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R O T S

L.D. 1053

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JUDICIARY

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
129TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 776, L.D. 1053, Bill, "An Act To Reduce the Period of Enforcement for Judgments Based upon Consumer Obligations"

Amend the bill by striking out the title and substituting the following:

'An Act To Reduce the Duration of Execution Liens'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 14 MRSA §4651-A, sub-§9, as reallocated by RR 2001, c. 1, §17, is amended to read:

9. Duration of lien created before September 1, 2020; renewal. A lien created pursuant to this section after ~~the effective date of this subsection~~ September 21, 2001 but before September 1, 2020 continues for a period of 20 years from the date of the filing of the writ of execution or of the recording of the writ of execution in the registry of deeds, unless the judgment is paid, discharged or released. A lien may be renewed once for a period of 20 years from the filing or recording of a renewal, pluries or alias writ of execution in the same manner as the original writ of execution was filed or recorded, with the same notice as required by subsection 5.

A. If the renewal writ is filed or recorded before the expiration of the 20-year period of the original writ of execution, the renewal writ relates back to the date that the original writ of execution was filed or recorded and prevents the expiration of the lien.

B. A lien created pursuant to this section when the date of the recording of the writ of execution in the registry of deeds is more than 18 years prior to ~~the effective date of this subsection~~ September 21, 2001 may be renewed as provided in this subsection if the renewal writ is recorded ~~within 2 years of the effective date of this subsection~~ by September 21, 2003.

Sec. 2. 14 MRSA §4651-A, sub-§9-A is enacted to read:

COMMITTEE AMENDMENT

P. OF 3

1 9-A. Duration of lien created on or after September 1, 2020; renewal. A lien  
2 created pursuant to this section on or after September 1, 2020 continues for a period of 10  
3 years from the date of the filing of the writ of execution or of the recording of the writ of  
4 execution in the registry of deeds, unless the judgment is paid, discharged or released. A  
5 lien may be renewed under this subsection once for a period of 10 years from the filing or  
6 recording of a renewal, pluries or alias writ of execution in the same manner as the  
7 original writ of execution was filed or recorded, with the same notice as required by  
8 subsection 5.

9 If the renewal writ is filed or recorded before the expiration of the 10-year period of the  
10 original writ of execution, the renewal writ relates back to the date that the original writ  
11 of execution was filed or recorded and prevents the expiration of the lien.'

12 Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
13 section number to read consecutively.

14 **SUMMARY**

15 This amendment replaces the bill, which provides that a judgment or decree based  
16 upon a consumer obligation would be irrebuttably presumed to be paid and satisfied at the  
17 end of one year after any duty or obligation accrued by virtue of the judgment or decree  
18 unless within that period the judgment creditor has commenced other action as permitted  
19 by law for the enforcement of the judgment or decree.

20 Instead, this amendment provides that an execution lien created on or after September  
21 1, 2020, for any underlying judgment, expires at the end of 10 years unless it is renewed  
22 before the expiration of the 10-year period. The renewal period is also 10 years. The lien  
23 can be renewed once.

24 The amendment provides that the current law, which provides for a 20-year duration  
25 and a 20-year renewal period, applies to liens created before September 1, 2020.