

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1485

H. P. 1097

House of Representatives, March 12, 1971

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Good of Westfield.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

**AN ACT Authorizing the Mars Hill Utility District to
Enforce Liens to Secure Payment of Rates.**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Mars Hill Utility District is having difficulty in collecting the legal rates of the district; and

Whereas, the following legislation is vitally necessary for the district to operate efficiently to perform its duties; and

Whereas, the district should be permitted to enforce liens for the presently uncollectible outstanding debts for sewer rates; and

Whereas, in the judgment of the Legislature, those facts create an emergency within the meaning of the Constitution of Maine, and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

P. & S. L., 1957, c. 143, § 16, amended. Section 16 of chapter 143 of the private and special laws of 1957 is amended by adding the following new paragraphs:

The treasurer of the district shall have full and complete authority and power to collect the rates, tolls, rents and other charges established under section 18 and the same shall be committed to him. The treasurer may, after demand for payment, sue in the name of the district in a civil action for any

rate, toll, rent or other charge remaining unpaid in any court of competent jurisdiction. In addition to other methods established by law for the collection of rates, tolls, rents and other charges, and without waiver of the right to sue for the same as aforesaid, the lien hereby created may be enforced in the following manner. The treasurer, when a rate, toll, rent or other charge has been committed to him for collection may, after the expiration of 3 months and within one year after date when the same became due and payable, in the case of a person resident in the district, give, or cause to be given to such person, or leave or cause to be left, at his last and usual place of abode, a notice in writing signed by the treasurer stating the amount of such rate, toll, rent or other charge, describing the real estate upon which the lien is claimed, and stating that a lien is claimed on said real estate to secure the payment of said rate, toll, rent or other charge and demanding within 30 days after the service of such notice payment as aforesaid. In the case of a nonresident of the district, the aforesaid notice shall be given by registered mail addressed to his last known address or by publication in a newspaper of general circulation within the district once a week for 2 successive weeks, and shall demand payment within 30 days after the mailing thereof or the first publication of notice thereof as aforesaid. After the expiration of said period of 30 days and within one year thereafter, the treasurer may record in the registry of deeds of Aroostook County, Southern District, a certificate signed by the treasurer setting forth the amount of such rate, toll, rent or other charge, describing the real estate on which the lien is claimed and stating that a lien is claimed on the real estate to secure payment of said rate, toll, rent or other charge and that a notice and demand for payment of the same has been given or made in accordance with the provisions of this section and stating further that such rate, toll, rent or other charge remains unpaid. At the time of the recording of any such certificate in the registry of deeds as heretofore provided, the treasurer shall file in the office of the district a true copy of such certificate and shall mail a true copy thereof by registered mail to each record holder of any mortgage on said real estate, addressed to such record holder at his last and usual place of abode. The fee to be charged by the district to the ratepayer for such notice and filing shall not exceed \$1.50 and the fee to be charged to the district by the register of deeds for filing and recording shall not exceed \$1.

The filing of the aforesaid certificate in the registry of deeds as aforesaid shall be deemed to create, and shall create, a mortgage on the real estate therein described to the district which shall have priority over all other mortgages, liens, attachments and encumbrances of any nature, except liens, attachments and claims for taxes, and shall give to the district all the rights usually possessed by mortgages, except that the district as mortgagee shall not have any right to possession of said real estate until the right of redemption hereinafter provided for shall have expired. If the mortgage, together with interest and costs, shall not have been paid within 18 months after the date of filing of said certificate in the registry of deeds as herein provided, the mortgage shall be deemed to have been foreclosed and the right of redemption to have expired. The filing of the certificate in the registry of deeds shall be sufficient notice of the existence of the mortgage hereby provided for. In the event that said rate, toll, rent or other charge, with interest

and costs, as aforesaid, shall be paid within the period of redemption herein provided for, the treasurer of the district shall discharge the mortgage in the same manner as is provided for discharge of real estate mortgages.

Emergency clause; referendum; effective date. In view of the emergency cited in the preamble, this Act shall take effect when approved, only for the purpose of permitting its submission to the legal voters of the Town of Mars Hill at an annual or special meeting. Such special meeting shall be called, advertised and conducted by the municipal officers of said town according to the law relating to municipal elections in said town; provided, however, that the registrar of voters of said town shall not be required to prepare for posting a new list of said voters, and for the purpose of registration of voters said registrar shall accept registrations in accordance with the provisions of the Revised Statutes of 1964, Title 21. The town clerk of said Town of Mars Hill shall prepare the required ballots, on which he shall reduce the subject matter of this Act to the following question: "Shall the Act Authorizing the Mars Hill Utility District to Enforce Liens to Secure Payment of Rates, enacted by the 105th Legislature, be accepted?" The voters shall indicate by a cross or check mark placed upon their ballot against the words "Yes" or "No" their opinion of the same.

This Act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters voting at said annual or special meeting; provided that in the case of a special meeting 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 next previous gubernatorial election, but failure of approval at such first meeting shall not be construed to prevent its resubmission for acceptance at any subsequent meeting called for the purpose in accordance with the terms hereof, held within one year from the effective date of this Act. The result of each such vote shall be declared by the municipal officers and due certificate thereof filed by the town clerk with the Secretary of State.

STATEMENT OF FACT

The purpose of this bill is reflected in the emergency preamble.