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Date: (Filing No. S-)

ENERGY, UTILITIES AND TECHNOLOGY

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**STATE OF MAINE
SENATE
127TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 67, L.D. 192, Bill, “An Act To Clarify the Law Governing the Collection of Unpaid Sanitary District Charges”

Amend the bill by inserting after the title and before the enacting clause the following:

'Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.'

Amend the bill by inserting after the enacting clause and before section 1 the following:

'Sec. 1. 30-A MRSA §3406, sub-§2, as amended by PL 2013, c. 197, §1, is further amended to read:

2. Lien. There is a lien on real estate served or benefited by a municipal sewer or sewer system or storm water disposal system to secure the payment of service charges and interest on delinquent accounts established under this chapter. This lien arises and is perfected as services are provided and takes precedence over all other claims on the real estate, excepting only claims for taxes.

Sec. 2. 30-A MRSA §5405, sub-§2, ¶D, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

D. There ~~shall be~~ is a lien on real estate served or benefitted by a water system, sewer system or water and sewer system to secure the payment of rates, fees or charges established under this chapter. This lien arises and is perfected as services are provided and takes precedence over all other claims on the real estate, excepting only claims for taxes. The treasurer of the municipality may collect these rates, fees and charges in the same manner as provided in Title 38, section 1208 for treasurers of

COMMITTEE AMENDMENT

1 sanitary sewer districts with respect to rates established and due under Title 38,
2 section 1202.

3 **Sec. 3. 38 MRSA §1050, sub-§2**, as enacted by PL 2013, c. 555, §6, is amended
4 to read:

5 **2. Lien.** There is a lien on real estate served or benefited by the sewers of the
6 qualified sewer district to secure the payment of the qualified sewer district's rates. The
7 lien established under this section arises and is perfected as services are provided and
8 takes precedence over all other claims on such real estate, except claims for taxes.

9 **Sec. 4. 38 MRSA §1208, first ¶**, as enacted by PL 1965, c. 310, is amended to
10 read:

11 There ~~shall be~~ is a lien on real estate served or benefited by the sewers of any district
12 formed under this chapter to secure the payment of rates established and due under
13 section 1202, ~~which shall take~~ arises and is perfected as services are provided and takes
14 precedence over all other claims on such real estate, excepting only claims for taxes.'

15 Amend the bill in section 1 by striking out all of the last 2 lines (page 1, lines 36 and
16 37 in L.D.) and inserting the following: 'estate, addressed to such record holder at the
17 record holder's last and usual place of abode. If the notice described in this paragraph
18 was not provided to all persons who were record owners of the real estate at that time, the
19 treasurer shall mail a true copy of the lien certificate by certified mail, return receipt
20 requested, to any such record owner who was not provided a notice, addressed to the
21 record owner at the record owner's last known address, as well as to any new record
22 owner as of the date the lien certificate was recorded.'

23 Amend the bill in section 2 in the 5th line from the end (page 2, line 10 in L.D.) by
24 striking out the following: "who did not receive a notice" and inserting the following: 'as
25 required by this section'

26 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
27 section number to read consecutively.

28 **SUMMARY**

29 This amendment adds a mandate preamble to the bill. It clarifies the date when sewer
30 and municipal water system liens arise and are initially perfected, which is the date the
31 service is provided. It also clarifies and expands upon a requirement in the bill that the
32 treasurer of a sanitary district must mail a copy of a lien certificate to a record owner of
33 real estate that did not receive a demand notice for the payment of an unpaid rate, toll,
34 rent or other charge of the sanitary district.

35 **FISCAL NOTE REQUIRED**

36 **(See attached)**