

By Mrs. Newman of Cambridge, petition of Henry D. Winslow for regulating further the filing of liens by the Division of Employment Security. Commerce and Labor.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Nine.

AN ACT FURTHER REGULATING THE FILING OF LIENS BY THE DIVISION OF EMPLOYMENT SECURITY.

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

1 Subsection (e) of section 15 of chapter 151A of the General
2 Laws, inserted by chapter 533 of the acts of 1968, is hereby
3 amended by striking out paragraph (6) and inserting in
4 place thereof the following paragraph:—

5 (6) If an assessment, or any administrative decision upon
6 review thereof, has become final and the contributions, in-
7 terest or penalties thereby assessed remain unpaid, the direc-
8 tor may file with any registry of deeds in any county in which
9 the employer has real property, or with the clerk of the city
10 or town where the employer has his principal place of busi-
11 ness, or in any other city or town in which the employer has
12 personal property, a certificate or a copy thereof under his
13 official seal, stating: the name and address of the employer,
14 the amount of the contributions, interest or penalties assessed
15 and in default, and that the time in which administrative or
16 judicial review is permitted, has expired without an appeal
17 having been duly filed and recorded in a registry of deeds, the
18 amount of the assessment shall be a lien upon the entire
19 interest of the employer, legal or equitable, in any real prop-
20 erty situated within the district of the registry where the
21 certificate or a copy thereof was filed. When such certificate
22 is duly filed and recorded with a city or town clerk, the
23 amount of the assessment shall be a lien upon the entire

24 interest of the employer, legal or equitable, in any personal
25 property, tangible or intangible, situated within the city or
26 town where the certificate or a copy thereof was filed. The
27 priority of said liens shall be governed by the provision of
28 section seventeen.

29 Such lien on real estate, or a combination of real estate and
30 personal property, shall be enforceable in the superior court
31 for the county where any parcel of the real estate lies by a
32 petition in equity brought by the director against all persons
33 appearing of record to be interested in the real estate or per-
34 sonal property subject to such lien, whether as equity owners,
35 mortgagees, lienors, attaching creditors or otherwise. Such
36 petition shall allege the amount claimed under such lien and
37 incorporate a certified copy of the recorded instrument cre-
38 ating such lien. At any time before final decree, the court,
39 of its own motion or upon the suggestion of any party, may
40 issue a precept to any other person appearing to have an
41 interest, directing him to appear on or before a specified day
42 or be forever barred from redeeming from such lien. Such
43 petition, if brought to enforce a lien on personal property
44 only, shall be brought in the county where the employer re-
45 sides or has his principal place of business. No fee shall be
46 paid by the director for the filing of a certificate or petition,
47 no exemption shall be allowed from the levy of an execution
48 and no indemnifying bond shall be required by the sheriff
49 or other officer before making a levy.