

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)



121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 572

H.P. 435

House of Representatives, February 11, 2003

**An Act To Restrict a School District from the Wholesale Attachment
of Personal Property if a Town Defaults on Its School Commitment**

Reference to the Committee on Taxation suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BUNKER of Kossuth Township.
Cosponsored by Senator GAGNON of Kennebec.

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

4 **Sec. 1. 20-A MRSA §1310, sub-§6**, as enacted by PL 1981, c.
693, §§5 and 8, is amended to read:

6 **6. Enforcement.** If a municipal treasurer fails to pay the
installment due, or any part, on the dates required, the
8 ~~treasurer of the district may issue a warrant for the amount of~~
~~the unpaid tax to the county sheriff requiring the sheriff to~~
10 ~~levy by distress and sale on the real and personal property of~~
~~any of the inhabitants~~ there may be a lien as provided in Title
12 36, section 552 on the real estate of the municipality where that
default takes place. ~~The sheriff or sheriff's deputies shall~~
14 ~~execute the warrant.~~ The lien takes precedence over all other
claims on that real estate and continues in force until the taxes
16 are paid or the lien is otherwise terminated by law. In
collecting taxes within member municipalities, the board of
18 directors ~~shall have~~ has the same power as county officials for
the collection of county taxes under Title 36, chapter 105,
20 subchapter 9.

22 **SUMMARY**

24 This bill repeals the provision of current law that allows a
26 school administrative district to issue a warrant to take and
sell the real and personal property of any inhabitant of a
28 municipality that has failed to pay its school tax levy to the
district. In its place, the bill establishes a priority lien on
30 the real estate of the municipality that has failed to pay its
tax to the district.