping was adopted, with necessary modification in one instance, in each of the salary recommendations.

RECOMMENDATION ON COUNTY COMMISSIONERS:

County Commissioners and the commission chairman should have the following salaries:

<u>County</u>	<u>Member Salary</u>	<u>Chairman Salary</u>
Group I	\$ 4,000	\$ 4,800
Group II	\$ 2,500	\$ 3,000
Group III	\$ 2,500	\$ 3,000

The present salaries of County Commissioners are established under 30 MRSA § 2, and range as follows:

	<u>High</u>	<u>Low</u>	<u>Average</u>
chairman	\$7,778	\$2,093	\$3,536
member	\$5,787	\$1,675	\$2,644

County Commissioners have the following statutory duties and responsibilities:

1. Represent the county; care for county property and manage its business; examine, allow and settle county accounts; assess the county taxes; keep the county books; lay out, alter or discontinue ways' and appoint an agent to convey county real estate. (30 MRSA §251)
2. Draw the annual county budget estimates and meet with the legislative delegation to finalize them; and when the budget is approved, assess it against the municipalities. (30 MRSA §§252,253,& 254)
3. Provide and maintain courthouses, offices for the Register of Deeds and Register of Probate, and jails and courtrooms. (30 MRSA §301)
4. Manage jails and workshops, and inspect and supervise construction, snow removal and road maintenance in unorganized places.  
(30 MRSA § 106)
5. Maintain county records, inventory property, obtain loans, and issue an annual financial report. (30 MRSA §§ 303,346,404,& 411)
6. Supervise the Food Stamp Program and Priority Social Services Program. (30 MRSA §§ 416 & 419)
7. Contract for or operate a solid waste collection and disposal system. (30 MRSA § 413)
8. Contract to undertake county or municipal services. (30 MRSA § 63)

9. Accept Federal and State grants. (30 MRSA § 255)
10. Assess damages in condemnation cases. (1 MRSA §§ 20 & 21, 39 MRSA § 55)
11. Perform specific municipal and state-mandated functions in unorganized territories. (8 MRSA § 658; 28 MRSA §§ 103 & 252; 30 MRSA §§ 1201-1204, 5601-5603, & 5703; 36 MRSA § 1487)
12. Perform miscellaneous functions. (Issue distress warrants, 30 MRSA § 54; establish & maintain meridian lines, 30 MRSA § 1151; perform civil defense function, 30 MRSA § 1251 & 37-A MRSA § 59 and examine and supply jails, 34 MRSA §§ 1041 & 1044)

Seven counties responded to the Committee's questionnaire concerning Commissioner's duties. The amount of time reported by these Commissioners as spent in official duties ranged widely, from a high of 121 hours per month to a low of 15 hours per month. The largest proportion of this time was directly related to the Commissioners' statutory duties and the general administration of county government operations. A significant proportion of time appears to be spent in non-statutory duties as well. The questionnaire reported speaking engagements, meetings with citizens and municipal officials on "non-county" matters, and discussions of local, county and state government, including meetings with legislators, as significant roles of Commissioners.

In determining the responsibility and "work-load" of the Commissioners in each county, the following "data parameters" were selected:

1. County population in 1970 and projected for 1990;
2. County area in square miles;
3. Full-time employees of the county;
4. Total county budget for 1975;
5. Population and area in metropolitan areas in the county (see Appendix B for detailed list);
6. Population and area in unorganized territories in the county;
7. Number of Commissioner hearings on roads, taxes or condemnations;
8. Any unusual services provided by the county.

The following information was compiled for the counties (all figures for 1975 unless otherwise noted):

Group I:	County Populations (1970)/ Projected 1990/(thousands)	County Area (Square Miles)	Total County Budget	Employees	Metro. Area Pop. (thousands) Area (Square Miles) * /(1970)	Unorganized Territories Pop. (1970)/ Area (Sq. miles)	Road, Tax and Condem. Hearings	Meetings Stat./ Actual	Unusual Services	Admin. Assistance	Present Salary Chairman/Member	Time Monthly Average
AROOSTOOK	94 102	6,821	646,694	67	59 394	3,789 1,659	8	6 12	None	None	7,778 2,153	-
CUMBERLAND	193 221	879	1,661,745	131	184 594	None	12	12 52	C.E.T.A. Rec.Ctr.	Yes	5,787 5,787	62-75
ANDROSCOGGIN	91 104	474	767,408	70	76 141	None	-	2 -	-	-	4,452 3,784	-
PENOBSCOT	125 141	3,390	1,160,987	76	88 292	1,227 594	15	34 40	C.E.T.A. Rec.Ctr. Park Mgr.	Consultant	4,246 3,943	120
YORK	112 127	1,001	676,553	137	93 403	None	8	12 24	None	None	2,893 2,893	-
KENNEBEC	95 108	872	836,342	60	67 232	11 45	22	3 31	Human Services	None	3,896 3,561	-

Group II.	County Populations (1970/ Projected 1990/(thousands)	County Area (Square Miles)	Total County Budget	Employees	Metro.Area Pop. (thousands) Area (Square Miles) *	Unorganized Territories Pop. (1970) / Area (Square miles)	Road, Tax and Condem. Hearings	Meetings Stat./ Actual	Unusual Services	Admin. Assistance	Present Salary Chairman/Member	Time Monthly Average
FRANKLIN	22 24	1,709	346,939	46	13 146	876 385	10	2 14	Airport Snow Rem.	None	1,935 1,935	12
HANCOCK	35 41	1,536	475,246	36	12 170	510 130	5	3 14	Airport R.C.P.	None	3,062 2,722	-
KNOX	29 32	369	406,400	39	15 43	2 -	-	3 18	Airport	Yes	1,965 1,965	-
LINCOLN	21 24	454	545,068	23	3 71	4 -	8	3 38	Solid Waste Dev.	Yes (CETA)	3,393 1,795	44 36
SAGadahoc	24 29	257	335,548	25	15 35	3 4	-	3 12	None	None	1,795 1,795	-
WALDO	23 26	737	375,805	37	6 38	None	5	3 13	E.E.A. & C.E.T.A.	None	1,675 1,675	-
Group III.												
SOMERSET	41 45	3,894	441,472	22	22 208	2,534 804	4	3 13	Airports Dump	Yes	2,093 1,795	15
OXFORD	44 49	2,080	484,996	37	21 182	564 331	6	3 18	Airport Food Pro.	Yes	2,778 2,551	-
PISCATAQUIS	16 17	3,892	221,358	24	7 25	2,995 397	3	3 24	Airport Audits, Solid Waste	Yes	2,153 1,795	-
WASHINGTON	30 32	2,554	376,099	45	4 34	1,018 1,472	36	3 12	Airports; Solid Waste	Yes	2,512 2,153	150 60

(\* Metropolitan areas are listed in Appendix B.)

After reviewing this information the Committee determined the salaries appropriate for the members and chairmen in each group of counties. In many of the counties, the Commissioners appear to be underpaid for the services expected of them, especially in Aroostook, Waldo and Somerset counties. There were also numerous inexplicable discrepancies between the counties. In some of the counties the Commissioners appeared to be overpaid, most notably the Chairman in Aroostook county and the Commissioners in Cumberland county. The chairman in Aroostook county has traditionally been paid to also act as the chief administrator of the county; but with the change in statute to allow the hiring of an administrative assistant (30 MRSA § 202), this is no longer necessary. The salaries set for members are believed to be reasonable and appropriate for part-time work that carries a significant responsibility, and are consistent with the salaries recommended for other county officers. The salary of the Chairman of the County Commissioners is set at 20% above the member salary, to reflect his greater responsibility.

RECOMMENDATION ON COUNTY TREASURER:

County Treasurers should have the following salaries:

<u>County</u>	<u>Salary</u>
Group I	\$7,500
Group II	\$4,800
Group III	\$5,500

In addition, the Committee recommends that the Treasurer position be full-time if there is sufficient work to require it, and thus.

to avoid the delegation of most of the work to a deputy or clerk with the Treasurer's position becoming almost honorary. In order to accomplish this goal, the Committee recommends that the County Commissioners be required to insure that the Treasurer will actually work an average minimum of 32 hours a week and that the workload of the Treasurer's office requires further assistance, before they approve the hiring of a Deputy Treasurer or clerk in the office.

The present salaries of County Treasurers are also established under 30 MRSA § 2, and range from a high of \$9,969 to a low of \$2,099, with the average at \$4,321.

