SUSAN F. BULAY

Penobscot County Register of Deeds

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LD 49: An Act to Amend the Laws Governing Payment of Fees to Registers of Deeds

Senator Lachowicz, Rep. Graham, and members of the joint standing committee on State and Local Government.

My name is Susan Bulay. I am the Register of Deeds for Penobscot County and am speaking today on behalf of the Maine Registers of Deeds Association in favor of LD 49, An Act to Amend the Laws Governing Payment of Fees to Registers of Deeds.

I am sure that some of you are very familiar with the Registry of Deeds, but, in case some of you are not, I wanted to start with a little background. Currently, the Registry of Deeds records deeds, mortgages, discharges and other documents that relate to real property in the county. The statute currently states that fees for the recording must be paid at the time of recording.

This the same as paying to register your car or to get a copy of your birth certificate. You pay for the service when the service is rendered. This has worked very well. It keeps us from issuing bills for recording fees and having to chase people to collect. When it is time for us to pay the State its share of transfer tax and to transfer revenue to the county general fund at the end of each month, the money is already in the Registry account. Currently, the only exemption to the pay at the time of recording statute is the State of Maine. We are required to let the State charge, issue them a bill, and give them ten business days to pay. I am really glad that only the State can charge because following up on charge accounts can be a real headache.

The current system of paying when you record has worked very well for many years, but times and technology are changing. Several years ago the

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IRS informed us that they would be making ACH or electronic payments to our account for recording fees, no more checks. They make the payments around the time we receive the documents for recording. Since we record the day we receive the documents, anywhere from two days before to two days after recording the deposit is made to our account.

In addition, several of the registries have started to accept recordings electronically. This process involves a middleman, a company that provides e-file software to banks and title companies and interfaces with our software vendor to complete the process.

The county has an e-recording agreement with the middleman company that specifies what we will do and what they will do. One of the terms of the agreement is payment. The e-file company waits until the end of the day, adds up how much they owe us for the day and makes an automatic deposit or ACH payment to our account within one to two business days. The e-file company will make this payment even if the bank or title company does not pay them.

Again, this has been working well. We are getting paid and do not have to chase anyone for payment. And no more returned checks. But here is also the problem. The e-file company is not paying us at the time of recording as the current statute requires. The automatic deposit arrives in our bank account one to two business days later.

The legislation before you today would make the law follow what we are doing already. It would allow the IRS, e-file companies, and others that have ACH agreements with the county to pay in accordance with the agreement, not at the time of recording. We consider this a housekeeping bill to align the statute with current practice and technology that our customers are requesting. We hope you will feel the same and vote "Ought to Pass" on LD49.

Thank you.

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Statutory Excerpts for LD 49 An Act To Amend the Laws Governing Payment of Fees to Registers of Deeds February 6, 2013

33 MRSA §751

§751. Schedule

Except as provided in any other provision of law, registers of deeds shall receive the following fees for:

- 1. Instruments generally. Receiving, recording and indexing any instrument that may be recorded and for which a specific fee is not set forth in this section or in any other section, the sum of \$13 for the first record page and \$2 for each additional record page or portion of an additional record page. In addition, if more than 4 names are to be indexed, a fee of \$1 must be paid for each additional name, counting all grantors and grantees;
 - 1-A. Divorce decrees or abstracts.
 - 2. Discharge.
 - 3. Municipal quitclaim deed.
 - 4. Copy of writ of attachment in unincorporated place.
 - 5. Certain corporation certificates.
 - 6. Copy of process against domestic corporation.
 - 7. Organization of nonprofit corporation.
 - 8. Federal liens.
 - 9. Plans. Recording, indexing and preserving plans, the sum of \$15;
 - 10. Municipal and unorganized territory tax liens.
 - 11. Mortgage foreclosure.
 - 12. District liens.
 - 13. Secured transactions.
- 13-A. Previously recorded instrument. An instrument satisfying, releasing, discharging, assigning, subordinating, continuing, amending or extending an instrument previously recorded in the county in which recording is requested must make reference to only one previously recorded instrument, or a fee of \$13 for each additional previously recorded instrument referred to must be paid.
 - 14. Abstracts and copies.
 - 14-A. Bail liens.
- **14-B. Abstracts and copies.** Making abstracts and copies of records at the office of the register of deeds as follows:
 - A. Five dollars per page for paper abstracts and copies of plans;

- B. One dollar per page for other paper abstracts and copies; and
- C. Fifty cents per page for digital abstracts and copies, except that the fee is 5¢ per page for copies of 1,000 or more digital abstracts and copies of consecutive records; and

14-C. Abstracts and copies.

15. When payable. Fees provided by this section shall be paid when the instrument is offered for record, except that fees payable by the State shall be paid monthly by the department or agencies requesting the recording, upon rendition of bills by the register of deeds. Said bills shall be paid within 10 days of receipt of same by the department or agencies.