

MAINE STATE LEGISLATURE

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MINORITY
BUSINESS AND ECONOMIC DEVELOPMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "B" to H.P. 577, L.D. 768, Bill, "An Act to Clarify the Right of a Real Estate Broker to a Lien on Land, Improvements or Structures"

Amend the bill in section 1 in that part designated "§3251." in the first paragraph in the 12th line (page 1, line 19 in L.D.) by striking out the following: "or leasing"

Further amend the bill in section 1 in that part designated "§3251." in the first paragraph in the 15th line (page 1, line 22 in L.D.) by inserting after the following: "same" the following: 'as long as a 30-day prior notice was given to the owner of the property'

Further amend the bill in section 1 in that part designated "§3251." in the first paragraph in the 16th line (page 1, line 23 in L.D.) by inserting after the following: "costs." the following: 'If a lien is placed by a real estate licensee it must be a written contract.'

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

This bill may increase the number of civil suits filed in the court system. The additional workload and administrative costs associated with the minimal number of new cases filed can

COMMITTEE AMENDMENT

R. & S.

COMMITTEE AMENDMENT "B" to H.P. 577, L.D. 768

2 be absorbed within the budgeted resources of the Judicial
Department. The collection of additional filing fees may also
4 increase General Fund revenue by minor amounts.'

6 **SUMMARY**

8 This amendment is the minority report of the committee. It
strikes reference to real estate broker action associated with
10 leasing any interest in land, improvements or structures as
subject to right of placing a lien. This is consistent with the
12 intent of the original law passed in 1993 to include real estate
brokers in this lien provision. This amendment further amends
14 the bill by requiring a written contract between the real estate
licensee and the owner in order for the real estate licensee to
16 place a lien on the real estate property. This amendment also
requires that a 30-day prior notice of the intent to place a lien
18 on the property be given to the owner. This amendment also adds
a fiscal note to the bill.