

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

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Legislative Document

No. 740

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H. P. 593

House of Representatives, February 21, 1975

Speaker laid before the House and on motion of Mr. Tierney of Durham, referred to the Committee on Business Legislation. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Ault of Wayne.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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AN ACT Relating to the Priority of Mechanics' Liens.

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

to MRSA § 3251, as amended by PL 1971, c. 421, is further amended by adding at the end a new paragraph to read:

No lien arising by virtue of this section shall avail as against a mortgage actually existing and duly recorded prior to the recording of the claim described in section 3252 or, if the labor, materials or services are furnished by a contract with the owner of the property affected, the recording of the certificate described in section 3261, to the extent of the amount actually advanced or unconditionally committed under such mortgage prior to the recording of such claim or certificate; or as against a bona fide purchaser for value, from the owner of the premises at the time the lien arose, whose deed is duly recorded prior to the recording of such claim or certificate.

STATEMENT OF FACT

This bill would give mortgagees and purchasers of real property, whose mortgages or deeds were recorded prior to the filing of a mechanics' lien, priority over the lien claimant.