

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 462, L.D. 653, Bill, "An Act Concerning Abandoned Property"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 29 MRSA §2610, sub-§1, as enacted by PL 1987, c. 598, §4, is repealed and the following enacted in its place:

1. Application. This section applies to a vehicle that is:

A. Towed at the request of the owner or driver;

B. Towed pursuant to section 1111;

C. Towed after being left on property without permission;

D. Left on property without the permission of the property owner or person in charge of the property or premises where the vehicle is located; or

E. Left at a place of business after being repaired pursuant to a written work order signed by the person requesting the repair work.

If a person abandons a vehicle described by this subsection, the owner of the premises or property where the vehicle is located may obtain a letter of ownership or a certificate of title by complying with this section. A vehicle is abandoned if the owner or lienholder does not retrieve it and pay all reasonable charges for towing, storing and authorized repair of the vehicle within 14 days of publication as required by subsection 2 or within 14 days of receipt of the notice required by subsection 3. A vehicle towed for snow removal purposes is exempt from this section for 48 hours immediately following completion of the tow.

2 **Sec. 2. 29 MRSA §2610, sub-§§2, 3 and 4**, as enacted by PL 1987,
c. 598, §4, are amended to read:

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6 **2. Owner and lienholder unknown.** If the owner of a vehicle
8 described in subsection 1 is unknown, the owner of the premises
10 or property where the vehicle is located shall inquire of the
12 Secretary of State in writing whether the Secretary of State's
14 records contain information as to the owner and lienholder, if
16 any, of the vehicle. That inquiry ~~shall be made no later than 30~~
18 ~~days after receipt of the vehicle and shall~~ must include the
vehicle's make, model, year, body type, vehicle identification
number and any registration and plates on the vehicle. Upon
receipt of the inquiry, the Secretary of State shall provide the
holder of the vehicle with ~~any information on record as to~~ the
name and address of the vehicle's owner and lienholder or shall
state that no record of the vehicle is on file.

20 A. If the Secretary of State provides the name of the owner
22 or lienholder, the holder of the vehicle shall comply with
subsection 3.

24 B. If the Secretary of State finds no record of the
26 vehicle, the owner of the premises or property where the
28 vehicle was ~~brought or abandoned~~ is located shall publish,
at least twice in a newspaper of general circulation in the
county where the premises or property is located, a notice
which shall ~~that~~ clearly describe describes the vehicle and
state states that if the owner of the vehicle or lienholder
has not properly ~~claimed~~ retrieved it and paid all
reasonable ~~costs and~~ charges for its towing and storage
within 14 days from the date of last publication, ownership
of the vehicle shall will pass to the owner of the property
or premises where the vehicle is located. The notice shall
must clearly state how the owner of the premises or property
may be contacted.

38 ~~Removal of the vehicle or any part, accessory or personal~~
40 ~~item from the vehicle without the written consent of the~~
42 ~~owner or person in charge of the premises or property where~~
~~the vehicle is located is a Class E crime.~~

44 **3. Owner or lienholder known.** If the owner or lienholder
46 of a vehicle described in subsection 1 is known, the owner of the
48 premises or property where the vehicle is located shall mail
50 notice to the owner and ~~lienholder, if any.~~ If the lienholder is
known, notice must also be sent to the lienholder. ~~Such notice~~
~~shall be mailed not later than 30 days after receipt of the~~
~~vehicle if no repair work, garaging, storing or parking was~~
~~authorized by the vehicle's owner or driver, or not later than 30~~
~~days following completion of any authorized repair work,~~

garaging, ~~storing or parking~~. The notice shall must clearly describe the vehicle and must give the vehicle's location of the vehicle and the storage fee, if any, and state that if the owner or lienholder has not properly claimed retrieved the vehicle and paid all reasonable costs and charges for its towing, storage and authorized repair work within 14 days of receipt of the notice, ownership of the vehicle shall will pass to the owner of the premises or property where the vehicle is located, as provided in subsection 4. The notice shall must be sent by certified mail, return receipt requested. If the notice is returned unclaimed or can not to be delivered, the person required to give the notice shall comply with the publication requirements of subsection 2, paragraph B within 10 work days of the return of the notice.

4. **Evidence of compliance.** A person who has complied with subsection 2 or 3 may shall present evidence of compliance to the Secretary of State immediately after the 14-day notice period. The Secretary of State may not issue a letter of ownership or certificate of title until at least 30 days after the date on which the person first has possession and control over the vehicle. The Secretary of State shall , upon being satisfied that the person has notified or has attempted to notify all parties with an interest in the vehicle, may issue certificates of title or letters of ownership as follows.

