

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 483

H.P. 381

House of Representatives, February 1, 2001

An Act to Revise the Sewer Lien Laws.

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative WINSOR of Norway.
Cosponsored by President Pro Tem BENNETT of Oxford and
Representatives: GAGNE of Buckfield, HEIDRICH of Oxford, Senator: DAGGETT of
Kennebec.

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

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

The treasurer of the district ~~shall~~--have has full and complete authority and power to collect the rates, tolls, rents and other charges established under section 1202 and the same ~~shall~~ must be committed to ~~him~~ the treasurer. 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, the lien hereby created may be enforced in the following manner. The treasurer, when a rate, toll, rent or other charge has been committed to ~~him~~ the treasurer for collection, may, after the expiration of 3 months and within one year after the date when the same became due and payable, give to the owner of the real estate served, or leave at ~~his~~ the owner's last and usual place of abode, or send by certified mail, return receipt requested, to ~~his~~ the owner's last known address, a notice in writing signed by the treasurer or bearing ~~his~~ the treasurer's facsimile signature, stating the amount of that rate, toll, rent or other charge, describing the real estate upon which the lien is claimed and 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 the 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 certified mail, return receipt requested, fee. The notice ~~shall~~ 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, 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. After the expiration of a period of 30 days and within one year thereafter, the treasurer shall record in the registry of deeds of the county in which the property of such person is located a certificate signed by the treasurer setting forth the amount of such 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 of the same has been given or made in accordance with this section and stating further that such rate, toll, rent or other charge remains unpaid. At the time of the recording of any such certificate in the registry of deeds as provided, the treasurer shall file in the office of the district a true copy of such

2 certificate and shall mail a true copy thereof of the certificate
3 by certified mail, return receipt requested, to each record
4 holder of any mortgage on the real estate, addressed to such
5 record holder at his the record holder's last and usual place of
6 abode.

7 **Sec. 2. 38 MRSA §1208**, as amended by PL 1995, c. 21, §1 and
8 affected by §2, is further amended by adding after the 4th
9 paragraph a new paragraph to read:

10 The treasurer of the district shall notify the party named
11 on the sewer lien mortgage and each record holder of a mortgage
12 on the real estate not more than 45 days or less than 30 days
13 before the foreclosing date of the sewer lien mortgage, in a
14 writing signed by the treasurer or bearing the treasurer's
15 facsimile signature and left at the holder's last and usual place
16 of abode or sent by certified mail, return receipt requested, to
17 the holder's last known address, of the impending automatic
18 foreclosure and indicating the exact date of foreclosure. For
19 sending this notice, the district is entitled to receive \$3 plus
20 all certified mail, return receipt requested, fees. These costs
21 must be added to and become a part of the amount due. If notice
22 is not given in the time period specified in this paragraph to
23 the party named on the sewer lien mortgage or to any record
24 holder of a mortgage, the person not receiving timely notice may
25 redeem the sewer lien mortgage until 30 days after the treasurer
26 does provide notice in the manner specified in this paragraph.

30 SUMMARY

31 This bill revises the law concerning sewer liens in 2 ways.

32 1. Current law provides that mobile homes are real estate
33 for purposes of the law and the bill clarifies this provision by
34 stating that the lien must be placed on the mobile home when the
35 mobile home is located on the land of another person and the
36 owner of the mobile home is directly obligated to the sewer
37 district to pay the sewer rate.

38 2. It requires the district to notify the owner of the real
39 estate subject to a lien prior to foreclosure in the same manner
40 as current law requires a municipality to notify prior to
41 foreclosure the owner of real estate on which a tax lien has been
42 placed.