

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 297

H.P. 241

House of Representatives, February 3, 2011

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**An Act To Allow Treasurers To Process Tax Lien Discharge and  
Sanitary District Sewer Lien Documents Using Facsimile Signatures**

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Reference to the Committee on Taxation suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative CASAVANT of Biddeford.  
Cosponsored by Senator SULLIVAN of York and  
Representatives: BEAUDOIN of Biddeford, DION of Portland, GOODE of Bangor,  
HASKELL of Portland, ROCHELO of Biddeford, Senator: FARNHAM of Penobscot.

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

2 **Sec. 1. 36 MRSA §943, 3rd ¶** is amended to read:

3 In the event that ~~said the~~ tax, interest and costs ~~shall be~~ underlying the tax lien are  
4 paid within the period of redemption, the municipal treasurer or assignee of record shall  
5 prepare and record a discharge of the tax lien mortgage in the same manner as is now  
6 provided for the discharge of real estate mortgages, except that a facsimile signature of  
7 the treasurer or treasurer's assignee may be used.

8 **Sec. 2. 36 MRSA §944, sub-§2**, as amended by PL 1987, c. 736, §57, is further  
9 amended to read:

10 **2. Form.** The waiver of foreclosure ~~shall~~ must be substantially in the following  
11 form:

12 The foreclosure of the tax lien mortgage on real estate for a tax assessed against .....  
13 to ..... dated ..... (name) (name of municipality) and recorded in ..... registry of  
14 deeds in Book ....., Page .... is hereby waived.

15 Dated this ..... date of ..... ~~19 20~~..

16 ..... A.B. ....  
17 Treasurer of .....

18  
19 State of Maine  
20 ..... ss. .... ~~19 20~~....

21 Then personally appeared the above named ..... A.B. .... Treasurer and  
22 acknowledged the foregoing instrument to be ~~his~~ a free act and deed in ~~his~~ the Treasurer's  
23 said capacity.

24  
25 Before me, .....  
26 .....  
27 Notary Public

28 The form required by this subsection must be dated, signed by the treasurer or bear the  
29 treasurer's facsimile signature and notarized.

30 ~~There shall be included in the amount secured by the tax lien mortgage a~~ Δ charge to the  
31 municipality of 50¢ for the waiver of foreclosure and the charges of the registry of deeds  
32 for the recording thereof ~~which shall be~~ of the waiver in accordance with the fees set forth  
33 in Title 33, section 751, subsection ~~40~~ 1 must be included in the amount secured by the  
34 tax lien mortgage.

35 **Sec. 3. 38 MRSA §1208, 2nd ¶**, as amended by PL 2001, c. 319, §1, is further  
36 amended to read:

1           The treasurer of the district has full and complete authority and power to collect the  
2 rates, tolls, rents and other charges established under section 1202 and the same rate, toll,  
3 rent or other charge must be committed to the treasurer. The treasurer may, after demand  
4 for payment, sue in the name of the district in a civil action for any rate, toll, rent or other  
5 charge remaining unpaid in any court of competent jurisdiction. In addition to other  
6 methods established by law for the collection of rates, tolls, rents and other charges, and  
7 without waiver of the right to sue for the same rate, toll, rent or other charge, the lien  
8 created may be enforced in the following manner. The treasurer, when a rate, toll, rent or  
9 other charge has been committed to the treasurer for collection, may, after the expiration  
10 of 3 months and within one year after the date when the same rate, toll, rent or other  
11 charge became due and payable, give to the owner of the real estate served, or leave at the  
12 owner's last and usual place of abode, or send by certified mail, return receipt requested,  
13 to the owner's last known address, a notice in writing signed by the treasurer or bearing  
14 the treasurer's facsimile signature, stating the amount of that rate, toll, rent or other  
15 charge, describing the real estate upon which the lien is claimed and stating that a lien is  
16 claimed on the real estate to secure the payment of the rate, toll, rent or other charge and  
17 demanding the payment of the rate, toll, rent or other charge within 30 days after service  
18 or mailing, with \$1 for the treasurer for mailing the notice together with the certified  
19 mail, return receipt requested, fee. The notice must contain a statement that the district is  
20 willing to arrange installment payments of the outstanding debt. For the purpose of this  
21 section, a mobile home is defined as real estate. After the expiration of a period of 30  
22 days and within one year thereafter, the treasurer shall record in the registry of deeds of  
23 the county in which the property of such person is located a certificate signed by the  
24 treasurer or bearing the treasurer's facsimile signature setting forth the amount of such  
25 rate, toll, rent or other charge, describing the real estate on which the lien is claimed, and  
26 stating that a lien is claimed on the real estate to secure payment of the rate, toll, rent or  
27 other charge and that a notice and demand for payment of the same rate, toll, rent or other  
28 charge has been given or made in accordance with this section and stating further that  
29 such rate, toll, rent or other charge remains unpaid. At the time of the recording of any  
30 such certificate in the registry of deeds as provided, the treasurer shall file in the office of  
31 the district a true copy of such certificate and shall mail a true copy of the certificate by  
32 certified mail, return receipt requested, to each record holder of any mortgage on the real  
33 estate, addressed to such record holder at the record holder's last and usual place of  
34 abode.

35           **Sec. 4. 38 MRSA §1208, 3rd ¶**, as amended by PL 1979, c. 541, Pt. A, §276, is  
36 further amended to read:

37           The filing of the certificate in the registry of deeds ~~shall be deemed to create, and~~  
38 ~~shall create,~~ creates a mortgage on the underlying real estate ~~therein described~~ to the  
39 district ~~which shall have~~ that has priority over all other mortgages, liens, attachments and  
40 encumbrances of any nature, except liens, attachments and claims for taxes, and ~~shall~~  
41 ~~give gives~~ to the district all the rights usually possessed by mortgagees, except that the  
42 district as mortgagee ~~shall does~~ does not have any right to possession of ~~said the~~ real estate  
43 until the right of redemption ~~provided for shall have~~ has expired. If the mortgage,  
44 together with interest and costs, ~~shall has~~ has not ~~have~~ been paid within 18 months after the  
45 date of filing of ~~said the~~ certificate in the registry of deeds ~~as provided~~, the mortgage ~~shall~~  
46 ~~be is~~ deemed to ~~have been~~ be foreclosed and the right of redemption to have expired. The

1 filing of the certificate in the registry of deeds ~~shall be~~ is sufficient notice of the existence  
2 of the mortgage ~~provided for~~ created in this paragraph. In the event that said If the rate,  
3 toll, rent or other charge, with interest and costs, ~~shall be~~ is paid within the period of  
4 redemption ~~provided for~~, the treasurer of the district shall discharge the mortgage in the  
5 same manner as ~~provided for~~ the discharge of ~~real-estate~~ tax lien mortgages pursuant to  
6 Title 36, section 943.

7

### SUMMARY

8 This bill allows municipal treasurers to use facsimile signatures in filing and  
9 processing tax lien documents and extends the use of facsimile signatures in the  
10 processing of sanitary district sewer liens.