County Treasurers have the following statutory duties and responsibilities:

1. Receive, deposit and invest all money due the county.  
(30 MRSA §§ 701 and 702)
2. Make an annual financial report for the county, detailing all monies received and paid out of the Treasury, etc. (30 MRSA §703)
3. Make payments from the treasury on itemized claims. (30 MRSA § 704)
4. Maintain books and accounts, account to County Commissioners for all receipts and payments, enforce payment of taxes, and defray expenses of the county from the Treasury. (30 MRSA § 751,as amended by P.L. 1975,ch.408,\$ 44; and 30 MRSA § 754)
5. Maintain an account of all certified fines, forfeitures and bills of costs accruing to the State by action of the Judicial Courts. (30 MRSA §752)
6. Give an annual or more often accounting to County Commissioners and enclose such with county tax estimate. (30 MRSA §§ 753 & 754)



7. Receive and account for federal money for the use or maintenance of county jails. (30 MRSA § 755)
8. Charge off any accounts receivable that the Commissioners determine are uncollectable. (30 MRSA § 756)
9. Act to hold money or to receive or pay out money under various other statutory provisions. (e.g. 1 MRSA §§ 17 & 18, 4 MRSA § 301; 10 MRSA §§ 553, 4009, 1606, & 1706; 15 MRSA § 1902 & 2033; 18 MRSA §§ 252, 2351 & 2352; 30 MRSA § 1053; and 36 MRSA §§ 752, 1487 & 1489)
10. Bring civil actions in the name of the County Treasurer.  
(14 MRSA § 1)

Twelve County Treasurers responded to the Committee's questionnaire concerning their duties. The amount of time reported by these Treasurers as spent in official duties ranged widely, from a high of 160 hours per month to a low of 86 hours per month. Almost all of this time was spent in the routine clerical and administrative duties required by the statutes, chiefly paying payrolls and county obligations, receiving and accounting for funds from fees, taxes and county charges, and bookkeeping. In some counties (e.g., Androscoggin and Cumberland), the Treasurer also undertakes duties for other county offices and may also do the payroll and bookkeeping for the C.E.T.A. program. Non-statutory duties of the Treasurers appear to be few and account for a minimal amount of time.

In determining the responsibility and "work-load" of the Treasurer in each county, the following "data parameters" were selected:

1. Total county budget;
2. Total number of county employees and amount of county payroll;
3. Does the Treasurer do the county's bookkeeping, and the method of doing it;
4. Does the Treasurer do the court and jury payrolls, and the method of doing them;
5. Number of employees in the Treasurer's office;
6. Amount of Treasurer's office budget;
7. Investment of any county surplus, average surplus amount and method of investment; and
8. Amount of county debt and form of debt.

The following information was compiled for the counties (all figures for 1975 unless otherwise notes):

Group I:	Total County Budget	Employee No./ Monthly Payroll Amt.	County Book- keeping/Method	County & Jury Payrolls/Method	Treasury Employees	Treasury Office Budget	Surplus Invest. Amt. & Method	Debt Amount/ Form	Present Salary	Time Monthly Average
AROOSTOOK	646,696	67	No	Yes	1	7,793	-	-	4,188	100
CUMBERLAND	1,661,745	131 64,642	Yes Machine Actg	Yes Machine Actg.	3	25,900	None	11,666 Bonds	9,969	140
ANDROSCOGGIN	767,408	70 50,000	Some- times Manual	Some- times Manual	4	22,499	- Svgs.Acct. C.D.'s	185,000 Notes & Bonds	8,125	160
PENOBSCOT	1,160,987	76 47,000	No	No	3	16,060	None	-	5,145	80
YORK	676,553	137 -	No	Yes Manual	2	36,006 (Comm's & Trea- surer combined)	None	85,000 Bonds	2,893	
KENNEBEC	836,342	60 30,500	Yes Manual	Yes Manual	2	15,185	40,000 Savings Acct.	200,000 Tax loan	5,565	40

	Total County Budget	Employee No./ Monthly Payroll Amount	County Book- keeping/Method	County and Jury Payrolls/ Method	Treasury Employees	Treasury Office Budget	Surplus Invest. Amt. & Method	Debt Amount/Form	Present Salary	Time Monthly Average
<u>Group II:</u>										
FRANKLIN	346,939	46 19,370	Yes Manual	Yes Manual	2	5,388	- 90-day C.D.	-	2,688	30
HANCOCK	475,246	36 14,100	Yes -	Yes -	2	13,075	-	None	5,103	
KNOX	406,400	39 16,500	No	Yes Manual	2	5,068	None	135,000 -	2,099	92
LINCOLN	545,068	23 17,370	Yes Manual	No	2	9,290	None	6,000 -	2,512	50
SAGADAHOC	335,548	25 12,000	Yes Manual	Yes Manual	1	4,289	- Svgs.Acct	None	3,589	92
WALDO	375,805	37 16,800	Yes Manual	Yes Manual	2	3,961	Svgs.Acct & C.D.'s	50,000 Tem.Loan	2,381	160
<u>Group III:</u>										
SOMERSET	441,472	22 17,700	Yes Manual	Yes Manual	1	4,210	50,000 -	None	3,410	
OXFORD	484,996	37 -	Yes Manual	Yes Manual	2	9,762	- C.D.'s	- Tax Note	3,589	
PISCATAQUIS	221,358	24 15,600	Yes -	No	1	3,550	-	-	2,495	50
WASHINGTON	376,099	45 17,000	Yes Manual	Yes Manual	2	6,580	None	45,000	5,385	132

After reviewing this information, the Committee determined the salaries appropriate for the Treasurers in each group of counties. As in the salaries for the Commissioners, there are many discrepancies between the present salaries of different Treasurers that seem to have no rational explanation. For example, the salary of the York County Treasurer in Group I appears to be unusually low for the "work-load" and responsibility of the office, while the Hancock Treasurer's salary seems significantly inconsistent with the "work-load" and responsibility of Group II counties. In considering what amount would be appropriate for Treasurers, it became clear that some Treasurers considered their position full-time and others did not. In some counties, it appears that the Treasurer has devolved almost to an honorary position, with the Deputy Treasurer or chief clerk administering the office with only limited oversight from the Treasurer. In such a situation the county is paying two people, the elected Treasurer and the appointed Deputy or clerk to do the same job. To curb this practice, it is recommended that before the hiring of a Deputy or clerk is approved by the County Commissioners, the actual need for the extra help should be ascertained. The recommended salaries are based on the assumption that the Treasurer will work a minimum average of 32 hours a week if the "work-load" of the Treasurer's office requires it, and that no Deputy or clerk will be hired unless the Treasurer will continue to work "full-time". It is strongly recommended that the Treasurer not be paid for an "honorary" position, with a Deputy or clerk also being hired to do the Treasurer's work.

# RECOMMENDATION ON COUNTY SHERIFF

County Sheriffs should have the following salaries:

<u>County</u>	<u>Salary</u>
Group I	\$13,500
Group II	\$12,500
Group III	\$12,500

These salaries are intended to be adequate for full-time professional Sheriffs and also to be their only compensation. Thus the Committee also recommends that the Sheriff no longer be required to live on the premises of the jail and no longer be permitted to retain civil service fees.

The present salaries of Sheriffs are established under 30 MRSA § 2, and range from a high of \$11,710 to a low of \$7,478, with the average salary at \$8,743. In addition, Sheriffs may receive non-monetary compensation in the form of free housing and may also retain any civil process fees they earn.

County Sheriffs have the following statutory duties and responsibilities:

1. Enforce laws under the direction of the Governor. (30 MRSA §1001)
2. Appoint and direct all full-time, part-time and special deputies. (30 MRSA §§ 951, 952, 954 & 958)
3. Maintain custody and charge of county jail, and responsible for prisoners. (34 MRSA §§901, 907, 908 & 909)
4. Attend Supreme Judicial, Superior, and Probate Courts. (4 MRSA §§ 112 & 302, 30 MRSA § 1051)
5. May serve various civil papers. (4 MRSA § 302, 30 MRSA § 1051)

6. Serve all writs and precepts issued to him by lawful authority. (4 MRSA § 302, 14 MRSA §§ 702 et seq.)
7. Receive reports on, attend or investigate hunting accidents, motor vehicle accidents and suspicious or unattended deaths. (12 MRSA § 2954, 22 MRSA § 512, 29 MRSA § 819)
8. Collect, account for and dispose of all fees. (30 MRSA §§1053 & 1054)
9. Collection of taxes. (38 MRSA §§ 801 et seq. and 891 et seq..)
10. Miscellaneous duties in relation to enforcement duties. (e.g., 4 MRSA § 170, 15 MRSA § 704, 28 MRSA § 1151)

Thirteen Sheriffs responded to the Committee's questionnaire. The amount of time spent in official duties by these Sheriffs ranged from a high of 744 hours per month (apparently reflecting 24 hours per day for 31 days each month) to a low of 204 hours per month. All Sheriffs reported full time working hours, though some apparently considered themselves on duty 24 hours a day, 7 days a week, because they were "on-call" at all times. According to the responses, 40%-50% of the Sheriff's time is spent in direct law enforcement duties and jail supervision. Non-statutory public relations, such as speaking engagements or meetings with public officials or citizens' accounts for 5% to 15% of the Sheriff's time; and the serving of civil process accounts for 0%-12%. The remainder of the Sheriff's time seems to be spent in routine administrative and supervisory duties relating to the Sheriff's department. From the information gathered by the Committee, it would appear that most Sheriffs spend from 200-250 hours per month in

performing the actual duties of the Sheriff.

