

MAINE STATE LEGISLATURE

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L.D. 1719

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(Filing No. H- 381)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
111TH LEGISLATURE
FIRST REGULAR SESSION

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HOUSE AMENDMENT "A" to S.P. 597, L.D. 1719,
Bill, "AN ACT to Prevent Unjust Enrichment by Reten-
tion of Surplus Upon Foreclosure of Municipalities
and Sewer Districts."

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Amend the Bill by inserting after section 1 the
following:

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'Sec. 2. 36 MRSA §1283, 5th ¶, as amended by PL
1967, c. 271, §8, is repealed.

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Sec. 3. 36 MRSA §1283-A is enacted to read:

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§1283-A. Disposition of surplus

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1. Disposition of surplus upon sale of property.
When the State Tax Assessor has sold real estate pur-
suant to section 1283, he shall remit any surplus
remaining after the taxes, interest and any cost,
including, but not limited to, reasonable expenses of
sale, have been deducted from the proceeds, together
with a written account thereof to the record owner at
the time the State acquired title.

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2. Determination of damages when property is
retained. The State, having acquired title to prop-
erty pursuant to this subchapter, shall remit any
damages, less the amount of delinquent taxes, inter-
ests and any costs, including, but not limited to,
the cost of estimating damages, to the record owner
at the time the State acquired title. Damages shall
be estimated in the same manner as provided by stat-
ute for land taken by municipal officers under Title
30, sections 4001 to 4003. It is prima facie evi-
dence that the State intends to retain the real
estate, if it has not made a bona fide effort to sell
the real estate within any 18-month period after

HOUSE AMENDMENT "A" to S.P. 597, L.D. 1719

1 foreclosure.

2 3. Applicability. This section shall apply only
3 to foreclosure of a state mortgage, as provided in
4 section 1282, placed on record on or after the effec-
5 tive date of this section.'

6 Further amend the Bill by renumbering the sec-
7 tions to read consecutively.

8 STATEMENT OF FACT

9 The purpose of this amendment is to require that
10 the State Tax Assessor remit any surplus proceeds
11 from a sale of real estate acquired by the State
12 under a foreclosure proceeding as provided in Title
13 36, section 1282, less taxes, interest and any costs.

14 The amendment also provides for a remittance of
15 damages, less all amounts owed, including any cost,
16 to the owner of the property if property is retained
17 by the State. Damages are estimated in the same man-
18 ner as damages are estimated for a taking of land by
19 municipal officials.

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Filed by Rep. Macomber of So. Portland
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