

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2010

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Legislative Document

No. 1589

H.P. 1127

House of Representatives, December 22, 2009

### **An Act To Authorize Sanitary Districts To Waive an Automatic Sanitary District Lien Foreclosure**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 18, 2009. Referred to the Committee on Utilities and Energy pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative CHASE of Wells.  
Cosponsored by Senator NASS of York and  
Representatives: LEWIN of Eliot, WEAVER of York, Senator: PERRY of Penobscot.

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

2 Sec. 1. 38 MRSA §1208-A is enacted to read:

3 §1208-A. Waiver of automatic foreclosure of lien mortgage

4 1. Waiver of sanitary district lien foreclosure. The treasurer of a district, when  
5 authorized by the trustees of the district, may waive the foreclosure of a sanitary district  
6 lien mortgage created under section 1208 by recording in the registry of deeds a waiver of  
7 foreclosure before the period for the right of redemption from the sanitary district lien  
8 mortgage has expired. The sanitary district lien mortgage remains in full effect after the  
9 recording of a waiver. Other methods established by law for the collection of any unpaid  
10 rate, toll, rent or other charges are not affected by the filing of a waiver under this section.

11 2. Form. The waiver of foreclosure under subsection 1 must be substantially in the  
12 following form:

13 STATE OF MAINE .....SANITARY DISTRICT

14 WAIVER OF AUTOMATIC FORECLOSURE

15 OF SEWER LIEN

16 Title 38, M.R.S.A., section 1208-A

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

20 The form must be signed by the treasurer of the district and notarized. A copy of the  
21 form must be provided to the party named on the sanitary district lien mortgage and each  
22 record holder of a mortgage on the real estate.

23 **SUMMARY**

24 This bill authorizes sanitary districts to waive automatic foreclosure of a sanitary  
25 district lien mortgage.