In determining the "work-load" and responsibility of the Sheriff in each county, the following "data-parameters" were selected:

1. County population in 1970 and projected for 1990;
2. County area in square miles;
3. Budget of Sheriff's office, both "Sheriff's" and "Jail" accounts;
4. Number of Sheriff's employees, both full-time and part-time;
5. Average number of arrests per month;
6. Average number of prosecutions per year;
7. Average prisoner population of county jail;
8. Number of policemen employed by municipal departments in the county;
9. Number of state police resident in or assigned to the county;
10. Type and estimated value of Sheriff's non-monetary compensation ("fringe benefits");
11. Whether civil process is served by the Sheriff and amount of fees retained;
12. Number of police officers per 1,000 population of the Sheriff's department and of all police operating in the county.

The following information was compiled for the counties (all figures 1975 unless otherwise noted):

Group I:	County Pop. (1970)/ (Proj. 1990)/ (Thousands)	County Area (Square Miles)	Office Budget Jails/Sheriff	Employees Full/ Part Time	Arrests per month	Prosecutions per year	Prisoner Pop. Average/Month	Municipal Depts. No. Employees	State Law Personnel	Fringe Benefits	Civil Process Fees/ Amount	Present Salary	Time Monthly Average	# Officers per 1000 Sheriff City Total
AROOSTOOK	94 102	6,821	128,052 170,769	19 52	50.9	703	25.	77	27	Hous. (\$1000)	None	8,974		.64 1.23
CUMBERLAND	193 221	879	299,873 187,525	39 -	22.	266	50.5	324	25	None	None	11,710	240	1.82 2.10
ANDROSCOGGIN	91 104	474	107,408 170,769	25 -	53.	-	26.5	127	-	-	?	10,295	204	2.18 1.76
PENOBSCOT	125 141	3,390	107,823 109,031	20 6	22.8	266	30.	39	21	Hous., Vehic. (\$2000)	None	8,963	224	.59 1.48
YORK	112 127	1,001	124,250 115,902	20 45	193. (?)	-	18.	157	23	Hous. (\$1170)	Yes \$339	10,017	345	1.30 1.84
KENNEBEC	95 108	872	115,838 88,845	12 15	12	144	34.	96	41	Hous.	None	8,974		.43 1.65
Group II:														
FRANKLIN	22 24	1,709	60,489 96,290	15 -	26.66	-	8.5	18	6	Hous. (\$1800)	?	8,136	300	1.98 1.78
HANCOCK	35 4	1,536	57,550 79,900	7 -	63.	-	10.	33	11	Hous.	?	7,939	540	.39 1.50
KNOX	29 32	369	52,090 80,128	11 -	83.	997	5.	36	6	Hous. (\$2600)	Yes \$800	6,771	510	1.39 1.90
LINCOLN	21 24	454	- 96,520	12 35	14.4	152	2 lock-up	17	8	None	Yes \$434	8,375	273	1.04 1.80
SAGadahoc	24 29	257	6,000 122,835	9 9	39.	-	N/A	31	5	None	None	8,812	240	1.37 1.96
WALDO	23 26	737	54,178 94,024	10 -	64.	358	10.	15	4	?	None	7,667		.65 1.24
Group III:														
SOMERSET	41 45	3,894	69,248 114,348	12 46	71.	-	7.3	31	13	Hous. (\$2400)	?	7,478	529	.77 1.40
OXFORD	44 49	2,080	30,324 154,116	10 16	39.75	382	12.	37	12	Hous. (\$1800)	Yes ?	10,175	270	.55 1.13
PISCATAQUIS	16 17	3,892	76,735 63,267	8 35	44.4	-	5.1	10	4	Hous. (\$2000)	None	8,136	220	1.30 1.41
WASHINGTON	30 32	2,554	60,920 33,782	8 98	55.	641	104.	24	9	Hous. all vhls. (\$2000)	?	7,478	744	.50 1.41



The Committee also gathered information on the salaries of municipal police chiefs in order to compare those scales with the present Sheriff's salaries. (See Appendix C.)

After reviewing this information the Committee determined the salaries appropriate for County Sheriffs. In most counties, the present statutory salaries do not reflect the full compensation of the Sheriff. As the above information indicates, most counties provide housing and a vehicle for the use of the Sheriff. The Committee roughly estimated a monetary value of \$1,500 for these benefits. In addition, Sheriffs may retain any civil fees collected by them, which can add significantly to their compensation. However, these forms of nonmonetary compensation are erratically distributed among the counties, and the time spent in serving civil process detracts from the time the Sheriff has available for his law enforcement duties. As all Sheriff's are full-time law enforcement officers, and many considered themselves on duty 24 hours a day (not the reported 744 hours for a monthly average for Washington county), it seemed proper to return the fees earned on county time to the county. Thus, the Committee recommends that all civil process fees earned by the Sheriff be turned over to the county treasury. As a logical extension of this recommendation, the Committee also recommends that all civil process fees earned by full-time Deputy Sheriffs also be turned over to the county. The third recommendation relating to Sheriff's is that the present statutory requirement for Sheriffs to live on the premises of the county jail, if any, be repealed. With the speed of modern communications and transportation, it is no longer necessary to have the Sheriff or Jailer directly on the jail premises at all times. In several counties the Sheriff

doesn't live on the premises because there are no quarters for him, and no serious problems have been encountered. Some Sheriff's have also expressed a dislike of being forced to move into the jail during their term of office. In many instances this not only creates inconvenience to the Sheriff, but wastes valuable space that could be used for other purposes more important to county government and law enforcement. Thus, the Committee recommends repealing this requirement, though allowing Sheriffs to live there, and pay rent, if the county and Sheriff so agree. As a logical extension of abolishing the requirement for Sheriffs to live on the jail premises, the parallel requirement for the Jailer to live there should also be repealed. The Jailer may or may not be the Sheriff (34 MRSA §901).

In establishing the new salaries for Sheriffs, the Committee considered the loss of non-monetary compensation that it was recommending, and increased present salaries accordingly. Thus, the recommendations for repealing the "live-in" requirement and for turning over civil process fees to the county treasury are prerequisites for the salaries recommended in this study. The other major factor in setting these salaries was the salary range for municipal police chiefs. (See Appendix C for these salaries.) The salaries for Sheriffs must be comparable to police chiefs' salaries in order to attract and retain qualified professional law-enforcement personnel, and to encourage trained professionals to run for the office. Though the recommended salaries are the highest for any county office, they are consistent with past salaries and with the recommended salaries for other offices. The many inexplicable salary

differences between the counties are removed by these recommendations, and the basis of attracting and retaining qualified professional Sheriffs throughout the State is provided.

#### RECOMMENDATION ON REGISTER OF DEEDS

Registers of Deeds should have the following salaries:

<u>County</u>	<u>Salary</u>
Group I,  (but not including the Northern and Southern Dis- tricts of Aroostook):	\$9,100
Group II,  (including the Northern and Southern Districts of Aroostook):	\$8,300
Group III,  (including the Eastern District of Oxford, but not including the Western District):	\$8,300
Group IV,  Western District of Oxford:	\$4,850

Because Aroostook and Oxford counties each have two Registers of Deeds situated in different parts of the counties, these counties could no longer be grouped as they had been for the salaries of other officers. The two districts of Aroostook county were thus placed in Group II, rather than Group I; and the Eastern district of Oxford county was continued in Group III, but the Western dis-

trict was placed in a separate category by itself as Group IV. These salaries are intended to be the full compensation of Registers, and thus the Committee also recommends that Registers no longer be entitled to retain any fees. The fees from advertising are to be turned over to the county treasury, and the fee to be charged by the Registers for this service will be set by the County Commissioners and shall be at least sufficient to cover the actual costs incurred.

