

# MAINE STATE LEGISLATURE

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(New Draft of H.P. 241, I.D. 309)  
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1641

H.P. 1203 House of Representatives, May 20, 1987  
Reported by Representative WARREN from the Committee on  
Judiciary and printed under Joint Rule 2.

EDWIN H. PERT, Clerk

Original bill sponsored 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.

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

6 26 MRSA §629-B, sub-§7, as enacted by PL 1985, c.  
7 660, is amended to read:

8 7. Lien. Whoever loses wages or medical benefits  
9 due to an employer's violation of this section shall  
10 have a lien against the employer's ~~property or assets~~  
11 real estate or personal property for the full amount  
12 of the wages wrongfully withheld and the medical ben-  
13 efits for which the employer is liable under this  
14 section. ~~The lien shall be created and enforced as~~  
15 ~~provided in Title 10, chapter 603 for mechanics'~~  
16 liens.

1 A. The lien shall be created by filing the  
2 statement described in this subsection in the ap-  
3 propriate place for filing an execution lien on  
4 real property, personal property or motor vehi-  
5 cles under Title 14, section 4651-A. The state-  
6 ment filed must contain:

7 (1) A statement of the amount of wages or  
8 medical benefits claimed to have been lost;

9 (2) The name and address of the employer  
10 and the name and address of the person  
11 claiming the loss of wages or benefits; and

12 (3) A recital that by virtue of the loss a  
13 lien is claimed on the real estate or per-  
14 sonal property of the employer for the  
15 amount of the claim.

16 The statement must be subscribed and sworn to by  
17 the person claiming the lien or by someone on his  
18 behalf. Upon the filing of the statement, the  
19 amount claimed in the statement shall constitute  
20 a lien upon the property for which the statement  
21 is filed.

22 B. A lien created under this subsection is void  
23 20 days after the date on which the statement de-  
24 scribed in paragraph A was filed unless, within  
25 the 20-day period, the person claiming the lien  
26 or someone on his behalf notifies the employer,  
27 by certified or registered mail sent to the em-  
28 ployer's last known address, of the existence of  
29 the lien. The notice must contain the following:

30 (1) The fact that a lien has been filed;

31 (2) The date and place the lien was filed;

32 (3) The amount of the claim on which the  
33 lien is based;

34 (4) The name of the person making the claim  
35 and his attorney, if any, including their  
36 addresses; and

1                   (5) The following statement: "To dissolve  
2 this lien, please contact (the person making the  
3 claim or his attorney). A bond may be given to  
4 the claimant to replace the lien."

5                   C. A lien created under this subsection is void  
6 90 days after the date on which the statement de-  
7 scribed in paragraph A was filed unless, within  
8 the 90-day period, an action to enforce the lien  
9 is commenced and a clerk's certificate of the  
10 commencement of the action is filed in the place  
11 where the statement is filed. Upon the filing of  
12 the clerk's certificate, the lien shall continue  
13 until a final judgment. Thereafter, extensions  
14 of the lien shall be governed by the provisions  
15 for extensions of attachments in Title 14, sec-  
16 tion 4601.

17                   D. An employer may, at any time after he re-  
18 ceives notice of a lien under paragraph B, give  
19 bond, with sufficient sureties, in the amount of  
20 the claim to the person claiming the lien. With-  
21 in 7 days of receipt of the bond, the person  
22 claiming the lien or someone on his behalf shall  
23 discharge the lien.

24                   STATEMENT OF FACT

25                   Current law permits employees to claim liens  
26 against the property of employers if the employer  
27 fails to implement any employer-provided health bene-  
28 fit plan. The lien is created and enforced as are  
29 mechanics' liens. The statutory method of enforcing  
30 mechanics' liens is complex and not well suited to  
31 enforcement of health benefit liens. This new draft  
32 provides a simpler method.

33                   The new draft makes it clear that, by filing a  
34 statement of claim in the proper place, an employee  
35 may create a health benefit lien against real estate  
36 or personal property of the employer. The new draft  
37 requires that the employer be notified of the filing  
38 of the statement creating the lien within 20 days.  
39 The new draft also provides that the lien will expire  
40 after 90 days, unless an action to enforce the lien

1 has been commenced within the 90-day period. Final-  
2 ly, the new draft permits the employer to have the  
3 lien discharged if he gives the person making the  
4 claim for health benefits a bond in place of the  
5 lien.

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