

MAINE STATE LEGISLATURE

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OK
R. O. S.

L.D. 633

(Filing No. S- 80)

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STATE OF MAINE
SENATE
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " A " to S.P. 197, L.D. 633, Bill, "An Act to Amend the Mechanic Lien Laws"

Amend the bill by striking out the title and substituting the following:

'An Act to Amend the Mechanic's Lien Laws'

Further amend the bill by inserting at the end before the statement of fact the following:

'Sec. 2. 10 MRSA §3255, sub-§2, as enacted by PL 1975, c. 734, is amended to read:

2. **Bona fide purchaser.** Any person who is a bona fide purchaser for value of a house, building or appurtenances, a public building erected or owned by any city, town, county, school district or other municipal corporation, or a wharf or pier or any building thereon, including the ground adjacent to and upon which any such objects are constructed, ~~shall take~~ takes title free of the lien described in this chapter, unless, before the bona fide purchaser takes title to the premises on which such lien attaches, the person performing or furnishing that labor, materials or services either has filed the notice required by section 3253 or has filed a notice in the office of the register of deeds in the county or registry district in which these premises are located, setting forth a description of the property sufficiently accurate to identify it; the names of the owners; that the claimant is going to perform or furnish, is performing or furnishing, or has performed or furnished labor, materials or services; and that the claimant may claim a lien therefor. If the claimant is a real estate licensee, the claimant shall also send notice by certified mail, return receipt requested, or provide actual written notice as described in this subsection to the bona fide purchaser before the purchaser takes title to the

COMMITTEE AMENDMENT

2 premises on which the claimant's lien attaches. If notice is not
3 provided, the purchaser takes title free of this lien. If notice
4 provided by this subsection is filed, the lien claimant must also
5 comply with the notice requirements of section 3253 and institute
6 the legal action required by subsection 1 to the extent that this
7 compliance is required in order to preserve his the claimant's
8 lien claim. The notice provided by this subsection shall is only
9 be effective relative to a bona fide purchaser for value for the
10 period of 120 days from the date of recording thereof; provided
11 that this notice may again be recorded any number of times, but
12 further notices shall are also only be effective relative to a
13 bona fide purchaser for value for the period of 120 days each
14 from the date of their respective recordings.'

16 STATEMENT OF FACT

18 This amendment adds a provision concerning notice of a real
19 estate licensee's lien to a purchaser of property before title
20 passes to the purchaser. For a mechanic's lien to be effective
21 against a bona fide purchaser for value, current law requires the
22 lien claimant to file notice of the lien in the registry of deeds
23 prior to title to the property passing to the purchaser. This
24 amendment adds another notice requirement for a real estate
25 licensee claiming a lien, which is that a claimant must send or
26 hand notice to a bona fide purchaser for value of the claimant's
27 lien before the purchaser takes title to the property.
28

Reported by Senator Cianchette for the Committee on Business
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(4/16/93) (Filing No. S-80)