

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)

MAJORITY
R 483

L.D. 483

DATE: 5-15-01

(Filing No. H-460)

MAJORITY
UTILITIES AND ENERGY AND THE
COMMITTEE ON JUDICIARY

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 381, L.D. 483, Bill, "An Act to Revise the Sewer Lien Laws"

Amend the bill by inserting after the title and before the enacting clause the following:

'Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.'

Further amend the bill in section 1 in the first paragraph in the 29th to 32nd lines (page 1, lines 34 to 37 in L.D.) by striking out the following: "and the lien must be placed on the mobile home and not on the land when the mobile home is located on the land of another person and the owner of the mobile home is obligated directly to pay the rates"

Further amend the bill in section 2 in the first paragraph in the last line (page 2, line 27 in L.D.) by inserting after the following: "paragraph." the following: 'Beginning with liens created after October 30, 2001, the notice of impending automatic foreclosure must be substantially in the following form:

COMMITTEE AMENDMENT

R.O.S.

COMMITTEE AMENDMENT "A" to H.P. 381, L.D. 483

STATE OF MAINE
SANITARY DISTRICT
NOTICE OF IMPENDING AUTOMATIC FORECLOSURE
SEWER LIEN
Title 38, M.R.S.A., section 1208

IMPORTANT: DO NOT DISREGARD THIS NOTICE
YOU WILL LOSE YOUR PROPERTY UNLESS
YOU PAY THE CHARGES, COSTS AND INTEREST FOR WHICH
A LIEN ON YOUR PROPERTY HAS BEEN CREATED BY THE
SANITARY DISTRICT.

TO: _____

You are the party named on the Sewer Lien Certificate filed on _____, 20____ and recorded in Book _____, Page _____ in the _____ County Registry of Deeds. This _____ Sanitary District filing created a sewer lien mortgage on the real estate described in the Sewer Lien Certificate.

On _____, 20____, the sewer lien mortgage will be foreclosed and your right to redeem the mortgage and recover your property by paying the district's charges and interest that are owed will expire.

IF THE LIEN FORECLOSES,
THE _____ SANITARY DISTRICT WILL OWN
YOUR PROPERTY, SUBJECT ONLY TO
MUNICIPAL TAX LIENS.

If you can not pay the outstanding charges, costs and interest that are the subject of this notice or the subject of installment payment arrangements that you have made with the district, please contact me immediately to discuss this notice.

District Treasurer'

Further amend the bill by inserting at the end before the summary the following:

'FISCAL NOTE

This bill requires sewer districts to make certain notifications to owners of real estate in certain matters of foreclosure. The additional costs of this state mandate are likely to be relatively minor. Pursuant to the Mandate Preamble, the 2/3 vote of all members elected to each House exempts the

2 State from the constitutional requirement to fund 90% of the
3 additional local costs.'

Boys

6 **SUMMARY**

8 This amendment does the following.

10 1. It removes that portion of the bill that requires that a
12 sanitary district lien be placed on a mobile home and not on the
14 land when the mobile home is located on the land of another and
the owner of the mobile home is obligated to pay the district's
rates.

16 2. It adds to the provision of the bill requiring a
18 district to notify a person of the impending foreclosure of any
lien placed the person's property by establishing the form of the
notice.

20 3. It adds a mandate preamble to the bill.

22 4. It also adds a fiscal note to the bill.