

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1914

S. P. 735

In Senate, February 4, 1980

Subsequently on Motion of Senator Ault of Kennebec. Reconsidered referral and on Motion of Senator Ault of Kennebec, referred to the Committee on State Government. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary of the Senate

Presented by Senator Ault of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

AN ACT to Adjust the Administration of the Abandoned Property Law.

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

Sec. 1. 10 MRSA § 3953 is repealed and the following enacted in its place:

§ 3953. Disposal of residue

After satisfying the lien and the reasonable costs and expenses accrued, the residue shall be disposed of according to Title 33, chapter 27.

Sec. 2. 10 MRSA § 4009, 2nd sentence is amended to read:

If it is not called for at the first term after it is paid into court, it shall be paid into the county treasury presumed abandoned and disposed of according to Title 33, chapter 27.

Sec. 3. 11 MRSA § 7-206, sub-§ (5) is amended to read:

(5) The warehouseman may satisfy his lien from the proceeds of any sale or disposition under this section but must hold the balance for delivery on the demand of any person to whom he would have been bound to deliver the goods, or dispose of it according to Title 33, chapter 27.

Sec. 4. 11 MRSA § 7-210, sub-§ (6) is amended to read:

(6) The warehouseman may satisfy his lien from the proceeds of any sale pursuant to this section but must hold the balance, if any, for delivery on demand to any person to whom he would have been bound to deliver the goods, or dispose of it according to Title 33, chapter 27.

Sec. 5. 18 MRSA § 1655, as repealed by PL 1979, c. 540, § 24-C, is repealed and the following enacted in its place:

§ 1655. Distribution of balance

When there is in the hands of a public administrator an amount of money more than is necessary for the payment of the deceased's debts and for other purposes of administration, if no widow, widower or heirs of the deceased have been discovered, the administrator shall be required by the judge to deposit it with the Treasurer of State, who shall receive it and dispose of it according to Title 33, chapter 27.

Sec. 6. 18 MRSA § 1657, as repealed by PL 1979, c. 540, § 24-C, is repealed.

Sec. 7. 25 MRSA § 3504, as enacted by PL 1975, c. 558, is amended to read:

§ 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 disposed of according to Title 33, chapter 27.

Sec. 8. 29 MRSA § 1111, 5th ¶, 3rd and 4th sentences, as repealed and replaced by PL 1967, c. 174, are amended to read:

If the owner, or holder of a security interest thereon, has not reclaimed the vehicle within 30 days from the date of such removal, ~~the vehicle shall be deemed to have been abandoned and shall become the property of the person bearing the expense of removal, as detailed above the vehicle may be sold at public auction, after giving 10 days' notice of the time and place of the sale in a newspaper of general circulation in the area, and by mailing a copy of that notice to the registered owner or holder of a security interest, if his identity and address can be reasonably ascertained, and a copy to the Chief of the State Police. After satisfying the expenses of removal and sale, the residue shall be disposed of according to Title 33, chapter 27. If he has not ascertained the identity of such owner, or holder of a security interest thereon, he shall cause notice of his claim to the vehicle to be published once a week for 2 successive weeks in a newspaper circulated in the county where such vehicle is located~~

Sec. 9. 30 MRSA § 2952, 2nd and 3rd sentences are amended to read:

After satisfying the lien and any costs that may accrue, any residue remaining shall on demand within 6 months, be paid to such guest or boarder, and if not so demanded within 6 months from date of such sale, such residue shall be deposited

~~by such innkeeper, boardinghouse keeper or hotel keeper with the treasurer of the county in which the inn, hotel or boardinghouse is situated, together with a statement of such keeper's claim and the cost of enforcing same, a copy of the published notice, and of the amounts received for the goods sold at said sale be disposed of according to Title 33, chapter 27. Said residue shall by said county treasurer be credited to the general revenue fund of said county, subject to a right of said guest or boarder or his representative to reclaim at any time within 3 years of date of deposit with said treasurer~~

Sec. 10. 33 MRSA § 1312, sub-§ 1, as enacted by PL 1977, c. 707, § 8, is amended to read:

1. Property. All property, with a fair market value of \$1,000 or more, or all cash or sums payable on a money order, traveller's check or similar written instrument, not otherwise covered in this chapter, that is held or owing in the ordinary course of the holder's business shall be presumed abandoned if it has not been claimed within 10 years after becoming payable or distributable.

Sec. 11. 33 MRSA § 1351, sub-§ 1, as enacted by PL 1977, c. 707, § 8, is amended by adding at the end the following new sentence:

A person may also report funds or other property prior to the presumption of abandonment if it has been abandoned.

Sec. 12. 33 MRSA § 1352, sub-§ 1, as enacted by PL 1977, c. 707, § 8, is amended to read:

1. Publication. Within 120 days of the filing of the report required by section 1351, the Treasurer of State shall cause to be published in **at least 2** newspapers of general circulation in the State, at least once a week for 2 consecutive weeks, a notice and listing of all abandoned property reported to him.

Sec. 13. 33 MRSA § 1358, sub-§ 2, ¶ A, as enacted by PL 1977, c. 707, § 8, is amended to read:

A. The Treasurer of State may expend the funds in the Abandoned Property Fund for the payment of claims or refunds to holders as authorized under this chapter, and for the payment of taxes, costs of maintenance and upkeep of abandoned property, costs of required notice and publication, ~~and~~ costs of auction or sale or **other administrative costs** under this chapter.

Sec. 14. 33 MRSA § 1359, sub-§ 1, 3rd sentence, as enacted by PL 1977, c. 707, § 8, is amended to read:

The claim shall be made to the person originally holding the property, ~~or~~ to his successor or ~~successors~~ **to the Treasurer of State, if there is no other successor.**

Sec. 15. 33 MRSA § 1366 is enacted to read:

§ 1366. Agreements with other states

The Treasurer of State may enter into agreements with other states for

administering this chapter, provided that the Attorney General has approved the agreement as to its legality.

STATEMENT OF FACT

This bill corrects several statutes that provide for disposing of abandoned property in some manner other than that established by the Abandoned Property Act. The bill also makes the following changes in the Abandoned Property Act:

1. Expands the scope of inclusion in the section governing “property held in the ordinary course of business” to include all cash and written instruments for cash;
2. Allows advertising in more than 2 newspapers;
3. Allows all costs related to the administration of the Abandoned Property Act to be charged against the Abandoned Property Fund;
4. Clarifies that the Treasurer of State may be a successor of a property holder for the purpose of receiving claims, if there are no other successors; and
5. Makes other clarifications in the statutes relating to abandoned property.