

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

FIRST SPECIAL SESSION

July 11, 1991 to July 18, 1991

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 9, 1991

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1991

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE

FIRST REGULAR SESSION

of the

ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

A lien on real estate served or benefited by the sewers of the district is claimed to secure the payment of rates established and due under this section. The lien takes precedence over all other claims on the real estate, except claims for taxes.

The treasurer of the district has full and complete authority and power to collect the rates, tolls, rents and other charges established under this section. The treasurer may, after demand for payment, sue in the name of the district in a civil action for any rate, toll, rent or other charge remaining unpaid in any court of competent jurisdiction. In addition to other methods established by law for the collection of rates, tolls, rents and other charges, and without waiver of the right to sue for the same, a lien may be enforced in the following manner. The treasurer may, after the expiration of 3 months and within one year after the date when the rate, toll, rent or other charge became due and payable, give to the owner of the real estate served, or leave at the owner's last and usual place of abode, or send by certified mail, return receipt requested, to the owner's last known address, a notice in writing signed by the treasurer or bearing the treasurer's facsimile signature, stating that a lien is claimed on the real estate to secure the payment of the rate, toll, rent or other charge and demanding the payment of rate, toll, rent or other charge within 30 days after service or mailing, with \$1 for the treasurer for mailing the notice together with the fee for certified mail, return receipt requested. The notice must contain a statement that the district is willing to arrange installment payments of the outstanding debt. For the purpose of this section, a mobile home is defined as real estate. After the expiration of a period of 30 days, but within one year after the expiration, the treasurer shall record in the registry of deeds of the county in which the property of the owner is located a certificate signed by the treasurer stating the amount of the rate, toll, rent or other charge, describing the real estate on which the lien is claimed and stating that a lien is claimed on the real estate to secure payment of the rate, toll, rent or other charge and that a notice and demand for payment has been given or made in accordance with this section and stating further that the rate, toll, rent or other charge remains unpaid. At the time of the recording of the certificate in the registry of deeds, the treasurer shall file in the office of the district a copy of the certificate and mail a copy of the certificate by certified mail, return receipt requested, to each mortgagee of the real estate, addressed to the mortgagee's last known address.

The filing of the certificate in the registry of deeds is deemed to create a mortgage on the real estate described in the certificate to the district that has priority over all other mortgages, liens, attachments and encumbrances of any nature, except liens, attachments and claims for taxes, and gives to the district all the rights usually possessed by mortgagees, except that the district as mortgagee may not have any right to possession of the real estate until the right

of redemption expires. If the mortgage, together with interest, which may not exceed the highest lawful rate set by the Treasurer of State for municipal taxes, and costs has not been paid within 18 months after the date of filing of the certificate in the registry of deeds, the mortgage is deemed to have been foreclosed and the right of redemption to have expired. The filing of the certificate in the registry of deeds is sufficient notice of the existence of the mortgage. If the rate, toll, rent or other charge, with interest and costs, is paid within the period of redemption provided for, the treasurer of the district shall discharge the mortgage in the same manner as provided for discharge of the real estate mortgages.

The owner of the real estate served is responsible for payment of the fees for receiving, recording and indexing the lien, or its discharge, as established by the Maine Revised Statutes, Title 33, section 751, subsection 12, plus \$13, plus all fees for certified mail, return receipt requested.

The district shall pay the treasurer \$1 for the notice, \$1 for filing the lien certificate and the amount paid for all fees for certified mail, return receipt requested. The fees for recording the lien certificate are paid by the district to the register of deeds.

See title page for effective date.

CHAPTER 21

H.P. 933 - L.D. 1353

An Act to Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1991-92

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, prompt determination and certification of the municipal cost components in the unorganized territory district is necessary to the establishment of a mill rate and the levy of the unorganized territory educational and services tax; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Municipal cost components for services rendered. In accordance with the Maine Revised Statutes, Title 36, chapter 115, the Legislature determines that the net municipal cost component for services and reimbursements to be rendered in fiscal year 1991-92 is as follows.

	1991-92
Audit	
Report	\$2,000
Fiscal Administrator	85,875
Education	
Operations - FY 1991-92	7,475,370
Forest Fire Protection	150,000
Human Services	
General Assistance	214,000
Property Tax Assessment	
Operations	437,221
Total State Agencies	<u>\$8,364,446</u>
County Reimbursements for Services	
Aroostook	\$444,072
Franklin	205,928
Oxford	183,841
Penobscot	320,668
Piscataquis	529,386
Somerset	497,957
Washington	333,575
Total County Services	<u>\$2,515,427</u>
TOTAL REQUIREMENTS	\$10,879,893
COMPUTATION OF ASSESSMENT	
Requirements	\$10,879,893
Less Deductions:	
General	
State Revenue Sharing	\$250,000
Miscellaneous Revenues	750,000
Total	<u>\$1,000,000</u>
Educational	
Lands Reserve Trust	\$175,000
Tuition - Travel	115,000
Miscellaneous	20,000
Special - Retirement	100,000
Total	<u>\$410,000</u>
TOTAL DEDUCTIONS	\$1,410,000
TAX ASSESSMENT	\$9,469,893

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective June 17, 1991.

CHAPTER 22

H.P. 1255 - L.D. 1823

An Act to Increase the Debt Limit of the Ogunquit Sewer District

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, disposal and treatment of sewage is essential to the health and well-being of the inhabitants of the Town of Ogunquit; and

Whereas, it is imperative that action be taken at the earliest possible time to eliminate any danger to the health and well-being of the inhabitants of the Town of Ogunquit; and

Whereas, the 101st Legislature created the Ogunquit Sewer District with certain powers over sewers; and

Whereas, it has been determined that the Ogunquit Sewer District's borrowing capacity is inadequate in order to improve its wastewater treatment facility that services the inhabitants of the Town of Ogunquit; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. P&SL 1963, c. 87, §17, 2nd sentence, as amended by P&SL 1989, c. 44, §§1 and 2, is further amended to read:

The total indebtedness of said district at any one time outstanding ~~shall~~ may not exceed the sum of ~~\$4,000,000~~ \$7,000,000.

Sec. 2. Emergency clause; referendum; effective date. In view of the emergency cited in the preamble, this Act takes effect when approved, except that the increase of the total indebtedness from \$4,000,000 to \$7,000,000 takes effect only for the purpose of permitting its submission to the legal voters of the Ogunquit Sewer District, resident in the district, at the next regular town or at a special town meeting to be called and held for the purpose by December 31, 1991. The elec-