

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 309

H.P. 241 House of Representatives, February 6, 1987  
Reference to the Committee on Judiciary suggested and  
ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative MARSANO of Belfast.

Cosponsored by Senator GAUVREAU of Androscoggin and  
Representative CONLEY of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT to Simplify the Method of Enforcing  
Health Benefit Liens.

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

26 MRSA §629-B, sub-§7, as enacted by PL 1985, c.  
660, is amended to read:

7. Lien. Whoever loses wages or medical benefits  
due to an employer's violation of this section shall  
have a lien against the employer's property or assets  
for the full amount of the wages wrongfully withheld  
and the medical benefits for which the employer is  
liable under this section. ~~The lien shall be created  
and enforced as provided in Title 10, chapter 603 for  
mechanics' liens.~~ The lien shall be created by fil-  
ing, in the registry of deeds in any county where the

1 employer has a place of business, a true statement of  
2 the amount of wages or medical benefits claimed to  
3 have been lost, together with the name of the employ-  
4 er and the name of the person claiming the loss of  
5 wages or benefits and a recital that by virtue of the  
6 loss a lien is claimed on the property or tangible  
7 assets of the employer for the amount of the claim.  
8 The statement must be subscribed and sworn to by the  
9 person claiming the lien or by someone in his behalf.  
10 Upon filing, the amount claimed in the statement  
11 shall constitute a lien upon all real property and  
12 other tangible assets in the county then owned by the  
13 liable employer.

14 STATEMENT OF FACT

15 Current law permits employees to claim liens  
16 against the property of employers if the employer,  
17 after withholding a portion of wages from the employ-  
18 ee which are to be used to fund a health benefit  
19 plan, fails to pay the withheld wages to the insur-  
20 ance company. The lien is created and enforced as are  
21 mechanics' liens. The statutory method of enforcing  
22 mechanics' liens is complex and not well suited to  
23 enforcement of health benefit liens. This bill pro-  
24 vides a simpler method.

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