

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

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Legislative Document

No. 1320

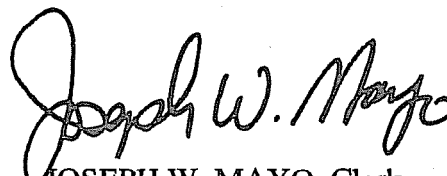
H.P. 989

House of Representatives, April 22, 1993

**An Act Concerning the Requirement of Notification of Municipal Tax  
Liens to Mortgages of Record.**

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Received by the Clerk of the House on April 20, 1993. Referred to the Committee on  
Taxation and 1200 ordered printed pursuant to Joint Rule 14.

  
JOSEPH W. MAYO, Clerk

Presented by Representative DORE of Auburn.  
Cosponsored by Representative: ADAMS of Portland.

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

2  
4       **Sec. 1. 36 MRSA §942, 4th ¶**, as amended by PL 1977, c. 630, §8, is further amended to read:

6       At the time of the recording of the tax lien certificate in  
8       the registry of deeds, in all cases the tax collector shall file  
10       with the municipal treasurer a true copy of the tax lien  
12       certificate and shall send by certified mail, return receipt  
14       requested, to each ~~record~~ holder of a mortgage on said real  
16       estate who is registered with the tax collector, to ~~his~~ the  
mortgage holder's last known address, a true copy of the tax lien  
certificate. If the real estate has not been assessed to its  
record owner, the tax collector shall send by certified mail,  
return receipt requested, a true copy of the tax lien certificate  
to the record owner.

18       **Sec. 2. 36 MRSA §943, 5th ¶**, as amended by PL 1983, c. 407,  
20       §4, is further amended to read:

22       The municipal treasurer shall notify the party named on the  
24       tax lien mortgage and each ~~record~~ holder of a mortgage on the  
26       real estate who is registered with the tax collector not more  
28       than 45 days nor less than 30 days before the foreclosing date of  
30       the tax lien mortgage, in a writing left at ~~his~~ the mortgage  
32       holder's last and usual place of abode or sent by certified mail,  
34       return receipt requested, to ~~his~~ the mortgage holder's last known  
36       address of the impending automatic foreclosure and ~~indicating~~ the  
38       exact date of foreclosure. For sending this notice, the  
municipality ~~shall--be~~ is entitled to receive \$3 plus all  
certified mail, return receipt requested, fees. These costs  
~~shall-be~~ are added to and become a part of the tax. If notice is  
not given in the time period specified in this section to the  
party named on the tax lien mortgage or to any ~~record~~ registered  
holder of a mortgage, the person not receiving timely notice  
~~shall-have~~ has the right to redeem the tax lien mortgage until 30  
days after the treasurer ~~does--provide~~ provides notice in the  
manner specified in this section.

40       **Sec. 3. 36 MRSA §943, 7th ¶** is amended to read:

42       After the expiration of the 18-month period for redemption,  
44       the mortgagee ~~of--record~~ of said real estate who is registered  
46       with the tax collector or ~~his~~ the mortgagee's assignee and the  
48       owner of record if the said real estate has not been assessed to  
50       ~~him~~ the owner or the person claiming under ~~him--shall~~ the owner,  
in the event the notice provided for said mortgagee and said  
owner has not been given as provided in section 942, ~~have~~ has the  
right to redeem the said real estate within 3 months after  
receiving actual knowledge of the recording of the tax lien  
certificate by payment or tender of the amount of the tax lien

2 mortgage, together with interest and costs, and the tax lien  
mortgage shall must then be discharged by the owner thereof in  
4 the manner provided.

6 **STATEMENT OF FACT**

8 This bill provides that, in the municipal tax lien process,  
a municipal tax collector need only notify those mortgagees that  
10 have registered with the tax collector. Currently all mortgagees  
of record must be notified.  
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