

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 260

H.P. 199

House of Representatives, January 18, 2005

An Act To Amend the Laws Governing Mechanics Liens

Reference to the Committee on Business, Research and Economic Development suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BERUBE of Lisbon.
Cosponsored by Representatives: BRYANT-DESCHENES of Turner, GLYNN of South Portland, SHERMAN of Hodgdon, SHIELDS of Auburn, Senator: HOBBS of York.

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

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4 **Sec. 1. 10 MRSA §3255. sub-§2.** as amended by PL 1993, c. 137,
§2, is further amended to read:

6 **2. Bona fide purchaser.** Any person who is a bona fide
7 purchaser for value of a house, building or appurtenances, a
8 public building erected or owned by any city, town, county,
9 school district or other municipal corporation, or a wharf or
10 pier or any building thereon, including the ground adjacent to
11 and upon which any such objects are constructed, takes title free
12 of the lien described in this chapter unless, before the bona
13 fide purchaser takes title to the premises on which such lien
14 attaches, the person performing or furnishing that labor,
15 materials or services either has filed the notice required by
16 section 3253 or has filed a notice in the office of the register
17 of deeds in the county or registry district in which these
18 premises are located setting forth a description of the property
19 sufficiently accurate to identify it; the names of the owners;
20 that the claimant is going to perform or furnish, is performing
21 or furnishing or has performed or furnished labor, materials or
22 services; and that the claimant may claim a lien therefor; and,
23 if an action to enforce the lien has been commenced pursuant to
24 this section, that person has caused to be recorded in that
25 registry, within 30 days of the filing of that action in court,
26 the certificate described in section 3261 or a certified copy of
27 the complaint filed in that action containing at minimum the same
28 information as required in the certificate described in section
29 3261. If the claimant is a real estate licensee, the claimant
30 shall also send notice by certified mail, return receipt
31 requested, or provide actual written notice as described in this
32 subsection to the bona fide purchaser before the purchaser takes
33 title to the premises on which the claimant's lien attaches. If
34 notice is not provided, the purchaser takes title free of this
35 lien. If notice provided by this subsection is filed, the lien
36 claimant must also comply with the notice requirements of section
37 3253 and institute the legal action required by subsection 1 to
38 the extent that this compliance is required in order to preserve
39 the claimant's lien claim. The notice provided by this
40 subsection is only effective relative to a bona fide purchaser
41 for value for the period of 120 days from the date of recording
42 thereof provided that this notice may again be recorded any
43 number of times, but further notices are also only effective
44 relative to a bona fide purchaser for value for the period of 120
45 days each from the date of their respective recordings.

SUMMARY

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This bill amends the laws governing mechanics liens to require a lien claimant who has preserved a lien by filing an action in court to file a certificate or copy of the complaint in the registry of deeds within 30 days of bringing the action. Under current law, a lien claimant must file an action within a specified period but is not required to file evidence of the commencement of the action in the registry of deeds.