

MAINE STATE LEGISLATURE

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(Emergency)
(After Deadline)
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2516

S.P. 951

In Senate, March 14, 1988

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27.

Reference to the Committee on Utilities suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator MAYBURY of Penobscot.

Cosponsored by Representative BOST of Orono.

STATE OF MAINE

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

1 **AN ACT** Relating to the Provisions of the
2 **Charter of the Veazie Sewer District.**
3

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

7 Whereas, certain provisions of the Charter of the
8 Veazie Sewer District are inadequate for the district
9 to properly carry out its functions; and

1 Whereas, this condition prevents the Veazie Sewer
2 District from effectively administering the business
3 of the district, including the collection of unpaid
4 rates; and

5 Whereas, in the judgment of the Legislature, these
6 facts create an emergency within the meaning of the
7 Constitution of Maine and require the following
8 legislation as immediately necessary for the
9 preservation of the public peace, health and safety;
10 now, therefore,

11 Be it enacted by the People of the State of Maine as
12 follows:

13 P&SL 1951, c. 114, §§16 and 17 are enacted to
14 read:

15 Sec. 16. Rates. All persons and all
16 corporations, private, public and municipal, shall pay
17 to the treasurer of the district rates established by
18 the board of trustees for the services used or
19 available to them, which rates shall be uniform within
20 the district and, notwithstanding any other provision
21 of this Act, may include rates for the district's
22 readiness to serve charged against owners of land
23 abutting on or accessible to sewers or drains of the
24 district, but not actually connected to them and shall
25 be so established as to provide revenue for the
26 following purposes:

27 1. Current expenses. To pay the current expenses
28 for operating and maintaining the sewerage system;

29 2. Interest. To provide for the payment of the
30 interest on the indebtedness of the district; and

31 3. Sinking fund. To provide each year a sum, in
32 the amount prescribed by section 9, which sum shall be
33 paid into any sinking fund established pursuant to
34 section 9.

35 Sec. 17. Lien for payment of rates. There shall
36 be a lien to secure the payment of rates and other

1 lawful charges established under section 16 and
2 legally assessed on real estate served or benefited by
3 the sewers of the district, which shall take
4 precedence over all other claims on the real estate,
5 excepting only claims for taxes.

6 The treasurer of the district shall have full and
7 complete authority and power to collect the rates,
8 tolls, rents and other charges established under
9 section 16 and those charges shall be committed to the
10 treasurer. The treasurer may sue, after demand for
11 payment, in the name of the district in a civil action
12 for any rate, toll, rent or other charge remaining
13 unpaid in any court of competent jurisdiction. In
14 addition to other methods established by law for the
15 collection of rates, tolls, rents and other charges
16 and without waiver of the right to sue for those
17 charges, the lien created in this section may be
18 enforced in the following manner. The treasurer, when
19 a rate, toll, rent or other charge has been committed
20 to the treasurer for collection, may, after the
21 expiration of 3 months and within one year after the
22 date when the rate, toll, rent or other charge became
23 due and payable, give to the owner of the real estate
24 served, or leave at the last and usual place of abode,
25 or send by certified mail, return receipt requested,
26 to owner's last known address, a notice in writing
27 signed by the treasurer or bearing the treasurer's
28 facsimile signature, stating the amount of that rate,
29 toll, rent or other charge, describing the real estate
30 upon which the lien is claimed and stating that a lien
31 is claimed on the real estate to secure the payment of
32 the rate, toll, rent or other charge and demanding the
33 payment of the rate, toll, rent or other charge within
34 30 days after service or mailing, with \$1 for the
35 treasurer for mailing the notice, together with the
36 certified mail, return receipt requested fee. The
37 notice shall contain a statement that the district is
38 willing to arrange installment payments of the
39 outstanding debt. For the purpose of this section, a
40 mobile home is defined as real estate. After the
41 expiration of a period of 30 days and within one year
42 thereafter, the treasurer shall record in the registry
43 of deeds of Penobscot County a certificate signed by
44 the treasurer setting forth the amount of the rate,

1 toll, rent or other charge, describing the real estate
2 on which the lien is claimed and stating that a lien
3 is claimed on the real estate to secure payment of the
4 rate, toll, rent or other charge and that a notice and
5 demand for payment of that charge has been given or
6 made in accordance with this section and stating
7 further that the rate, toll, rent or other charge
8 remains unpaid. At the time of the recording of any
9 such certificate in the registry of deeds as provided,
10 the treasurer shall file in the office of the district
11 a true copy of the certificate and shall mail a true
12 copy by certified mail, return receipt requested, to
13 each record holder of any mortgage on the real estate,
14 addressed to the record holder at the record holder's
15 last and usual place of abode.

16 The filing of the certificate in the registry of
17 deeds shall create a mortgage on the real estate
18 therein described to the district which shall have
19 priority over all other mortgages, liens, attachments
20 and encumbrances of any nature, except liens,
21 attachments and claims for taxes and shall give to the
22 district all the rights usually possessed by
23 mortgagees, except that the district as mortgagee
24 shall not have any right to possession of the real
25 estate until the right of redemption provided for
26 shall have expired. If the mortgage, together with
27 interest and costs, has not been paid within 18 months
28 after the date of filing of the certificate in the
29 registry of deeds, as provided, the mortgage shall be
30 deemed to have been foreclosed and the right of
31 redemption to have expired. The filing of the
32 certificate in the registry of deeds shall be
33 sufficient notice of the existence of the mortgage
34 provided for. In the event that the rate, toll, rent
35 or other charge, with interest and costs, has been
36 paid within the period of redemption provided for, the
37 treasurer of the district shall discharge the mortgage
38 in the same manner as provided for discharge of real
39 estate mortgages.

40 The costs to be paid by the owner of the real
41 estate served shall be the sum of the fees for
42 receiving, recording and indexing the lien, or its
43 discharge, as established by the Maine Revised

1 Statutes, Title 33, section 751, subsection 12, plus
2 \$13, plus all certified mail, return receipt
3 requested, fees.

4 Emergency clause. In view of the emergency
5 cited in the preamble, this Act shall take effect when
6 approved.

7 STATEMENT OF FACT

8 The purpose of this bill is stated in the
9 emergency preamble. The Veazie Sewer District has
10 recently been put to the expense of bringing court
11 actions in order to collect user fees due and owing
12 the district, because the charter of the district
13 contains no grant of authority to the district to
14 impose liens for unpaid user fees. These changes will
15 clarify the authority of the district to set rates to
16 cover the expenses of the district and to impose liens
17 for nonpayment of these rates. The changes will bring
18 the district's charter into conformity with those of
19 other Maine sewer districts.

20 This bill also makes the district's collection
21 procedure identical to that set forth in the Maine
22 Revised Statutes, Title 38, section 1208, which sets
23 forth the procedure for collection of unpaid rates by
24 sanitary districts established under general law.

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