The present salaries of Registers of Deeds are established under 30 MRSA § 2, and range from a high of \$9,969 to a low of \$4,068, with the average salary of \$7,389. In addition, some Registers are allowed to retain the fees received for advertising.

Registers of Deeds have the following statutory duties and responsibilities:

1. To be full-time duty (except in Western District of Oxford County). (33 MRSA § 604)
2. Make, revise, consolidate and maintain indexes and record books of all deeds, other instruments or miscellaneous records recorded. (10 MRSA §§ 3253, 3261, 13 MRSA §§ 43,73,75,203,903, 931,961,1141,1224, & 1302, 30 MRSA § 1051)
3. Account for all fees and pay them to county treasurer. (33 MRSA § 604)
4. May make abstracts and copies from the records. (33 MRSA § 604)

Fifteen of the eighteen Registers responded to the Committee's questionnaire. They reported that the amount of time spent in official duties ranged from a high of 180 hours per month to a low

of 125 hours per month. The average was 150 hours per month. The majority of their time, 50% to 80%, was reported to be spent in actually performing or supervising the recording and indexing processes required by law. Non-statutory duties, such as answering routine inquiries, instructing or guiding the public, and general administrative duties were reported to occupy 20%-30% of the Registers' time. The Registers reported little or no time spent personally in preparing abstracts or copies.

In determining the "work-load" and responsibility of the Register in each county, the following "data parameters" were selected:

1. Budget of the Register's office;
2. Number of Register's employees;
3. Number of instruments recorded in one year;
4. Amount of transfer stamp revenue;
5. Amount of recording fee revenue;
6. Whether micro-filming is being done, and by whom; and
7. Whether re-indexing is being done, and by whom.

The following information was compiled for the offices (all figures for 1975 unless otherwise noted):

	Office Budget	No. of Employees	No. of Instruments Recorded	Transfer Stamp Revenue	Recording Fee Revenue	Micro-filming	Reindexing	Present Salaries	Time Monthly Average
<u>Group I:</u>									
CUMBERLAND	125,772	12	27,490	12,951	143,511	Yes Contr.	Yes Contr.	9,969	160
ANDROSCOGGIN	47,015	5	-	3,556	50,304	Yes Contr.	-	8,960	
PENOBSCOT	84,091	7	18,047	5,632	93,998	Yes Contr.	-	8,375	160
YORK	38,500	10	23,061	6,874	98,544	Yes Contr.	-	8,348	160
KENNEBEC	102,195	6	18,044	5,035	85,582	Yes Contr.	Yes Contr.	8,375	
<u>Group II:</u>									
AROOSTOOK	S- 48,696	7	10,963	2,294	51,175	None	Yes Contr.	S-7,778	S-160
	N- 33,402	3	4,104	5,896	21,939	Yes	Yes	N-7,778	N-158
FRANKLIN	22,298	5	5,475	13,576	20,917	None	None	6,879	150
HANCOCK	56,114	5	9,052	2,241	51,825	Yes Contr.	None	6,521	
KNOX	51,011	4	6,515	1,881	32,644	Yes Contr.	-	6,771	126
LINCOLN	70,303	5	5,890	1,815	32,541	Yes Contr.	-	7,538	147
SAGadahoc	32,922	3	-	1,787	19,359	Yes Contr.	Yes	7,478	160
WALDO	24,581	2	-	1,226	27,866	No	No	6,581	144
<u>Group III:</u>									
SOMERSET	48,225	4	-	1,785	38,151	Yes Contr.	-	7,478	180
OXFORD E.D.	45,567	4	6,798	1,545	32,571	Yes Contr.	-	6,679	151
PISCATAQUIS	27,616	3	4,060	7,719	17,198	Yes	-	7,179	140
WASHINGTON	22,449	4	-	1,289	38,514	Yes Contr.	-	6,221	125
<u>Group IV:</u>									
OXFORD W.D.	13,619	2	-	663	9,948	Yes	-	4,068	132

After reviewing the information, the Committee determined the salaries appropriate for Registers of Deeds. Unlike any other county officers, there are two Registers in both Aroostook and Oxford counties. Apparently the large land areas, poor road networks and uneven distribution of population in these counties required the Legislature to create two separate offices in each to serve the people properly. In Aroostook county there are two full-time offices, one in Fort Kent and another in Houlton. In Oxford there is a full-time Register in Paris, and a part-time Register in Fryeburg. The Committee considered examining the necessity for continuing to have two Registers in these counties, but decided that the question of the number and distribution of Registers was outside the scope of the study order. However, the continuation of two Registers in these counties required the reevaluation of the grouping of counties for this office. After careful consideration of each office in relation to the other county Registers, the two Aroostook Registers were placed in Group II, the Eastern District of Oxford was placed in Group III, and the Western District of Oxford, which is the only Register not required to be full-time (33 MRSA § 604), was placed in a separate category, Group IV.

In most counties, the statutory salaries do not reflect the full compensation of Registers, as they are also allowed to retain the fees collected for the publication of notices. Though these fees commonly appear to be relatively small, and are erratic and unevenly distributed among the counties; they are nonetheless fees collected by full-time county officers for their own use. The Committee thus recommends, consistently with its other recommendations, that all such fees be turned over to the county treasury.

The Committee also recommends that the Commissioners set the fees to be charged by the county to arrange for the publication of public notices, and that that fee should be at least sufficient to cover the costs incurred in the publication. Following from these recommendations are adjustments in the salaries of the Registers to compensate for the loss in potential retained fees. These recommendations should compensate Registers adequately for full-time service without any other compensation in the form of retained fees. The salary of the one "part-time" Register, in the Western District of Oxford County, is also adjusted for the potential loss in retained fees.

#### RECOMMENDATION ON JUDGE OF PROBATE

Judges of Probate should have the following salaries:

<u>County</u>	<u>Salary</u>
Group I:	\$8,500
Group II:	\$8,500
Group III:	\$8,500

The present salaries of Probate Judges are established under 30 MRSA § 2, and range from a high of \$12,020 to a low of \$5,444, with the average at \$7,399.

Judges of Probate have the following statutory duties and responsibilities:

1. Probates all wills, handles distribution of interstate estates, oversees written trusts, oversees administration and settlement of estates; and hears and decides on adoptions, changes in



name, and appointment and oversight of guardians. (4 MRSA §§251 & 252)

2. Grants legal separations, including determining support payments, guardianship and visitation rights of minor children.

(12 MRSA § 581)

3. Undertakes judicial proceeding for involuntary hospitalization of the mentally ill. (34 MRSA § 2333 (1) (B))

4. Admits involuntarily to Pineland Center. (34 MRSA § 2152 (3))

Probate Judges must be admitted to the practice of law in Maine.

Six Probate Judges responded to the Committee's questionnaire. They reported that the amount of time spent in judicial duties ranged from a high of 110 hours per month to a low of 45 hours per month, with the average time at 71 hours per month. All of this time was spent in fulfilling their statutory duties. The Judges who responded also indicated that as private attorneys and part-time judges, their private practice had to be restricted in order to avoid conflicts of interest.

In determining the "work-load" and responsibility of the Probate Judge in each county, the following "data-parameters" were selected:

1. Budget of the Probate court;
2. Number of hearings or cases, and average duration of court hearings;

3. Number of decrees or orders issued;
4. Number of regular term days;
5. Number of documents filed with the Court; and
6. Salaries of Maine's other judicial positions.

