

MAINE STATE LEGISLATURE

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Sixty-Eighth Legislature.

SENATE.

No. 106.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND NINETY-SEVEN

AN ACT to Amend Chapted 30 of the Public Laws of 1895
relating to Liens on Buildings.

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

Section 1. In addition to the remedy provided by chapter
2 thirty of Public Laws of eighteen hundred and ninety-five,
3 the liens mentioned in sections thirty, thirty-one, thirty-two
4 and thirty-three of chapter ninety-one of the Revised Stat-
5 utes may be enforced by attachment in actions at law com-
6 menced in any court having jurisdiction, in the county
7 where the house, building or appurtenances on which a lien
8 is claimed is situated, which attachment shall be made
9 within ninety days after the last of the labor is performed,
10 or labor or materials are furnished.

Sect. 2. When two or more proceedings, either at law or
2 in equity, are pending at the same time, in whatever court
3 or courts, to enforce liens on the same house building or
4 appurtenances, upon petition of any lienor who has com-
5 menced such proceedings, or of the owner of the building,
6 a justice of the supreme judicial court, after notice and
7 hearing, in term time or vacation, may, if justice requires it,
8 order all such actions not then pending in the supreme judi-
9 cial court to be transferred thereto, and require the parties
10 in all such proceedings, in whatever court commenced, to
11 plead in equity, substantially in the manner prescribed in
12 section three of said chapter thirty of the Public Laws of
13 eighteen hundred and ninety-five, and thereafter all the pro-
14 ceedings shall be in accordance with the provisions of said
15 chapter thirty; and while such petition is pending all such
16 actions shall stand continued.

Sect. 3. When a judgment is rendered in any suit author-
2 ized by this act, against any house, building or appurten-
3 ances, and the land on which it stands, or any interest that
4 the owner of such house, building or appurtenances has in
5 such land, said property shall be taken and sold on execu-
6 tion in the same manner that rights of redeeming mort-
7 gaged real estate may be taken and sold. If two or more
8 such judgments are rendered at the same term of the same
9 court, the court shall direct in writing on which execution
10 the property shall be sold, and in that event, and also in
11 the event that the officer holding any execution recovered
12 under the provisions of this act shall be notified in writing

13 by any lienor who has caused said property to be attached
14 as aforesaid, or who has filed his bill in equity as provided
15 in said chapter thirty, that he claims a portion of the pro-
16 ceeds of the sale, said officer, unless all owners of such
17 judgments, and all lienors so notifying such officer other-
18 wise direct, shall thereupon sell said property as afore-
19 said, and after deducting the fees and expenses of sale, shall
20 return the balance into the court of highest jurisdiction in
21 which any such lien suit is pending, or in which such a lien
22 judgment has been rendered, and such court shall dis-
23 tribute such fund pro rata among the lienors who shall
24 satisfactorily prove their right to share in the same. The
25 court issuing execution on which the sale is made, may fix
26 the time within which the lienors shall have the right to
27 redeem the property from such sale. The court distribut-
28 ing the fund may make such decree in regard to costs as
29 is equitable. Any balance not required to pay such lien
30 claims and costs shall be paid to the person or persons
31 legally or equitably entitled thereto.

Sect. 4. Section seven of said chapter thirty is applicable
2 in cases of actions commenced and attachments made under
3 the provisions of this act.

Sect. 5. This act shall take effect when approved.

STATE OF MAINE.

IN SENATE, February 24, 1897.

Reported by Mr. SAVAGE, from Committee on the Judiciary, and laid
on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary.*