

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 491

H.P. 366

House of Representatives, February 1, 2005

An Act To Cure an Inconsistency Regarding Judgment Liens

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative DAVIS of Falmouth.
Cosponsored by Representative: CARR of Lincoln, Senator: SNOWE-MELLO of
Androscoggin.

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

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

6 **1. Lien on real estate.** The filing of an execution duly
8 issued by any a court of this State or an attested copy thereof
10 with a registry of deeds within ~~one-year~~ 3 years after issuance
12 of the execution ~~shall-create~~ creates a lien in favor of each
14 judgment creditor upon the right, title and interest of each
16 judgment debtor in all real estate against which a mortgage would
18 be duly perfected if filed in the registry and ~~which that~~ is not
20 exempt from attachment and execution.

22 **Sec. 2. 14 MRSA §4651-A, sub-§2**, as amended by PL 1999, c. 699, Pt. D, §15 and affected by §30, is further amended to read:

24 **2. Lien on personal property.** The filing of an execution
26 duly issued by any a court of this State or an attested copy
28 thereof in the office of the Secretary of State within ~~one-year~~ 3
30 years after issuance of the execution creates a lien in favor of
32 each judgment creditor upon the right, title and interest of each
34 judgment debtor in personal property ~~which that~~ is not exempt
36 from attachment and execution and ~~which that~~ is of a type against
38 which a security interest could be perfected by the filing of a
40 financing statement with the office of the Secretary of State.

42 **Sec. 3. 14 MRSA §4651-A, sub-§3**, as amended by PL 1995, c. 65,
44 Pt. A, §41 and affected by §153 and Pt. C, §15, is further
46 amended to read:

48 **3. Lien on motor vehicles.** The filing of an execution duly
issued by any a court of this State or an attested copy thereof
where a proof of transfer would be delivered pursuant to Title
29-A, section 665, subsection 1, and delivery of an application
pursuant to Title 29-A, section 657, within ~~one-year~~ 3 years
after issuance of the execution creates a lien in favor of each
judgment creditor upon the right, title and interest of each
judgment debtor in any motor vehicle for which a title
certificate must be obtained pursuant to Title 29-A, chapter 7.

42 **Sec. 4. 14 MRSA §4651-A, sub-§10** is enacted to read:

44 10. Validation of liens. Subject to subsections 5, 8 and
46 9, a lien filed pursuant to subsection 1, 2 or 3 is valid and
48 enforceable if the execution was issued on or after September 29,
1995 and the lien was filed within 3 years of the issuance of the
execution.

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SUMMARY

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This bill corrects an inconsistency in the laws governing execution liens created when the duration of writs of execution was extended from one year to 3 years but the period during which these writs could be used to create judgment liens was left at one year.

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This bill corrects the inconsistency by extending the period during which an execution of a lien on real estate, personal property or motor vehicles may be filed from one year to 3 years. This bill also provides that any lien that conforms to the requirements regarding notice and duration is valid for 3 years if notice of execution was filed after September 19, 1995, the effective date of the creation of the inconsistency, and within 3 years of the issuance of the execution.

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