

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
109TH LEGISLATURE
FIRST REGULAR SESSION

(Filing No. H-379)

COMMITTEE AMENDMENT "~~A~~" to H.P. 669, L.D. 829, Bill, "AN ACT Concerning Writ of Possession."

Amend the bill by striking out all of the Title and inserting in its place the following: 'AN ACT Concerning Writ of Possession and Abandoned Property.'

Further amend the bill after the enacting clause by striking out all of the first line and inserting in its place the following: 'Sec. 1. 14 MRSA §6005 is amended to read:'

Further amend the bill in that part designated "§6005." by striking out all of the 2nd paragraph.

Further amend the bill by inserting before the Statement of Fact the following:

'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. '

Statement of Fact

This amendment provides that property abandoned by a tenant shall be handled under the ~~Abandoned~~ ~~Property~~ laws. The amendment also provides an alternate procedure for abandoned property that has a small value that allows the landlord to sell it at public auction and turn the proceeds over to the State. Finally, the amendment provides the landlord with the authority to dispose of property that cannot be sold or turned over to the State.