The following information was compiled for the judicial offices (all figures for 1975 unless otherwise noted):

<u>Group I:</u>	Court Budget	No. of Cases/ Avg. Duration	Number of Orders	Regular Term Days	Documents Filed	Superior Court Salary	District Court Salary	Present Salary	Time Monthly Average
AROOSTOOK	32,077	1200 20 min.	1,720	12	2,500	25,500	23,000	6,581	80
CUMBERLAND	64,201	1432 10 min. - 3 hrs.	1,400	90	Thou- sands	25,500	23,000	12,020	
ANDROSCOGGIN	37,701	465 -	-	-	7,000	25,500	23,000	8,069	
YORK	33,576	918 -	918	73	918	25,500	23,000	7,791	110
KENNEBEC	46,098	275 45 min.	1,269	23 (104 actual)	1,817	25,500	23,000	8,974	50
PENOBSCOT	57,602	283		24	725	25,500	23,000	9,572	
<u>Group II:</u>									
FRANKLIN	31,079	-	-	-	-	25,500	23,000	6,450	
HANCOCK	37,114	-	-	-	-	25,500	23,000	6,521	
KNOX	28,503	313	313	12	316	25,500	23,000	5,982	
LINCOLN	29,232	279 30 min.	1,084	11	1,084	25,500	23,000	7,179	
SAGadahoc	22,978	301 -	1,800	24	1,800	25,500	23,000	6,699	
WALDO	29,918	205	201	12	1,500	25,500	23,000	6,581	60
<u>Group III:</u>									
SOMERSET	29,076	55	375	12	950	25,500	23,000	7,478	81
OXFORD	20,480	24 60 min.	1,200	12	1,847	25,500	23,000	5,444	
PISCATAQUIS	22,407	506	480	24	506	25,500	23,000	6,237	
WASHINGTON	21,621	45 1-3 hrs.	several hundred	12	thou- sands	25,500	23,000	6,820	44

After examining this information the Committee determined the salaries appropriate for Probate Judges. The most important element in determining these salaries was the requirement that all Probate Judges be attorneys admitted to the Maine bar. Because none of these Judges have full-time judicial duties, they must also practice law privately. However, the private practice of the Judges was limited by statute and the Canons of Ethics that relate to conflicts of interest.

The Committee discussed the possibility of recommending that the Probate Court be "districted" to provide for several full-time Judges with appropriate salaries. Though the Probate Judges (and the Registers of Probate) are constitutional officers (see Art. VI, section 6), no constitutional amendment is necessary. The constitutional amendment to repeal this section has already been enacted by the Legislature and approved by the people (Resolves, 1967;c.77); but does not become effective until "such time as the Legislature by proper enactment shall establish a different Probate Court system with full-time judges." The Committee believes that the restructuring of the Probate Court system would not be within the scope of the study order, and thus has determined salaries for the present system.

In establishing salaries for Probate Judges the overwhelming factor does not appear to be the "work-load" of the Judges, but rather the professional requirements to become a Judge. The "work-load" of the different county Judges does not appear to vary that

significantly. More important is the need to attract qualified professionals and to compensate them adequately for a potential loss in their private practice. The attorneys who would appear to be most experienced in the area of probate law, those with large private probate practices, would also be the attorneys that could find their private practices most diminished by becoming part-time Probate Judges. The salaries of Probate Judges should be adequate to allow, and even encourage, such attorneys to seek the office; but not so large as to unfairly burden the taxpayers with unnecessary expense. This balance was essentially identical in each of the counties and thus the Committee recommends a uniform salary for all Probate Judges.

#### RECOMMENDATIONS ON REGISTERS OF PROBATE

Registers of Probate should have the following salaries:

<u>County</u>	<u>Salary</u>
Group I	\$8,500
Group II	\$8,000
Group III	\$8,000

In addition, the Committee recommends that the Register of Probate's position be full time if there is sufficient work to require it. This recommendation is designed to avoid the possibility of the Register's position becoming merely "honorary", with the delegation of most of the actual work to a deputy or clerk. In order to accomplish this goal, the Committee recommends that the County Commissioners be required to insure that the Register of Probate will actually work an average minimum of 32 hours a week and that the

"work-load" of the Register's office requires further assistance before they approve the hiring of a Deputy Register or clerk in the office. These salaries are also intended to be the full compensation of Registers, and thus the Committee also recommends that Registers no longer be entitled to retain any fees. The fees from advertising are to be turned over to the county treasury, and the fee to be charged by the Register for this service will be set by the County Commissioners and shall be at least sufficient to cover the actual costs incurred.

The present salaries of the Registers of Probate are established under 30 MRSA § 2, and range from a high of \$9,820 to a low of \$5,743, with the average salary of \$6,962. In addition, most Registers are permitted to retain the fees received for advertising. These retained fees have been reported to be as high as \$4,100 in one year, though most are substantially lower.

Registers of Probate have the following statutory duties and responsibilities:

1. Have care and custody of all files, books and papers of probate office; record and index all wills proved, letters of administration or guardianship granted, etc.; maintain and update a docket of all probate proceedings; and attest all records. (18 MRSA §253)
2. May act as auditor of accounts. (18 MRSA § 253)
3. Certification of any transfer of property under a will to Register of Deeds and notification of beneficiaries of a will. (18 MRSA §§ 254 & 255)

4. Account for and pay to the County Treasurer all fees. (18 MRSA § 553)
5. May make copies or abstracts of probate documents. (18 MRSA §§ 251 and 552)
6. Receive and preserve wills deposited for safekeeping. (18 MRSA § 2)
7. Report to State Tax Assessor on all executors, administrators or trustees appointed in Probate Court. (36 MRSA § 3852)
8. May appoint a deputy. (18 MRSA § 256)
9. Custody of official court seal. (18 MRSA § 201)

Thirteen Registers responded to the Committee's questionnaire. They reported that the amount of time spent in official duties ranged from a high of 160 hours per month to a low of 88 hours per month, with an average of 135 hours per month. This time was about equally divided between statutory duties and nonstatutory duties, which included answering routine inquiries and instructing or guiding the public. The majority of their time is spent primarily in clerical and administrative duties, though some Registers receive delegated duties from the Probate Judge that involve a high degree of responsibility.

In determining the "work-load" and responsibility of the Register in each county, the following "data-parameters" were selected:

1. Budget of the Register's office;
2. Number of Register's employees;
3. Number of hearings or cases, and average duration of court hearings;

4. Number of documents recorded;
5. Number of accounts audited and total monetary value, if the Register audits accounts;
6. Amount of revenues from fees; and
7. Amount of fees retained by the Register.

The following information was compiled for the offices (all figures for 1975 unless otherwise noted):

<u>Group I:</u>	Court Budget	Employees	Cases/Duration	Documents Recorded	Account Audit No./Amount	Fee Revenue	Fee's Retained	Present Salary	Time Average/Monthly
AROOSTOOK	32,077	2	1200 20 min.	2,500	Yes 275/ 3,330,000	4,200	-	5,982	
CUMBERLAND	64,201	3	1432 -	(8,000 pages)	Yes 1453/ millions	62,187	None	9,820	140
ANDROSCOGGIN	37,701	4 (1974)	465 -	7,000	Yes -	11,003 (1974)	-	8,292	145
PENOBSCOT	57,602	6	283 -	725	-	17,576	-	7,778	
YORK	33,576	3	918 -	918	Yes 918/ 25,000,000	18,330	4,100	6,122	150
KENNEBEC	46,098	4	275 45 min.	1,817	-	21,217	400 (No longer retain- ed)	8,375	160

<u>Group I:</u>	Court Budget	Employees	Cases/Duration	Documents Recorded	Account Audit No./Amount	Fee Revenue	Fee's Retained	Present Salary	Time Average/Monthly
FRANKLIN	31,079	2	-	-	Yes	3,236	263	6,879	140
HANCOCK	37,114	2	-	-	Yes	9,835	-	6,521	
KNOX	28,503	3	313	950	No	8,050	500	4,537	120
LINCOLN	29,232	2	279	1,748	Yes 297/ 10,000,000	8,922	506	7,298	88
SAGADAHOC	22,978	2	301	1,800	No	6,448	980	7,179	144
WALDO	29,918	2	201	1,500	Yes 239/ 14,000,000	5,164	800	6,581	135
<u>Group III:</u>									
SOMERSET	29,076	3	55	950	No	6,002	-	7,478	140
OXFORD	20,480	2	24 60 min.	1,847	Yes 298	6,067	497	5,743	146
PISCATAQUIS	22,407	2	480	506	Yes 155/ 9,000,000	3,019	187	6,581	140
WASHINGTON	21,621	2	45 1-3 hrs.	several hundreds	Yes/ 200/ millions	6,500	825	6,221	150

After reviewing this information, the Committee determined the salaries appropriate to Registers of Probate. Like the Judge of Probate, the Register of Probate is a constitutional officer; but the constitutional provision governing them has already been repealed with a future effective date. Any reorganization of the Probate court system that would make that repeal effective would probably include the Register of Probate as well; and could consider



making the Register's position a full-time position. Having already determined that such changes were outside the scope of the study order, the Committee determined the salaries under the present system, with the changes recommended as to retaining fees and hiring of clerks or deputies.

