

MAINE STATE LEGISLATURE

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Date: 2-10-10

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT "A" to H.P. 1127, L.D. 1589, Bill, "An Act To Authorize Sanitary Districts To Waive an Automatic Sanitary District Lien Foreclosure"

Amend the bill by striking out the title and substituting the following:

'An Act To Authorize Sanitary Districts, Water Utilities and Sewer Districts To Waive an Automatic Lien Foreclosure'

Amend the bill by inserting after the enacting clause and before section 1 the following:

'Sec. 1. 35-A MRSA §6111-A, sub-§4 is enacted to read:

4. Waiver of water lien foreclosure. The treasurer of a consumer-owned water utility, when authorized by the trustees of the utility, may waive the foreclosure of a lien mortgage created pursuant to this section by recording in the registry of deeds a waiver of foreclosure before the period for the right of redemption from the lien mortgage has expired. The lien mortgage remains in full effect after the recording of a waiver. Other methods established by law for the collection of any unpaid rate, toll, rent or other charges are not affected by the filing of a waiver under this section. The waiver of foreclosure must be substantially in the following form:

The foreclosure of the water lien mortgage on real estate for charges against (NAME) to (NAME OF WATER UTILITY) dated and recorded in the County Registry of Deeds in Book, Page is hereby waived.

The form must be dated, signed by the treasurer of the water utility and notarized. A copy of the form must be provided to the party named on the lien mortgage and each record holder of a mortgage on the real estate.'

Amend the bill by inserting after section 1 the following:

'Sec. 2. 38 MRSA §1257 is enacted to read:

§1257. Waiver of sewer district lien foreclosure

1. Waiver. The treasurer of a sewer district, when authorized by the trustees of the district, may waive the foreclosure of a district lien mortgage created pursuant to the district's charter by recording in the registry of deeds a waiver of foreclosure before the

1 period for the right of redemption from the lien mortgage has expired. The lien mortgage
2 remains in full effect after the recording of a waiver. Other methods established by law
3 for the collection of any unpaid rate, toll, rent or other charges are not affected by the
4 filing of a waiver under this section.

5 **2. Form.** The waiver of foreclosure under subsection 1 must be substantially in the
6 following form:

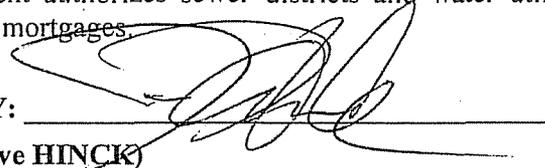
7 The foreclosure of the sewer lien mortgage on real estate for charges against
8 (NAME) to (NAME OF SEWER DISTRICT) dated and recorded in the
9 County Registry of Deeds in Book, Page is hereby waived.

10 The form must be dated, signed by the treasurer of the district and notarized. A copy of
11 the form must be provided to the party named on the lien mortgage and each record
12 holder of a mortgage on the real estate.'

13 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
14 section number to read consecutively.

15 **SUMMARY**

16 This amendment authorizes sewer districts and water utilities to waive automatic
17 foreclosure of lien mortgages.

18 **SPONSORED BY:** 

19 (Representative HINCK)

20 **TOWN: Portland**