

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)



117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 392

H.P. 288

House of Representatives, February 6, 1995

An Act to Clarify the Collection of Sewer Charges.

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative ROWE of Portland.

Cosponsored by Representatives: SAXL of Bangor, STROUT of Corinth.

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

2
4 **Sec. 1. 38 MRS.A §1208, 2nd ¶**, as amended by PL 1987, c. 548,
is further amended to read:

6 The treasurer of the district ~~shall--have~~ has full and
8 complete authority and power to collect the rates, tolls, rents
and other charges established under section 1202 and the same
10 ~~shall~~ payment must be committed to ~~him~~ the treasurer. The
12 treasurer may, after demand for payment, sue in the name of the
14 district in a civil action for any rate, toll, rent or other
16 charge remaining unpaid in any court of competent jurisdiction.
In addition to other methods established by law for the
18 collection of rates, tolls, rents and other charges, and without
waiver of the right to sue for ~~the--same~~ these, the lien hereby
20 created may be enforced in the following manner. ~~The--treasurer,~~
When a rate, toll, rent or other charge has been committed
22 to ~~him~~ the treasurer for collection, the treasurer may, after the
expiration of 3 months and within one year after the date ~~when~~
24 ~~the--same--became--due--and--payable~~ of commitment, give to the owner
of the real estate served, or leave at ~~his~~ the owner's last and
26 usual place of abode, or send by certified mail, return receipt
requested, to ~~his~~ the owner's last known address, a notice in
28 writing signed by the treasurer or bearing ~~his~~ the treasurer's
facsimile signature, stating the amount of that rate, toll, rent
30 or other charge, describing the real estate upon which the lien
is claimed and stating that a lien is claimed on the real estate
32 to secure the payment of the rate, toll, rent or other charge and
demanding the payment of the rate, toll, rent or other charge
34 within 30 days after service or mailing, with \$1 for the
treasurer for mailing the notice together with the certified
36 mail, return receipt requested, fee. The notice ~~shall~~ must
contain a statement that the district is willing to arrange
38 installment payments of the outstanding debt. For the purpose of
this section, a mobile home is defined as real estate. After the
40 expiration of a period of 30 days and within one year ~~thereafter~~,
the treasurer shall record in the registry of deeds of the county
42 in which the property of ~~sueh~~ that person is located a
certificate signed by the treasurer setting forth the amount of
44 ~~sueh~~ the rate, toll, rent or other charge, describing the real
estate on which the lien is claimed, and stating that a lien is
46 claimed on the real estate to secure payment of the rate, toll,
rent or other charge and that a notice and demand for payment of
48 ~~the--same~~ this has been given or made in accordance with this
section and stating further that ~~sueh~~ the rate, toll, rent or
50 other charge remains unpaid. At the time of the recording of any
such certificate in the registry of deeds as provided, the
52 treasurer shall file in the office of the district a true copy of
~~sueh~~ the certificate and shall mail a true copy ~~thereof~~ by
certified mail, return receipt requested, to each record holder
of any mortgage on the real estate, addressed to ~~sueh~~ the record
holder at ~~his~~ the record holder's last and usual place of abode.

STATEMENT OF FACT

2

4 This bill clarifies the date of commitment of uncollected
6 sewer charges to the treasurers of sewer districts as the date
when the lien filing period is calculated. The bill designates
the same date for collection of sewer charges as the date for the
collection of real property taxes.