

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND ELEVEN

H.P. 241 - L.D. 297

An Act To Allow Treasurers To Process Tax Lien Discharge and Sanitary
District Sewer Lien Documents Using Facsimile Signatures

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

Sec. 1. 36 MRSA §943, 3rd ¶ is amended to read:

In the event that ~~said~~ the tax, interest and costs ~~shall be~~ underlying the tax lien are paid within the period of redemption, the municipal treasurer or assignee of record shall prepare and record a discharge of the tax lien mortgage in the same manner as is now provided for the discharge of real estate mortgages, except that a facsimile signature of the treasurer or treasurer's assignee may be used.

Sec. 2. 36 MRSA §944, sub-§2, as amended by PL 1987, c. 736, §57, is further amended to read:

2. Form. The waiver of foreclosure ~~shall~~ must be substantially in the following form:

The foreclosure of the tax lien mortgage on real estate for a tax assessed against to dated (name) (name of municipality) and recorded in registry of deeds in Book, Page is hereby waived.

Dated this date of 19 20..

..... A.B.
Treasurer of

State of Maine
..... SS.

..... 1920....

Then personally appeared the above named A.B. Treasurer and acknowledged the foregoing instrument to be ~~his~~ a free act and deed in ~~his~~ the Treasurer's said capacity.

Before me,
.....
Notary Public

The form required by this subsection must be dated, signed by the treasurer or bear the treasurer's facsimile signature and notarized.

~~There shall be included in the amount secured by the tax lien mortgage a~~ A charge to the municipality of 50¢ for the waiver of foreclosure and the charges of the registry of deeds for the recording thereof ~~which shall be of the waiver~~ in accordance with the fees set forth in Title 33, section 751, subsection 40 1 must be included in the amount secured by the tax lien mortgage.

Sec. 3. 38 MRSA §1208, 2nd ¶, as amended by PL 2001, c. 319, §1, is further amended to read:

The treasurer of the district has full and complete authority and power to collect the rates, tolls, rents and other charges established under section 1202 and the ~~same rate, toll, rent or other charge~~ must be committed to the treasurer. 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 rate, toll, rent or other charge~~, the lien created may be enforced in the following manner. The treasurer, when a rate, toll, rent or other charge has been committed to the treasurer for collection, may, after the expiration of 3 months and within one year after the date when the ~~same 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 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 on the real estate to secure the payment of the rate, toll, rent or other charge and demanding the payment of the 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 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 a period of 30 days and within one year thereafter, the treasurer shall record in the registry of deeds of the county in which the property of such person is located a certificate signed by the treasurer or bearing the treasurer's facsimile signature setting forth the amount of such 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 of the ~~same rate, toll, rent or other charge~~ has been given or made in accordance with this section and stating further that such rate, toll, rent or other charge remains unpaid. At the time of the recording of any such certificate in the registry of deeds as provided, the treasurer shall file in the office of the district a true copy of such 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 such record holder at the record holder's last and usual place of abode.

Sec. 4. 38 MRSA §1208, 3rd ¶, as amended by PL 1979, c. 541, Pt. A, §276, is further amended to read:

The filing of the certificate in the registry of deeds ~~shall be deemed to create, and shall create,~~ creates a mortgage on the underlying real estate ~~therein described~~ to the district ~~which shall have that has~~ that has priority over all other mortgages, liens, attachments and encumbrances of any nature, except liens, attachments and claims for taxes, and ~~shall give~~ gives to the district all the rights usually possessed by mortgagees, except that the district as mortgagee ~~shall~~ does not have any right to possession of ~~said the~~ the real estate until the right of redemption ~~provided for shall have~~ has expired. If the mortgage, together with interest and costs, ~~shall~~ has not ~~have~~ been paid within 18 months after the date of filing of ~~said the~~ the certificate in the registry of deeds ~~as provided,~~ the mortgage ~~shall be~~ is deemed to ~~have been~~ be foreclosed and the right of redemption to have expired. The filing of the certificate in the registry of deeds ~~shall be~~ is sufficient notice of the existence of the mortgage ~~provided for~~ created in this paragraph. ~~In the event that said~~ If the rate, toll, rent or other charge, with interest and costs, ~~shall be~~ 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~~ the discharge of real estate tax lien mortgages pursuant to Title 36, section 943.

In House of Representatives, 2011

Read twice and passed to be enacted.

..... Speaker

In Senate, 2011

Read twice and passed to be enacted.

..... President

Approved 2011

..... Governor