

MAINE STATE LEGISLATURE

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DATE: April 27, 1995

(Filing No. S- 97)

JUDICIARY

Reported by: The Minority of the Committee.

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT " A " to S.P. 267, L.D. 718, Bill, "An Act to Amend the Law Governing Mechanic's Liens"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 10 MRSA §3270 is enacted to read:

§3270. Fraudulent liens

1. Liable for penalty and expenses. A person who fraudulently files a lien under this chapter is subject to a penalty not to exceed the amount of the lien claimed plus the reasonable expenses, including reasonable attorney's fees, incurred by the owner of the property to defend against and dissolve the lien.

2. Recoverable by owner of property. The penalty and expenses may be recovered by the owner of the property as a counterclaim to the action initiated by the person claiming the lien or in a separate civil action initiated by the property owner.

3. Dissolution of lien; award of penalty and expenses. In any action involving a fraudulent lien, the court shall dissolve the lien if it determines that there was not good ground to support the lien. If the court determines that the lien was fraudulent, the court may award the penalty and reasonable expenses to the owner of the property.'

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

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6
FISCAL NOTE

8 This bill may increase the number of civil suits filed in
the court system. The additional workload and administrative
10 costs associated with the minimal number of new cases filed can
be absorbed with the budgeted resources of the Judicial
12 Department. The collection of additional filing fees may also
increase General Fund revenue by minor amounts.'

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STATEMENT OF FACT

18 The amendment specifies that the penalty for fraudulently
filing a lien may not exceed the amount of the lien plus actual
losses resulting from the fraudulent assertion of the lien. The
20 amendment also removes inconsistent language describing the
circumstances under which the penalty may be imposed. The
22 amendment also gives the court discretion in awarding the penalty
and reasonable expenses to the owner.

24 This amendment adds a fiscal note to the bill.