

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2012 to July 10, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 9, 2013**

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

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**Augusta, Maine**  
**2013**

**Sec. 2. Transfer of allocations.** Any balance of the allocation for "General Contingency" made by the Legislature for the Maine Turnpike Authority may be transferred at any time prior to the closing of the books to any other allocation or subdivision of any other allocation made by the Legislature for the use of the Maine Turnpike Authority for the same calendar year. Any balance of any other allocation or subdivision of any other allocation made by the Legislature for the Maine Turnpike Authority that at any time is not required for the purpose named in the allocation or subdivision may be transferred at any time prior to the closing of the books to any other allocation or subdivision of any other allocation made by the Legislature for the use of the Maine Turnpike Authority for the same calendar year subject to review by the joint standing committee of the Legislature having jurisdiction over transportation matters. Financial statements describing the transfer, other than a transfer from "General Contingency," must be submitted by the Maine Turnpike Authority to the Office of Fiscal and Program Review 30 days before the transfer is to be implemented. In the case of extraordinary emergency transfers, the 30-day prior submission requirement may be waived by vote of the committee. These financial statements must include information specifying the accounts that are affected, amounts to be transferred, a description of the transfer and a detailed explanation as to why the transfer is needed.

**Sec. 3. Encumbered balance at year-end.** At the end of each calendar year, encumbered balances may be carried to the next calendar year.

**Sec. 4. Supplemental information.** As required by the Maine Revised Statutes, Title 23, section 1961, subsection 6, the following statement of the revenues in 2014 that are necessary for capital expenditures and reserves and to meet the requirements of any resolution authorizing bonds of the Maine Turnpike Authority during 2014, including debt service and the maintenance of reserves for debt service and reserve maintenance, is submitted.

**Turnpike Revenue Bond Resolution Adopted April 18, 1991;  
Issuance of Bonds Authorized  
Pursuant to the Maine Revised  
Statutes, Title 23, section 1968,  
subsections 1 and 2**

Debt Service Fund	\$35,884,921
Reserve Maintenance Fund	32,000,000
General Reserve Fund, to be applied as follows:	
Capital Improvements	23,355,369

Debt Service Fund under the  
General Special Obligation  
Bond Resolution Adopted  
May 15, 1996; Issuance of  
Bonds Authorized Pursuant  
to the Maine Revised Stat-  
utes, Title 23, section 1968,  
subsection 2-A

2,463,750

TOTAL

\$93,704,040

See title page for effective date.

## CHAPTER 10

### S.P. 351 - L.D. 1026

#### An Act To Amend the Charter of the Ashland Water and Sewer District

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

**Sec. 1. P&SL 1947, c. 78, §12-A** is enacted to read:

**Sec. 12-A. Lien to secure payment of rates; procedure.** There is a lien on real estate served or benefited by the sewers of the Ashland Water and Sewer District to secure the payment of the district's rates. When a rate, toll, rent or other charge has been committed to the treasurer of the 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, 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. After the expiration of the 30-day period and within one year, the treasurer shall record in the Aroostook County Registry of Deeds a certificate signed by the treasurer setting forth the amount of the rate, toll, rent or other charge and the real estate on which the lien is claimed and 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 re-

mains 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 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 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 date of filing of the certificate in the registry of deeds and after notice as provided in section 12-B, 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. If 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 has been recorded in the registry of deeds for more than one year terminates all title of the district derived from that certificate or any other recorded certificate for which the right of redemption expired 10 years or more before the foreclosure date of this discharge lien, unless the district has conveyed any interest based upon the title acquired from any of the affected liens.

**Sec. 2. P&SL 1947, c. 78, §12-B** is enacted to read:

**Sec. 12-B. Notification prior to foreclosure.** The treasurer of the district shall notify the party named on the certificate filed pursuant to section 12-A and each record holder of a mortgage on the real estate not more than 45 days nor fewer than 30 days

before the foreclosing date of the mortgage in a writing signed by the treasurer or bearing the treasurer's facsimile signature and left at the holder's last and usual place of abode or sent by certified mail, return receipt requested, to the holder's last known address of the impending automatic foreclosure and indicating the exact date of foreclosure. For sending this notice, the district is entitled to receive \$3 plus all certified mail, return receipt requested, fees. These costs must be added to and become a part of the amount due. If notice is not given in the time period specified in this section to the party named on the certificate or to any record holder of a mortgage, the person not receiving timely notice may redeem the mortgage until 30 days after the treasurer does provide notice in the manner specified in this section. Beginning with liens created after October 30, 2001, the notice of impending automatic foreclosure must be substantially in the following form:

**ASHLAND WATER AND SEWER DISTRICT  
NOTICE OF IMPENDING AUTOMATIC  
FORECLOSURE**

**IMPORTANT: DO NOT DISREGARD THIS  
NOTICE. YOU WILL LOSE YOUR PROPERTY  
UNLESS YOU PAY THE CHARGES, COSTS AND  
INTEREST FOR WHICH A LIEN ON YOUR  
PROPERTY HAS BEEN CREATED BY THE  
ASHLAND WATER AND SEWER DISTRICT.**

**TO:**

You are the party named on the certificate filed on ..... 20.... and recorded in Book ..... Page ..... in the Aroostook County Registry of Deeds. This Ashland Water and Sewer District filing created a mortgage on the real estate described in the certificate.

