

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 1525

H.P. 1128

House of Representatives, March 8, 2001

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**An Act Concerning Real Estate Titles.**

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Reference to the Committee on Judiciary suggested and ordered printed.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative NORBERT of Portland.  
Cosponsored by Senator BROMLEY of Cumberland and  
Representatives: BULL of Freeport, MITCHELL of Vassalboro, SAVAGE of Buxton,  
SMITH of Van Buren.

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

2           **Sec. 1. 14 MRSA §4651-A, sub-§6**, as enacted by PL 1987, c.  
4 184, §23, is amended to read:

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

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

24           **8. Duration of lien; renewal.** A lien created pursuant to  
25 this section after the effective date of this subsection  
26 continues for a period of 10 years from the date of the recording  
27 of the writ of execution in the registry of deeds, unless the  
28 judgment is paid, discharged or released. A lien may be renewed  
29 once for a period of 10 years from the filing of a renewal writ  
30 of execution in the same manner as the original writ of execution  
31 was filed, with the same notice as required by subsection 5. If  
32 the renewal writ is filed before the expiration of the 10-year  
33 period of the original writ of execution, the renewal writ must  
34 relate back to the date that the original writ of execution was  
35 filed to prevent the expiration of the lien. A lien created  
36 pursuant to this section when the date of the recording of the  
37 writ of execution in the registry of deeds is more than 8 years  
38 prior to the effective date of this subsection may be renewed as  
39 provided in this subsection if the renewal writ is filed within 2  
40 years of the effective date of this subsection.

42  
44           **SUMMARY**

46           This bill provides for the creation of a lien that continues  
47 for a period of 10 years from date of recording. The lien  
48 protects the creditor by having available a renewal for a period  
of 10 years. The lien also has a transition renewal time period  
of 2 years from the date of enactment of this bill.