CHAPTER 603

BUILDINGS, LOTS, WHARVES AND PIERS; LABOR AND MATERIALS

§3251. Lien established

A person who performs labor or furnishes labor or materials, including repair parts of machines used, or performs services as a surveyor, an architect, a forester licensed under Title 32, chapter 76 or an engineer, or as a real estate licensee, or as an owner-renter, owner-lessor, or owner-supplier of equipment used 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, including the surveying, clearing, grading, draining, excavating or landscaping of the ground adjacent to and upon which any such objects are constructed, or in selling any interest in land, improvements or structures, 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 the owner has in the same, to secure payment thereof, with costs. If the owner of the building has no legal interest in the land on which the building is erected or to which it is moved, the lien attaches to the building, and if the owner of the wharf or pier has no legal interest in the land on which the wharf or pier is erected, the lien attaches to the wharf or pier, and in either case may be enforced as provided. If the owner of the land, building, wharf or pier, so contracting, is a minor, the lien exists and that minority does not bar a recovery in any proceeding brought to enforce it. [PL 2025, c. 390, Pt. B, §21 (AMD).]

SECTION HISTORY

PL 1971, c. 421 (AMD). PL 1991, c. 280 (AMD). PL 1993, c. 137, §1 (AMD). PL 1997, c. 264, §1 (AMD). PL 2015, c. 56, §1 (AMD). PL 2025, c. 390, Pt. B, §21 (AMD).

§3252. Prevention of lien

If the labor, materials or services were not furnished by a contract with the owner of the property affected, the owner may prevent a lien under section 3251 for labor, materials or services not then performed or furnished, by giving written notice to the person performing or furnishing the labor, materials or services that the owner will not be responsible for the performing or furnishing of the labor, materials or services. [RR 2023, c. 2, Pt. C, §68 (COR).]

SECTION HISTORY

RR 2023, c. 2, Pt. C, §68 (COR).

§3253. Dissolution unless claim filed

1. Filing of claim. The lien under section 3252 is dissolved unless the claimant, within 90 days after ceasing to labor, furnish materials or perform services:

A. Files in the office of the register of deeds in the county or registry district in which the building, wharf or pier is situated a true statement of the amount due the claimant, 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. The statement must be subscribed and sworn to by the person claiming the lien, or by someone in the claimant's behalf, and recorded in a book kept for that purpose by the register of deeds for the county or registry district, who is entitled to the same fees as for recording mortgages; and [PL 2005, c. 287, §1 (NEW).]

B. Provides a copy of the statement under paragraph A to the owner or owners by ordinary mail. For purposes of this paragraph, a post office certificate of mailing the notice to the owner is conclusive proof of receipt by the owner. [PL 2005, c. 287, §1 (NEW).]

[PL 2005, c. 287, §1 (NEW).]

2. Exemption for contract with owner. This section does not apply when the labor, materials or services are furnished by a contract with the owner of the property affected.
[PL 2005, c. 287, §1 (NEW).]

SECTION HISTORY

PL 1975, c. 91, §1 (AMD). PL 2005, c. 287, §1 (RPR).

§3254. Inaccuracy does not void lien if reasonably certain

An inaccuracy in the statement under section 3253 relating to the property, if the property can be reasonably recognized, or in stating the amount due for labor, materials or services does not invalidate the proceedings, unless it appears that the person making it willfully claims more than the person's due.
[RR 2023, c. 2, Pt. C, §69 (COR).]

SECTION HISTORY

RR 2023, c. 2, Pt. C, §69 (COR).

§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 Superior Court or District Court clerk 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. If the labor, materials or services were not performed or furnished by a contract with the owner of the property affected, the claimant may not serve the complaint and summons, as provided in the Maine Rules of Civil Procedure, on the owner until 30 days after the date of filing of the complaint and any deadline for filing a return of service on the owner provided in the Maine Rules of Civil Procedure is tolled for 30 days.
[PL 2005, c. 287, §2 (AMD).]

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, takes 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:

A. 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; and [PL 2005, c. 311, §1 (NEW).]

B. If an action to enforce the lien has been commenced in accordance with this section, notice has been provided in accordance with section 3261. [PL 2005, c. 311, §1 (NEW).]

