

HOUSE No. 1371

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel Cahill

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to private construction contracts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Daniel Cahill</i>	<i>10th Essex</i>	<i>1/18/2019</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>1/30/2019</i>

HOUSE No. 1371

By Mr. Cahill of Lynn, a petition (accompanied by bill, House, No. 1371) of Daniel Cahill and Paul McMurtry relative to private construction contract liens. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 729 OF 2017-2018.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to private construction contracts.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 7 of chapter 254 of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by inserting after subsection (e) the following subsection:-
3 (f) A lien under section two of this chapter that is dissolved by the filing of a notice under
4 section 10 of this chapter to enable the registration or recording of a first mortgage, which
5 includes the funding, financing or payment of labor, including construction management and
6 general contractor services, and material or rental equipment, appliances, or tools furnished or to
7 be furnished by virtue of the lien claimant’s contract, and is re-filed or re-recorded within 7 days
8 after the registration or recording of such first mortgage, shall be subject to the provisions of
9 subsection (b); provided however that such lien shall also avail against such first mortgage to the

10 extent of all retainage withheld from the lien claimant prior to and after the registration or
11 recording of such first mortgage.

12 SECTION 2. Section 29E of chapter 149 of the General Laws, as so appearing, is hereby
13 amended by inserting after the word “and”, in line 87, the following words:- , except as provided
14 below,.

15 SECTION 3. Section 29E of said chapter 149 is hereby further amended by inserting
16 after the word “payment”, in line 94, the following words:- A lien under section two of chapter
17 254 that is dissolved and re-filed or re-recorded as provided in section 7(f) of chapter 254 shall
18 not be deemed a dissolution within the meaning of this subsection (e)(2).

19 SECTION 4. Section 29E of said chapter 149 is hereby further amended by striking out,
20 in line 24, the figure “30” and inserting in place thereof the following figure:- 31.