A. For vehicles not required to be titled, upon presentation of sufficient evidence and payment of a \$5 fee, the Secretary of State may issue a letter of ownership indicating compliance with subsection 2 or 3.

B. For vehicles subject to chapter 21, upon presentation of sufficient evidence and application for certificate of title in accordance with section 2364, and payment ~~for~~ a of the fee set forth in section 2352, the Secretary of State may issue a certificate of title in accordance with chapter 21.

If the owner or lienholder of the vehicle retrieves it and pays the towing, storage and repair charges before the Secretary of State issues a letter of ownership or certificate of title, the person holding the vehicle must immediately release it to the person paying the charges and must immediately notify the Secretary of State of the release.

Sec. 3. 29 MRSA §2610, sub-§5, as enacted by PL 1987, c. 598, §4, is repealed and the following enacted in its place:

5. **Limits.** If the inquiry to the Secretary of State required by subsection 2 or the notice required by subsection 3 is made more than 30 days after receipt of a vehicle described in subsection 1, the person holding the vehicle may not collect more than 30 days of storage fees.

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Sec. 4. 29 MRSA §2610, sub-§7 is enacted to read:

7. Removal of vehicle. Removal of a vehicle described in subsection 1 or of any part or accessory from the vehicle without the written consent of the owner or persons in charge of the premises or property where the vehicle is located is a Class E crime. This subsection applies to all persons, including the owner of the vehicle.

Sec. 5. 29 MRSA §§2611 and 2612 are enacted to read:

§2611. Removal of personal property from certain motor vehicles

The removal of any items of personal property from any vehicle that is described in section 2610, subsection 1 while the vehicle is in the possession or on the premises of a garage, parking lot or service station, without verbal or written permission of the owner or manager of the premises or property where the vehicle is located is a civil violation for which a forfeiture of \$200 may be adjudged. This section applies to all persons, including, but not limited to, the owner of the vehicle, except that if any towing, storage or repair charges owed to the garage, parking lot or service station where the vehicle is located have been paid in full, any personal property contained in the vehicle must be immediately released to the person identified as the owner of the personal property.

§2612. Sale of abandoned personal property

Any items of personal property left in any vehicle described in section 2610, subsection 1 are presumed to be abandoned, if not claimed by the owner on or before the date ownership of the vehicle passes to the owner of the property or premises where the vehicle is located pursuant to section 2610. That personal property may be disposed of by the owner of the property or premises where the vehicle is located pursuant to the provisions of Title 33, section 1818, subsections 2 and 3 in the same manner as a landlord disposes of property left by a tenant, except that, after applying the proceeds of the sale to the expenses of notice and sale, the owner of the property or premises may apply any remaining proceeds to any charges due to that owner for the towing, storage or repair of the vehicle in which the property sold was located.

FISCAL NOTE

Costs associated with implementing certain changes to the laws governing abandoned vehicles, including determining prior

2 owners of vehicles, will be absorbed by the Division of Motor
Vehicles utilizing existing budgeted resources.

4 This bill establishes a new Class E crime and a civil
violation. The additional work load and administrative costs
6 associated with a minimal number of new cases filed in District
Court as a result of the violations will be absorbed within the
8 budgeted resources of the Judicial Department.

10 Sentences imposed for a Class E offense must be served in a
county jail facility. The projected cost to a county for each
12 person sentenced under the new Class E crime is approximately
\$3,820 and is based upon an average length of stay of 67 days.'

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STATEMENT OF FACT

18 This amendment reorganizes the Maine Revised Statutes, Title
29, section 2610, subsection 1 and limits the abandoned vehicle
20 law to vehicles that are towed, left on private property or left
at a place of business after being repaired. The amendment also
22 removes the requirement that the holder of an abandoned vehicle
must act within 30 days of receipt of the vehicle, instead
24 placing a cap on storage fees if action is taken more than 30
days after receipt. The changes require the Secretary of State
26 to delay issuing an ownership document until the holder of an
abandoned vehicle has had the vehicle for at least 30 days, and
28 requires that the vehicle be released if the owner pays all
charges before the Secretary of State acts. The amendment
30 excludes vehicles towed for snow removal purposes from the
abandoned vehicle law for 48 hours after being towed. The
32 amendment also creates a new section of the law to deal
separately with the issue of removing items of personal property
34 from a vehicle that is described in section 1 of the amendment.
The last section of the amendment creates a new section in the
36 statutes to deal with the disposal of personal property that has
been left in an abandoned vehicle and utilizes the same
38 procedures in the existing abandoned property laws that are used
by landlords to dispose of personal property left behind by
40 former tenants.

Reported by the Minority of the Committee on Transportation
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House
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