If the claimant is a real estate licensee, the claimant shall also send notice by certified mail, return receipt requested, or provide actual written notice as described in this subsection to the bona fide purchaser before the purchaser takes title to the premises on which the claimant's lien attaches. If notice is not provided, the purchaser takes title free of this lien. 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 the claimant's lien claim. The notice provided by this subsection is only 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 are also only effective relative to a bona fide purchaser for value for the period of 120 days each from the date of their respective recordings.
[PL 2005, c. 311, §1 (RPR).]

3. Notice to owner. If the labor, materials or services were not performed or furnished by a contract with the owner of the property affected, the lien described in this chapter may only be enforced against the property affected to the extent of the balance due to the person with whom the owner has directly contracted to perform or furnish the labor, materials and services on which that lien claim is based. The defense established by this subsection shall only be available with respect to sums paid by the owner to the person with whom the owner has directly contracted where payment was made prior to commencement of an action to enforce such lien by the person performing or furnishing labor, materials or services without a contract with the owner or a written notice from the person performing or furnishing labor, materials or services without a contract with the owner which sets forth a description of the property sufficiently accurate to identify it; the names of the owners; that the person giving notice is going to perform or furnish, is performing or furnishing or has performed or furnished labor, materials or services; that the person giving notice may claim a lien therefor and which shall contain the following warning at the top of the notice:

> Under Maine law, your failure to assure that ..... (name of the claimant giving notice) is paid before further payment by you to ..... (name of contractor) may result in your paying twice.

The total amount due from the owner to those performing or furnishing labor, materials or services without a contract with the owner may not exceed the balance due from the owner to the person with whom the owner has directly contracted at the time of service of process on the owner in a lien action or receipt of the written notice described above, whichever occurs first.

If the owner does not reside in the place where the property is located, but has a known agent in that place, notice may be given to the agent or to the owner at the place where the owner resides. If the notice provided by this subsection is given, the lien claimant must also comply with the notice requirements of section 3253 and commence the legal action required by subsection 1 to the extent that this compliance is required in order to preserve the claimant's lien claim.

This subsection shall not apply where labor, materials or services are performed or furnished to the premises for a business, commercial or industrial purpose unless the owner resides on the premises affected.
[RR 2023, c. 2, Pt. C, §§70, 71 (COR).]

SECTION HISTORY

PL 1973, c. 310 (AMD). PL 1975, c. 91, §2 (AMD). PL 1975, c. 734 (RPR). PL 1981, c. 585, §2 (AMD). PL 1993, c. 137, §2 (AMD). PL 2005, c. 287, §2 (AMD). PL 2005, c. 311, §1 (AMD). RR 2023, c. 2, Pt. C, §§70, 71 (COR).

§3256. Extension of lien

When the owner dies, the owner is adjudicated a bankrupt or a warrant in insolvency issues against the owner's estate within the 120 days and before the commencement of an action, the action may be commenced within 90 days after such adjudication, or after notice given of the election or appointment of the assignee in insolvency, executor or administrator, or the revocation of the warrant. The lien must be extended accordingly. [RR 2023, c. 2, Pt. C, §72 (COR).]

SECTION HISTORY

PL 1975, c. 91, §3 (AMD). RR 2023, c. 2, Pt. C, §72 (COR).

§3257. Allegations of complaint; joinder of parties

The complaint 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, 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 section 3253. The complaint shall pray that the property be sold and the proceeds applied to the discharge of such lien. Two or more lienors may join in filing and prosecuting such a complaint. Other lienors may be made parties. Other lienors may become parties and preserve and enforce their liens on said property, provided their complaints therefor, setting forth their claims in substance as required in a complaint be filed with the clerk within 120 days after the last labor or services are performed or the last labor, materials or services are furnished by them or within the additional time prescribed in section 3256. 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. The court may consolidate 2 or more actions claiming liens on the same property into one proceeding, if justice shall so require. Any mortgagee or other person having a claim upon, or interested legally or equitably in, said property may be made a party. The court shall have power to determine all questions of priority of lien or interest, if any, between parties to the proceeding. [PL 1981, c. 585, §3 (AMD).]

