

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

OF THE

FORTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE.

1868.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 26, 1840, and March 16, 1842.

AUGUSTA:
OWEN & NASH, PRINTERS TO THE STATE.
1868.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1868.

Chapter 205.

An act relating to final judgment recovered in certain actions of replevin.

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

Replevined property claimed as security, may be discharged by tender of payment of debt, &c.
Proviso.

In actions of replevin, when it appears that the right of the prevailing party is founded upon a claim upon the property replevined as security for a debt, upon the payment or tender of payment of such debt, with interest and costs, all his claim on the property replevied shall be thereby discharged, and judgment shall be for a return without costs; *provided however*, that the provisions of this act shall not apply to any case in which the title to the property replevied has become absolute by a foreclosure thereof in the manner now provided by law.

Approved March 6, 1868.

Chapter 206.

An act additional to an act entitled "an act defining a mutual and open account current," approved February twenty-eight, eighteen hundred and sixty-seven.

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

Chap. 117 public laws 1867, not to apply to actions pending at time of passage.

SECT. 1. The provisions of an act entitled "an act defining a mutual and open account current," approved February twenty-eight, eighteen hundred and sixty-seven, shall not be so construed as to apply to or affect any action pending at the time of the passage of said act.

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

Approved March 6, 1868.

Chapter 207.

An act relating to liens of mechanics and of persons furnishing materials.

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

Liens on buildings and lots for labor, &c., how enforced.

SECT. 1. A person who performs or furnishes labor or materials for erecting, altering or repairing a house, building or appurtenances, by virtue of a contract with or by consent of the owner, shall have a lien thereon, and on the lot of land on which it stands, or on any interest such owner has on the land or on the equity of redemption, if under mortgage, to secure payment of such lien,

and of the costs of its enforcement, which shall continue ninety days after payment becomes due, and may be enforced by attachment; and if a levy is made thereon, the appraisers may set out to the creditor a suitable lot for such building, if they think the whole not needed therefor.

If levy is made, lot may be set out for buildings.

SECT. 2. Such lien for materials furnished or labor performed shall not attach unless the person furnishing or performing the same, before so doing gives notice to the owner of the property to be effected by the lien, if such owner is not the purchaser or employer, that he intends to claim such lien.

Such lien not to attach unless owner is notified.

SECT. 3. The owner of any such house, building or appurtenances, other than the party by whom a contract for labor and materials has been made, may prevent the attaching of any lien for labor thereon, not at the time performed, or materials not then furnished, by giving notice in writing to the person performing such labor, or furnishing such materials, that he will not be responsible therefor.

Lien not to attach if notified by owner that he will not be responsible.

SECT. 4. Such lien shall be dissolved unless the person desiring to avail himself thereof, within thirty days after he ceases to labor on or furnish labor or materials for such house, building or appurtenances, files in the office of the clerk of the city or town in which the same is situated, a statement of a true and just account 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 for identification, with the name of the owner or owners of the property if known, which certificate shall be subscribed and sworn to by the person claiming the lien, or by some one in his behalf, and shall be recorded in a book kept for the purpose by the clerk of such city or town, who shall be entitled to the same fees therefor as for recording mortgages of equal length.

Lien dissolved unless claim, &c., is filed with clerk of city or town within thirty days.

SECT. 5. No inaccuracy in such statement relating to the property to be covered by the lien, if the property can be reasonably recognized, or in stating the amount due for labor or materials, shall invalidate the proceedings, unless it appears that the person filing the certificate has wilfully and knowingly claimed more than his due.

Lien not invalidated by inaccuracies if property can be recognized.

SECT. 6. Unless a suit for enforcing the lien is commenced within ninety days after the person desiring to avail himself thereof ceases to labor on, or furnish labor and materials for such house, building, or appurtenances, the lien shall be dissolved.

Suit to enforce lien must be commenced within ninety days.

SECT. 7. This act shall take effect when approved.