

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 111

H. P. 84

House of Representatives, January 7, 1975

Referred to the Committee on Labor. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Tierney of Durham.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Extend the Time Limit for Filing a Claim under a Mechanics
Lien.

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

Sec. 1. 10 MRSA, § 3253, first sentence, is amended to read:

The lien mentioned in section 3252 shall be dissolved, unless the claimant, within ~~60~~ 120 days 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. 10 MRSA, § 3255, as amended by PL 1973, c. 310, is further amended to read:

§ 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 ~~90~~ 180 days after the last of the labor or services are performed or labor, materials or services are so furnished except as provided in section 3256.

Sec. 3. 10 MRSA, § 3256, first sentence, is amended to read:

When the owner dies, is adjudicated a bankrupt or a warrant in insolvency issues against his estate within the ~~90~~ 180 days and before the commencement of an action, the action may be commenced within ~~60~~ 120 days 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.

Sec. 4. 10 MRSA, § 3257, 5th sentence, is amended to read:

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~~ 180 days 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. 10 MRSA, § 3262, is amended to read:

§ 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~~ 180 days 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.

STATEMENT OF FACT

Many workers and suppliers lose otherwise valid claims under a mechanics lien simply because their claims are not filed within the short time period now allowed by statute. The purpose of this bill is to help laborers and suppliers get just adjudications of their claims by extending the time limit for filing.