

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND ELEVEN

H.P. 796 - L.D. 1061

**An Act To Amend the Lien Process for Unpaid Water Rates**

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

**Sec. 1. 35-A MRSA §6111-A, sub-§1**, as enacted by PL 2005, c. 7, §2, is amended to read:

**1. Liens for unpaid rates; water utilities.** A ~~consumer-owned~~ water utility has a lien on real estate served by that ~~consumer-owned~~ water utility to secure the payment of unpaid rates.

**Sec. 2. 35-A MRSA §6111-A, sub-§4**, as enacted by PL 2009, c. 490, §1, is amended to read:

**4. Waiver of water lien foreclosure.** The treasurer of a ~~consumer-owned~~ water utility, when authorized by the trustees or directors of the utility, may waive the foreclosure of a lien mortgage created pursuant to this section by recording in the registry of deeds a waiver of foreclosure before the period for the right of redemption from the lien mortgage has expired. The lien mortgage remains in full effect after the recording of a waiver. Other methods established by law for the collection of any unpaid rate, toll, rent or other charges are not affected by the filing of a waiver under this section. The waiver of foreclosure must be substantially in the following form:

The foreclosure of the water lien mortgage on real estate for charges against ..... (NAME) to ..... (NAME OF WATER UTILITY) dated ..... and recorded in the ..... County Registry of Deeds in Book ....., Page ..... is hereby waived.

The form must be dated, signed by the treasurer of the water utility and notarized. A copy of the form must be provided to the party named on the lien mortgage and each record holder of a mortgage on the real estate.

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In House of Representatives, ..... 2011

Read twice and passed to be enacted.

..... Speaker

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In Senate, ..... 2011

Read twice and passed to be enacted.

..... President

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Approved ..... 2011

..... Governor