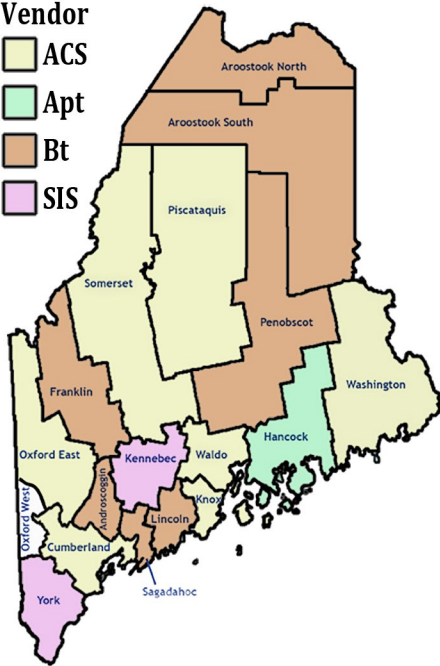




Vendor



Comments prepared for the Joint Standing Committee on State and Local Government in particular regards to **LD 1499**¹ *An Act Concerning Fees for Users of County Registries of Deeds* and **LD 1550**² *An Act To Change Document Filing Fees for County Registries of Deeds* presented on Monday, May 9, 2011, 1:00 PM, Room 214 Cross Building.

Good afternoon ladies and gentlemen of the Committee.

My name is Kelly Bellis. I'm a professional land surveyor practicing in Hancock County and, occasionally in Washington County.

This is a most exciting time as society embraces what technology now economically affords us all and no less is that certainty than in the geospatial fields. Land records management, their care, preservation and general stewardship has always been entrusted with the State and now you, the makers of law, are poised to uniformly codify these ideals into 21st century terms.

I come to speak to you today not as past President of the Maine Freedom of Information Coalition, nor even as a professional land surveyor. Instead, I speak to you only as a citizen of Maine, one who recognizes your task and its potential impact on the future of Maine's land records management. I speak neither in favor nor opposition to LD 1499 or LD 1550 because they, and previous measures too, have only been in reaction to symptoms of an attitude that has become increasingly pervasive and now in need of check.

Both the proponents and opponents of LD 1499, LD 1550, and indeed, the plaintiffs and defendants in recent court cases, as well as those entities waiting in the wings, share the common attitude that public records are chattel. These revenue sources beguile and corrupt the fundamental principle as to why our land records must be freely accessed by all, without charge, without condition, without exception. These records are public property and must never be regarded as a basis for income, by private corporations or by state and local government.

Notice is a concept that most of us are familiar with in some form or another, whether it's the sublime expression on her face, weight limits placed on certain roads during the spring of the year or your intention to run for another term. In real estate law, *notice* is fundamental and the Registry of Deeds is its nexus. Any erected barrier which impedes or outright prevents access to public land records online must be condemned and corrected.

The average citizen ought to be able to enter any public registry, library or learning institution, access the Registry of Deeds website, search unfettered for records and make copies of anything found. If the registry, library or school wishes to be reimbursed for the paper, toner, electricity, phone line, etc., a fair charge which approximates those costs on par with commercial copying facilities is only reasonable. If our citizenry is able to make copies using their own paper, toner, electricity, phone line, etc., they should never be held up for any charge.

1 http://www.mainelegislature.org/legis/bills/bills_125th/billtexts/HP110001.asp

2 http://www.mainelegislature.org/legis/bills/bills_125th/billtexts/HP113701.asp

Aside from being geared toward concerns for generating revenue, LD 1499 seeks to allow fixing fees on a county by county basis while dubiously obviating the court's recent decisions compelling counties to provide bulk rate fee structures. Presently, each county may decide which out of state vendor³ it will use for its website and daily operational needs, independently promulgate its own online access policies and fee structures with no regard to statewide uniformity. For example, online access is barred at the Aroostook North website without first paying the annual \$100 fee; same thing for Aroostook South, and if you're looking at deeds in both portions of The County, you'll first have to pay \$200. Other counties require you to first provide credit card information before you're even allowed to enter the website, while other counties allow free viewing. All Maine Registry of Deeds websites do not allow saving and printing deeds without payment and most offer single personal purchases without commercial subscription fees, although at significantly higher costs.

LD 1550 seeks to simply allow each county to charge more money by doubling the present recording fees while citing recent court decisions and their legal expenses incurred by unsuccessfully defending themselves. Additionally LD 1550 fails to identify the incorporation of the \$3 document preservation surcharge⁴ which has been in place since 1997.

