

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 123

S. P. 40

In Senate, January 14, 1969

Referred to Committee on Judiciary. Sent down for concurrence and Ordered Printed.

JERROLD B. SPEERS, Secretary

Presented by Mr. Tanous of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT Relating to Time for Claims for and Extension of Liens.

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

Sec. 1. R. S., T. 10, § 3253, amended. The first sentence of section 3253 of Title 10 of the Revised Statutes is amended to read as follows :

The lien mentioned in section 3252 shall be dissolved, unless the claimant, within ~~60 days~~ **6 months** after he ceases to labor, furnish materials or perform services, files in the office of the register of deeds in the county or registry district in which such building, wharf or pier is situated a true statement of the amount due him, with all just credits given, together with a description of the property intended to be covered by the lien sufficiently accurate to identify it, and the names of the owners, if known ; which shall be subscribed and sworn to by the person claiming the lien, or by someone in his behalf, and recorded in a book kept for that purpose by the register of deeds for said county or registry district, who is entitled to the same fees therefor as for recording mortgages.

Sec. 2. R. S., T. 10, § 3255, amended. Section 3255 of Title 10 of the Revised Statutes is amended to read as follows :

§ 3255. Liens preserved and enforced by action

The liens mentioned in sections 3251 to 3254 may be preserved and enforced by action against the debtor and owner of the property affected and all other parties interested therein, filed with the clerk of courts in the county where the house, building or appurtenances, wharf, pier or building thereon, on which a lien is claimed, is situated, within ~~60 days~~ **one year** after the last of the labor or services are performed or labor, materials or services are so furnished, and not afterwards, except as provided in section 3256.

Sec. 3. R. S., T. 10, § 3256, amended. Section 3256 of Title 10 of the Revised Statutes is amended to read as follows :

§ 3256. Extension of lien

When the owner dies, is adjudicated a bankrupt or a warrant in insolvency issues against his estate within ~~the 90 days~~ **one year** and before the commencement of an action, the action may be commenced within ~~60 days~~ **6 months** after such adjudication, or after notice given of the election or appointment of the assignee in insolvency, executor or administrator, or the revocation of the warrant. The lien shall be extended accordingly.

Sec. 4. R. S., T. 10, § 3257, amended. The 5th sentence of section 3257 of Title 10 of the Revised Statutes is amended to read as follows :

Other lienors may become parties and preserve and enforce their liens on said property, provided their complaints therefor, setting forth their claims in substance as required in a complaint be filed with the clerk within ~~90 days~~ **one year** after the last labor or services are performed or the last labor, materials or services are furnished by them or within the additional time prescribed in section 3256.

Sec. 5. R. S., T. 10, § 3262, amended. Section 3262 of Title 10 of the Revised Statutes is amended to read as follows :

§ 3262. Enforcement by attachment

In addition to the remedy provided, the liens mentioned in sections 3251 to 3254 may be enforced by attachment in actions commenced in any court having jurisdiction in the county where the property on which a lien is claimed is situated, which attachment shall be made within ~~90 days~~ **one year** after the last of the labor or services are performed, or labor, materials or services are furnished, and not afterwards, except as provided in section 3256.