SECTION HISTORY

PL 1975, c. 91, §4 (AMD). PL 1981, c. 585, §3 (AMD).

§3258. Determination of amount; jury trial

The court shall determine the amount for which each lienor has a lien upon the property by jury trial, if either party so requests in complaint or answer; otherwise in such manner as the court shall direct. Such determination shall be conclusive as to the fact and amount of the lien, subject to appeal as in other actions. Any lienor may contest another lienor's claim upon issues framed under direction of the court.

§3259. Sale of property; redemption; pro rata shares

If it is determined that the parties or any of them, claiming a lien, have a lien upon said building and land or upon said wharf, pier, building and land, the court may decree that said property, or such interest in it as is subject to the liens or any of them, shall be sold, and shall prescribe the place, time, terms, manner and conditions of such sale. The court may order an adjournment of such sale from time to time, or the manner and conditions of any adjournment of such sale may be prescribed in the decree. A deed of the officer of the court, appointed to make such sale, recorded in the registry of deeds where the land lies, within 3 months after the sale, shall convey all the title of the debtor and the owner in the property ordered to be sold. If justice requires, the court may provide in the order of sale that the owner shall have a right to redeem the property from such sale within a time fixed in the order of sale. If the court shall determine that the whole of the land on which the lien exists is not necessary therefor, it shall describe in the order of sale a suitable lot therefor; and only so much shall be sold. The lienors shall share pro rata, provided their complaints or motions therefor are filed with the clerk of 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. The court may make such decree in regard to costs as is equitable. [PL 1981, c. 585, §4 (AMD).]

SECTION HISTORY

PL 1981, c. 585, §4 (AMD).

§3260. Deficiency; judgment for balance

If the proceeds of the sale after payment of costs and expenses of sale are insufficient to pay the lien claims and costs in full, the court may render judgment against the debtor in favor of each individual lienor for the balance of the individual lienor's claim and costs remaining unpaid and may issue executions for the judgments. If the proceeds of sale, after the payment of costs and expenses of sale, are more than sufficient to pay the lien claims and all costs in full, the balance remaining must be paid to the person or persons legally or equitably entitled to the remaining balance. [RR 2023, c. 2, Pt. C, §73 (COR).]

SECTION HISTORY

RR 2023, c. 2, Pt. C, §73 (COR).

§3261. Certificate to be filed with register of deeds

1. Certificate of court clerk. When a 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, the clerk 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 of the complaint and a description of the real estate as described in the complaint in the registry of deeds for the county or district in which the land is situated.
[PL 2005, c. 311, §2 (NEW).]

2. Notice of lien complaint. When a complaint has been filed with the Superior Court or District Court pursuant to this chapter, the claimant shall, within 60 days of the date on which the complaint was filed, cause to be recorded in the registry of deeds for the county or district in which the land is situated either:

A. A certificate of the court clerk in accordance with subsection 1; [PL 2005, c. 311, §2 (NEW).]

B. An affidavit of the claimant or claimant's attorney setting forth the name of the court in which the complaint was filed, the names of the parties, the date of the complaint and of the filing of the complaint, a description of the real estate as described in the complaint and the name, address and telephone number of the claimant or the claimant's attorney; or [PL 2005, c. 311, §2 (NEW).]

C. An attested copy of the complaint. [PL 2005, c. 311, §2 (NEW).]
[PL 2005, c. 311, §2 (NEW).]

3. Failure to file notice of lien complaint. The failure to file notice of a lien complaint in accordance with subsection 2 does not invalidate a lien, but if notice of the filing of a lien complaint is not recorded in the registry of deeds in accordance with this section before a bona fide purchaser takes title to the premises, the bona fide purchaser for value takes title free of the lien.
[PL 2005, c. 311, §2 (NEW).]

SECTION HISTORY

PL 1967, c. 106 (AMD). PL 1981, c. 585, §5 (AMD). PL 2005, c. 311, §2 (RPR).

§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. [PL 1981, c. 585, §6 (AMD).]

SECTION HISTORY

PL 1975, c. 91, §5 (AMD). PL 1981, c. 585, §6 (AMD).

