

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1711

7 H.P. 1204

House of Representatives, December 23, 1985

8 Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 26.

9 Received by the Clerk of the House on December 23, 1985. Referred to
10 the Committee on Utilities and 1,600 ordered printed pursuant to Joint Rule
14.

Presented by Representative Davis of Monmouth. EDWIN H. PERT, Clerk

11 Cosponsored by Representative Richard of Madison, Senator Baldacci of
Penobscot and Representative Paradis of Old Town.

12 STATE OF MAINE
13

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

17 AN ACT Relating to Public Utility Service
18 Charge Liens.
19

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

22 Sec. 1. 4 MRSA §152, sub-§3, as repealed and re-
23 placed by PL 1983, c. 796, §1, is amended to read:

24 3. Civil actions to enforce liens. Original ju-
25 risdiction, concurrent with the Superior Court, of
26 all civil actions to enforce liens under Title 10,
27 chapter 603 and under Title 35, section 316, and the
28 court shall determine the amount pursuant to Title
29 10, section 3258;

30 Sec. 2. 35 MRSA §316, sub-§3, as enacted by PL
31 1985, c. 87, is amended to read:

32 3. Lien against the rental property. Notwith-
33 standing section 3225, in addition to whatever other
34 legal remedies the utility may have against the land-

1 lord who does not pay for utility service provided to
2 rental property, the utility shall have a lien upon
3 the rental property and on any interest the landlord
4 has in the same, to secure payment for utility ser-
5 vices thereto, with costs. This lien may be filed,
6 preserved and enforced in the same manner as these
7 liens provided for in Title 10, sections 3251 through
8 3269.

9 This lien may be dissolved unless, within 60 days af-
10 ter the date on which the utility billed the landlord
11 for services rendered to the rental property, the
12 utility files in the registry of deeds for the county
13 in which the property is located a lien certificate,
14 signed and sworn to by an officer of or attorney for
15 the utility, setting forth the amount of the lien, a
16 description of the rental property subject to the
17 lien, the name of the landlord, a statement that a
18 lien is claimed on the rental property to secure the
19 payment of utility services, that a demand has been
20 made for that payment and that payment has not been
21 made. At the time of recording of the lien certifi-
22 cate in the registry of deeds, the utility shall send
23 a copy of the certificate to the landlord by certi-
24 fied mail, return receipt requested.

25 This lien may be enforced by a civil action brought
26 in the District Court for the division where the
27 rental property is located within 90 days after the
28 date on which the utility billed the landlord for
29 services rendered to the rental property.

30 The proceedings in the District Court for enforcement
31 of this lien shall be governed by Title 10, sections
32 3256 to 3260, and 3263 and 3264.

33 Any person who is a bona fide purchaser for value of
34 rental property shall take title to that property
35 free of the lien established under this subsection
36 unless, before the purchaser's deed is recorded, the
37 utility has filed the certificate set out in this
38 subsection. The interest of any mortgagee of rental
39 property shall not be affected by the lien estab-
40 lished unless, before the mortgage is recorded, the
41 utility has filed the certificate set out in this
42 subsection.

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STATEMENT OF FACT

2 This bill enacted in the First Regular Session of
3 the 112th Legislature Public Law 1985, chapter 87,
4 provided that utility liens be enforced in the same
5 manner as mechanics' liens. This bill shortens the
6 time periods for perfecting and enforcing utility
7 liens, and provides that bona fide mortgagees and
8 purchasers take the premises free of the lien, unless
9 a lien claim has been recorded in the registry of
10 deeds.

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