

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1290

S. P. 418

In Senate, March 19, 1979

Referred to the Committee on State Government. Sent down for concurrence and ordered printed.

Presented by Senator Pierce of Kennebec.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT Concerning the State Claims Board.

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

Sec. 1. 23 MRSA § 152, 5th ¶, first sentence, as repealed and replaced by PL 1973, c. 585, § 5, is amended to read:

The board shall maintain an office in ~~Augusta~~ **Kennebec County**.

Sec. 2. 23 MRSA § 156, first ¶, as last amended by PL 1975, c. 771, § 242, is further amended by inserting after the 3rd sentence the following new sentence:

In the event the notice required is returned to the State Claims Board marked “refused” or “unclaimed” by the United States post office, the State Claims Board may, at its option, reschedule the hearing by giving the notice required in this paragraph, or it may cause the matter to be heard on the day originally scheduled by causing service to be made upon the party not served by certified or registered mail in a manner allowed for service of a summons on a complaint in the Superior Court, which notice shall be served at least 5 days before the originally scheduled hearing.

Sec. 3. 23 MRSA § 156, 3rd ¶ from the end, 3rd sentence, as amended by PL 1975, c. 771, § 245, is further amended to read:

The department shall, within ~~14~~ 30 days, designate to the State Claims Board the award or awards from which it intends to appeal and forward to the State Claims Board a check payable to the clerk of courts for the county where said land is situated for the use of the party or parties designated in the award.

Sec. 4. 23 MRSA § 156, next to last ¶, first sentence, as amended by PL 1975, c. 771, § 245, is further amended to read:

In all other cases, the department shall, within said ~~14~~ 30 days, forward to the State Claims Board a check payable to the party or parties named in the award and the State Claims Board shall forthwith serve upon the party or parties named therein an attested copy of the award, the check aforesaid and a notice clearly outlining the rights of appeal.

Sec. 5. 23 MRSA § 156, as last amended by PL 1977, c. 78, § 157, is further amended by adding at the end the following new paragraphs:

Upon certification by the Department of Transportation that after due diligence the address of owners of record cannot be determined or where the board's notice by registered or certified mail is returned to the board unclaimed or unknown or where personal service cannot be made, the chairman of the board may order service by publication. The chairman of the board may appoint a guardian ad litem to protect the interests and rights of any minor or incompetent persons notified under this section and determine and set reasonable compensation to be paid to that guardian ad litem. This compensation shall be paid by the Department of Transportation. Notice of the time and place of the review and hearing shall be published once a week for 3 successive weeks in a newspaper of general circulation in the county in which the subject property is located. The last of these notices shall be published no later than 7 days prior to the hearing. The board shall then proceed with the hearing as in other cases and the appeal provisions shall be available to the Department of Transportation and the record owner or owners, or any one of them, who appears and makes application for appeal pursuant to section 157.

After the appeal period from the decree of the State Claims Board or a judgment of any court has run, any sum of money directed by a decree of the board or by a judgment of any court to be paid over, which remains unclaimed for 60 days shall be deposited in the treasury of the county in which the subject property is located for the benefit of the person or party entitled by the decree of the board or the judgment order of a court. At any time within 5 years from the date when the deposit is made with the county treasurer, the person entitled to the deposit or his executor, administrator or assigns may present to the State Claims Board evidence of his right to the same, and upon satisfactory proof that he is entitled thereto, the board shall by decree direct the county treasurer to pay over to that person the amount of the original deposit and any accumulations. The county treasurer shall annually in the month of January publish in one or more newspapers, published and printed within the county, and a newspaper of general circulation throughout the State, notice of all persons entitled to those deposits. If

the deposit remains unclaimed after 5 years the county treasurer shall return the deposit and $\frac{3}{4}$ of the accumulations to the General Highway Fund. The other $\frac{1}{4}$ of the accumulations shall escheat to the county.

Notwithstanding Title 1, section 302, this section shall apply to all actions and proceedings pending on the effective date of this Act.

STATEMENT OF FACT

This bill accomplishes the following:

1. The State Claims Board has recently moved its offices from Augusta to the former Stevens School for Girls in Hallowell. However, Title 23, section 152 provides that the board maintain an office in Augusta. This bill would permit the board to locate its offices anywhere in Kennebec County.

2. Title 23, section 156 is to be amended to provide an alternative method of service of notice to be made within 5 days prior to a hearing if initial service by certified or registered mail was refused.

3. Title 23, section 156 is to be further amended to allow the Department of Transportation 30 days instead of 14 days to designate to the board the awards it intends to appeal. This extension of time will permit the Department of Transportation to administratively review the award and provide a more realistic time period to voucher the check for the award.

4. Three new paragraphs are to be added at the end of Title 23, section 156 to provide a method to hear claims involving unknown addressees and heirs.