

# MAINE STATE LEGISLATURE

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# SEVENTY-SECOND LEGISLATURE

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SENATE.

No. 117

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND FIVE.

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AN ACT to amend section sixty of chapter ninety-three of the  
Revised Statutes relating to Liens on Monumental Work.

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

Section 1. Section sixty of chapter ninety-three of the  
2 Revised Statutes is hereby amended so that said section as  
3 amended shall read as follows:

‘Section 60. Whoever under express contract fixing the  
5 price to be paid by the other party thereto, sells, erects or  
6 furnishes any monument, tablet, headstone, vault, posts, curb-  
7 ing or other monumental work, has a lien thereon to secure  
8 the payment of such contract price, which continues for two  
9 years after the completion, delivery or erection of such  
10 monument, tablet, headstone, vault, posts, curbing or other

11 monumental work, to be enforced by suit and attachment ;  
12 such attachment to be recorded within said two years by the  
13 clerk of the town in which the property subject to the lien  
14 is then situated ; or such lien may be enforced by petition  
15 setting forth the names and residences of the parties to the  
16 contract, the contract price, the sum due, the description and  
17 location of the property on which the lien is claimed and such  
18 other facts as are necessary to make it appear that such peti-  
19 tioner is entitled to an enforcement of such lien, and praying  
20 for judgment for title and possession of the property therein  
21 described. Said petition, before service thereof, and within  
22 said two years, shall be recorded by the clerk of the town in  
23 which such property is situated, and a certificate of such  
24 record indorsed thereon. The sum alleged to be due shall  
25 be deemed to be the damage demanded, and the petition,  
26 after being recorded, may be inserted in a writ, and made  
27 returnable, like other writs in transitory actions, before any  
28 court of competent jurisdiction. If the defendant is a known  
29 resident of the State he shall be served with a summons and  
30 copy of said writ and petition, otherwise the court, in term  
31 time or vacation, may order notice. If the petitioner pre-  
32 vails, he shall recover judgment for title and possession of  
33 the property on which the lien is claimed, and for his costs,  
34 and a possessory execution may issue. By virtue of such  
35 judgment the judgment creditor, if unopposed, may take pos-  
36 session and remove the property described in his execution,  
37 otherwise any officer qualified to serve civil process, having  
38 said execution, may take possession of said property and  
39 deliver the same to the judgment creditor, and shall make

40 his return on said execution accordingly. Said lien may be  
41 discharged at any time before final judgment by tendering  
42 the petitioner the amount of the debt and costs.'

Sect. 2. This act shall take effect when approved.

STATE OF MAINE.

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IN SENATE, February 24, 1905.

Reported by Mr. STAPLES from Committee on Legal Affairs and  
laid on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary*.