

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 432

H.P. 317

House of Representatives, January 27, 2005

**An Act To Increase from 90 to 120 Days the Time Frame To File
Contractor Liens**

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative McKANE of Newcastle.
Cosponsored by Senator DOW of Lincoln and
Representatives: LINDELL of Frankfort, MERRILL of Appleton, TRAHAN of Waldoboro,
VAUGHAN of Durham, Senator: COURTNEY of York.

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

4 **Sec. 1. 10 MRSA §3253**, as amended by PL 1975, c. 91, §1, is
further amended to read:

6 **§3253. Dissolution unless claim filed**

8 The lien mentioned in section 3252 ~~shall be~~ is dissolved,
10 unless the claimant, within 90 120 days after ~~he~~ the claimant
ceases to labor, furnish materials or perform services, files in
12 the office of the register of deeds in the county or registry
district in which ~~sueh~~ the building, wharf or pier that is the
subject of the lien is situated a true statement of the amount
14 due ~~him~~ the claimant, with all just credits given, together with
a description of the property intended to be covered by the lien
16 sufficiently accurate to identify it, and the names of the
owners, if known; which ~~shall~~ must be subscribed and sworn to by
18 the person claiming the lien, or by someone in ~~his~~ that person's
behalf, and recorded in a book kept for that purpose by the
20 register of deeds for said the county or registry district, who
is entitled to the same fees therefor as for recording mortgages.
22 This section ~~shall~~ does not apply ~~where~~ when the labor, materials
or services are furnished by a contract with the owner of the
24 property affected.

26 **SUMMARY**

28 Current law allows a person who supplies labor or materials
30 for a construction project to file a lien on the property for the
amount of the labor or materials supplied. If there is no
32 contract between the person, such as a subcontractor, supplying
the labor and materials and the owner of the property, the owner
34 may prevent the filing of a lien by giving notice to the supplier
that the owner will not be responsible for payment. If the
36 supplier does not file the lien within 90 days of completion of
work, then the lien is dissolved.

38 This bill extends the period of time from 90 days to 120
40 days during which a person may file a lien and avoid the
dissolution of the lien.