

MAINE STATE LEGISLATURE

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L.D. 337

Date: 6/10/15

(Filing No. S-242)

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STATE OF MAINE
SENATE
127TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 231,
L.D. 337, Bill, "An Act To Require Lienholders To Remove Liens Once Satisfied"

Amend the amendment by striking out all of section 1 and inserting the following:

'Sec. 1. 10 MRSA §4013 is enacted to read:

§4013. Removal of lien

1. Removal within 60 days. Unless a specific time period is otherwise provided, a holder of a lien against property issued pursuant to the laws of this State shall remove the lien within 60 days of satisfaction or discharge of the lien by the debtor or owner of the property or agent of the debtor or owner.

2. Liability. A holder of a lien, other than the State, a municipality or other governmental entity, who fails to remove a lien as provided in subsection 1 is liable to the debtor or owner of the property for reasonable attorney's fees and costs incurred to cure the lien as a result of the failure to remove the lien.

3. Application. This section does not apply to a financing statement or other record governed by Title 11.'

SUMMARY

This amendment removes the language in Committee Amendment "A" requiring a holder of a lien to provide written notice to any person who was provided notice of the lien at the time the lien was originally filed that the lien has been removed. In addition to exempting municipalities as provided in Committee Amendment "A", the amendment adds language exempting the State and other governmental entities from potential liability to a debtor for the failure to remove a lien. The amendment also provides that

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 231, L.D. 337

1 the liability of a holder of a lien to a debtor is for reasonable attorney's fees and costs
2 incurred to cure a lien as a result of the failure to remove a lien and removes language in
3 Committee Amendment "A" authorizing liability for actual damages.

4 SPONSORED BY: 

5 (Senator WHITTEMORE)

6 COUNTY: Somerset

FISCAL NOTE REQUIRED
(See attached)



127th MAINE LEGISLATURE

LD 337

LR 133(04)

An Act To Require Lienholders To Remove Liens Once Satisfied

Fiscal Note for Senate Amendment "A" to Committee Amendment "A" (S-242)
Sponsor: Sen. Whittemore of Somerset
Fiscal Note Required: Yes

Fiscal Note

Eliminates State Mandate

Fiscal Detail and Notes

This amendment removes provisions that imposed requirements on municipalities that could have been considered a state mandate. As amended here the bill has no fiscal impact.