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My name is Susan Bulay and I am the Register of Deeds for Penobscot County. I am speaking today in opposition to LD 550, An Act to Require Probate Judges, Registers of Probate and Registers of Deeds to be Appointed.

On February 26, 2013, the Penobscot County Commissioners at their regular weekly meeting voted to not support this bill. They stated that they were not having any problems with any of the elected officials and did not see anything to be gained by appointing these individuals.

The Maine Registers of Deeds Association does not take a position on the provisions of the bill that would appoint Probate Judges and Registers of Probate. We are in opposition to the portion that would appoint Registers of Deeds.

The Registry of Deeds is one of our oldest government offices. By 1640, twenty years after the Pilgrims landed, they had established a system of recording births, deaths, marriages and land records. Originally the register of deeds was the clerk of the inferior court of common pleas appointed by the judges of the court. In 1715, the law was changed and the register became elected by freeholders at a town meeting. We don't know exactly why the position was changed from appointed to elected, but we do know that one register was relieved of his duties because he used his position to force a landlord to pay rent to a tenant. We can only assume that the public wanted more control over who was in charge of protecting their land records.

And we think the public still wants a voice in choosing their public officials. They are informed and caring enough to vote for the Governor, legislators, county commissioners and the register of deeds. Voting rights are extremely important in our history and around the world. In some countries today, people risk their lives to cast their ballot.

The fact that registers must be elected every four years is an incentive to do the very best job possible, as one answers to a very large number of people and not a few who determine an appointment. The very act of running a successful campaign requires skills necessary to perform the job, such as ability to deal well with the public, technical expertise, financial management and ethical behavior.

One of the biggest benefits of being elected is the division of power in dealing with County Commissioners. If a register disagrees with a commissioner, manager or other county official, the elected register is free to speak their mind without fear of retaliation or dismissal. Several years ago one elected county register disagreed with her commissioners spending the restoration surcharge funds without her agreement and the registers were able to come to the legislature to get the language clarified. An appointed register may not have done that.

If the county commissioners wanted to appoint the register of deeds, they could do it through the establishment of a county charter. A charter is voted on by the citizens of the county before it goes into effect allowing the citizens to agree to give up their right to choose their county officials. Five of the sixteen counties have adopted charters and have addressed this issue in their charters. Aroostook and Somerset continue with election while Knox, Cumberland and Androscoggin counties have appointed or will appoint their registers. Counties do not need this bill if they want to move to appointment of registers of deeds.

Since this bill is not necessary to establish appointment of registers of deeds and it is not good public policy to limit the voting rights of the public, we urge you to vote Ought Not to Pass on LD 550.