

# MAINE STATE LEGISLATURE

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NINETY-FOURTH LEGISLATURE

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**Legislative Document**

**No. 1291**

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S. P. 599

In Senate, March 8, 1949.

Reported by Senator Ward of Penobscot from Committee on Judiciary and laid on table to be printed under joint rules.

CHESTER T. WINSLOW, Secretary.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-NINE

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**AN ACT Relating to Liens on Logs, Lumber or Pulpwood for Advances of  
Money or Merchandise.**

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

**R. S., c. 164, amended.** Chapter 164 of the revised statutes is hereby amended by adding thereto a new section to be numbered 55-A, to read as follows:

**'Sec. 55-A. Liens on logs, lumber or pulpwood for advances of money or merchandise.** Whoever makes an advance or series of advances of money or merchandise to the owner of, or person entitled to the possession of, any logs, lumber or pulpwood for the purpose of financing or furnishing supplies for the cutting, hauling, rafting, booming, driving or towing of the same, shall have a lien for the amount of all such advances upon all of such logs, lumber and pulpwood on which he or it has at any time caused his or its registered mark to be placed, which lien shall take precedence over all other claims except that it shall be subject to liens for labor, stumpage, towing or driving whenever acquired and all other liens legally acquired prior to the placing of such registered mark thereon, and such lien with respect to each such advance or series of advances shall continue for 2 years after the making of the last such advance, and may be enforced by attachment. The term "registered mark" as used in the foregoing sentence

means a mark described in a certificate of registration issued by the secretary of state pursuant to the provisions of the following paragraph and recorded in the registry of deeds for the county or registry district of a county in which such logs, lumber or pulpwood were situated when such registered mark was placed thereon. No person, firm or corporation shall cause his or its registered mark to be placed upon any log or piece of lumber or pulpwood bearing the registered mark of any other person, firm or corporation without the written consent of the latter, and a registered mark placed upon any log or piece of lumber or pulpwood in contravention of the provisions of this sentence shall create no lien thereon.

Any person, firm or corporation desiring to appropriate for his or its own exclusive use any distinctive mark to be placed upon logs, lumber or pulpwood for identification, may file a copy of such mark, accompanied by a statement claiming the exclusive use thereof for such purpose, with the secretary of state, who, if satisfied that such mark is not the duplicate of, or so closely resembles as to cause confusion, any such mark theretofore registered in his office, shall register such mark and issue to and in the name of such person, firm or corporation a certificate of registration of such mark. The person, firm or corporation in whose name such certificate of registration is issued shall be entitled to the exclusive use of the mark therein described for all purposes of this section. Upon request the secretary of state shall issue certified copies of such certificates of registration upon payment of the fees hereinafter provided therefor.

A copy of any such certificate of registration, certified by the secretary of state, and without acknowledgment, may be recorded in any registry of deeds upon payment of the fee hereinafter provided therefor.

The secretary of state shall receive a fee of \$5 for the registering of each such mark, which fee shall cover issuance of the certificate of registration thereof, and a fee of \$1 for the issuance of each certified copy of such certificates. Registers of deeds shall receive a fee of \$1 for recording a certified copy of any such certificate of registration.

Notwithstanding anything to the contrary contained in this section, the secretary of state shall not register any such mark nor issue any such certificate of registration or certified copies thereof until the expiration of 60 days after the effective date of this section. If any 2 or more marks filed with the secretary of state pursuant to the provisions of this section prior to the expiration of said 60 days are alike, or in the opinion of the secretary of state so near alike as to cause confusion, the secretary of state shall at the expiration of said 60 days register the mark of the one proving to the

satisfaction of the secretary of state that such mark was used by him prior to the use of the mark or marks conflicting therewith by the filer or filers thereof and shall deny registration of the mark or marks conflicting therewith.'