§3263. Petition for release

Any owner of a building, wharf, pier or real estate upon which a lien is claimed may petition in writing 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 under sections 3251 to 3254, the particular building, wharf, pier or real estate, and the owner's interests in the building, wharf, pier or real estate, its value and the owner's desire to have it released from the lien. The judge or justice shall issue a written notice, which must be served on the lienor or the lienor's attorney 10 days at least prior to the time fixed in the notice for a hearing. At the hearing, the judge or justice may order the owner to give bond to the lienor in an amount and with sureties as the judge or justice may approve, conditioned to pay the amount for which the lienor may be entitled to a lien as determined by the court, with the lienor's 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 to the copy of the complaint and proceedings, that the bond has been duly filed in the clerk's office. The record of the copy and certificate in the registry of deeds, in the county or district where the real estate or interest in the real estate lies, vacates the lien. [PL 2025, c. 390, Pt. A, §19 (AMD).]

SECTION HISTORY

PL 1981, c. 585, §7 (AMD). PL 2025, c. 390, Pt. A, §19 (AMD).

§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. [PL 1981, c. 585, §8 (AMD).]

SECTION HISTORY

PL 1981, c. 585, §8 (AMD).

§3265. Sale on execution; several judgments; redemption

When a judgment is rendered in an action authorized by chapter 601 to 631 against any house, building or appurtenances, wharf, pier or building on a wharf or pier, and the land on which it stands, or any interest that the owner of such house, building or appurtenances, wharf or pier has in such land, the property must be taken and sold on execution in the same manner that rights of redeeming mortgaged real estate may be taken and sold. If 2 or more such judgments are rendered at the same term of the same court, the court shall direct in writing on which execution the property must be sold, and in that event, and in the event that the officer holding any execution recovered under chapters 601 to 631 is notified in writing by any lienor who has caused the property to be attached or who has filed the lienor's action claiming a lien as provided, that the lienor claims a portion of the proceeds of the sale, that officer, unless all owners of such judgments and all lienors so notifying such officer otherwise direct, shall sell the property and, after deducting the fees and expenses of sale, shall return the balance into the court of highest jurisdiction in which any such lien action is pending or in which such a lien judgment has been rendered, and the court shall distribute the fund pro rata among the lienors who shall satisfactorily prove their right to share in the same. The court issuing execution on which the sale is made may fix the time within which the owner has the right to redeem the property from such sale. The court distributing the fund may make such decree in regard to costs as is equitable. Any balance not required to pay such lien claims and costs must be paid to the person or persons legally or equitably entitled to the balance. [RR 2023, c. 2, Pt. C, §74 (COR).]

SECTION HISTORY

RR 2023, c. 2, Pt. C, §74 (COR).

§3266. Action or lien

Any action or lien provided for or regulated under this chapter may be taken by an individual, or individuals, or may be taken on the behalf of individuals by a labor organization having the duty to represent such individual under federal law or by collective bargaining agreement. [PL 1973, c. 551 (NEW).]

SECTION HISTORY

PL 1973, c. 551 (NEW).

§3267. Liens for labor

Liens for labor described in this chapter shall include compensation for labor in the form of wages and all fringe benefits either payable to or on behalf of the laborer, including health plans, health and accident plans, retirement and retirement plans, vacation plans or funds, insurance of all kinds and all other fringe benefits. [PL 1973, c. 551 (NEW).]

SECTION HISTORY

PL 1973, c. 551 (NEW).

§3268. Action brought by labor organization

No action brought by a labor organization under this chapter shall be settled, dismissed or disposed of without the approval of the court. [PL 1973, c. 551 (NEW).]

SECTION HISTORY

PL 1973, c. 551 (NEW).

§3269. Limitations

Sections 3266, 3267 and 3268 shall not apply to: [PL 1973, c. 551 (NEW).]

1. Buildings. Any building designed for occupancy by not more than 4 families and its appurtenances;
[PL 1973, c. 551 (NEW).]

2. Claims. Any claim or a portion of a claim which does not meet the time requirements of sections 3253 and 3256.
[PL 1973, c. 551 (NEW).]

SECTION HISTORY

PL 1973, c. 551 (NEW).

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