

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 1061

H.P. 796

House of Representatives, March 15, 2011

### An Act To Amend the Lien Process for Unpaid Water Rates

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

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative WELSH of Rockport.  
Cosponsored by Representative COTTA of China and  
Representatives: FITTS of Pittsfield, HAMPER of Oxford, HINCK of Portland, KRUGER of  
Thomaston, LUCHINI of Ellsworth, Senator: RECTOR of Knox.

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

2 **Sec. 1. 35-A MRSA §6111-A, sub-§1**, as enacted by PL 2005, c. 7, §2, is  
3 amended to read:

4 **1. Liens for unpaid rates; water utilities.** A ~~consumer-owned~~ water utility has a  
5 lien on real estate served by that ~~consumer-owned~~ water utility to secure the payment of  
6 unpaid rates.

7 **Sec. 2. 35-A MRSA §6111-A, sub-§4**, as enacted by PL 2009, c. 490, §1, is  
8 amended to read:

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

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

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

23 **SUMMARY**

24 This bill allows all water utilities the right to place a lien for unpaid rates.