

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 709

H.P. 554

House of Representatives, February 13, 2001

An Act Regarding Ancient Execution Liens.

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative LaVERDIERE of Wilton.
Cosponsored by Representatives: LEMOINE of Old Orchard Beach, NORBERT of Portland,
RICHARDSON of Brunswick, SAVAGE of Buxton.

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

Sec. 1. 14 MRSA §4651-A, sub-§6, as enacted by PL 1987, c. 184, §23, is amended to read:

6. **Filing during pendency of attachment; date of perfection.** If a lien created by this section is filed or recorded during the pendency of any prejudgment or post-judgment attachment obtained in the underlying civil action against property subject to the lien, the effective date of the lien in the property shall ~~must~~ relate back to the date of perfection of the attachment. The relation back shall ~~apply~~ applies only to that portion of the lien up to the amount of the attachment. The remainder of such a lien, and the full amount of any a lien created when no attachment is pending, shall ~~become~~ becomes effective and be perfected from the date of the filing or recording of the execution. ~~Any lien created pursuant to this section shall continue so long as the judgment in the underlying civil action, or any portion thereof, plus costs and interest, shall remain unpaid, undischarged or unreleased.~~

Sec. 2. 14 MRSA §4651-A, sub-§8 is enacted to read:

8. Duration of lien; renewal. A lien created pursuant to this section after the effective date of this subsection continues for a period of 20 years from the date of the recording of the writ of execution in the registry of deeds, unless the judgment is paid, discharged or released. A lien may be renewed once for a period of 20 years from the filing of a renewal writ of execution in the same manner as the original writ of execution was filed, with the same notice as required by subsection 5. If the renewal writ is filed before the expiration of the 20-year period of the original writ of execution, the renewal writ must relate back to the date that the original writ of execution was filed to prevent the expiration of the lien. A lien created pursuant to this section when the date of the recording of the writ of execution in the registry of deeds is more than 18 years prior to the effective date of this subsection may be renewed as provided in this subsection if the renewal writ is filed within 2 years of the effective date of this subsection.

SUMMARY

This bill provides for the creation of a lien that continues for a period of 20 years from date of recording. The lien protects the creditor by having available a renewal for a period of 20 years. The lien also has a transition renewal time period of 2 years from the date of enactment of this bill.