

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1264

H. P. 850

House of Representatives, March 1, 1967

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Fortier of Waterville by request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Relating to Establishment, Prevention and Redemption of Liens.

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

R. S., T. 10, § 3252, amended. Section 3252 of Title 10 of the Revised Statutes is amended by adding at the end the following:

- 1. Receipt of payment.** Upon receipt of payment by a seller from a buyer for labor or materials furnished to said buyer in reliance upon the seller having good and marketable title and providing that the buyer paid a just and reasonable price, said buyer shall be absolved from further liability lien or attachment from other sellers, contractors, distributors or suppliers.
- 2. Advance of labor or materials on credit.** It shall be the responsibility of the seller to ascertain the creditability of each credit buyer and once having established that a buyer is eligible for credit and having advanced materials or labor on such credit said seller may not attach the materials or property of the buyer but has recovery rights against the contractor. The real property of the buyer may not be held liable for materials furnished except by the contractor or if the materials are purchased by the buyer except by the firm from which the materials were purchased.
- 3. Precedence of personal over real property.** No lien or sheriff sale of any realty under this Title shall be allowed until all personal property has been exhausted at least to the extent needed to satisfy the judgment.
- 4. Presence of parties in open court required.** No summary judgment may be issued under this Title except in open court with the plaintiff and the defendant present.
- 5. Redemption of property.** After judgment and sheriff sale, under Title 10, a redemption of real or personal property may be made within 6 months of said sale by payment of cost of sale and interest.