
FORTY-SEVENTH LEGISLATURE.

HOUSE.

No. 122.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT.

AN ACT relating to liens of mechanics and of persons furnishing materials.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECTION 1. A person who performs or furnishes
2 labor or materials for erecting, altering or repairing a
3 house, building or appurtenances, by virtue of a con-
4 tract with or by consent of the owner, shall have a
5 lien thereon, and on the lot of land on which it stands
6 or on any interest such owner has in the land or on
7 the equity of redemption if under mortgage, to secure
8 payment of such lien and of the costs of its enforce-
9 ment, which shall continue ninety days after payment
10 becomes due and may be enforced by attachment, and

11 if a levy is made thereon, the appraisers may set out
12 to the creditor a suitable lot for such building, if they
13 think the whole not needed therefor.

SECT. 2. Such lien for materials furnished or labor
2 performed shall not attach unless the person furnishing
3 or performing the same before so doing gives notice to
4 the owner of the property to be effected by the lien, if
5 such owner is not the purchaser or employer, that he
6 intends to claim such lien.

SECT. 3. The owner of any such house, building or
2 appurtenances, other than the party by whom a con-
3 tract for labor and materials has been made, may pre-
4 vent the attaching of any lien for labor thereon not at
5 the time performed or materials not then furnished, by
6 giving notice in writing to the person performing such
7 labor or furnishing such materials that he will not be
8 responsible therefor.

SECT. 4. Such lien shall be dissolved unless the per-
2 son desiring to avail himself thereof, within thirty
3 days after he ceases to labor on or furnish labor or
4 materials for such house, building or appurtenances,
5 files in the office of the clerk of the city or town in
6 which the same is situated, a statement of a true and
7 just account of the amount due him with all just cred-
8 its given, together with a description of the property
9 intended to be covered by the lien sufficiently accurate

10 for identification with the name of the owner or owners
11 of the property if known, which certificate shall be
12 subscribed and sworn to by the person claiming the
13 lien or by some one in his behalf, and shall be re-
14 corded in a book kept for the purpose by the clerk of
15 such city or town, who shall be entitled to the same
16 fees therefor as for recording mortgages of equal
17 length.

SECT. 5. No inaccuracy in such statement relating
2 to the property to be covered by the lien, if the prop-
3 erty can be reasonably recognized, or in stating the
4 amount due for labor or materials, shall invalidate the
5 proceedings, unless it appears that the person filing
6 the certificate has wilfully and knowing claimed more
7 than his due.

SECT. 6. Unless a suit for enforcing the lien is com-
2 menced within ninety days after the person desiring
3 to avail himself thereof ceases to labor on, or furnish
4 labor and materials for, such house, building or appur-
5 tenances, the lien shall be dissolved.

SECT. 7. This act shall take effect when approved.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 27, 1868. }

Reported from the Committee on the Judiciary, by Mr. REED
of Portland.

S. J. CHADBOURNE, *Clerk.*