

SENATE No. 2023

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

SENATE, Monday, October 5, 2015

The committee on Labor and Workforce Development to whom was referred the petition (accompanied by bill, Senate, No. 985) of Brian A. Joyce and James Arciero for legislation relative to private construction contracts,- reports the accompanying bill (Senate, No. 2023).

For the committee,
Daniel A. Wolf

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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.