On ..... 20..... the mortgage will be foreclosed and your right to redeem the mortgage and recover your property by paying the district's charges and interest that are owed will expire.

**IF THE LIEN FORECLOSES, THE ASHLAND  
WATER AND SEWER DISTRICT WILL OWN  
YOUR PROPERTY, SUBJECT ONLY TO  
MUNICIPAL TAX LIENS.**

If you cannot pay the outstanding charges, costs and interest that are subject to this notice or the subject of installment payment arrangements that you have made with the district, please contact me immediately to discuss this notice.

.....  
**District Treasurer**

**Sec. 3. Referendum; effective date.** This Act takes effect when approved only for the purpose of permitting its submission to the legal voters of the Ashland Water and Sewer District at the same time and place as the next municipal election. The referendum must be called, advertised and conducted accord-

ing to the law relating to municipal elections, except the registrar of voters is not required to prepare or the clerk to post a new list of voters. The referendum may be held outside the territory of the district if the usual voting place for persons located within the district is located outside the territory of the district. For the purpose of registering voters, the registrar of voters must be in session on the regular workday preceding the election. The question presented must conform to the following form:

"Do you favor authorizing the Ashland Water and Sewer District to establish a lien on real estate served or benefited by the sewers of the district to secure the payment of the district's rates?"

The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion of the same.

The results must be declared by the trustees and entered upon the district's records. Due certificate of the result must be filed by the clerk with the Secretary of State.

This Act takes effect for all other purposes immediately upon its acceptance by a majority of the legal voters of the district voting in the referendum. Failure to achieve the necessary approval by a majority of voters does not prohibit subsequent referenda consistent with this section. The costs of referenda are borne by the district.

Effective pending referendum.

## CHAPTER 11

### H.P. 1042 - L.D. 1457

#### An Act To Amend the Charter of the South Berwick Sewer District

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

**Sec. 1.** P&SL 1963, c. 226, §15, 2nd ¶ is amended to read:

The annual meeting of ~~said the district shall be~~ is held on the ~~2nd~~ first Monday of March of each year at ~~such an hour and place as may be designated deter-~~ mined by resolution of the board of trustees as provided in the bylaws. At the annual meeting of ~~said the~~ district, beginning with the first annual meeting after acceptance of this ~~act~~ Act and the initial appointment of the first board of trustees, as many trustees ~~shall~~ must be elected by the district as ~~shall be~~ are necessary to fill the vacancy of those whose terms have expired. ~~They to~~ The members serve until the annual meeting of the district occurring 3 years thereafter; and until

their successors are elected and qualified. When ~~any a~~ any a trustee ceases to be a resident of ~~said the~~ said the district, ~~he~~ the trustee vacates ~~his the~~ his the office as trustee; and if a vacancy ~~should occur~~ occurs for this reason or through death, resignation, or other means, ~~otherwise other~~ otherwise than by expiration of ~~the trustee's~~ the trustee's term, the remaining trustees shall choose another trustee to serve until the next annual meeting when ~~such the~~ such the vacancy ~~shall be~~ is filled by election for the unexpired term of the trustee whose office has become vacant. All trustees, if residents of ~~said the~~ said the district, ~~shall be~~ are eligible for re-election or reappointment.

**Sec. 2.** P&SL 1963, c. 226, §15, 5th ¶ is amended to read:

Within one week after each annual election, the trustees shall meet for the purpose of electing from ~~amongst among~~ among the board of trustees a ~~chairman chair~~ chairman chair, treasurer and clerk to serve for the ensuing year and until their successors are elected and qualified. The trustees from time to time may choose and employ, and fix the compensation of, any other necessary officers and agents, who ~~shall~~ shall serve at ~~their the~~ the the pleasure of ~~the trustees~~ the trustees. The trustee serving as treasurer shall furnish bond in such sum and with such sureties as the board may approve. Members of the board ~~shall be~~ are eligible ~~to be elected~~ to be elected to any office under the board. The trustees, ~~as such, shall~~ as such, shall receive as compensation for their services an amount to be determined by them not to exceed ~~\$150~~ \$350 each per year, except for the ~~chairman chair~~ chairman chair, who ~~shall receive~~ receives as compensation for this service an amount to be determined by the board and not to exceed ~~\$250~~ \$500 per year; but the treasurer ~~shall be~~ is allowed ~~such~~ such compensation as the board ~~shall determine~~ determines.

See title page for effective date.

## CHAPTER 12

### H.P. 221 - L.D. 312

#### An Act To Release a Restriction on Former State Land in Passadumkeag Currently Owned by Dale Ross

**Preamble.** The Constitution of Maine, Article IX, Section 23 requires that real estate held by the State for conservation or recreation purposes may not be reduced or its uses substantially altered except on the vote of 2/3 of all members elected to each House.

**Whereas**, certain real estate authorized for conveyance by this Act is under the designations described in the Maine Revised Statutes, Title 12, section 598-A; now, therefore,

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