

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 159

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H.P. 128

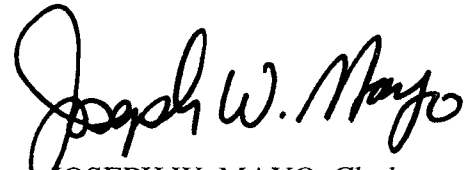
House of Representatives, January 11, 1999

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**An Act to Allow the Bureau of Labor Standards to Better Secure  
Payment of Unpaid Wages and Severance Pay for Workers.**

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Submitted by the Department of Labor pursuant to Joint Rule 204.  
Reference to the Committee on Labor suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative HATCH of Skowhegan.  
Cosponsored by Senator MICHAUD of Penobscot and  
Representatives: CLARK of Millinocket, COLWELL of Gardiner, GOODWIN of Pembroke,  
STANLEY of Medway, Senators: CATHCART of Penobscot, MILLS of Somerset, RUHLIN  
of Penobscot.

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

2  
4 Sec. 1. 26 MRSA §52 is enacted to read:

6 **§52. Liens**

8 1. Form; effect. Upon the failure of an employer to pay  
10 the amount assessed for unpaid wages or severance pay pursuant to  
12 chapters 7 and 15, the director may file in the registry of deeds  
14 of any county a certificate stating the name of the employer; the  
16 employer's address; the amount of unpaid wages or severance pay;  
18 and either that the time permitted for an appeal has expired  
20 without the appeal having been taken or that delay will  
22 jeopardize collection. When the certificate is duly filed and  
24 recorded, the amount of the assessment is a lien upon the entire  
26 interest of the employer, legal or equitable, in any real or  
28 tangible personal property situated within the jurisdiction of  
30 the office in which that certificate was filed. A lien obtained  
32 in this manner is a lien for unpaid wages or severance pay and  
34 the priority of the lien is governed by the laws of this State.  
The lien is subordinate to any real estate mortgage previously  
recorded as required by law. A lien for unpaid wages or  
severance pay is not valid against one who purchases personal  
property from the employer in the usual course of business, in  
good faith and without actual notice of the lien. The lien may  
be enforced against any real or personal property by a civil  
action in the name of the director. The director shall discharge  
any such lien upon receiving, from any employer against whose  
property a lien certificate has been filed, a good and sufficient  
bond with sureties conditioned upon the payment of the amount of  
unpaid wages or severance pay as finally determined together with  
any additional amount that may have become due or may have  
accrued under this chapter and costs of court, if any.

36 The remedies in this subsection are in addition to all other  
remedies.

38 2. Filing lien. Certificates of liens for unpaid wages or  
40 severance pay, or certificates discharging the liens prepared in  
42 accordance with this section, must be received, recorded and  
44 indexed by registrars of deeds in the same manner as similar  
46 instruments are recorded and indexed. The fee to be paid by the  
director for recording each certificate is the usual and  
customary fee, which need not be prepaid. This recording fee  
along with all other filing fees is the liability of the employer  
and must be assessed as part of the lien pursuant to subsection 1.

48 3. Enforcement of lien. After any assessment has become  
50 final and rights of appeal exhausted or lost by virtue of failure  
to exercise those rights, any property, real or personal, upon

2 which a lien has been claimed under this chapter may be sold  
3 after due notice in conformity with the laws applicable to sales  
4 of real or personal property on executions issued in personal  
5 actions. In connection with such sales, the director has the  
6 same rights, privileges, duties and responsibilities as one in  
7 whose favor an execution is issued.

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### SUMMARY

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11 This bill creates a process for the Bureau of Labor  
12 Standards to file liens in cases involving unpaid wages or  
13 severance pay.

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