In most counties the Register's salary does not reflect the full compensation of the Register, as they are also allowed to retain the fees collected for the publication of notices. Though these fees commonly appear to be relatively small (though one Register reported receiving \$4,100 in 1975), and are erratic and unevenly distributed; they are nonetheless fees collected by county officers for their own use. The Committee recommends, consistently with its other recommendations, that all such fees be turned over to the county treasury. As with the advertising fees of the Register of Deeds, the Committee recommends that the county fees for arranging for publication of notices be set by the County Commissioners, and that the fee should be at least sufficient to cover the costs incurred in the publication.

From the information received it appears that some Registers consider their position full-time, while others did not. The present salaries, however, do not seem to be based on this distinction, and appear to have no rational explanation. In some counties the office seems to have devolved to an almost honorary position, regardless of the salary, with the deputy or clerk administering the office with only limited oversight by the Register. In such a situation, the county is paying two people, the elected Register and the appointed clerk or deputy, to do the same job. To curb this practice, it is recommended that before the hiring of a deputy or

clerk is approved by the County Commissioners, the actual need for the extra help should be ascertained. Thus it is strongly recommended that the Register's position not be allowed to become an "honorary" position. To accomplish this, the County Commissioners should insure that the Register will continue to work an average minimum of 32 hours a week and that the office actually requires additionally staffing, before approving any deputy or clerks.

The Committee's recommended salaries are based on the assumption that its recommendations on retention of fees and the "full-time" nature of the position will be adopted.

#### RECOMMENDATION FOR APPLICATION

In most instances the Committee's recommended salaries will result in an increase in the statutory salaries of these county offices, and in some cases it will also result in an increase in the "real" salaries (the statutory salaries with the non-salary compensation added on). However, in some county positions, the recommended salaries will result in a decrease in both the "real" and statutory salaries of the incumbent officer. The Committee firmly believes such decreases are appropriate to meet the objective of providing a reasonable and appropriate salary structure for all county officers; however, it also realizes that it is not only inequitable, but also may be unlawful, to reduce the salary of an incumbent while he is in office. Thus, the Committee recommends that any decrease in the statutory salary of a county officer resulting from its recommendations should not become effective un-

til the beginning of the next term of office following the effective date of the act. The recommendations for increases in statutory salaries and the recommendations on Sheriff's and Jailer's housing and the retention of fees should apply on the effective date of the act.

### CONCLUSION

In summary, the Committee makes the following recommendations relating to county officers' salaries:

1. The counties should be grouped for the purpose of setting the salaries of the County Commissioners, Treasurer, Sheriff, Judge of Probate and Register of Probate as follows:

Group I: Androscoggin, Aroostook, Cumberland, Kennebec, Penobscot and York.

Group II: Franklin, Hancock, Knox, Lincoln, Sagadahoc, and Waldo.

Group III: Somerset, Oxford, Piscataquis and Washington.

2. The counties should be grouped for the purpose of setting the salaries of the Register of Deeds, as follows:

Group I: Androscoggin, Cumberland, Kennebec, Penobscot and York.

Group II: Northern and Southern Districts of Aroostook, Franklin, Hancock, Knox, Lincoln, Sagadahoc and Waldo.

Group III: Eastern District of Oxford, Somerset, Piscataquis and Washington.

Group IV: Western District of Oxford.

3. The following salaries should be paid to county officers:

A. County Commissioners:

<u>County</u>	<u>Member Salary</u>	<u>Chairman Salary</u>
Group I	\$ 4,000	\$ 4,800
Group II	\$ 2,500	\$ 3,000
Group III	\$ 2,500	\$ 3,000

B. County Treasurer:

<u>County</u>	<u>Salary</u>
Group I	\$ 7,500
Group II	\$ 4,800
Group III	\$ 5,500

C. County Sheriff:

<u>County</u>	<u>Salary</u>
Group I	\$13,500
Group II	\$12,500
Group III	\$12,500

D. Register of Deeds:

<u>County</u>	<u>Salary</u>
Group I <sup>1/</sup>	\$ 9,100
Group II <sup>2/</sup>	\$ 8,300
Group III <sup>3/</sup>	\$ 8,300
Group IV <sup>4/</sup>	\$ 4,850

(<sup>1/</sup> Group I does not include Aroostook county.

<sup>2/</sup> Group II includes both Aroostook county Registers.

<sup>3/</sup> Group III includes the Eastern District of Oxford  
but does not include the Western District.

<sup>4/</sup> Group IV is the Western District of Oxford County.)

E. Judge of Probate:

<u>County</u>	<u>Salary</u>
Group I	\$ 8,500
Group II	\$ 8,500
Group III	\$ 8,500

F. Register of Probate:

<u>County</u>	<u>Salary</u>
Group I	\$ 8,500
Group II	\$ 8,000
Group III	\$ 8,000

4. All fees received by the Registers of Deeds and Registers of Probate, including fees received for publication of notices, are to be turned over to the county treasury. The fees for advertising and publication by the Registers are to be set by the County Commissioners, and are to be sufficient to cover the actual cost to the county of the advertising.

5. All fees received by the Sheriff and full-time deputies, including fees for serving civil process, are to be turned over to the county treasury. Civil and criminal process service fees of part-time deputies may be retained by them.

6. The requirement that Sheriffs or Jailers live on the premises of county jails is to be repealed. Sheriffs or Jailers who choose to live in county-owned housing are to pay rent to the county. The County Commissioners are to set the amount of the rent, which shall be a reasonable amount, but not less than the actual cost of operating and maintaining the rented housing.

7. The County Commissioners are to be required to insure that the Treasurer or Register of Probate will actually work an

average minimum of 32 hours a week, and that the work-load of the office requires further assistance, before they approve the hiring of additional personnel or the appointment of a deputy.

8. All changes recommended are to apply on the effective date of the act incorporating them; except that any decreases in the statutory salary of a county officer shall not apply until the beginning of the next term of office immediately following the effective date.

The Committee would emphasize that the recommendations are not intended to be divisible; and that the recommended salaries are based on the assumption that the recommendations as to fees and housing are accepted. The salary structure recommended in this report is the result of a critical examination of each of the county offices and attempts to create a rational basis for determining the appropriate salaries for each office. It was often a difficult task to draw the balance between an adequate level of compensation for the services required of an officeholder and the desire to not unduly burden the county taxpayer. However, the resulting recommendations do apparently provide a critical and rationale basis for determining these salaries, and also provide a simple and straightforward approach that may be used for any future changes. Until changes are made in the basic administrative structure of the county and in the basic method of determining county budgets, the Legislature will have to continue to regularly readjust the salaries of county offices. The structure for these salaries recommended in this report should encourage a rational readjustment as it becomes necessary.

## STATE OF MAINE

Gout. ✓

In House APR 10 1975

~~Ordered~~

WHEREAS, there are presently wide differences in the salaries of county officers within each county and among the various counties; and

WHEREAS, the setting of county salaries is not currently based upon one legislative policy which is valid for the entire state; and

WHEREAS, the Legislature is currently entertaining a number of bills to increase the salaries of county officers in the various counties; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Local and County Government, to study legislative policies for the setting of the salaries of county officers, to develop a proper salary range for each type of county officer whose salary is determined by statute, and to develop a method of setting the salary for each type of county officer in each of the various counties, based upon the population of the county employing that officer or based upon other factors; and be it further

ORDERED, that the council report the results of its findings, together with any proposed recommendations and final drafts of any necessary implementing legislation, to the next special or regular session of the Legislature; and be it further

ORDERED, upon passage, that suitable copies of this Order be transmitted to the Chairman of the Legislative Council and to the House and Senate Chairmen of the Joint Standing Committee on Local and County Government as notice of this directive.

