

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1122

H. P. 896

House of Representatives, March 19, 1975

Speaker laid before the House. Referred to the Committee on Judiciary.
Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Dam of Skowhegan.
Cosponsor: Mr. Faucher of Solon.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Preventing a Lien on Real Estate When Owner has Paid
Contractor.

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

10 MRSA § 3252 is amended to read:

§ 3252. Prevention of lien

If the labor, materials or services were not furnished by a contract with the owner of the property affected, the owner may prevent such lien for labor, materials or services not then performed or furnished, by giving written notice to the person performing or furnishing the same that he will not be responsible therefor, or the owner may prevent such lien for labor, materials or services or any other expenses incurred in fulfillment of the aforementioned contract by full payment to the contractor of the contractual price.

STATEMENT OF FACT

As the law is now a homeowner could hire a contractor to remodel his home with the contractor supplying material and labor. The homeowner could pay the contractor the full amount due him and receive a paid-in-full bill. However, if the contractor does not pay the supplier for the material, even though it were charged to him, the supplier can claim a lien on the property where the material was used.

This bill changes the law so that the contractor alone is held responsible for the material that he is charged for and it is between him and the supplier as to the payment of the bill if the homeowner has paid the contractor in full.