This Committee has the opportunity to rework both LD 1499 and LD 1550 by crafting a single measure to ensure guaranteed, uniform, free and unfettered access to the public's land records and in so doing, create a bulwark against future lawsuits predicated on the perversion of the public's right to know.

As mentioned earlier, this is a most exciting time for all geospatial fields. The Maine Revenue Services, the Maine Office of GIS, the Maine GeoLibrary Board, the Maine Department of Transportation, and many other State offices along with scores of local municipalities are each in development of making Maine's land records freely accessible. Fundamental to their progress will be your decisions made today.

I leave you with this idea to consider: assemble a panel to study the best means possible in providing uniform, statewide, free and unfettered access to the public's land records and, its financial underwriting. Require the panel to return to this Committee with its results for your final consideration and recommendation to the Legislature.

Thank you very much for your time and consideration.



³ All Registry of Deeds presently offering online access to public land records pay hundreds of thousands of dollars every year to four out of state software vendors.

⁴ Records preservation surcharge in place for the past 14 years - <http://www.mainelegislature.org/legis/statutes/33/title33sec752.html>



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Overview of pricing for deeds online at 18 Maine Registry of Deeds websites

Compiled Sunday, May 8, 2011. Not all pertinent data could be determined at time of compilation.

	Personal Use	User Account Required	Credit Card Required ⁵	Pay-per Page	Pay-per Document	Commercial Use	Application Fee	Annual Charge	Monthly Charge	User Account Required	Credit Card Required ⁶	Pay-per Search	Pay-per Page	Pay-per Document	Free image viewing	Free document search	Image Viewer ⁷
ACS⁸																	
Cumberland		no	no	\$2.00					\$50.00	yes	no		\$1.50		yes	yes	Flash
Knox		no	no	\$2.00					\$35.00	yes	no		\$1.00		yes	yes	Flash
Oxford East		no	no	\$3.00					\$50.00	yes	no		\$1.00		yes	yes	Flash
Oxford West⁹																	
Piscataquis		no	no	\$3.00					\$50.00	yes	no		\$1.00		yes	yes	Flash
Somerset		yes	yes		\$3.00				\$35.00	yes	yes	\$0.50		\$0.25	no	no	TIFF
Waldo		yes	yes		\$3.00				\$35.00	yes	yes	\$0.50		\$0.25	no	no	TIFF
Washington		yes	yes		\$3.00				\$35.00	yes	yes	\$0.50		\$0.25	no	no	TIFF
Aptitude¹⁰																	
Hancock		no	no	\$0.50					\$25.00	yes	no		\$0.10		yes	yes	PDF
BROWNtech¹¹																	
Androscoggin¹²		no															TIFF
Aroostook North¹³		yes	yes	\$0.50				\$100.00		yes	yes		\$0.50		no	no	TIFF
Aroostook South¹⁴		yes	yes	\$0.50				\$100.00		yes	yes		\$0.50		no	no	TIFF
Franklin¹⁵		no															TIFF
Lincoln		yes		\$3.00			\$25.00		\$25.00				\$0.75				TIFF
Penobscot¹⁶		no															TIFF
Sagadahoc¹⁷		yes															TIFF
Stewart¹⁸																	
Kennebec		yes	no	\$3.00					\$50.00	yes	yes		\$1.50		yes	yes	TIFF
York		yes	no	\$2.25					\$50.00	yes	yes		\$1.50		yes	yes	TIFF

5 Credit Card information is required even if you don't buy anything

6 Credit Card information is required even if you don't buy anything

7 Flash and PDF viewers worked flawlessly; TIFF viewers, Java applets and plugins either refused to display, or required coaxing

8 [Xerox Corporation and Affiliated Computer Services Inc.](#), Dallas, TX; NYSE: XRX

9 Online deeds not found

10 [Aptitude Solutions Inc.](#), Maitland, FL

11 [BROWNtech, Inc.](#), Norwood MA, allied with Stewart

12 Neither Terms of Service, End User Agreement, Pricing policies nor Fee schedules could be located on their website

13 No distinctions are given between personal use and commercial use

14 No distinctions are given between personal use and commercial use

15 Neither Terms of Service, End User Agreement, Pricing policies nor Fee schedules could be located on their website

16 Neither Terms of Service, End User Agreement, Pricing policies nor Fee schedules could be located on their website

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18 [Stewart Information Services Corp.](#) domain registrant for [PropertyInfo® Corporation](#), San Antonio, TX; NYSE: STC

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