HOUSE OF REPRESENTATIVES

READ AND PASSED

APR 10 1975

(Gray)  
Name: *W. Gray*  
Town: Rockland

HP1477

*Edwin S. Best*

CLERK

SENT UP FOR CONCURRENCE

→

## APPENDIX B

## METROPOLITAN AREAS (OVER 2,500 POPULATION)

	POPULATION	AREA(SQUARE MILES)
<u>AROOSTOOK COUNTY</u>	<u>59,332</u>	<u>394.2</u>
CARIBOU	10,419	8.2
FORT FAIRFIELD	4,859	78.4
FORT KENT	4,575	56.1
HOULTON	8,111	36.7
LIMESTONE	10,360	41.3
MADAWASKA	5,585	56.7
PRESQUE ISLE	11,452	81.7
VAN BUREN	3,971	35.1
<u>ANDROSCOGGIN COUNTY</u>	<u>75,924</u>	<u>140.5</u>
AUBURN	24,151	60.9
LEWISTON	41,779	34.6
LISBON	6,544	24.5
LIVERMORE FALLS	3,450	20.5
<u>CUMBERLAND COUNTY</u>	<u>183,585</u>	<u>594.2</u>
BRIDGTON	2,967	57.3
BRUNSWICK	16,195	47.0
CAPE ELIZABETH	7,873	14.2
CUMBERLAND	4,096	26.0
FALMOUTH	6,291	30.9
FREEPORT	4,781	33.3
GORHAM	7,839	51.9
GRAY	2,939	41.8
HARPSWELL	2,552	19.1
NEW CLOUCESTER	2,811	48.0
PORTLAND	65,116	21.6
SCARBOROUGH	7,845	49.8
SOUTH PORTLAND	23,267	11.6
STANDISH	3,122	60.2
WESTBROOK	14,444	21.0
WINDHAM	6,593	48.0
YARMOUTH	4,854	12.5
<u>FRANKLIN COUNTY</u>	<u>13,413</u>	<u>146.1</u>
FARMINGTON	5,657	55.3
JAY	3,954	48.7
WILTON	3,802	42.1
<u>HANCOCK COUNTY</u>	<u>12,075</u>	<u>170.2</u>
BAR HARBOR	3,716	41.8
BUCKSPORT	3,756	50.5
ELLSWORTH	4,603	77.9



KENNEBEC COUNTY	67,423	232.3
AUGUSTA	21,945	52.8
GARDINER	6,685	19.3
HALLOWELL	2,814	5.2
OAKLAND	3,535	27.7
WATERVILLE	18,192	13.4
VASSALBOROUGH	2,618	43.2
WINSLOW	7,299	38.0
WINTHROP	4,335	32.7
KNOX COUNTY	15,266	43.3
CAMDEN	4,115	18.6
ROCKLAND	8,505	12.5
THOMASTON	2,646	12.2
LINCOLN COUNTY	3,146	71.1
WALDOBORO	3,146	71.1
OXFORD COUNTY	21,006	182.2
MEXICO	4,309	22.0
NORWAY	3,595	45.1
PARIS	3,739	41.8
RUMFORD	9,363	73.3
PENOBSCOT COUNTY	87,702	292.2
BANGOR	33,168	34.3
BREWER	9,300	16.5
DEXTER	3,725	35.1
EAST MILLINOCKET	2,567	7.1
HAMPDEN	4,693	38.0
LINCOLN	4,759	67.5
MILLINOCKET	7,742	10.1
OLD TOWN	9,057	40.4
ORONO	9,989	18.5
ORRINGTON	2,702	24.7
PISCATAQUIS COUNTY	6,750	102.1
DOVER-FOXCROFT	4,178	68.4
MILO	2,572	33.7
SAGadahoc COUNTY	14,701	34.9
BATH	9,679	9.5
TOPSHAM	5,022	35.4
SOMERSET COUNTY	21,838	208.9
FAIRFIELD	5,684	53.3
MADISON	4,278	50.4
PITTSFIELD	4,274	46.9
SKOWHEGAN	7,601	58.3

WALDO COUNTY	5,957	38.1
BELFAST	5,957	38.1
WASHINGTON COUNTY	4,044	34.0
CALAIS	4,044	34.0
YORK COUNTY	92,945	403.3
BERWICK	3,136	40.1
BIDDEFORD	19,983	29.9
BUXTON	3,135	42.6
ELIOT	3,497	20.4
KENNEBUNK	5,646	37.5
KITTERY	11,028	18.7
OLD ORCHARD BEACH	5,404	8.2
SACO	11,678	37.8
SANFORD	15,812	8.6
SOUTH BERWICK	3,488	34.2
WELLS	4,448	65.9
YORK	5,690	59.4

MUNICIPAL POLICE CHIEF SALARIES (1975)  
(Municipalities greater than 2,500 pop.)

<u>County</u>	<u>Municipality</u>	<u>Chief's Salary</u>	<u>Dept. Size (Full-Time)</u>
Androscoggin	Auburn	\$12,792 - 15,328	39
	Lewiston	13,998 - 17,472	78
	Lisbon	11,960	6
	Livermore Falls	11,700	4
Aroostook	Caribou	\$11,180	17
	Fort Fairfield	9,880	6
	Fort Kent	10,088	5
	Houlton	10,140 - 12,324	14
	Limestone	8,840	5
	Madawaska	10,816	6
	Presque Isle	13,000	17
	Van Buren	9,100	3
Cumberland	Bridgton	\$11,700	4
	Brunswick	14,612	34
	Cape Elizabeth	11,908	11
	Cumberland	12,064	4
	Falmouth	13,884	11
	Freeport	13,000	7
	Gorham	12,480	8
	New Gloucester	7,072	1
	Portland	21,780	167
	Scarborough	13,312	12
	South Portland	15,340	46
	Westbrook	13,728	29
	Yarmouth	13,000	7
Franklin	Farmington	\$10,816	7
	Jay	10,452	3
	Wilton	8,840	4
Hancock	Bar Harbor	\$10,868	8
	Bucksport	9,932	7
	Ellsworth	9,984	9
Kennebec	Augusta	\$12,378 - 14,508	40
	Gardiner	12,740	11
	Hallowell	9,100	4
	Oakland	7,904	3
	Waterville	15,080	32
	Winslow	10,504	5
	Winthrop	10,920	7

<u>County</u>	<u>Municipality</u>	<u>Chief's Salary</u>	<u>Dept. Size (Full-Time)</u>
Knox	Camden	\$10,400	7
	Rockland	11,180	17
	Thomaston	9,360	4
Lincoln	Waldoboro	\$ 9,048	4
Oxford	Mexico	\$ 9,152 - 10,296	5
	Norway	9,464	3
	Rumford	13,052	14
Penobscot	Bangor	\$17,992	62
	Brewer	12,584	16
	Dexter	8,996	4
	East Millinocket	12,012	4
	Hampden	8,372 - 10,348	3
	Lincoln	10,036	4
	Millinocket	13,104	11
	Old Town	8,840	13
	Orono	10,452	9
Piscataquis	Dover-Foxcroft	\$ 7,800 - 9.360	4
	Milo	10,400	3
Sagadahoc	Bath	\$12,948	19
	Topsham	13,000	9
Somerset	Fairfield	\$11,000	5
	Madison	8,684	5
	Pittsfield	9,880	6
	Skowhegan	10,192	13
Waldo	Belfast	\$ 9,516	10
Washington	Calais	\$11,440	10
York	Berwick	\$ 8,320	4
	Biddeford	13,468	33
	Eliot	9,100	4
	Kennebunk	11,648	7
	Kittery	12,064	18
	Old Orchard Beach	13,364	11
	Saco	11,908	26
	Sanford	13,104	25
	South Berwick	11,128	4
	Wells	11,232 - 14,040	7
	York	11,440	7

Appendix D: Draft Legislation

AN ACT to Revise the Salaries of County Officers.

Sec. 1. 18 MRSA § 251, 3 ¶ is amended to read as follows:

The salaries of the registers of probate shall be in full compensation for the performance of all duties required of registers of probate. They may make copies of wills, accounts, inventories, petitions and decrees and furnish the same to persons calling for them and may charge a reasonable fee for such service, which shall be deemed a fee for the use of the county. Exemplified copies of the record of the probate of wills and the granting of administrations, guardianships and conservatorships, copies of petitions and orders of notice thereon for personal service, appeals copies and the statutory fees for abstracts and copies of the waiver of wills and other copies required to be recorded in the registry of deeds shall be deemed to be official fees for the use of the county.

Sec. 2. 18 MRSA § 256, 1st sentence is amended to read as follows:

Any register of probate in this State may, ~~if he so desires,~~ appoint, with the approval of the county commissioners, any person who is employed on a full-time basis in ~~said the~~ probate office as the deputy register of probate for ~~said the~~ county. ~~and-said~~ The county commissioners shall approve the recommended appointment unless the appointment will reduce the hours spent by the Register in official duties below an average minimum of 32 hours a week. The deputy may perform any of the duties prescribed by law to be performed by the register of probate.

