

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 259

H. P. 222

House of Representatives, January 14, 1981

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

EDWIN H. PERT, Clerk

Presented by Mrs. Kany of Waterville.

Cosponsor: Mr. Jacques of Waterville and Mr. Conary of Oakland

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Amend the Lien Law for Sewer Districts.

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

Whereas, sanitary districts and municipal sewer districts may create liens on people's houses for unpaid rates, tolls, rents and other charges for amounts of less than \$500; and

Whereas, these people could lose their house as a result of the lien; and

Whereas, there are individuals currently in Maine who are in danger of losing their house as a result of these liens; and

Whereas, in the judgment of the Legislature, these 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:

38 MRSA § 1208, 2nd ¶, 3rd sentence is amended to read:

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, **when the unpaid rates, tolls, rents and other charges exceed \$500**, the lien hereby created may be enforced in the following manner.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

Under current law sanitary districts and municipal sewer departments may create a lien against a person's house for any unpaid rates, tolls, rents and other charges. The amount due is irrelevant to creation of the lien. In other areas of law, e.g., bankruptcy proceedings or court-mandated foreclosure sales, a homestead exemption of \$6,500 is allowed. This bill prevents a sanitary district or municipal sewer department from selling a person's house for sewer charges of \$500 or less.