

# MAINE STATE LEGISLATURE

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Legislative Document

No. 177

H. P. 579

House of Representatives, January 27, 1949

Referred to the Committee on Judiciary, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Williams of Auburn.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-NINE

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**AN ACT Relating to Liens for Architects and Engineers.**

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

**Sec. 1. R. S., c. 164, § 34, amended.** The 1st sentence of section 34 of chapter 164 of the revised statutes is hereby amended to read as follows:

'Whoever performs labor or furnishes labor or materials **or performs services either as an architect or an engineer** in erecting, altering, moving or repairing a house, building or appurtenances, including any public building erected or owned by any city, town, county, school district or other municipal corporation, or in constructing, altering or repairing a wharf or pier, or any building thereon, by virtue of a contract with or by consent of the owner, has a lien thereon, and on the land on which it stands and on any interest such owner has in the same, to secure payment thereof, with costs.'

**Sec. 2. R. S., c. 164, § 35, amended.** Section 35 of chapter 164 of the revised statutes is hereby amended to read as follows:

'**Sec. 35. Lien, how prevented.** If the labor ~~or~~, materials **or services** were not furnished by a contract with the owner of the property affected, the owner may prevent such lien for labor ~~or~~, materials **or services** not then performed or furnished by giving written notice to the person performing or furnishing the same, that he will not be responsible therefor.'

**Sec. 3. R. S., c. 164, § 36, amended.** Section 36 of chapter 164 of the revised statutes is hereby amended to read as follows:

**'Sec. 36. Lien dissolved unless claim is filed in town clerk's office.** The lien mentioned in the preceding section shall be dissolved, unless the claimant within 60 days after he ceases to labor ~~or~~, furnish materials **or perform services** as aforesaid files in the office of the clerk of the town in which such building, wharf or pier is situated a true statement of the amount due him, with all just credits given, together with a description of the property intended to be covered by the lien sufficiently accurate to identify it, and the names of the owners, if known; which shall be subscribed and sworn to by the person claiming the lien, or by some one in his behalf, and recorded in a book kept for that purpose by said clerk who is entitled to the same fees therefor as for recording mortgages, but this section shall not apply where the labor ~~or~~, materials **or services** are furnished by a contract with the owner of the property affected.'

**Sec. 4. R. S., c. 164, § 37, amended.** Section 37 of chapter 164 of the revised statutes is hereby amended to read as follows:

**'Sec. 37. No inaccuracy avoids lien, if reasonably certain.** No inaccuracy in such statement relating to said property, if the same can be reasonably recognized, or in stating the amount due for labor ~~or~~, materials **or services**, invalidates the proceedings, unless it appears that the person making it wilfully claims more than his due.'

**Sec. 5. R. S., c. 164, § 38, amended.** Section 38 of chapter 164 of the revised statutes is hereby amended to read as follows:

**'Sec. 38. Liens may be preserved and enforced by bill in equity.** The liens mentioned in the 4 preceding sections may be preserved and enforced by bill in equity against the debtor and owner of the property affected and all other parties interested therein, filed with the clerk of courts in the county where the house, building or appurtenances, wharf, pier or building thereon, on which a lien is claimed, is situated, within 90 days after the last of the labor **or services** are ~~is~~ performed, or labor ~~or~~, materials **or services** are so furnished, and not afterwards, except as provided in the following section.'

**Sec. 6. R. S., c. 164, § 40, amended.** The 1st and 4th sentences of section 40 of chapter 164 of the revised statutes are hereby amended to read as follows:

'The bill shall state that the plaintiff claims a lien on the house, building or appurtenances, or on the wharf, pier or building thereon, as the case may

be, described therein, and the land on which it stands, for labor **or services** performed, or for labor ~~or~~, materials **or services** furnished, in erecting, altering, moving or repairing said house, building or appurtenances, or in constructing, altering or repairing said wharf, pier or building thereon, as the case may be; whether it was by virtue of a contract with or by consent of the owner, and if not, that the claimant has complied with the provisions of section 36.'

'Other lienors may be made parties; other lienors may become parties, and preserve and enforce their liens on said property, provided their petitions therefor, setting forth their claims in substance as required in a bill as aforesaid, be filed with the clerk within 90 days after the last labor **or services** ~~is~~ **are** performed, or the last labor ~~or~~, materials **or services** are furnished by them, as aforesaid, or within the additional time prescribed in the preceding section.'

**Sec. 7. R. S., c. 164, § 45, amended.** Section 45 of chapter 164 of the revised statutes is hereby amended to read as follows:

'**Sec. 45. Liens mentioned in §§ 34-37 may be enforced by action at law.** In addition to the remedy hereinbefore provided, the liens mentioned in sections 34, 35, 36 and 37 may be enforced by attachment in actions at law commenced in any court having jurisdiction in the county where the property on which a lien is claimed is situated, which attachment shall be made within 90 days after the last of the labor **or services** ~~is~~ **are** performed, or labor ~~or~~, materials **or services** are furnished, and not afterwards, except as provided in section 39.'

**Sec. 8. R. S., c. 164, § 49, amended.** The 1st sentence of section 49 of chapter 164 of the revised statutes is hereby amended to read as follows:

'Whoever performs labor **or services** or furnishes labor ~~or~~, materials **or services** in the laying out or construction of any road, path or walk, or in improving or beautifying any land in a manner commonly known as landscape-gardening, by virtue of a contract with or by consent of the owner, has a lien on the lot of land over which such road, path or walk is laid out or constructed, or on the land so improved and beautified, to secure payment thereof, with costs.'