

# 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)



# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

---

Legislative Document

No. 1820

H.P. 1363

House of Representatives, June 4, 2001

**An Act to Amend the Charter of the Limestone Water and Sewer District.**

(AFTER DEADLINE)

---

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative YOUNG of Limestone.

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

2  
4       **Sec. 1. P&SL 1957, c. 59, §17** is repealed and the following enacted in its place:

6       **Sec. 17. Lien to secure payment of rates; procedure.** When a rate, toll, rent or other charge has been committed to the treasurer of the Limestone Water and Sewer District for collection, the treasurer may, after the expiration of 3 months and within one year after the date when the charge became due and payable, give to the owner of the real estate served, or leave at the owner's last and usual place of abode, or send by certified mail, return receipt requested, to the owner's last known address, a written notice signed by the treasurer or bearing 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 to secure payment of the charge and demanding payment within 30 days after service or mailing of the notice plus \$1 for the treasurer for mailing the 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 Aroostook County Registry of Deeds a certificate signed by the treasurer setting forth the amount of the rate, toll, rent or other charge and the real estate on which the lien is claimed and 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.

40       The filing of the certificate in the registry of deeds is deemed to create a mortgage on the real estate described in the deed for the district that has priority over all other mortgages, liens, attachments and encumbrances of any nature except liens, attachments and claims for taxes and gives to the district all the rights usually possessed by mortgagees, except that the district as mortgagee does not have a right to possession of the real estate until the right of redemption provided for has expired. If the mortgage, together with interest and costs, is not paid within 18 months after the date of filing of the

2 certificate in the registry of deeds, the mortgage is deemed  
3 foreclosed and the right of redemption expired. The filing of  
4 the certificate in the registry of deeds is sufficient notice of  
5 the existence of the mortgage. If the rate, toll, rent or other  
6 charge, with interest and costs, is paid within the period of  
7 redemption, the treasurer of the district shall discharge the  
8 mortgage in the same manner as provided for discharge of real  
9 estate mortgages.

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

15 The district shall pay the treasurer \$1 for filing the lien  
16 certificate and the amount paid for certified mail, return  
17 receipt requested, fees. The fees for recording the lien  
18 certificate must be paid by the district to the register of deeds.

19 A discharge of the certificate given after the right of  
20 redemption has expired and has been recorded in the registry of  
21 deeds for more than one year terminates all title of the district  
22 derived from that certificate or any other recorded certificate  
23 for which the right or redemption expired 10 years or more before  
24 the foreclosure date of this discharge lien, unless the district  
25 has conveyed any interest based upon the title acquired from any  
26 of the affected liens.

## 30 SUMMARY

31 This bill amends the Charter of the Limestone Water and  
32 Sewer District by updating the procedures for filing a lien for  
33 nonpayment of sewer charges.