

# MAINE STATE LEGISLATURE

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L.D. 1820

DATE: 6-11-01

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UTILITIES AND ENERGY

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

COMMITTEE AMENDMENT "A" to H.P. 1363, L.D. 1820, Bill, "An Act to Amend the Charter of the Limestone Water and Sewer District"

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.

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the Limestone Water and Sewer District provides crucial water and sewer service to the people of its district, and the failure of some users to pay for these services puts a burden on the district's ability to provide water and sewer services; and

**Whereas,** the Limestone Water and Sewer District has the authority to secure liens against the owner of real estate receiving the district's services for nonpayment of water and sewer services; and

**Whereas,** failure to redeem a lien can result in the forfeiture of affected real estate to the Limestone Water and Sewer District; and

**COMMITTEE AMENDMENT**

R. of S.

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2           **Whereas,** procedures prescribed for the collection of  
4 nonpayment of water and sewer services affect the rights of  
6 individuals and the ability of the Limestone Water and Sewer  
District to provide services to the people of the district; and

8           **Whereas,** in the judgment of the Legislature, these facts  
10 create an emergency within the meaning of the Constitution of  
12 Maine and require the following legislation as immediately  
14 necessary for the preservation of the public peace, health and  
16 safety; now, therefore, '

18           Further amend the bill in section 1 in section 17 by  
20 striking out all of the 3rd sentence (page 1, lines 23 and 24 in  
L.D.)

22           Further amend the bill in section 1 in section 17 in 2nd  
24 paragraph in the 8th line from the end (page 2, line 1 in L.D.)  
26 by inserting after the following: "deeds" the following: 'and  
after notice as provided in section 17-A'

28           Further amend the bill by inserting after section 1 the  
30 following:

32           '**Sec. 2. P&SL 1957, c. 59, §17-A** is enacted to read:

34           **Sec. 17-A. Notification prior to foreclosure.** The treasurer of the  
36 district shall notify the party named on the certificate and each  
38 record holder of a mortgage on the real estate not more than 45  
40 days nor fewer than 30 days before the foreclosing date of the  
42 mortgage in a writing signed by the treasurer or bearing the  
44 treasurer's facsimile signature and left at the holder's last and  
46 usual place of abode or sent by certified mail, return receipt  
requested, to the holder's last known address of the impending  
automatic foreclosure and indicating the exact date of  
foreclosure. For sending this notice, the district is entitled  
to receive \$3 plus all certified mail, return receipt requested,  
fees. These costs must be added to and become a part of the  
amount due. If notice is not given in the time period specified  
in this section to the party named on the certificate or to any  
record holder of a mortgage, the person not receiving timely  
notice may redeem the mortgage until 30 days after the treasurer  
does provide notice in the manner specified in this section.  
Beginning with liens created after October 30, 2001, the notice  
of impending automatic foreclosure must be substantially in the  
following form:

48                           LIMESTONE WATER AND SEWER DISTRICT  
50                           NOTICE OF IMPENDING AUTOMATIC FORECLOSURE  
                                  P&SL 2001, c. \_\_\_\_\_

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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  
LIMESTONE WATER AND SEWER DISTRICT.

TO: \_\_\_\_\_

You are the party named on the certificate filed on  
\_\_\_\_\_, 20\_\_\_\_ and recorded in Book\_\_\_\_, Page\_\_\_\_ in the  
Aroostook County Registry of Deeds. This Limestone Water and  
Sewer District filing created a mortgage on the real estate  
described in the certificate.

On\_\_\_\_, 20\_\_\_\_, the 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 LIMESTONE WATER AND SEWER 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

**Emergency clause.** In view of the emergency cited in the  
preamble, this Act takes effect when approved.'

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

**FISCAL NOTE**

This bill requires the Limestone Water and Sewer District to  
provide certain notifications. The additional costs of this  
state mandate can not be determined but are expected to be  
minor. Pursuant to the Mandate Preamble, the 2/3 vote of all  
members elected to each House exempts the State from the  
constitutional requirement to fund 90% of the additional local  
costs.'

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### SUMMARY

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This amendment removes the language that defines a mobile home as real estate and requires the treasurer of the district to provide a 2nd notice to parties named on the lien certificate and to each record holder no fewer than 30 days and no more than 45 days prior to the foreclosure of the mortgage created by the lien. This amendment also adds a mandate preamble, emergency preamble and emergency clause to the bill.

The amendment also adds a fiscal note to the bill.