

# MAINE STATE LEGISLATURE

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LAWS  
OF THE  
STATE OF MAINE

AS PASSED BY THE

One Hundred and Seventh Legislature

AT THE

1ST SPECIAL SESSION

JANUARY 19, 1976 TO APRIL 29, 1976

AND

2ND SPECIAL SESSION

JUNE 14, 1976

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 164, SUBSECTION 6.

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PORTLAND LITHOGRAPH COMPANY  
PORTLAND, MAINE  
1977

**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
One Hundred and Seventh Legislature  
AT THE FIRST SPECIAL SESSION  
January 19, 1976 to April 29, 1976  
AND THE SECOND SPECIAL SESSION  
June 14, 1976

Supplementary to the Acts and Resolves of the Regular Session

[supplied from page 3097 of volume]

## CHAPTER 733

AN ACT Relating to Property of Survivor where Joint Deposits or  
Accounts are Involved.

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

Sec. 1. 9-B MRSA § 427, sub-§ 4, ¶ B, as enacted by PL 1975, c. 500, § 1 and as amended by PL 1975, c. 571, § 1, is repealed and the following enacted in place thereof:

B. Property of survivor. All such deposits or accounts, whenever opened or issued, payable to either or the survivor who are husband and wife including interest and dividends, in the name of the same persons in any financial institution within this State shall, in the absence of fraud or undue influence, upon the death of one of such persons, become the sole and absolute property of the survivor. All such deposits or accounts, whenever opened or issued, payable to either or 2 or more or the survivor of those persons who are parent and child, up to, but not exceeding an aggregate value of \$5,000, and payable to either or 2 or more or the survivor of persons who are not husband and wife or parent and child up to, but not exceeding an aggregate value of \$5,000 including interest and dividends, in the name of the same persons in all financial institutions within this State shall, in the absence of fraud or undue influence, upon the death of any such persons, become the sole and absolute property of the survivor or survivors, even though the intention of all or any one of the parties be in whole or in part testamentary and though a technical joint tenancy be not in law or fact created. The amount which so becomes the sole and absolute property of the survivor or survivors of persons who are not husband and wife shall be exclusive of, and in addition to, any amount to which the survivors are entitled under common law as contributors to the deposit or deposits, account or accounts, share or shares.

Sec. 2. 36 MRSA § 3461, sub-§ 1, ¶ D is repealed and the following enacted in place thereof:

D. By survivorship in any form of joint ownership, including joint bank deposits, joint building and loan shares, and credit union accounts held in the names of a husband and wife, but excluding such joint deposits, accounts and shares held in the names of any persons who are not husband and wife, whenever created, the value of decedent's interest in such joint ownership to be determined for the purpose of chapters 551 to 573 as provided by section 3632.

Sec. 3. 36 MRSA § 3632, as amended by PL 1965, c. 95, is repealed and the following enacted in place thereof:

§ 3632. Value of share of joint owners

If the decedent, at the time of his death, shall be the coowner of any form of property in any form of joint ownership with right of survivorship, whenever created, including joint bank deposits, joint building and loan shares, and credit union accounts held in the names of a husband and wife, but excluding such joint bank deposits, joint building and loan shares, and credit union

accounts held in the names of persons who are not husband and wife, the value of such joint ownership shall be determined by dividing the whole value of the property by the number of co-owners, regardless of the amount, if any, contributed by any individual co-owner.

Effective July 29, 1976

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## CHAPTER 734

### **AN ACT to Protect Owners and Bona Fide Purchasers of Real Property from Unrecorded Mechanics' Liens and to Protect Them from Double Payment to Contractors and Subcontractors.**

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

10 MRSA § 3255, as last amended by P.L. 1975, c. 91, § 2, is repealed and the following enacted in place thereof:

#### **§ 3255. Liens preserved and enforced by action**

1. **Enforcement by action.** The liens mentioned in sections 3251 to 3254 may be preserved and enforced by action 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 120 days after the last of the labor or services are performed or labor, materials or services are so furnished, except as provided in section 3256.

2. **Bona fide purchaser.** Any person who is a bona fide purchaser for value of a house, building or appurtenances, a public building erected or owned by any city, town, county, school district or other municipal corporation, or a wharf or pier or any building thereon, including the ground adjacent to and upon which any such objects are constructed, shall take title free of the lien described in this chapter, unless, before the bona fide purchaser takes title to the premises on which such lien attaches, the person performing or furnishing that labor, materials or services either has filed the notice required by section 3253 or has filed a notice in the office of the register of deeds in the county or registry district in which these premises are located, setting forth a description of the property sufficiently accurate to identify it; the names of the owners; that the claimant is going to perform or furnish, is performing or furnishing, or has performed or furnished labor, materials or services and that the claimant may claim a lien therefor. If notice provided by this subsection is filed, the lien claimant must also comply with the notice requirements of section 3253 and institute the legal action required by subsection 1 to the extent that this compliance is required in order to preserve his lien claim. The notice provided by this subsection shall only be effective relative to a bona fide purchaser for value for the period of 120 days from the date of recording thereof; provided that this notice may again be recorded any number of times, but further notices shall also only be effective relative