

MAINE STATE LEGISLATURE

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(New Title)
New Draft of: H. P. 1053, L. D. 1304
FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1659

H. P. 1471

House of Representatives, June 4, 1979

Reported by Mr. Canary from the Committee on State Government. Printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

**AN ACT to Clarify the Manner of Disposing of Abandoned Property in the Hands
of State Institutions.**

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

Sec. 1. 33 MRSA § 1314 is enacted to read:

§ 1314. Property held by state institutions

1. Presumption of abandonment. All property held by an institution under the control of the Department of Mental Health and Corrections that has been left by a patient or inmate shall be presumed abandoned if it has not been claimed within 2 years after the patient's or inmate's discharge from, or death while residing in, the institution.

2. Reducing tangible property to cash. Tangible property presumed to be abandoned under this section may be sold by the head of the institution at public auction if the fair market value of all of the property left at that institution by the patient or inmate is less than \$1,000.

A. At least 14 days prior to sale, the head of the institution shall give notice to the owner:

(1) Either personally or by certified mail; or

(2) If that notice cannot be given after one reasonable attempt to do so, by publication in a newspaper of general circulation in the county in which the institution is located, or in the state newspaper.

The notice shall give a description of the property, the institution at which it was left, the time and place of sale and the right to claim the property.

B. The owner may claim this property at any time prior to actual sale.

C. After sale, the head of the institution shall record the name of the owner prior to the sale, a description of the property, the institution at which it was left and the proceeds of the sale.

D. The proceeds of 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. 2. 33 MRSA § 1353, sub-§ 6 is enacted to read:

6. Property refused by the Treasurer of State. If the Treasurer of State refuses to accept tangible personal property presumed abandoned under section 1314 and that property cannot be reasonably sold under section 1314, subsection 2, then the head of an institution, after notice to the owner as provided in section 1314, subsection 2, paragraph A, subparagraphs (1) (2), shall hold that property for the owner to claim for 60 days. If that property is unclaimed after that period, then the head of the institution shall be relieved of all liability for delivering that property and may dispose of it as he wishes.

Sec. 3. 34 MRSA § 9, as last amended by PL 1975, c. 771, § 379, is repealed and the following enacted in its place:

§ 9. Property abandoned by an inmate or patient

Any property abandoned or unclaimed by an inmate or patient of an institution under the control of the department shall be disposed of according to Title 33, chapter 27.

Sec. 4. Application. As of its effective date, this Act shall apply to all funds or property that is unclaimed or abandoned and is in the possession of the head of an institution as provided in this Act.

This Act shall not apply to any funds that have been deposited into a trust fund prior to the effective date of this Act.

STATEMENT OF FACT

This new draft clarifies the relationship between the Abandoned Property Act and the provisions that relate to disposal of funds left by inmates or patients of state institutions. It removes the conflicting provisions in the department's statutes, while providing an alternate procedure for disposal of tangible property. This should provide flexibility to the department while including disposal of abandoned property within the general framework of the Abandoned Property Act.