

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

Kennebec Journal
Augusta, Maine
1979

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
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ONE HUNDRED AND NINTH LEGISLATURE
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CHAPTER 327

H. P. 669 — L. D. 829

AN ACT Concerning Writ of Possession and Abandoned Property.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 14 MRSA § 6005 is amended to read:

§ 6005. Writ of possession; service

When the defendant is defaulted or fails to show sufficient cause, judgment shall be rendered against him **by the District Court** for possession of the premises and a writ of possession be issued to remove him, which may be served by a constable.

Sec. 2. 14 MRSA § 6013 is enacted to read:

§ 6013. Property abandoned by tenants

Any property abandoned or unclaimed by a tenant shall be disposed of according to Title 33, chapter 27.

Sec. 3. 33 MRSA § 1313 is enacted to read:

§ 1313. Property held by landlords

1. **Presumption of abandonment.** All property held by a landlord that has been left on the premises after a tenant has terminated his tenancy or vacated the premises shall be presumed abandoned if it has not been claimed within 30 days of the termination, vacating or service of a writ of possession.

2. **Reducing tangible property to cash.** Tangible property presumed to be abandoned under this section may be sold by the landlord at public auction if the fair market value of all of the property left by a tenant is less than \$1,000.

A. At least 14 days prior to sale the landlord shall give notice to the owner or tenant:

(1) Either personally or by certified mail; or

(2) If that notice cannot be given after 3 reasonable attempts to do so, by publication in a newspaper of general circulation in the county in which the premises are located.

The notice shall give a description of the property, the time and place of sale and the right to claim the property.

B. The owner or tenant may claim this property at any time prior to actual sale.

C. After sale, the landlord shall record the name of the owner prior to the sale, a description of the property, the proceeds of the sale, any deductions authorized under paragraph D and the balance remaining.

D. The landlord may apply any proceeds from the sale to:

- (1) The expenses of notice and sale;
- (2) The amount of rent unpaid and due; and
- (3) The expense of damages to the premises by the tenant for which he has not been compensated.

E. The balance from the sale and the records of the sale shall be reported and delivered to the Treasurer of State as if it were the property presumed abandoned.

Sec. 4. 33 MRSA § 1353, sub-§ 5 is enacted to read:

5. Property refused by the Treasurer of State. If the Treasurer of State refuses to accept tangible personal property presumed abandoned under section 1313, and that property cannot be reasonably sold under section 1313, subsection 2, then the landlord, after notice to the owner or tenant as provided in section 1313, subsection 2, paragraph A, subparagraphs (1) and (2), shall hold that property for the owner to claim for 60 days. If that property is unclaimed after that period, then the landlord shall be relieved of all liability for delivering that property and the landlord may dispose of it as he wishes.

Effective September 14, 1979

CHAPTER 328

H. P. 953 — L. D. 1186

AN ACT to Exempt Teacher Certification Records from the Freedom of Access Statutes.

Be it enacted by the People of the State of Maine, as follows:

20 MRSA § 1752 is repealed and the following enacted in its place:

§ 1752. List of persons certified; records confidential