Sec. 3. 30 MRSA § 2 is repealed and replaced to read as follows:

§ 2. Salaries

1. County officers' salaries.

A. The county commissioners, county treasurers, sheriffs, judges of probate and registers of probate in the several counties shall receive annual salaries from the county treasury, in weekly or monthly payments, as follows:

(1) Androscoggin, Aroostook, Cumberland, Kennebec, Penobscot and York Counties:

a. County Commissioners: Chairman: \$4,800

Member: \$4,000

b. County Treasurer: \$7,500

c. Sheriff: \$ 13,500

d. Judge of Probate: \$8,500

e. Register of Probate: \$8,500

(2) Franklin, Hancock, Knox, Lincoln, Sagadahoc and Waldo Counties:

a. County Commissioners: Chairman: \$3,000

Member: \$2,500

b. County Treasurer: \$4,800

c. Sheriff: \$12,500

d. Judge of Probate: \$8,500

e. Register of Probate: \$8,000

(3) Somerset, Oxford, Piscataquis and Washington Counties:

a. County Commissioners: Chairman: \$3,000

Member: \$2,500

- b. County Treasurer: \$5,500
- c. Sheriff: \$12,500
- d. Judge of Probate: \$8,500
- e. Register of Probate: \$8,000

B. The registers of deeds in the several register districts shall receive annual salaries from the county treasury, in weekly or monthly payments, as follows:

- (1) Androscoggin, Cumberland, Kennebec, Penobscot and York Counties: \$9,100
- (2) Northern and Southern Districts of Aroostook County and Franklin, Hancock, Knox, Lincoln, Sagadahoc and Waldo Counties: \$8,300
- (3) Eastern District of Oxford County and Somerset, Piscataquis and Washington Counties: \$8,300
- (4) Western District of Oxford County: \$4,850

2. District Attorneys' salaries

The district attorney for each of the prosecutorial districts, as described in section 553-A, shall receive an annual salary of \$23,500. The district attorneys and their assistants shall receive their annual salaries from the State Treasury in biweekly payments on a date to be determined by the State Controller and in a sum which will, in a year aggregate, most nearly equal the annual salary.

3. Clerk hire and expenses

County commissioners shall allow to the officers, excepting clerks of courts, all office expense, clerk hire and travel which are necessary, just and proper to the performance of their

duties. County commissioners shall not allow all or part of the requested clerk hire for the county treasurer or register of probate, if by doing so the hours spent in official duties by that officer would be reduced below an average minimum of 32 hours a week. Without limiting the generality of the foregoing, the county commissioners shall allow to sheriffs the cost of boarding, guarding and transporting prisoners, whether awaiting trial or after conviction, and whether acting within or outside the county.

The Chief Justice of the Supreme Judicial Court or his designee shall allow to clerks of court, for payment by the State, their office expenses, clerk hire and travel expenses which, in his opinion, are necessary, just and proper to the performance of their official duties. Clerks shall secure approval of such expenses at such time and in such manner as the Chief Justice or his designee shall direct.

#### 4. Fees and charges.

##### A. County officers.

The salaries mentioned in this section shall be in full compensation for the performance of all official duties by those officers and judges. All fees and charges of whatever nature which may be payable to any county officer, except clerks of court, shall be payable by them to the county treasurer for the use and benefit of the county. The fee payable to clerks of courts shall be payable by them as elsewhere provided by law; or in the absence of express provision, to the State. No county officer shall receive a private benefit from the labor of any person in the employ of the county.



B. Deputy Sheriffs.

All fees and charges of whatever nature which may be payable to any deputy sheriff shall be payable by them to the county treasurer for the use and benefit of the county, except that deputies not on a salary or per-diem basis may receive and retain fees for the service of criminal or civil process.

Fees chargeable by sheriffs and their deputies for service of civil process shall be collected by them exclusively from the litigants. Fees chargeable by deputies not on salary or per diem for service of criminal process shall be approved by the respective district attorneys, and paid by the respective county treasurers.

Sec. 4. 30 MRSA § 65 is enacted to read as follows:

§ 65. Charges and rents.

1. Publication charges. The county commissioners shall set the amount to be charged by the Register of Probate and the Register of Deeds for the publication of notices required by law. The amount set shall not be less than the actual cost to the county of providing the publication service including the actual cost of publication.

2. Rent for county housing. The county commissioners shall set the amount of rent to be charged the Sheriff or Jailer occupying the house or apartment connected with the county jail. The amount of rent shall be reasonable, but shall not be less than the actual cost of operating and maintaining the house or apartment, including the cost of any fuel and light supplied by the county.

Sec. 5. 30 MRSA § 604 is amended to read:

§ 604. Salaries

County treasurers ~~and their deputies~~ shall receive annual salaries as set forth in section 2. The Deputy Treasurer shall receive annual salaries as established by the treasurer and approved by the county commissioners.

Sec. 6. 30 MRSA § 651 is amended to read:

§ 651. Appointments; duties

The treasurers of the several counties may appoint deputy treasurers, with the approval of the county commissioners, for their respective counties. The county commissioners shall not approve the appointment of any deputy if the appointment would reduce the hours spent in official duties by the treasurer below an average minimum of 32 hours a week. Such deputy treasurer shall assist the treasurer in performing the duties of his office. He shall give bond to the county for the faithful discharge of his duties in such sum as the county commissioners order and with such sureties as they approve in writing thereon, the premium of such bond to be met by the county.

Sec. 7. 30 MRSA § 908 is amended to read:

§ 908. Salaries

The sheriffs of the several counties shall receive annual salaries as set forth in section 7 ~~together with free rental of the house or living apartment connected with the county jail in each county, including the necessary light and fuel.~~ Said salaries shall be in full compensation for services in attendance upon the Supreme Judicial Court and upon the Superior Court, as

jailer, master or keeper of the jail in each county, for receiving and committing prisoners therein and for the service of all criminal and civil processes and the performance of all duties relating to the enforcement of all criminal laws. All actual and necessary expenses for travel and hotel bills within their respective counties and such necessary incidental expenses as are just and proper, incurred in the performance of their public duties, including all necessary expense for aid in keeping the jails, shall be allowed by the respective boards of county commissioners of said counties and paid from the county treasuries.

Sec. 8. 30 MRSA § 958, new ¶ at the end, to read:

All fees received by full-time deputies for the service of civil process shall be deemed fees for the use of the county, and shall be paid to the county treasurer for the use and benefit of the county.

Sec. 9. 34 MRSA § 904 is repealed.

Sec. 10. Application.

That part of section 3 of this Act that enacts 30 MRSA § 2, sub-§ 1, and thereby reduces the statutory salaries of the chairman of the Aroostook county commissioners, the chairmen and members of the Cumberland and Hancock county commissioners, the chairman of the Lincoln county commissioners, the members (not including the chairman) of the Oxford county commissioners, the treasurers of Cumberland, Androscoggin and Hancock counties, the register of deeds of Cumberland county, the judge of probate of Cumberland, Kennebec and Penobscot counties and the register of probate of Cumberland county, shall not be applied to those officers until the

beginning of the next term of office following the effective date of this Act.

#### Statement of Fact

This bill contains the recommended changes of the study of the salaries of county officers. The study was undertaken by the Local and County Government Committee of the 107th Legislature under Study Order H.P. 1477. The Committee also wrote a narrative report on its procedures, findings and recommendations.

The purposes of this bill are to create a rationale system for determining the salaries of county officers and to set those salaries at an equitable level. The salaries contained in this bill were determined after a critical study of each of the county offices. The bill also removes the unevenly distributed non-salary compensation that some county officers receive, and places all officers in an exclusively salaried position. To reach an equitable and rationale salary for each officer, this bill makes the following changes in present statutes:

1. Groups the counties into three categories (or in the case of Registers of Deeds, four categories) for the purpose of setting the statutory salaries;
2. Establishes the salaries of the County Commissioners, County Treasurer, Sheriff, Register of Deeds, Judge of Probate and Register of Probate for each group of counties;

3. Requires that all fees received by the Registers of Probate and Registers of Deeds, including publication fees, are to be turned over to the county treasury;
4. Requires that all fees received by the Sheriffs and all full-time deputies, including civil process fees, are to be turned over to the county treasury;
5. Repeals the statutory provisions requiring Sheriffs or Jailers to live on the jail premises, and requires them to pay rent if they do live there;
6. Requires the Treasurer or Register of Probate to work a minimum average of 32 hours a week if a deputy is appointed or clerks hired;
7. Delays the effective date of any reductions in salary until the beginning of a new term following the effective date of the bill.

These recommendations are an integrated and rational basis for establishing these salaries and draw a fair balance between the need to provide an adequate level of compensation for the services required of each officeholder and the desire to not unduly burden the county taxpayer.