

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 179

H.P. 138 House of Representatives, February 3, 1987
Reference to the Committee on Taxation suggested and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative MAYO of Thomaston.
Cosponsored by Representative SEAVEY of Kennebunkport.

STATE OF MAINE

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

1 AN ACT to Make Lien Fees Consistent for Sewer
2 Assessments and Real Property Taxes.
3

4 Be it enacted by the People of the State of Maine as
5 follows:

6 Sec. 1. 38 MRSA §1208, 2nd ¶, as amended by PL
7 1981, c. 183, §§1 and 2, is further amended to read:

8 The treasurer of the district shall have full and
9 complete authority and power to collect the rates,
10 tolls, rents and other charges established under sec-
11 tion 1202 and the same shall be committed to him. The
12 treasurer may, after demand for payment, sue in the
13 name of the district in a civil action for any rate,
14 toll, rent or other charge remaining unpaid in any
15 court of competent jurisdiction. In addition to other
16 methods established by law for the collection of

1 rates, tolls, rents and other charges, and without
2 waiver of the right to sue for the same as aforesaid,
3 the lien hereby created may be enforced in the fol-
4 lowing manner. The treasurer, when a rate, toll,
5 rent or other charge has been committed to him for
6 collection, may, after the expiration of 3 months and
7 within one year after the date when the same became
8 due and payable, give to the owner of the real estate
9 served, or leave at his last and usual place of
10 abode, or send by certified mail, return receipt re-
11 quested, to his last known address, a notice in writ-
12 ing signed by the treasurer or bearing his facsimile
13 signature, stating the amount of that rate, toll,
14 rent or other charge, describing the real estate upon
15 which the lien is claimed and stating that a lien is
16 claimed on the real estate to secure the payment of
17 the rate, toll, rent or other charge and demanding
18 the payment of the rate, toll, rent or other charge
19 within 30 days after service or mailing, with \$1 for
20 the treasurer for mailing the notice together with
21 the certified mail, return receipt requested, fee.
22 The notice shall contain a statement that the dis-
23 trict is willing to arrange installment payments of
24 the outstanding debt. For the purpose of this sec-
25 tion, a mobile home is defined as real estate. After
26 the expiration of said a period of 30 days and within
27 one year thereafter, the treasurer shall record in
28 the registry of deeds of the county in which the
29 property of such person is located a certificate
30 signed by the treasurer setting forth the amount of
31 such rate, toll, rent or other charge, describing the
32 real estate on which the lien is claimed, and stating
33 that a lien is claimed on the real estate to secure
34 payment of said the rate, toll, rent or other charge
35 and that a notice and demand for payment of the same
36 has been given or made in accordance with this sec-
37 tion and stating further that such rate, toll, rent
38 or other charge remains unpaid. At the time of the
39 recording of any such certificate in the registry of
40 deeds as provided, the treasurer shall file in the
41 office of the district a true copy of such certifi-
42 cate and shall mail a true copy thereof by certified
43 mail, return receipt requested, to each record holder
44 of any mortgage on said the real estate, addressed to
45 such record holder at his last and usual place of
46 abode. The fee to be charged by the district to the
47 rate payer for that notice and filing shall not ex-

1 ceed the amount authorized by Title 33, section 751,
2 subsection 12, concerning district liens.

3 Sec. 2. 38 MRS.A §1208, as amended by PL 1981, c.
4 183, §§1 and 2, is further amended by adding at the
5 end 2 new paragraphs to read:

6 The costs to be paid by the owner of the real es-
7 tate served shall be the sum of the fees for receiv-
8 ing, recording and indexing the lien, or its dis-
9 charge, as established by Title 33, section 751, sub-
10 section 12, plus \$13, plus all certified mail, return
11 receipt requested, fees.

12 The district shall pay the treasurer \$1 for the
13 notice, \$1 for filing the lien certificate and the
14 amount paid for certified mail, return receipt re-
15 quested, fees. The fees for recording the lien cer-
16 tificate shall be paid by the district to the regis-
17 ter of deeds.

18 STATEMENT OF FACT

19 This bill amends the law pertaining to sanitary
20 districts by making the fees charged for recording
21 liens the same as those charged for recording liens
22 for unpaid real property taxes. This consistency
23 will make it easier for municipal treasurers, who
24 sometimes administer both liens.

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