

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 718

S.P. 267

In Senate, March 2, 1995

An Act to Amend the Law Governing Mechanic's Liens.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator HANLEY of Oxford.
Cosponsored by Senators: HALL of Piscataquis, MILLS of Somerset, Representatives:
THOMPSON of Naples, WINSOR of Norway.

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

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

6 **§3270. Fraudulent liens**

8 **1. Liable for penalty and expenses.** A person who
10 fraudulently files a lien under this chapter is subject to a
12 penalty in the amount of the lien claimed plus the reasonable
14 expenses, including a reasonable attorney's fee, incurred by the
16 owner of the property to defend against and dissolve the lien.

18 **2. Recoverable by owner of property.** The penalty and
20 expenses may be recovered by the owner of the property in an
22 action initiated by the person claiming the lien or in a separate
24 civil action initiated by the property owner.

26 **3. Dissolution of lien; award of penalty and expenses.** In
28 any action involving a fraudulent lien, the court shall dissolve
30 the lien if it determines that there was not good ground to
32 support the lien. If the court determines that the person who
34 filed the lien knew there was no ground to support the lien, the
36 court shall award the penalty and reasonable expenses to the
owner of the property.

STATEMENT OF FACT

This bill imposes sanctions for fraudulently filing a mechanic's lien. The owner of the property may recover the amount of the lien claimed as well as the expenses necessary to defend against and dissolve the lien. The court shall dissolve the lien if it determines that good ground did not exist for the lien. The court shall award the penalty and reasonable expenses to the owner if the person filed the lien knowing that good ground did not exist for the lien.