

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

PORTLAND LITHOGRAPH COMPANY
PORTLAND, MAINE
1977

PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND EIGHTH LEGISLATURE

1977

debts, obligations and other liabilities of Patten Water District assumed by the Town of Patten pursuant hereto.

Referendum; emergency; effective date; certificate to Secretary of State. In view of the emergency cited in the preamble, this Act shall take effect when approved and shall be submitted to the legal voters of the Town of Patten at any regular meeting or at any special meeting called and held for the purpose within 3 months after the effective date of this Act. Such special meeting shall be called, advertised and conducted according to the law relating to municipal elections, provided that the registrar of voters shall not be required to prepare for posting nor the town clerk to post a new list of voters. For the purpose of registration of voters, the registrar of voters shall be in session the 3 secular days next preceding such meeting.

The subject matter of this Act shall be reduced to the following question :

“Shall ‘An Act to Authorize the Transfer of all Assets and Liabilities of the Patten Water District to the Town of Patten and the Dissolution of the Patten Water District,’ as passed by the First Regular Session of the 108th Legislature, be accepted?”

The voters shall indicate in the usual manner their opinion of the same.

This Act shall take effect for all the purposes thereof immediately upon its acceptance by a majority of the legal voters at said meeting; provided that the total number of votes cast for and against the acceptance of this Act at said meeting equals or exceeds 10% of the total vote for all candidates for Governor in said town at the last preceding gubernatorial election, but failure of approval by the necessary percentage of voters at any such meeting shall not prevent a subsequent meeting or meetings to be held for said purpose within the time limitation of this Act.

The result of the votes shall be declared by the municipal officers of the Town of Patten and due certificates thereof shall be filed by the clerk of said town with the Secretary of State.

Effective May 6, 1977

CHAPTER 31

AN ACT to Enable the City of Portland to Collect its Sewer Assessments over a Period not to Exceed 10 Years.

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

Sec. 1. P & SL 1891, c. 184, §§ 8 - 16, are enacted to read:

Sec. 8. Stay of foreclosure. The City of Portland is authorized to provide

by ordinance for a stay of the foreclosure of lien under section 6. Such ordinance may provide for the payment of interest not to exceed 10% per year, for a late charge, for a term not to exceed 10 years, and for such other conditions as the city shall deem advisable or necessary. Such lien shall continue in full force and effect except that such foreclosure provision shall be stayed. Notice of the stay of foreclosure when recorded in the Cumberland County Registry of Deeds shall constitute notice to all persons of the existence of the lien, whether recorded or unrecorded, and of the terms of such stay.

Sec. 9. Termination of agreement. The agreement to stay foreclosure shall terminate upon either:

1. Conveyance of property. Conveyance of property burdened by the lien to any other person, except:

A. Where such conveyance is solely as security for the loan of money by grantee to grantor;

B. Where such conveyance is of less than a fee interest and the person conveying continues to reside thereon; or

C. To a spouse or minor children, upon the death of the person executing the agreement, but only with regard to the share of such spouse and minor children of the decedent and only during such minority;

2. Payment. Failure, neglect or refusal to pay the full amount of any installment for a period in excess of 30 days after such installment is due and payable, with or without receipt of notice of such installment being due. This condition may be waived by acceptance of later or partial payment, but any such acceptance shall waive this provision only with regard to the installment for which such later or partial payment applied;

3. Payment prior to expiration of agreement. Payment of the balance then due prior to the expiration of the term of the agreement; or

4. Balance remaining. Expiration of the term of the agreement if there is then a balance remaining.

Sec. 10. Termination of agreement to stay foreclosure. Upon termination of the agreement to stay foreclosure, foreclosure shall occur 90 days thereafter unless the balance due, including any interest or late charge, is paid to the city prior to such foreclosure.

Sec. 11. Waiver of payment. The City of Portland is further authorized to provide by ordinance for the waiver of payment of the full amount of estimated assessment prior to entry of a private sewer or drain into a public sewer or drain. Such waiver of payment shall be conditioned upon execution of an agreement to pay the full amount of the estimated assessment in installments. The ordinance may provide for the payment of interest not to exceed 10% per year, for a late charge, for a term not to exceed 10 years, and for such other conditions as the city shall deem advisable or necessary, including the adjustment of the estimated assessment when final costs become known.

Sec. 12. Agreement binding. Any agreement to pay the amount of the

estimated assessment shall be the encumbrance upon the land and, when notice of such agreement is recorded in the Cumberland County Registry of Deeds, such agreement shall bind subsequent purchases and all persons in privity of estate with, or claiming through, the person executing the agreement.

Sec. 13. Agreement to pay terminated. The agreement to pay the assessment shall terminate upon the happening of any event enumerated in section 9, or upon creation of a lien under section 5.

Sec. 14. Lien. In the event that a lien is at any time created under section 5, the provisions of that section and of sections 6, 7, 8, 9 and 10 shall then be applicable, but the section 5 lien shall be deemed to relate back in time to the date of execution of the agreement authorized by section 11.

Sec. 15. Existence of lien. Upon termination other than by payment in full or by creation of a lien under section 5, an agreement made pursuant to section 11 shall become a lien upon the property described therein in the amount of the unpaid balance then due and, if the agreement or notice of the agreement was recorded in the Cumberland County Registry of Deeds, such recording shall be deemed to give notice as to the existence of such lien.

Sec. 16. Foreclosure of lien. A lien created under section 15 shall be foreclosed in accordance with the provisions contained in section 10. In addition, the city shall have all the remedies provided in section 7 to collect the unpaid balance.

Sec. 2. P & SL 1891, c. 184, §§ 8 - 12, as enacted by P & SL 1967, c. 138, § 1, are renumbered to be sections 17 to 21.

Sec. 3. P & SL 1891, c. 184, §§ 13 and 14, as renumbered by P & SL 1967, c. 138, § 2, are renumbered to be sections 22 and 23.

Effective October 24, 1977

CHAPTER 32

AN ACT Repealing the Lucerne-in-Maine Village Corporation.

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

Sec. 1. P & SL 1927, c. 43, repealed. Subject to the provisions of this Act, chapter 43 of the private and special laws of 1927, as amended by the private and special laws of 1969, c. 200, is repealed.

Sec. 2. Winding up of corporate affairs. Upon acceptance of this Act in accordance with section 7, Lucerne-in-Maine Village Corporation shall remain in existence as a legal entity only for the purpose of carrying out its orderly dissolution. It shall be the duty of the overseers to carry out all procedures