

MAINE STATE LEGISLATURE

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L.D. 1719

(Filing No. S-183)

STATE OF MAINE
SENATE
111TH LEGISLATURE
FIRST REGULAR SESSION

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

Amend the Bill in section 1 in that part designated "§949." in subsection 1 by adding at the end the following: 'The municipality shall retain 20% of any surplus resulting from a sale pursuant to this subsection. A municipality which conducts a sale of the property shall follow the notice procedures of Title 14, section 6203-A, except that the form and content of the notice shall be altered to conform to the nature of the sale and identity of the parties pursuant to this subsection.'

Further amend the Bill in section 1 in that part designated "§949." in subsection 2 in the 5th line from the end by striking out the underlined figure and punctuation "4003." and inserting in their place the following: '4003, but the municipality may take into consideration the marketability of title obtained by means of a tax deed or tax lien mortgage process. The municipality shall retain 20% of the damages.'

Further amend the Bill in section 1 in that part designated "§949." in subsection 2 by inserting at the end the following: 'This subsection shall not apply as long as the municipality allows possession of the property by the record owner or his lessee or licensee at the time the municipality acquired title, but this subsection shall be effective at the time the municipality demands possession.'

Further amend the Bill in section 2 in that part designated "§1208-A." in subsection 1 by adding at

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

1 the end the following: 'The sewer district or sani-
2 tary district shall retain 20% of any surplus result-
3 ing from a sale pursuant to this subsection. A sewer
4 district or sanitary district which conducts a sale
5 of the property shall follow the notice procedures of
6 Title 14, section 6203-A, except that the form and
7 content of the notice shall be altered to conform to
8 the nature of the sale and identity of the parties
9 pursuant to this subsection.'

10 Further amend the Bill in section 2 in that part
11 designated "§1208-A." in subsection 2 in the 5th line
12 from the end by striking out the underlined figure
13 and punctuation "4003." and inserting in their place
14 the following: '4003, but the sewer district or sani-
15 tary district may take into consideration the market-
16 ability of title obtained by means of a tax deed or
17 tax lien mortgage process. The sewer district or
18 sanitary district shall retain 20% of the damages.'

19 Further amend the Bill in section 2 in that part
20 designated "§1208-A." in subsection 2 by inserting at
21 the end the following: 'This subsection shall not
22 apply as long as the sewer district or sanitary dis-
23 trict allows possession of the property by the record
24 owner or his lessee or licensee at the time the dis-
25 trict acquired title, but this subsection shall be
26 effective at the time the district demands posses-
27 sion.'

28 STATEMENT OF FACT

29 This amendment accomplishes 3 purposes.

30 1. A municipality or sanitary district is
31 allowed to retain 20% of the surplus or damages re-
32 quired by the bill to be awarded to the record owner.

33 2. The municipality or sanitary district will be
34 required to follow the notice provisions of the real
35 estate laws when conducting a sale following foreclo-

