

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 466

H. P. 364

House of Representatives, January 21, 1965

Referred to Committee on Public Utilities. Sent up for concurrence and ordered printed.

JEROME G. PLANTE, Clerk

Presented by Mr. Harvey of Woolwich.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

AN ACT to Increase Borrowing Capacity of Topsham Sewer District and to Provide a Lien for Charges.

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

Sec. 1. P. & S. L., 1957, c. 128, § 9, amended. The first sentence of section 9 of chapter 128 of the private and special laws of 1957, as amended by section 1 of chapter 49 of the private and special laws of 1963, is further amended to read as follows:

‘For accomplishing the purposes of this Act and for such other expenses as may be necessary for the carrying out of said purposes, the district, through its trustees, without district vote, is authorized to issue its notes and bonds in one series or in separate series from time to time and to make subsequent renewals of the same in whole or in part to an amount not exceeding the sum of ~~\$300,000~~ \$350,000.’

Sec. 2. P. & S. L., 1957, c. 128, § 14, additional. Chapter 128 of the private and special laws of 1957, as amended, is further amended by adding a new section 14 to read as follows:

‘**Sec. 14. Owner’s and occupant’s liability for charges; lien.** The owner and occupant of real estate serviced by the district are jointly and severally liable to the district for all charges, rates, tolls, rents, assessments and other lawful charges for that service. The owner is liable for all assessments, rates and charges by reason of the availability of sewer facilities to the real estate. The owner and occupant may contract or agree otherwise between themselves, but no such contract or agreement shall effect the rights of the district under this section.

The district has a lien on all real estate serviced by it and all real estate adjacent

to its water mains or lines to which the district's water is available to the amount of all rates, charges, assessments and interest due the district from the owner or occupant of the real estate. The district's lien has priority over all other liens, over mortgages, attachments and all other encumbrances.

I. Enforcement of lien. At any time after 6 months and before 2 years from the due date of any charge or assessment for which the district has a lien, the district may proceed to enforce its lien under the following procedure:

A. The treasurer of the district shall send a notice to the record owner of the real estate by certified or registered mail stating the amount then due and a statement that the district will record its lien in the registry of deeds if the bill is not paid in full within 30 days from the date of mailing of the notice.

B. If the amount stated in the notice, plus accrued interest, if any, is not paid in full within the 30 day period provided in paragraph A, the Treasurer shall record a statement of the district's lien in the Sagadahoc County registry of deeds within 30 days thereafter. The statement of the lien must contain the following information:

1. A statement that the district claims a lien.
2. An itemized statement of the charges for which the lien is claimed, to whom they were billed, and the name of the owner or owners of the real estate against which the real estate lien is claimed.
3. A sufficient description to identify the real estate against which the lien is claimed.
4. A statement as to when, to whom and to what address the notice provided in paragraph A was sent.
5. A statement that title to the real estate described in the lien will vest in the district unless the charges for which the lien is made plus accrued interest are paid in full within 2 years after the recording date of the lien.

C. If all the charges for which the lien is made plus accrued interest and recording fees are not paid to the district in full within 2 years after the lien is recorded in the registry of deeds, title to the premises covered by the lien vests in the district and the trustees of the district may hold or sell the same at public or private sale.

1. The district, however, takes title to the premises subject to any mortgage duly recorded before the lien, unless the district notifies the mortgagee in writing of the recording of the lien within 6 months after it is recorded.

D. If the amount claimed under the lien plus accrued interest and all recording fees are paid in full within 2 years after the recording date of the lien, the treasurer of the district shall execute a release of the lien and record the same in the registry of deeds.'