

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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
1999

the first day of January of any year and remains unpaid, the treasurer may, during the month of January, give to the person against whom the rate is assessed or real estate owner or leave at his the last and usual place of abode, or send by registered certified mail to his the last known address a notice in writing signed by said the treasurer stating the amount of such the rates, and the periods or charges for which payable, describing the real estate upon which the lien is claimed, alleging that a lien is claimed on the real estate to secure the payment of the rates and demanding the payment of the rates within 10 days after the service of such the notice or mailing of such the notice. If the person from whom any rate is payable shall die dies before such the demand is made on him, such the demand may be made upon the executor or administrator of his the estate or upon any of his the heirs or devisees of the person. After the expiration of the 10 days and on or before February 20 of such year, the treasurer shall record in the registry of deeds of Kennebec county County a certificate signed by said the treasurer setting forth the amount of such the rates and the periods or charges for which payable, a description of the real estate on which the lien is claimed and an allegation that a lien is claimed on the real estate to secure the payment of the rates, that a demand for payment of the rates has been made in accordance with the provisions of this section and that the rates remain unpaid. At the time of the recording of the certificate in the registry of deeds as herein provided in this section, in all cases such the treasurer shall file in the office of the district a true copy of the certificate and also at the time of recording as aforesaid, the officer shall mail by registered certified letter to each record holder of a mortgage on said that real estate, addressed to him at his the last known address, a true copy of the certificate. The fee to be charged to the ratepayer for such the notice and filing shall be \$3 is \$25 plus the recording fees and registered certified mail fees paid for sending the true copies of the lien certificate.

Sec. 15. P&SL 1949, c. 211, §10-A, last ¶, as repealed and replaced by P&SL 1953, c. 92, §10, is amended to read:

~~In the event that~~ If the rate, interest and costs shall be are paid within the period of redemption herein provided for in this section, the treasurer of the district shall discharge the mortgage in the same manner as is now provided for discharge of real estate mortgages, and all costs of discharging the mortgage must be paid by the person assessed.

Sec. 16. P&SL 1949, c. 211, §10-A, as amended by P&SL 1965, c. 98, §4, is further amended by adding at the end a new paragraph to read:

The owner and occupant of real estate serviced by the district are jointly and severally liable to the

district for all charges, rates, tolls, rents, assessments and other lawful charges for that service. The owner is liable for all assessments, rates and charges by reason of the availability of sewer facilities to the real estate. The owner and occupant may contract or agree otherwise between themselves, but such contract or agreement does not affect the rights of the district under this section.

Sec. 17. P&SL 1949, c. 211, §10-B, as enacted by P&SL 1985, c. 99, §9, is amended to read:

Sec. 10-B. Additional method of collecting rate payments. If rates under section 10 are not paid, and the district does not proceed to secure payment by placing a lien on the real estate served by the district, under section 10-A, or does not collect or is in any manner delayed or defeated in collecting the rates under section 10-A, then the district may, in the district's name, maintain an action against the person against whom the rate is assessed or the owner of real estate, as for money paid, laid out and expended, in any court competent to try the same, and in such the suit may recover the amount of the assessment, with interest at an annual rate of 10% on the same from the date of assessment and costs.

See title page for effective date.

CHAPTER 14

H.P. 1085 - L.D. 1532

An Act Concerning Liens Held by the Freeport Sewer District

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

Sec. 1. P&SL 1947, c. 60, §19-A, as enacted by P&SL 1949, c. 50, §6, is amended to read:

Sec. 19-A. Liens for payment of rates. There ~~shall be~~ is a lien to secure the payment of rates established under section 19 of this act and legally assessed on real estate within the district, ~~which shall take that takes~~ take that takes precedence of all other claims on such real estate, excepting only claims for taxes. Real estate, for the purpose of this act shall bear the same definition as given in section 3 of chapter 81 of the revised statutes.

The treasurer of the district ~~shall have~~ has the authority and power to collect the rates, and all rates ~~shall must~~ be committed to him the treasurer.

In addition to other methods previously established by law for the collection of the rates, the lien herein created may be enforced in the following manner, ~~provided, however, that~~ as long as in making

the assessment there ~~shall be~~ is a description of the real estate served by the several sewers of the district, sufficiently accurate to identify the real estate against which any of the several rates may be charged; the treasurer, when a rate has been committed to ~~him~~ the treasurer for collection, may, after the expiration of 8 months and within 1 year after commitment to ~~him~~ the treasurer of the rate, ~~in the case of a person resident in the town where the rate is assessed~~ give to the person against whom the rate is assessed, or leave at ~~his~~ the person's last and usual place of abode, or send by certified mail, return receipt requested, to the person's last known address, a notice in writing signed by the officer stating the amount of such rate, describing the real estate on which the rate is assessed, alleging that a lien is claimed on the real estate to secure the payment of the rate and demanding the payment of the rate within 10 days after the service of such notice. After the expiration of the 10 days and within 10 days thereafter, ~~in the case of a resident, and in all other cases within a year from the date of commitment of the rate to said officer,~~ the officer shall record in the registry of deeds of Cumberland ~~county~~ County a certificate signed by the officer setting forth the amount of such rate, a description of the real estate on which the rate is assessed, and an allegation that a lien is claimed on the real estate to secure the payment of the rate, that a demand for payment of the rate has been made in accordance with the provisions of this act and that the rate remains unpaid. In all cases, ~~except in the case of a resident,~~ the certificate so filed need not contain the allegation that payment of the rate has been demanded. At the time of the recording of the certificate in the registry of deeds as ~~herein~~ provided in this section, ~~in all cases such~~ the officer shall file in the office of the district a true copy of the certificate and also at the time of recording as ~~aforsaid,~~ the officer shall mail by ~~registered letter~~ certified mail, return receipt requested, to each record holder of a mortgage on said real estate, addressed to ~~him~~ the holder of a mortgage at ~~his~~ that mortgage holder's last and usual place of abode, a true copy of the certificate. The fee to be charged to the rate-payer for such notice and filing ~~shall not exceed \$1~~ must include the costs of mailing copies of the certificate to the record holders of a mortgage on the real estate and the then current fee to be charged by the register of deeds for such filing shall not exceed 50¢.

