

MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

HOUSE

NO. 242

House of Representatives, Feb. 14, 1913.

On motion of Mr. Sanborn of South Portland House reconsidered vote whereby the within bill was referred to Committee on Legal Affairs and on motion of same gentleman bill was tabled pending reference to committee and ordered printed.

W. R. ROIX, Clerk.

STATE OF MAINE

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

AN ACT Relating to Liens on Motor Vehicles and Trucks.

Be it enacted by the People of the State of Maine, as follows:

Section 1. Whoever, by himself, or his employees, ser-
2 vants or agents, performs labor, furnishes materials or
3 parts, or incurs expense in repairing, painting, cleaning,
4 operating, overhauling, towing or transporting any motor-
5 vehicle or truck; or whoever by himself, his employees,
6 agents or servants furnishes storage, parts, supplies or ac-
7 cessories thereto, shall have a lien on such vehicle or truck
8 to secure payment therefor with costs.

Sect. 2. Such lien shall have precedence of all other claims
2 and incumbrances on said vehicle or truck, not made to se-
3 cure a similar lien.

Sect. 3. Such lien may be enforced by a writ of attach-
2 ment at any time within ninety days after the last of said
3 labor is performed, expense incurred, or materials, parts,
4 storage, supplies, or accessories are furnished, in which writ
5 the party with whom the contract, express or implied, was
6 made, for such labor, expense, materials, parts, storage, sup-
7 plies or accessories, shall be made the party defendant. The
8 declaration shall allege that the suit is brought to enforce
9 the lien, but all the other forms and proceedings therein
10 shall be the same as in ordinary actions of assumpsit.

Sect. 4. Whoever within said ninety days has a motor
2 vehicle or truck in his possession, on which he claims a lien
3 under the provisions of section one hereof, may by himself,
4 his employees, agents or servants, detain the same for sev-
5 enty-two hours after the same is demanded by any person
6 claiming the right to its possession, in order to enable him
7 to attach it, as hereinbefore provided.

Sect. 5. If the labor, expense, materials, parts, storage,
2 supplies, or accessories, were not performed, incurred or
3 furnished by a contract with the owner of the property af-
4 fected, such owner may voluntarily appear and become party
5 to the suit; if he does not appear, such notice of the suit as
6 the court orders shall be given to the owner of the vehicle
7 or truck, and he may be admitted to defend it.

Sect. 6. Said lien may be discharged by a tender of the
2 sum due with legal costs, made by the debtor or owner of
3 the property, or his agents.

Sect. 7. In any such action judgment may be rendered
2 against the defendant, and the property covered by the lien,
3 or against either, for so much as is found due by virtue of
4 the lien, and if the amount due exceeds the amount so cov-
5 ered, then a separate execution shall be issued to the plain-
6 tiff against the defendant for such excess, and the plaintiff
7 may discontinue as to any defendant. The court may ap-
8 portion costs as justice requires.

Sect. 8. All acts or parts of acts inconsistent herewith
2 are hereby repealed.