

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1253

H.P. 910

House of Representatives, February 25, 1997

An Act to Amend the Charter of the Winterport Sewer District.

Reference to the Committee on Utilities and Energy suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative BROOKS of Winterport.
Cosponsored by Senator LONGLEY of Waldo.

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

2 **Sec. 1. P&SL 1971, c. 143, §2** is amended by adding a new
4 paragraph at the end to read:

6 Notwithstanding any reference to public drains, storm water
8 drains and catch basins, other than sanitary and sewer drains,
10 title to all public drains, storm water drains and catch basins
12 is transferred to the Town of Winterport. The Town of Winterport
14 is responsible for the maintenance and operation of all public
16 drains, storm water drains and catch basins.

18 **Sec. 2. P&SL 1971, c. 143, §20** is repealed and the following
20 enacted in its place:

22 **Sec. 20. Lien to secure payment of rates; procedure.** When a rate,
24 toll, rent or other charge has been committed to the treasurer of
26 the Winterport Sewer District for collection, the treasurer may,
28 after the expiration of 3 months and within one year after the
30 date when the charge became due and payable, give to the owner of
32 the real estate served, or leave at the owner's last and usual
34 place of abode, or send by certified mail, return receipt
36 requested, to the owner's last known address a written notice
38 signed by the treasurer or bearing the treasurer's facsimile
40 signature stating the amount of that rate, toll, rent or other
42 charge describing the real estate upon which the lien is claimed
44 and stating that a lien is claimed to secure payment of the
46 charge and demanding payment within 30 days after service or
48 mailing of the notice plus \$1 for the treasurer for mailing the
50 notice together with the certified mail, return receipt requested
fee. 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 the 30-day period and within one
year, the treasurer shall record in the Waldo County Registry of
Deeds a certificate signed by the treasurer setting forth the
amount of the rate, toll, rent or other charge, the real estate
on which the lien is claimed, stating that a lien is claimed to
secure payment of the charge and that notice and demand for
payment of the charge has been given or made in accordance with
the provisions of this section and that the charge remains
unpaid. At the time of the recording of a certificate in the
Registry of Deeds, the treasurer shall file in the office of the
district a true copy of the certificate and mail a true copy of
the certificate by certified mail, return receipt requested, to
each record holder of any mortgage on the real estate, addressed
to the record holder at the record holder's last and usual place
of abode.

52 The filing of the certificate in the Registry of Deeds is
54 deemed to create a mortgage on the real estate described in the

2 deed for the district that has priority over all other mortgages,
3 liens, attachments and encumbrances of any nature, except liens,
4 attachments and claims for taxes, and gives to the district all
5 the rights usually possessed by mortgagees, except that the
6 district as mortgagee does not have a right to possession of the
7 real estate until the right of redemption provided for has
8 expired. If the mortgage, together with interest and costs, is
9 not paid within 18 months after the date of filing of the
10 certificate in the Registry of Deeds, the mortgage is deemed
11 foreclosed and the right of redemption expired. The filing of
12 the certificate in the Registry of Deeds is sufficient notice of
13 the existence of the mortgage. If the rate, toll, rent or other
14 charge, with interest and costs, is paid within the period of
15 redemption, the treasurer of the district shall discharge the
16 mortgage in the same manner as provided for discharge of real
17 estate mortgages.

18 The cost to be paid by the owner of the real estate served
19 is the sum of the fees for receiving, recording and indexing the
20 lien, or its discharge, as established by the Maine Revised
21 Statutes, Title 33, section 751, plus \$13 and all certified mail,
22 return receipt requested fees.

24 The district shall pay the treasurer \$1 for filing the lien
25 certificate and the amount paid for certified mail, return
26 receipt requested fees. The fees for recording the lien
27 certificate must be paid by the district to the Register of Deeds.

28 A discharge of the certificate given after the right of
29 redemption has expired and has been recorded in the Registry of
30 Deeds for more than one year terminates all title of the sewer
31 district derived from that certificate or any other recorded
32 certificate for which the right of redemption expired 10 years or
33 more before the foreclosure date of this discharge lien, unless
34 the sewer district has conveyed any interest based upon the title
35 acquired from any of the affected liens.

40 SUMMARY

42 This bill transfers title of public drains, storm water
43 drains and catch basins to the Town of Winterport. The bill also
44 grants to the Winterport Sewer District the same lien notice or
45 collection rights available to sanitary districts under the Maine
46 Revised Statutes, Title 38, section 1208.