HOUSE DOCKET, NO. 216 FILED ON: 1/10/2017

HOUSE . . . . . No. 729

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:
Daniel Cahill	*10th Essex*	*1/10/2017*

HOUSE DOCKET, NO. 216 FILED ON: 1/10/2017

HOUSE . . . . . No. 729

By Mr. Cahill of Lynn, a petition (accompanied by bill, House, No. 729) of Daniel Cahill relative to private construction contract liens. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

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:

SECTION 1. Section 7 of chapter 254 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after subsection (e) the following subsection:-

(f) A lien under section two of this chapter that is dissolved by the filing of a notice under section 10 of this chapter to enable the registration or recording of a first mortgage, which includes the funding, financing or payment of labor, including construction management and general contractor services, and material or rental equipment, appliances, or tools furnished or to be furnished by virtue of the lien claimant's contract, and is re-filed or re-recorded within 7 days after the registration or recording of such first mortgage, shall be subject to the provisions of subsection (b); provided however that such lien shall also avail against such first mortgage to the extent of all retainage withheld from the lien claimant prior to and after the registration or recording of such first mortgage.

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

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

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