

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Allow County Commissioners To Appoint Registers of Deeds

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

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

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

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

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

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

"County of

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

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

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

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

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

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

SUMMARY

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.