

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

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

Sec. 1. P&SL 1961, c. 161, §25, 2nd and 3rd ¶¶, are repealed and the following enacted in their place:

When a rate, toll, rent or other charge has been committed to the treasurer of the Boothbay Sewer District for collection, the treasurer may, after the expiration of 3 months and within one year after the date when the 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 written notice signed by the treasurer or bearing the treasurer's facsimile signature stating the amount of that rate, toll, rent or other charge, describing the real estate upon which the lien is claimed and stating that a lien is claimed to secure payment of the charge and demanding payment within 30 days after service or mailing of the notice plus \$1 for the treasurer for mailing the notice together with the certified mail, return receipt requested fee. 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 the 30-day period and within one year, the treasurer shall record in the Lincoln County Registry of Deeds a certificate signed by the treasurer setting forth the amount of the rate, toll, rent or other charge, and a description of the real estate on which the lien is claimed, stating that a lien is claimed to secure payment of the charge and that notice and demand for payment of the charge has been given or made in accordance with the provisions of this section, and that the charge remains unpaid. At the time of the recording of a certificate in the Registry of Deeds, the treasurer shall file in the office of the district a true copy of the certificate and shall mail a true copy of the certificate by certified mail, return receipt requested, to each record holder of any mortgage on the real estate, addressed to the record holder at the record holder's last and usual place of abode.

The filing of the certificate in the Registry of Deeds is deemed to create, and creates, a mortgage on the real estate described in the deed for 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 does not have a right to possession of the real estate until the right of redemption provided for has expired. If the mortgage, together with interest and costs, is not paid within 18 months after the date of filing of the certificate in the Registry of Deeds, the mortgage is deemed foreclosed and the right of redemption expired. The filing of the

certificate in the Registry of Deeds is sufficient notice of the existence of the mortgage. In the event that the rate, toll, rent or other charge, with interest and costs, is paid within the period of redemption, the treasurer of the district shall discharge the mortgage in the same manner as provided for discharge of real estate mortgages.

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

The district shall pay the treasurer \$1 for filing the lien certificate and the amount paid for certified mail, return receipt requested fees. The fees for recording the lien certificate must be paid by the district to the Register of Deeds.

A discharge of the certificate given after the right of redemption has expired and that has been recorded in the Registry of Deeds for more than one year terminates all title of the sewer district derived from that certificate or any other recorded certificate for which the right of redemption expired 10 years or more prior to the foreclosure date of this discharge lien, unless the sewer district has conveyed any interest based upon the title acquired from any of the affected liens.

See title page for effective date.

CHAPTER 15

H.P. 533 - L.D. 724

An Act to Amend the Charter of the Portland Water District

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

Whereas, the Portland Water District is a public municipal corporation organized and existing under the laws of the State; and

Whereas, the Portland Water District, at the request of the municipal clerks of a number of the municipalities constituting the district, desires to change the trustee election dates to coincide with the regular municipal elections held in such communities; and

Whereas, as an accommodation to the municipalities, the Portland Water District desires to have these changes effective prior to June 1997 to preclude the necessity of special elections in the Town of Cape

Elizabeth, the Town of Gorham and the Town of Scarborough solely for the purpose of electing a trustee of the district; and

Whereas, in response to a request from the City of Portland, the Portland Water District desires to expand the authority granted in its charter to allow it to contract with entities, including municipal corporations, to provide storm drain services; 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 1907, c. 433, §2, sub-§B, 4th ¶, as amended by P&SL 1977, c. 48, §1, is further amended to read:

In addition to the operation of waste water and sewage system, the district is also authorized to contract with persons, firms and corporations, including municipal corporations, upon such terms as may be agreed to manage, operate, construct and maintain waste water and sewage collection and treatment systems, as well as storm drain facilities and systems, and, in addition, to contract with municipal and quasi-municipal corporations to acquire, own and finance municipal collection and treatment systems and storm drain facilities and systems.

Sec. 2. P&SL 1907, c. 433, §18, 2nd ¶, as repealed and replaced by P&SL 1993, c. 58, §1, is repealed and the following enacted in its place:

Trustees are elected for a term of 5 years at elections as described in this paragraph. Trustees elected from the City of Portland are elected at the City of Portland's regular municipal elections in May. Trustees elected from the City of South Portland, the City of Westbrook, the Town of Cape Elizabeth, the Town of Gorham and the Town of Scarborough are elected at elections on the first Tuesday after the first Monday of November. Trustees elected from the Town of Cumberland, the Town of Falmouth and the Town of Windham are elected on the mutually coincident municipal elections within those towns in June, but if there is not a mutually coincident municipal election date, then on the 2nd Tuesday of June. Costs for any trustee election held concurrently with a federal, state or municipal election are divided between the municipality and the district. When there is a division of costs, the district is responsible for the costs proportional to the total number of offices and referenda issues voted upon at the election. If an

election for a trustee results in a tie vote, the other trustees shall select the person who becomes a trustee.

Sec. 3. Transition. The terms of trustees of the board of the Portland Water District serving on the effective date of this Act and elected from the Town of Cape Elizabeth, the Town of Gorham, the Town of Scarborough, the City of South Portland and the City of Westbrook that expire in June of 1997, 1998, 1999 or 2000 are extended to the November election dates of the respective years as established by this Act.

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

Effective April 25, 1997.

CHAPTER 16

S.P. 238 - L.D. 807

An Act to Amend the Charter of the Winthrop Utilities District

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

Sec. 1. P&SL 1923, c. 98, §1, as amended by P&SL 1975, c. 44, §1, is repealed and the following enacted in its place:

Sec. 1. Territorial limits; name; purposes. The inhabitants and territory within the Town of Winthrop in Kennebec County constitute a quasi-municipal corporation under the name of "Winthrop Utilities District," referred to in this Act as the "district," for the purpose of supplying the inhabitants of the district with potable water and sewage treatment and sewage disposal services for domestic, sanitary, commercial, agricultural and municipal purposes.

Sec. 2. P&SL 1923, c. 98, §2, as repealed and replaced by P&SL 1955, c. 182, §2, is repealed and the following enacted in its place:

Sec. 2. Powers of district. For the purposes of its incorporation, the district may take, collect, store, flow, use, divert, distribute and convey to the district or any part of the district, including, without limitation, Narrows Pond, so-called, in Winthrop, and from Maranacook Lake in the Town of Winthrop and the Town of Readfield water from any natural or artificial source approved by the Department of Human Services within the area of the Town of Winthrop and the Town of Readfield and from any other source from which the district may take water. It may also locate, construct and maintain aqueducts, pipes, conduits, dams, wells, reservoirs, standpipes, hydrants, pumping stations and other necessary