

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 323
6

7 H.P. 263

House of Representatives, January 31, 1983

8 Reference to the Committee on Business Legislation, sent up for
9 concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

11 Presented by Representative Brannigan of Portland.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Provide Consistency in the
18 Filing of Mechanics' Liens.
19

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

22 10 MRSA §3802 is amended to read:

23 §3802. Filing in office of Secretary of State;
24 inaccuracy does not invalidate lien

25 The liens mentioned in section 3801 shall be dis-
26 solved unless the claimant within 30 days after the
27 labor is performed, or storage furnished, files in
28 the office of the clerk of the town in which the
29 owner of such vehicle resides, or, when said owner is
30 a nonresident of this State, in the registry of deeds
31 or registry district of the county where the claimant
32 resides, Secretary of State a true statement of the
33 amount due him for such the labor and materials or

1 for storage, with all just credits given, together
2 with a description of the vehicle manufactured or
3 repaired sufficiently accurate to identify it and the
4 name of the owner, if known, which shall be sub-
5 scribed and sworn to by the person claiming the lien
6 or by someone in his behalf, and recorded in a book
7 kept for that purpose by the ~~clerk~~ Secretary of
8 State, who is entitled to the same fees therefor as
9 for recording mortgages. No inaccuracy in ~~such~~ the
10 statement relating to ~~said~~ the property, if the same
11 can be reasonably recognized, or in stating the
12 amount due for labor or materials, or for storage,
13 invalidates the proceedings unless it appears that
14 the person making it willfully claims more than his
15 due.

16 STATEMENT OF FACT

17 Present law requires that a mechanics' lien
18 against vehicles for labor, materials and storage be
19 filed with the clerk of the city or town in which the
20 vehicle owner resides. In the past, mortgages on
21 vehicles were also filed with the municipal clerk.
22 In 1978 the Legislature required that such mortgages
23 be filed with the Secretary of State. This bill
24 treats the filing of mechanics' liens on vehicles the
25 same as mortgages on vehicles by requiring both be
26 filed with the Secretary of State.

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