



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 297

H.P. 241

House of Representatives, February 3, 2011

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

Reference to the Committee on Taxation suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative CASAVANT of Biddeford.
Cosponsored by Senator SULLIVAN of York and
Representatives: BEAUDOIN of Biddeford, DION of Portland, GOODE of Bangor,
HASKELL of Portland, ROCHELO of Biddeford, Senator: FARNHAM of Penobscot.

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

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

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

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

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

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

15 Dated this date of ~~19 20~~..

16 A.B.
17 Treasurer of

18
19 State of Maine
20 ss. ~~19 20~~....

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

24
25 Before me,
26
27 Notary Public

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

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

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

1 The treasurer of the district has full and complete authority and power to collect the
2 rates, tolls, rents and other charges established under section 1202 and the same rate, toll,
3 rent or other charge must be committed to the treasurer. The treasurer may, after demand
4 for payment, sue in the name of the district in a civil action for any rate, toll, rent or other
5 charge remaining unpaid in any court of competent jurisdiction. In addition to other
6 methods established by law for the collection of rates, tolls, rents and other charges, and
7 without waiver of the right to sue for the same rate, toll, rent or other charge, the lien
8 created may be enforced in the following manner. The treasurer, when a rate, toll, rent or
9 other charge has been committed to the treasurer for collection, may, after the expiration
10 of 3 months and within one year after the date when the same rate, toll, rent or other
11 charge became due and payable, give to the owner of the real estate served, or leave at the
12 owner's last and usual place of abode, or send by certified mail, return receipt requested,
13 to the owner's last known address, a notice in writing signed by the treasurer or bearing
14 the treasurer's facsimile signature, stating the amount of that rate, toll, rent or other
15 charge, describing the real estate upon which the lien is claimed and stating that a lien is
16 claimed on the real estate to secure the payment of the rate, toll, rent or other charge and
17 demanding the payment of the rate, toll, rent or other charge within 30 days after service
18 or mailing, with \$1 for the treasurer for mailing the notice together with the certified
19 mail, return receipt requested, fee. The notice must contain a statement that the district is
20 willing to arrange installment payments of the outstanding debt. For the purpose of this
21 section, a mobile home is defined as real estate. After the expiration of a period of 30
22 days and within one year thereafter, the treasurer shall record in the registry of deeds of
23 the county in which the property of such person is located a certificate signed by the
24 treasurer or bearing the treasurer's facsimile signature setting forth the amount of such
25 rate, toll, rent or other charge, describing the real estate on which the lien is claimed, and
26 stating that a lien is claimed on the real estate to secure payment of the rate, toll, rent or
27 other charge and that a notice and demand for payment of the same rate, toll, rent or other
28 charge has been given or made in accordance with this section and stating further that
29 such rate, toll, rent or other charge remains unpaid. At the time of the recording of any
30 such certificate in the registry of deeds as provided, the treasurer shall file in the office of
31 the district a true copy of such certificate and shall mail a true copy of the certificate by
32 certified mail, return receipt requested, to each record holder of any mortgage on the real
33 estate, addressed to such record holder at the record holder's last and usual place of
34 abode.

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

37 The filing of the certificate in the registry of deeds ~~shall be deemed to create, and~~
38 ~~shall create,~~ creates a mortgage on the underlying real estate ~~therein described~~ to the
39 district ~~which shall have~~ that has priority over all other mortgages, liens, attachments and
40 encumbrances of any nature, except liens, attachments and claims for taxes, and ~~shall~~
41 ~~give gives~~ to the district all the rights usually possessed by mortgagees, except that the
42 district as mortgagee ~~shall does~~ does not have any right to possession of ~~said the~~ real estate
43 until the right of redemption ~~provided for shall have~~ has expired. If the mortgage,
44 together with interest and costs, ~~shall has~~ has not ~~have~~ been paid within 18 months after the
45 date of filing of ~~said the~~ certificate in the registry of deeds ~~as provided~~, the mortgage ~~shall~~
46 ~~be is~~ deemed to ~~have been~~ be foreclosed and the right of redemption to have expired. The

1 filing of the certificate in the registry of deeds ~~shall be~~ is sufficient notice of the existence
2 of the mortgage ~~provided for~~ created in this paragraph. In the event that said If the rate,
3 toll, rent or other charge, with interest and costs, ~~shall be~~ is paid within the period of
4 redemption ~~provided for~~, the treasurer of the district shall discharge the mortgage in the
5 same manner as ~~provided for~~ the discharge of ~~real-estate~~ tax lien mortgages pursuant to
6 Title 36, section 943.

7

SUMMARY

8 This bill allows municipal treasurers to use facsimile signatures in filing and
9 processing tax lien documents and extends the use of facsimile signatures in the
10 processing of sanitary district sewer liens.