

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

SECOND SPECIAL SESSION

September 25, 1981

AND

THIRD SPECIAL SESSION

December 9, 1981

AND

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

AND AT THE

FOURTH SPECIAL SESSION

April 28, 1982 to April 29, 1982

AND AT THE

FIFTH SPECIAL SESSION

May 13, 1982

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

J.S. McCarthy Co.
Augusta, Maine
1981

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND AND THIRD SPECIAL SESSIONS

and

SECOND REGULAR SESSION

and

FOURTH AND FIFTH SPECIAL SESSIONS

of the

ONE HUNDRED AND TENTH LEGISLATURE

1981

Any person or his agent who denies or interferes with admittance to or enjoyment of the public facilities enumerated in section 3612 or otherwise interferes with the rights of a deaf or hearing impaired person under section 3612 commits a Class E crime.

Any person who fits a dog with a collar and leash of the type required by section 3612, subsection 3, in order to represent that the dog is a hearing ear dog when training of the type that a hearing ear dog normally receives has not in fact been provided, commits a civil violation for which a forfeiture not to exceed \$100 may be adjudged.

Effective July 13, 1982.

CHAPTER 585

S.P. 746 - L.D. 1749

AN ACT to Provide the District Courts with Concurrent Jurisdiction Over Mechanics Lien Actions.

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

Sec. 1. 4 MRSA §152, as last amended by PL 1981, c. 470, Pt. A, §4, is further amended by adding at the end a new paragraph to read:

The District Court shall also possess, concurrent with the Superior Court, original jurisdiction of all civil actions to enforce liens under Title 10, chapter 603, regardless of amount. Determination of the amount, under Title 10, section 3258, shall be made by the court.

Sec. 2. 10 MRSA §3255, sub-§1, as enacted by PL 1975, c. 734, is amended to read:

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 Superior Court or District Court clerk of courts in the county or division 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.

Sec. 3. 10 MRSA §3257, as amended by PL 1971, c. 91, §4, is further amended by adding after the 5th sentence a new sentence to read:

If a court finds that in the interest of justice an action claiming a lien on property should be located in another court of this State, the court making the finding may transfer the action to the other court.

Sec. 4. 10 MRSA §3259, 6th sentence is amended to read:

The lienors shall share pro rata, provided their complaints or motions therefor are filed with the clerk of ~~courts~~ the court in which the order of sale is granted prior to the order of sale and within the time mentioned in sections 3255, 3256 and 3257.

Sec. 5. 10 MRSA §3261, as enacted by PL 1967, c. 106, is amended to read:

§3261. Certificate to be filed with register of deeds

When any complaint provided for in chapters 601 to 631 in which a lien is claimed on real estate is filed with the Superior Court or District Court clerk, he shall forthwith, upon written request of the plaintiff's attorney, file a certificate, setting forth the names of the parties, the date of the complaint and of the filing thereof, and a description of the said real estate as described in said complaint, in the registry of deeds for the county or district in which the land is situated.

Sec. 6. 10 MRSA §3262, as enacted by PL 1975, c. 91, §5, is amended to read:

§3262. Enforcement by attachment

In addition to the remedy provided, the liens mentioned in sections 3251 to 3254 may be enforced by attachment in actions commenced in any court having jurisdiction in the county or division where the property on which a lien is claimed is situated, which attachment shall be made within 180 days after the last of the labor or services are performed, or labor, materials or services are furnished, and not afterwards, except as provided in section 3256.

Sec. 7. 10 MRSA §3263 is amended to read:

§3263. Petition for release

Any owner of a building, wharf, pier or real estate upon which a lien is claimed may petition in writing a Justice of the Superior Court the judge or justice of the court in which the lien action is filed setting forth the name of the lienor, the court and county or division in which the action is pending, the fact that a lien is claimed thereon under sections 3251 to 3254, the particular building, wharf, pier or real estate, and his interests therein, its value and his desire to have it released from said lien. ~~Such~~ The judge or justice shall issue a written notice which shall be served on the lienor or his attorney 10 days at least prior to the time fixed therein for a hearing. At the hearing, ~~such the judge or justice~~ may order such owner to give bond to the lienor in such amount and with such sureties as he may approve, conditioned to pay the amount for which such lienor may be entitled to a lien as determined by the court, with his costs in the action, within 30 days after final decree or judgment. The clerk shall give the plaintiff an attested copy of the complaint and proceedings, with a certificate under seal of the court attached thereto, that such bond has been duly filed in his office. The record of such copy and certificate in the registry of deeds, in the county or district where such real estate or interest therein lies, vacates the lien.

Sec. 8. 10 MRSA §3264 is amended to read:

§3264. Consolidation of actions

When 2 or more proceedings are pending at the same time, in whatever court or courts, to enforce liens on the same house, building or appurtenances, wharf, pier and building thereon, upon complaint of any lienor who has commenced such proceedings, or of the owner of the building, wharf or pier, a Justice of the Superior Court or Judge of the District Court after notice and hearing may, if justice requires it, order all such actions to be transferred to the Superior Court or District Court and require the parties in all such proceedings, in whatever court commenced, to plead substantially in the manner prescribed in section 3257, and thereafter all the proceedings shall be in accordance with said section and sections 3265, 3451, 3452, 3501 and 3601. While such complaint is pending all such actions shall stand continued.