

# MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

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HOUSE

NO. 77

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*House of Representatives, Feb. 1, 1917.*

*Referred to Committee on Ways and Bridges and one thousand copies ordered printed. Sent up for concurrence.*

*W. R. ROIX, Clerk.*

*Presented by Mr. Largay of Bangor.*

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND SEVENTEEN

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AN ACT relating to vehicles and motor cars and trucks.

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

Section 1. Whoever, by himself, or his employees, servants or agents, performs labor, furnishes materials or parts, or incurs expense in repairing, painting, cleaning, operating, overhauling, towing or transporting any motor vehicle or truck; or whoever by himself, his employees, agents or servants furnishes storage, parts, supplies or accessories thereto, shall have a lien on such vehicle or truck to secure payment thereof with costs.

Sect. 2. The lien mentioned in the preceding section shall

2 be dissolved unless the claimant, within thirty days after  
3 the labor is performed or materials furnished, or the ex-  
4 pense incurred as aforesaid, files in the office of the clerk  
5 of the town or city in which such work was performed, the  
6 true statement under oath, and the amount due him, with  
7 all credits given, together with a description of the car or  
8 truck, sufficiently accurate to identify it, and the name or  
9 names of the owner if known; such statement shall be sub-  
10 scribed and sworn to by the person, partnership or corpo-  
11 ration claiming such lien, or by some one duly authorized  
12 for that purpose, and shall be recorded in the office of said  
13 clerk in a book kept for that purpose, and the clerk who  
14 records the same shall be entitled to the same fees therefor  
15 as for recording mortgages.

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, are furnished, in which writ the party  
8 with whom the contract, express or implied, was made, for  
9 such labor, expense, materials, parts, storage, supplies or  
10 accessories, shall be made the party defendant. The decla-  
11 ration shall allege that the suit is brought to enforce the  
12 lien, but all the other forms and proceedings therein shall  
13 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  
4 affected, such owner may voluntarily appear and become  
5 party to the suit; if he does not appear, such notice of the  
6 suit as the court orders shall be given to the owner of the  
7 vehicle 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 are  
2 hereby repealed.