

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

(EMERGENCY)  
FIRST SPECIAL SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1907

S.P. 674 In Senate, October 6, 1987  
Approved for Introduction by a Majority of the Legislative  
Council pursuant to Joint Rule 26.

Received by the Secretary of the Senate on October 6,  
1987. Referred to the Committee on Utilities and 1, 650 ordered  
printed pursuant to Joint Rule 14.

JOY J. O'BRIEN, Secretary of the Senate

Presented by President PRAY of Penobscot.

STATE OF MAINE

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

AN ACT to Correct the Sewer Lien Law.

1  
2

3 **Emergency preamble.** Whereas, Acts of the Legis-  
4 lature do not become effective until 90 days after  
5 adjournment unless enacted as emergencies; and

6 Whereas, a new law recently became effective  
7 which inadvertently omitted some fees formerly col-  
8 lected by the sewer district treasurer upon payment  
9 of delinquent sewer fees; and

10 Whereas, this omission will result in these costs  
11 being borne by the sewer district with no ability to  
12 collect them from the delinquent sewer user; and

13 Whereas, confusion among sewer district treasur-  
14 ers regarding the change and why it was made will re-  
15 sult in uneven treatment; and

1           Whereas, in the judgment of the Legislature,  
2 these facts create an emergency within the meaning of  
3 the Constitution of Maine and require the following  
4 legislation as immediately necessary for the preser-  
5 vation of the public peace, health and safety; now,  
6 therefore,

7           Be it enacted by the People of the State of Maine as  
8 follows:

9           **38 MRS**A §1208, 2nd ¶, as amended by PL 1987, c.  
10 29, §1, is further amended to read:

11           The treasurer of the district shall have full and  
12 complete authority and power to collect the rates,  
13 tolls, rents and other charges established under sec-  
14 tion 1202 and the same shall be committed to him. The  
15 treasurer may, after demand for payment, sue in the  
16 name of the district in a civil action for any rate,  
17 toll, rent or other charge remaining unpaid in any  
18 court of competent jurisdiction. In addition to other  
19 methods established by law for the collection of  
20 rates, tolls, rents and other charges, and without  
21 waiver of the right to sue for the same, the lien  
22 hereby created may be enforced in the following man-  
23 ner. The treasurer, when a rate, toll, rent or other  
24 charge has been committed to him for collection, may,  
25 after the expiration of 3 months and within one year  
26 after the date when the same became due and payable,  
27 give to the owner of the real estate served, or leave  
28 at his last and usual place of abode, or send by cer-  
29 tified mail, return receipt requested, to his last  
30 known address, a notice in writing signed by the  
31 treasurer or bearing his facsimile signature, stating  
32 the amount of that rate, toll, rent or other charge,  
33 describing the real estate upon which the lien is  
34 claimed and stating that a lien is claimed on the  
35 real estate to secure the payment of the rate, toll,  
36 rent or other charge and demanding the payment of the  
37 rate, toll, rent or other charge within 30 days after  
38 service or mailing, with §1 for the treasurer for  
39 mailing the notice together with the certified mail,  
40 return receipt requested, fee. The notice shall con-  
41 tain a statement that the district is willing to ar-  
42 range installment payments of the outstanding debt.  
43 For the purpose of this section, a mobile home is de-

1 fined as real estate. After the expiration of a peri-  
2 od of 30 days and within one year thereafter, the  
3 treasurer shall record in the registry of deeds of  
4 the county in which the property of such person is  
5 located a certificate signed by the treasurer setting  
6 forth the amount of such rate, toll, rent or other  
7 charge, describing the real estate on which the lien  
8 is claimed, and stating that a lien is claimed on the  
9 real estate to secure payment of the rate, toll, rent  
10 or other charge and that a notice and demand for pay-  
11 ment of the same has been given or made in accordance  
12 with this section and stating further that such rate,  
13 toll, rent or other charge remains unpaid. At the  
14 time of the recording of any such certificate in the  
15 registry of deeds as provided, the treasurer shall  
16 file in the office of the district a true copy of  
17 such certificate and shall mail a true copy thereof  
18 by certified mail, return receipt requested, to each  
19 record holder of any mortgage on the real estate, ad-  
20 dressed to such record holder at his last and usual  
21 place of abode.

22 **Emergency clause.** In view of the emergency cited  
23 in the preamble, this Act shall take effect when ap-  
24 proved.

25 **STATEMENT OF FACT**

26 The purpose of this bill is reflected in the  
27 emergency preamble.

28 3786100587