

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1304

H. P. 1053

House of Representatives, March 19, 1979

On Motion of Mrs. Kany of Waterville, referred to the Committee on State Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Stetson of Wiscasset.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

**AN ACT to Clarify the Rights and Responsibilities of Institutions to Dispose of  
Abandoned and Unclaimed Personal Property.**

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

34 MRSA § 9-A is enacted to read:

**9-A. Disposal of abandoned and unclaimed personal property**

**1. Application of this section. This section shall apply to personal property of institutional residents when the property is left in custody of the institution and when:**

**A. The ownership of the property cannot be determined after reasonable efforts to do so;**

**B. The owner is deceased and no next of kin can be found after reasonable efforts to do so; or**

**C. The owner abandons the property by leaving the property at the institution and not returning to claim the property within 6 months of discharge and notification by the institution head that the property will be disposed of if unclaimed.**

**2. Custody and return of property believed to be abandoned or unclaimed.** Property believed to be abandoned or unclaimed, as is covered by this section, shall be retained in the custody of the institution head, 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 the person provides reasonable and satisfactory proof of his ownership or right of possession.

**3. 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 institution obtains the property, or the identity has been determined and the person does not claim the property within the 6-month period, the institution head may effectuate the sale of the property for cash to the highest bidder at a public auction, notice of which, including time, place and brief description of the property, shall be published at least once in the state newspaper and a newspaper of general circulation in the county where the institution is, at least 10 days prior to the auction.

**4. Deposit of proceeds.** Proceeds from the sale of the property at public auction shall be deposited in a patient or inmate benefit fund of the institution holding the auction, to be used for recreational and other needs of the residents of the institution.

**5. Recovery of property by owner or person entitled to possession; limitation.** The owner or other person entitled to possession of the 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.

**6. 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.

#### STATEMENT OF FACT

Over the years, institutions of the Department of Mental Health and Corrections have accumulated personal belongings of past residents. These articles are sometimes unclaimed, sometimes belonged to residents now deceased with no next of kin or the ownership of the articles cannot be determined.

This bill will allow the department to auction these articles at public auction and utilize the proceeds in the resident benefit funds of the respective institutions.