

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1532

H.P. 1085

House of Representatives, February 25, 1999

An Act Concerning Liens Held by the Freeport 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 BULL of Freeport.
Cosponsored by Senator: HARRIMAN of Cumberland.

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

2
4 **Sec. 1. P&SL 1947, c. 60, §19-A**, as enacted by P&SL 1949, c. 50, §6, is amended to read:

6 **Sec. 19-A. Liens for payment of rates.** There shall ~~be~~ is a lien to secure the payment of rates established under section 19 of this act and legally assessed on real estate within the district, ~~which shall take~~ that takes precedence of all other claims on such real estate, excepting only claims for taxes. ~~Real estate, for the purpose of this act shall bear the same definition as given in section 3 of chapter 81 of the revised statutes.~~

14 The treasurer of the district shall ~~have~~ has the authority and power to collect the rates, and all rates shall ~~shall~~ must be committed to ~~him~~ the treasurer.

18 In addition to other methods previously established by law for the collection of the rates, the lien herein created may be enforced in the following manner, ~~provided, however, that as long as~~ as in making the assessment there shall ~~be~~ is a description of the real estate served by the several sewers of the district, sufficiently accurate to identify the real estate against which any of the several rates may be charged; the treasurer, when a rate has been committed to ~~him~~ the treasurer for collection, may, after the expiration of 8 months and within 1 year after commitment to ~~him~~ the treasurer of the rate, ~~in the case of a person resident in the town where the rate is assessed~~ give to the person against whom the rate is assessed, or leave at ~~his~~ the person's last and usual place of abode, or send by certified mail, return receipt requested, to the person's last known address, a notice in writing signed by the officer stating the amount of such rate, describing the real estate on which the rate is assessed, alleging that a lien is claimed on the real estate to secure the payment of the rate and demanding the payment of the rate within 10 days after the service of such notice. After the expiration of the 10 days and within 10 days thereafter, ~~in the case of a resident, and in all other cases within a year from the date of commitment of the rate to said officer,~~ the officer shall record in the registry of deeds of Cumberland ~~county~~ County a certificate signed by the officer setting forth the amount of such rate, a description of the real estate on which the rate is assessed, and an allegation that a lien is claimed on the real estate to secure the payment of the rate, that a demand for payment of the rate has been made in accordance with the provisions of this act and that the rate remains unpaid. In all cases, ~~except in the case of a resident,~~ the certificate so filed need not contain the allegation that payment of the rate has been demanded. At the time of the recording of the certificate in the registry of deeds as ~~herein provided~~ in this section, ~~in all cases such~~ the officer shall file in the office of the district a

2 true copy of the certificate and also at the time of recording as
3 ~~aforesaid~~, the officer shall mail by ~~registered-letter~~ certified
4 mail, return receipt requested, to each record holder of a
5 mortgage on said real estate, addressed to ~~him~~ the holder of a
6 mortgage at his that mortgage holder's last and usual place of
7 abode, a true copy of the certificate. The fee to be charged to
8 the rate-payer for such notice and filing ~~shall-not-exceed-\$1~~
9 must include the costs of mailing copies of the certificate to
10 the record holders of a mortgage on the real estate and the ~~then~~
11 current fee ~~to-be~~ charged by the register of deeds for such
12 filing ~~shall-not-exceed-50¢~~.

13
14 The filing of the ~~aforesaid~~ certificate, in the registry of
15 deeds ~~as-aforesaid-shall-be~~ is deemed to create and ~~shall-create~~
16 a mortgage on the real estate to the district having priority
17 over all other mortgages, liens, attachments and incumbrances of
18 any nature, except liens, attachments and claims for municipal
19 property taxes, and ~~shall-give~~ gives the district all the rights
20 usually incident to a mortgage, except that the mortgagee ~~shall~~
21 does not have any right of possession of the real estate until
22 the right of redemption herein provided for ~~shall-have~~ in this
23 section has expired.

24 If the mortgage, together with interest and costs, ~~shall~~ has
25 not have been paid within 18 months after the date of filing of
26 the certificate in the registry of deeds as herein provided in
27 this section, the mortgage ~~shall--be~~ is deemed to have been
28 foreclosed and the right of redemption to have expired.

29
30 The officer shall notify the party named on the certificate
31 and each record holder of a mortgage on the real estate no more
32 than 45 days nor less than 30 days before the date of foreclosure
33 of the mortgage created pursuant to this section. The
34 notification must be in writing left at the owner's and all
35 mortgagees' last and usual places of abode or sent by certified
36 mail, return receipt requested, to the owner's and mortgagees' at
37 their last known addresses. The notice must indicate the exact
38 date of foreclosure and include the warnings and other
39 information in the following form:

40
41 **STATE OF MAINE**
42 **FREEPORT SEWER DISTRICT**
43 **NOTICE OF IMPENDING AUTOMATIC FORECLOSURE OF SEWER LIEN**
44 **P. & S. L. 1999, c.**

45 **IMPORTANT: DO NOT DISREGARD THIS NOTICE**
46 **YOU WILL LOSE YOUR PROPERTY UNLESS YOU TIMELY**
47 **PAY THE SEWER CHARGES, COSTS AND INTERESTS THAT HAVE**
48 **BEEN LIENED BY THE FREEPORT SEWER DISTRICT**

49 TO:

50
51
52

2 You are the party named on the Sewer Lien Certificate filed
3 on _____, 19____, and recorded in the Cumberland County
4 Registry of Deeds in Book _____, Page _____. The filing created
5 a sewer lien mortgage on the real estate described in the Sewer
6 Lien Certificate. On _____, 19____, the sewer lien
7 mortgage will be foreclosed and your rights to redeem the
8 mortgage and recover your property by paying the sewer charges,
9 costs and interest that are owed will expire.

10 **IF THE SEWER LIEN FORECLOSES, THE FREEPORT SEWER DISTRICT**
11 **WILL OWN YOUR PROPERTY, SUBJECT ONLY TO MUNICIPAL TAX LIENS**

12
13 If you cannot pay the outstanding sewer charges, costs and
14 interest that are the subject of this notice, please contact me
15 to discuss this notice.

16

17

District Treasurer

18

19 The filing of the certificate in the registry of deeds shall
20 be is sufficient notice of the existence of the mortgage herein
21 provided for in this section.

22

23 ~~In the event that~~ If the rate, interest and costs shall ~~be~~
24 are paid within the period of redemption herein provided for in
25 this section, the treasurer of the district shall discharge the
26 mortgage in the same manner as is now provided for discharge of
27 real estate mortgages.

28

29
30
31 **SUMMARY**

32
33 This bill updates the administrative provisions of the
34 Freeport Sewer District's lien authority. It also authorizes the
35 district, as part of its sewer lien procedure, to send affected
36 parties a second notice of sewer liens and impending foreclosure
37 before the date of forfeiture. The bill also removes an archaic
38 reference.

39
40