

Timeline for collection process according to 23 M.R.S. §3104

Highlights of collection process from 23 M.R.S. §3104 (in italics).

<http://legislature.maine.gov/statutes/23/title23sec3104.html> (accessed 4/29/2021)

The [RA] commissioner or board may cause to be recorded in the county's registry of deeds a notice of claim for money owed... that is more than 90 days delinquent...

Before recording such notice... the [RA] commissioner or board shall give the owner... written notice... of the intended action if the debt is not paid within 20 days of the date of the written notice.

This written notice... must be sent at least 30 days before the recording of the notice of claim.... (RA = Road Association)

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BILLING DATE: Assessment notice mailed to property owners (Due Date specified).

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/ - - - - 30 day payment period, set by each RA (typically 30 days).

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DUE DATE for receipt of payment. Day #0 for start of collection process clock.

/ Day #1: Unpaid bill overdue (reminder of RA debt collection can be sent).

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/ - - - - 60 day waiting period

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/ Day #60: Unpaid bill now 60 days past Due Date.

WRITTEN NOTICE (20-Day Collection Notice) warning owner of recording Notice of Claim, if debt is not paid within 20 days, can be sent by First Class Mail on Day #61.

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/ - - - - 20 day waiting period

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/ Day #81: Debt payment due per Written Notice of warning.

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/ - - - - 10 day "no action" period

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/ Day #90: Unpaid bill is now 90 days past Due Date.

Notarized NOTICE OF CLAIM (NOC) can be recorded at County Registry of Deeds on Day #91.

**IMPORTANT NOTE** – 1. The NOC must be recorded before transfer (sale) of property to continue to be in effect. 2. The NOTICE OF EXTENSION of NOC must be recorded within 18 months of recording the original NOC to continue to

be in effect. The 18-month extensions may be continued until claim is paid.

The Private Ways Statute, 23 M.R.S. §3104, states the above two items as follows:

*After June 30, 2018, any money owed pursuant to section 3101, 3102, or 3103 is not an obligation that burdens the parcel or runs with the land upon transfer of any owner's interest unless a notice of claim is recorded in the county's registry of deeds prior to transfer [sale of property]. A notice of claim recorded in the registry of deeds expires 18 months from the date of recording unless extended prior to the expiration by recording of a notice of extension of the notice of claim. A recorded notice of claim may be extended for additional 18-month periods until the claim is paid.*

P.E. Dunn 10/25/2017; P.E. Dunn & R. E. Willey (rev.) 12/15/2017, rev. 2/15/2018; rev. A. L. Allen, 4/29/2021.