

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 940

H. P. 769

House of Representatives, March 6, 1975

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Perkins of South Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Relating to the Disposal of Certain Personal
Property by Law Enforcement Agencies.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies;

Whereas, the Bureau of State Police has custody of unclaimed property; and

Whereas, daily storage charges are being assessed against the Bureau of State Police; and

Whereas, there is no statute to provide relief of this unclaimed property; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

25 MRSA Pt. 9, c. 401 is enacted to read:

PART 9

LAW ENFORCEMENT AGENCIES IN GENERAL

CHAPTER 401

**DISPOSAL OF ABANDONED, LOST OR STOLEN PERSONAL
PROPERTY BY LAW ENFORCEMENT AGENCIES**

§ 3501. Application of chapter

This chapter shall apply to all personal property of which possession is transferred to a police department or other law enforcement agency of the

State or any political subdivision thereof, under circumstances supporting a reasonable belief that such property was abandoned, lost or stolen, or otherwise illegally possessed, except property seized during search and retained and ultimately returned, destroyed or otherwise disposed of pursuant to a court order or some other law hereafter applicable to specific property or circumstance.

§ 3502. Custody and return of property believed to be abandoned, lost or stolen

Such property believed to be abandoned, lost or stolen or otherwise illegally possessed, as is covered by this chapter, shall be retained in custody by the chief of police or the principal official of the law enforcement agency, who shall make reasonable inquiry and efforts to identify and notify the owner or other person entitled to possession thereof and shall return the property after such person provides reasonable and satisfactory proof of his ownership or right to possession and reimburses the agency and others authorized to incur expenses by the agency for all reasonable expenses of such custody.

§ 3503. Sale of unclaimed property

If the identity or location of the owner or other person entitled to possession of the property has not been ascertained within 6 months after the law enforcement agency obtains such possession, or said identity has been determined and such person does not claim possession within this 6-month period, the principal official thereof shall effectuate the sale of the property for cash to the highest bidder at a public auction, notice of which, including time, place and a brief description of such property, shall be published at least once in a newspaper of general circulation in the county wherein such official has authority at least 10 days prior to such auction or in the state paper in the case of a state law enforcement agency. Property offered but not sold at such public auction may be offered and sold at a subsequent public auction without further notice.

§ 3504. Deposit of proceeds

Proceeds of the sale of the property at public auction, less reimbursement to the law enforcement agency and others authorized of the reasonable expenses of custody thereof, shall be deposited in the State Treasury or the treasury of the appropriate political subdivision thereof to be expended as provided by law.

§ 3505. Recovery of property by owner or person entitled to possession; limitation

The owner or other person entitled to possession of such property may claim and recover possession of the property at any time before its sale at public auction, upon providing reasonable and satisfactory proof of ownership or right to possession and reimbursing the law enforcement agency and others authorized for all reasonable expenses for custody thereof.

§ 3506. Damages occasioned by acts or omissions

No person shall be responsible for subsequent damages to another occasioned by an act or omission in compliance with this chapter.

§ 3507. Property returned to finder

Any person shall surrender property which he has found to a law enforcement agency. Such person shall be entitled to have such property surrendered to him prior to sale at public auction after 10 days have elapsed from the time advertised for sale as provided herein and provided he reimburses the law enforcement agency and others authorized for reasonable expenses for custody thereof.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

The purpose of this Act is to provide a means by which personal property, possession of which has been transferred to a law enforcement agency, and which property has been abandoned, lost, stolen or otherwise illegally possessed, may find proper disposal.