

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
BUSINESS LEGISLATION

JULY 1993

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE
FIRST REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

JULY 1993

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>ENACTMENT FAILED</i>	<i>Bill failed to get majority vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference formed but unable to agree</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin.

If you have any suggestions or comments on these summaries, please let us know.

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RYDELL

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

H-286

SUMMARY

This bill allows marinas, boatyards and other facilities used to store boats, motors and trailers to sell those items if the owners are in default for payment of fees for more than 90 days. The bill includes notification requirements and procedures of sale similar to those in existing law governing property stored at self-service storage facilities and provides for the property rights of owners of items presently in storage by starting the 90-day default period for those items 120 days after the effective date of this legislation.

Committee Amendment "A" (H-286) makes the following changes to the bill.

1. It adds a definition of "lienholder of record," which is a term used to describe other persons who claim an interest in the property subject to the lien created by the Maine Revised Statutes, Title 10, chapter 212-A.
2. It provides that the bill does not apply to documented vessels subject to preferred maritime liens, including preferred ships' mortgages. Federal law preempts state laws that create liens on vessels subject to federal maritime liens.
3. It adds the requirement that any sale of property be commercially reasonable.
4. It provides clear instructions on the payment of sale proceeds and clarifies that the property owner is liable for any deficiency owing to the facility owner and all other lienholders of record.
5. It requires notice of the sale to all lienholders of record.
6. It expands the notice provisions of Title 10, section 1385, subsection 7 to permit mailing by either certified or registered mail, to indicate the proper source of addresses for lienholders of record and to provide that notices be deemed delivered on the date the recipient of a notice signs the return receipt or on the date the post office last attempts to deliver an undeliverable notice.
7. It provides that on payment of the lien by a lienholder of record, the facility owner holds the property for the lienholder and shall either enter into a new storage agreement with the lienholder or the lienholder shall remove the property.

SPONSOR(S)

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COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTEDH-405 HOGLUND
S-132**SUMMARY**

Under the provisions of the Maine Revised Statutes, Title 33, unclaimed property reverts to the State. Under section 1871 the Treasurer of State requires that businesses produce records related to unclaimed property back to 1969 as part of the examination conducted by the Treasurer to determine liability. If those records are unavailable, the Treasurer may use estimates to determine the unclaimed property liability due to the State.