The filing of the ~~aforsaid~~ aforsaid certificate, in the registry of deeds as ~~aforsaid shall be~~ is deemed to create ~~and shall create~~ a mortgage on the real estate to the district having priority over all other mortgages, liens, attachments and incumbrances of any nature, except liens, attachments and claims for municipal property taxes, and ~~shall give~~ gives the district all the rights usually incident to a mortgage, except that the mortgagee ~~shall does~~ does not have any right of possession of the real estate until the right of redemption ~~herein~~ provided for shall have in this section has expired.

If the mortgage, together with interest and costs, ~~shall has~~ has not ~~have~~ been paid within 18 months after the date of filing of the certificate in the registry of deeds as ~~herein~~ provided in this section, the mortgage ~~shall be~~ is deemed to have been foreclosed and the right of redemption to have expired.

The treasurer shall notify the party named on the certificate and each record holder of a mortgage on the real estate no more than 45 days nor less than 30 days before the date of foreclosure of the mortgage created pursuant to this section. The notification must be in writing left at the owner's and all mortgagees' last and usual places of abode or sent by certified mail, return receipt requested, to the owners and mortgagees at their last known addresses. The notice must indicate the exact date of foreclosure and include the warnings and other information in the following form:

STATE OF MAINE
FREEPORT SEWER DISTRICT NOTICE OF
IMPENDING AUTOMATIC FORECLOSURE OF
SEWER LIEN
P. & S. L. 1999, c.

IMPORTANT: DO NOT DISREGARD THIS
NOTICE YOU WILL LOSE YOUR PROPERTY
UNLESS YOU TIMELY PAY THE SEWER
CHARGES, COSTS AND INTERESTS THAT
HAVE BEEN LIENED BY THE FREEPORT
SEWER DISTRICT

TO:

You are the party named on the Sewer Lien Certificate filed on _____, 19____, and recorded in the Cumberland County Registry of Deeds in Book _____, Page _____. The filing created a sewer lien mortgage on the real estate described in the Sewer Lien Certificate. On _____, 19____, the sewer lien mortgage will be foreclosed and your rights to redeem the mortgage and recover your property by paying the sewer charges, costs and interest that are owed will expire.

IF THE SEWER LIEN FORECLOSES, THE
FREEPORT SEWER DISTRICT WILL OWN
YOUR PROPERTY, SUBJECT ONLY TO
MUNICIPAL TAX LIENS

If you cannot pay the outstanding sewer charges, costs and interest that are the subject of this notice, please contact me to discuss this notice.

District Treasurer

The filing of the certificate in the registry of deeds ~~shall be~~ is sufficient notice of the existence of the mortgage ~~herein~~ provided for in this section.

~~In the event that~~ If the rate, interest and costs shall be are paid within the period of redemption ~~herein~~ provided for in this section, the treasurer of the district shall discharge the mortgage in the same manner as is now provided for discharge of real estate mortgages.

See title page for effective date.

CHAPTER 15

H.P. 966 - L.D. 1364

An Act to Provide for the Collection of Storm Water in the City of Hallowell

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

Sec. 1. P&SL 1971, c. 83, §3 is amended to read:

Sec. 3. Authority to construct and maintain. The district is authorized to lay in, along, under and through the streets, roads, ways and highways and tidal waters, lakes; ponds, rivers and water courses in said area and across private lands therein, and to maintain, repair and replace all such pipes, lines, ~~drains,~~ conduits, interceptor lines, trunk sewers, outfalls, outlets, fixtures and appurtenances and to construct, operate, maintain and replace such collection, disposal, treatment and purification facilities and appurtenances, as may be necessary and convenient for the district in carrying out the foregoing powers. ~~The~~ Until a transfer of public drains is consummated pursuant to section 7-A, the division of responsibility between this district and the city as to maintenance of facilities in streets ~~shall be~~ is at the top of the manhole and catch basin covers, with the city to be responsible for the area above the same.

Sec. 2. P&SL 1971, c. 83, §7-A is enacted to read:

Sec. 7-A. Title to current public drains. Notwithstanding section 7, the district, with the agreement of the City of Hallowell, may transfer to the City of Hallowell without monetary consideration the title of all public drains that are not used for the collection of wastewater from the customers of the district. If the city accepts such title, the city assumes the responsibility for maintaining and operating the public storm-water drains.

See title page for effective date.

CHAPTER 16

H.P. 32 - L.D. 41

An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2000

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of the Maine State Retirement System will become due and payable before the 90-day period may terminate; 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. Allocation of funds. Administrative operating expenses of the Maine State Retirement System for the fiscal year ending June 30, 2000 must be paid from the retirement system's Expense Fund in accordance with the following schedule.

1999-00

MAINE STATE RETIREMENT SYSTEM

Personal Services	\$5,295,787
All Other	2,696,612

MAINE STATE RETIREMENT SYSTEM TOTAL ALLOCATIONS

\$7,992,399

Sec. 2. Attribution of costs. The expenses identified in section 1 are attributed as follows.

1999-00

MAINE STATE RETIREMENT SYSTEM

General Fund	\$4,855,383
Non-General Fund	1,770,316