



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1026

S.P. 351

In Senate, March 14, 2013

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

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator JACKSON of Aroostook.
Cosponsored by Representative NADEAU of Fort Kent and
Senators: CLEVELAND of Androscoggin, GOODALL of Sagadahoc, HILL of York,
SHERMAN of Aroostook, Representatives: HARVELL of Farmington, HOBBS of Saco,
THERIAULT of Madawaska.

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

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

3 **Sec. 12-A. Lien to secure payment of rates; procedure.** When a rate, toll,
4 rent or other charge has been committed to the treasurer of the Ashland Water and Sewer
5 District for collection, the treasurer may, after the expiration of 3 months and within one
6 year after the date when the charge became due and payable, give to the owner of the real
7 estate served or leave at the owner's last and usual place of abode or send by certified
8 mail, return receipt requested, to the owner's last known address a written notice signed
9 by the treasurer or bearing the treasurer's facsimile signature stating the amount of that
10 rate, toll, rent or other charge, describing the real estate upon which the lien is claimed,
11 stating that a lien is claimed to secure payment of the charge and demanding payment
12 within 30 days after service or mailing of the notice plus \$1 for the treasurer for mailing
13 the notice together with the certified mail, return receipt requested, fee. The notice must
14 contain a statement that the district is willing to arrange installment payments of the
15 outstanding debt. After the expiration of the 30-day period and within one year, the
16 treasurer shall record in the Aroostook County Registry of Deeds a certificate signed by
17 the treasurer setting forth the amount of the rate, toll, rent or other charge and the real
18 estate on which the lien is claimed and stating that a lien is claimed to secure payment of
19 the charge and that notice and demand for payment of the charge has been given or made
20 in accordance with the provisions of this section and that the charge remains unpaid. At
21 the time of the recording of a certificate in the registry of deeds, the treasurer shall file in
22 the office of the district a true copy of the certificate and mail a true copy of the
23 certificate by certified mail, return receipt requested, to each record holder of any
24 mortgage on the real estate, addressed to the record holder at the record holder's last and
25 usual place of abode.

26 The filing of the certificate in the registry of deeds is deemed to create a mortgage on
27 the real estate described in the deed for the district that has priority over all other
28 mortgages, liens, attachments and encumbrances of any nature except liens, attachments
29 and claims for taxes and gives to the district all the rights usually possessed by
30 mortgagees, except that the district as mortgagee does not have a right to possession of
31 the real estate until the right of redemption provided for has expired. If the mortgage,
32 together with interest and costs, is not paid within 18 months after date of filing of the
33 certificate in the registry of deeds and after notice as provided in section 12-B, the
34 mortgage is deemed foreclosed and the right of redemption expired. The filing of the
35 certificate in the registry of deeds is sufficient notice of the existence of the mortgage. If
36 the rate, toll, rent or other charge, with interest and costs, is paid within the period of
37 redemption, the treasurer of the district shall discharge the mortgage in the same manner
38 as provided for discharge of real estate mortgages.

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

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

4 A discharge of the certificate given after the right of redemption has expired and has
5 been recorded in the registry of deeds for more than one year terminates all title of the
6 district derived from that certificate or any other recorded certificate for which the right
7 of redemption expired 10 years or more before the foreclosure date of this discharge lien,
8 unless the district has conveyed any interest based upon the title acquired from any of the
9 affected liens.

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

11 **Sec. 12-B. Notification prior to foreclosure.** The treasurer of the district shall
12 notify the party named on the certificate filed pursuant to section 12-A and each record
13 holder of a mortgage on the real estate not more than 45 days nor fewer than 30 days
14 before the foreclosing date of the mortgage in a writing signed by the treasurer or bearing
15 the treasurer's facsimile signature and left at the holder's last and usual place of abode or
16 sent by certified mail, return receipt requested, to the holder's last known address of the
17 impending automatic foreclosure and indicating the exact date of foreclosure. For
18 sending this notice, the district is entitled to receive \$3 plus all certified mail, return
19 receipt requested, fees. These costs must be added to and become a part of the amount
20 due. If notice is not given in the time period specified in this section to the party named
21 on the certificate or to any record holder of a mortgage, the person not receiving timely
22 notice may redeem the mortgage until 30 days after the treasurer does provide notice in
23 the manner specified in this section. Beginning with liens created after October 30, 2001,
24 the notice of impending automatic foreclosure must be substantially in the following
25 form:

26 ASHLAND WATER AND SEWER DISTRICT NOTICE OF IMPENDING
27 AUTOMATIC FORECLOSURE

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

32 TO:

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

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

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

