

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 2009

6
7 H.P. 1532

House of Representatives, January 26, 1984

8 Approved for introduction by the Legislative Council pursuant to Joint
9 Rule 26.

10 Reference to the Committee on Local and County Government is
suggested and ordered printed.

EDWIN H. PERT, Clerk

11 Presented by Representative Manning of Portland.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FOUR
16

17 AN ACT to Enable the City of
18 Portland to Charge Reasonable Interest
19 on Delinquent Sewer Accounts.
20

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

23 Sec. 1. P&SL 1891, c. 184, §5, as repealed and
24 replaced by P&SL 1961, c. 116, is amended to read:

25 Sec. 5. Liens. All assessments made under this
26 act shall create a lien upon each and every lot or
27 parcel of land so assessed, which lien shall continue
28 for one year after said assessments are payable, and
29 within 10 days after they are made the clerk of said
30 city shall make out a list of all such assessments,
31 the amount of each assessment, and the name of the
32 person, if known, against whom the same is assessed,
33 to be by him certified; and he shall deliver the same
34 to the treasurer of said city, and if said assess-
35 ments are not paid within 3 months from the date of

1 said assessments, then the treasurer shall proceed to
2 collect said assessments, with or without interest at
3 a rate of ~~not more than 6% per annum~~ not to exceed
4 the highest lawful rate set by the Treasurer of State
5 for municipal taxes, as the municipal officers of
6 said city shall determine, and with costs and inci-
7 idental charges, in the manner provided for collection
8 of taxes by enforcement of lien procedure, which lien
9 shall be enforced not less than 8 months nor more
10 than one year from the date said assessments are
11 made.

12 Sec. 2. P&SL 1891, c. 184, §6, first sentence,
13 as repealed and replaced by P&SL 1961, c. 116, is
14 amended to read:

15 Any person to whom the right by law belongs may,
16 at any time within 18 months from the date of the
17 filing of said lien certificate, redeem such real es-
18 tate by paying to the treasurer the sum for which the
19 lien was placed on such real estate, with or without
20 interest at a the rate of not more than 6% per annum
21 as the municipal officers of said city shall deter-
22 mine, with costs of redemption.

23 Sec. 3. P&SL 1891, c. 184, §7, as repealed and
24 replaced by P&SL 1961, c. 116, is amended to read:

25 Sec. 7. Civil action for collection. If said
26 assessments are not paid, and said city does not pro-
27 ceed to collect said assessments by said lien proce-
28 dure, or is in any manner delayed or defeated in com-
29 pleting said lien procedure, then the said city in
30 the name of the inhabitants of said city, or in the
31 name of such city, may sue for and maintain a civil
32 action against the party so assessed for the amount
33 of said assessment as for money paid, laid out and
34 expended, in any court competent to try the same, and
35 in such action may recover the amount of such assess-
36 ment with 6% interest at the rate as the municipal
37 officers of said city shall determine on the same
38 from the date of said assessment and costs; provided,
39 however, that if such city should in any manner ac-
40 cept less than the amount of said assessment with

1 such interest thereon as may have been charged for
2 its right, title and interest in the real estate, the
3 party so assessed shall be under no personal liability
4 for the remainder of said assessment.

5 STATEMENT OF FACT

6 The City of Portland, under Private and Special
7 Law of 1891, is authorized to charge interest on de-
8 linquent sewer accounts only up to a rate of 6% per
9 annum. The First Regular Session of the 111th Legis-
10 lature amended the Revised Statutes Title 30, section
11 4355, to permit other municipalities to charge inter-
12 est at the rate for unpaid taxes. This bill grants
13 the same authority to the City of Portland.

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