

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)



115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1501

H.P. 1028

House of Representatives, April 11, 1991

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.

A handwritten signature in cursive script, reading "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative MacBRIDE of Presque Isle.

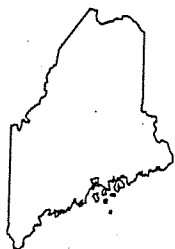
Cosponsored by Representative DONNELLY of Presque Isle and Senator COLLINS of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Amend the Charter of the Presque Isle Sewer District.

(AFTER DEADLINE)



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

P&SL 1925, c. 80, §10, as amended by P&SL 1937, c. 80, §13, is repealed and the following enacted in its place:

Sec. 10. Rates payable; adoption of new rates; application of revenue; sinking fund; collection of unpaid rates. All individuals, firms and corporations, whether public, private or municipal, shall pay to the treasurer of the district the rates established by the board of trustees for services rendered. The rates for services must be uniform within the district.

Prior to the adoption of a new rate schedule, the trustees shall hold a public hearing regarding the proposed rate schedule. The trustees shall publish the proposed rates and notice of the hearing not less than once in a newspaper having a general circulation in the district not less than 7 days prior to the hearing. The district shall mail each ratepayer a notice of the public hearing and the proposed new rate at least 14 days prior to the hearing.

The rates are established to provide revenue for the following purposes:

1. To pay the current expenses for operating and maintaining the district including depreciation;

2. To provide for payment of interest on the indebtedness created by the district; and

3. To provide each year a sum equal to not less than 1% nor more than 5% of the entire indebtedness created by the district. The sum is turned into a sinking fund to provide for the final extinguishment of the debt. The money set aside must be devoted to the retirement of the obligations of the district, or invested in securities lawful for savings banks. Provided, however, that the trustees may, in their discretion and in lieu of the establishment of a sinking fund, issue bonds of the district so that not less than 1% of the amount of the bonds issued mature and retire annually.

A lien on real estate served or benefited by the sewers of the district is claimed to secure the payment of rates established and due under this section. The lien takes precedence over all other claims on the real estate, except claims for taxes.

The treasurer of the district has full and complete authority and power to collect the rates, tolls, rents and other charges established under this section. The treasurer may, after demand for payment, sue in the name of the district in a civil action for any rate, toll, rent or other charge remaining unpaid

in any court of competent jurisdiction. In addition to other methods established by law for the collection of rates, tolls, rents and other charges, and without waiver of the right to sue for the same, a lien may be enforced in the following manner. The treasurer may, after the expiration of 3 months and within one year after the date when the rate, toll, rent or other charge became due and payable, give to the owner of the real estate served, or leave at the owner's last and usual place of abode, or send by certified mail, return receipt requested, to the owner's last known address, a notice in writing signed by the treasurer or bearing the treasurer's facsimile signature, stating that a lien is claimed on the real estate to secure the payment of the rate, toll, rent or other charge and demanding the payment of rate, toll, rent or other charge within 30 days after service or mailing, with \$1 for the treasurer for mailing the notice together with the fee for certified mail, return receipt requested. The notice must contain a statement that the district is willing to arrange installment payments of the outstanding debt. For the purpose of this section, a mobile home is defined as real estate. After the expiration of a period of 30 days, but within one year after the expiration, the treasurer shall record in the registry of deeds of the county in which the property of the owner is located a certificate signed by the treasurer stating the amount of the rate, toll, rent or other charge, describing the real estate on which the lien is claimed and stating that a lien is claimed on the real estate to secure payment of the rate, toll, rent or other charge and that a notice and demand for payment has been given or made in accordance with this section and stating further that the rate, toll, rent or other charge remains unpaid. At the time of the recording of the certificate in the registry of deeds, the treasurer shall file in the office of the district a copy of the certificate and mail a copy of the certificate by certified mail, return receipt requested, to each mortgagee of the real estate, addressed to the mortgagee's last known address.

The filing of the certificate in the registry of deeds is deemed to create a mortgage on the real estate described in the certificate to the district that has priority over all other mortgages, liens, attachments and encumbrances of any nature, except liens, attachments and claims for taxes, and gives to the district all the rights usually possessed by mortgagees, except that the district as mortgagee may not have any right to possession of the real estate until the right of redemption expires. If the mortgage, together with interest and costs has not been paid within 18 months after the date of filing of the certificate in the registry of deeds, the mortgage is deemed to have been foreclosed and the right of redemption to have expired. The filing of the certificate in the registry of deeds is sufficient notice of the existence of the mortgage. If the rate, toll, rent or other charge, with interest and costs, is

2 paid within the period of redemption provided for, the treasurer
3 of the district shall discharge the mortgage in the same manner
4 as provided for discharge of the real estate mortgages.

6 The owner of the real estate served is responsible for
7 payment of the fees for receiving, recording and indexing the
8 lien, or its discharge, as established by the Maine Revised
9 Statutes, Title 33, section 751, subsection 12, plus \$13, plus
10 all fees for certified mail, return receipt requested.

12 The district shall pay the treasurer \$1 for the notice, \$1
13 for filing the lien certificate and the amount paid for all fees
14 for certified mail, return receipt requested. The fees for
15 recording the lien certificate are paid by the district to the
16 register of deeds.

18 STATEMENT OF FACT

20
21
22 This bill amends the charter of the Presque Isle Sewer
District to include procedures for the adoption of new rates and
the collection of unpaid rates.