

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 275

6  
7 H.P. 234

House of Representatives, January 30, 1985

8 Reference to the Committee on Business and Commerce suggested and  
9 ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Hickey of Augusta.

11 Cosponsored by Senator Bustin of Kennebec and Representative Reeves  
of Pittston.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FIVE  
16

17 AN ACT to Establish a Maine Self-service  
18 Storage Act.  
19

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

22 10 MRSA c. 212 is enacted to read:

23 CHAPTER 212

24 SELF-SERVICE STORAGE ACT

25 §1371. Short title

26 This Act shall be known and may be cited as the  
27 "Maine Self-service Storage Act."

28 §1372. Definitions

29 As used in this chapter, unless the context oth-  
30 erwise indicates, the following terms have the fol-  
31 lowing meanings.

1           1. Default. "Default" means the failure to per-  
2 form on time any obligation or duty set forth in the  
3 rental agreement.

4           2. Last known address. "Last known address"  
5 means that address provided by the occupant in the  
6 rental agreement or the address provided by the occu-  
7 phant in a subsequent written notice of a change of  
8 address.

9           3. Leased space. "Leased space" means the indi-  
10 vidual storage space at the self-service facility  
11 which is rented to an occupant pursuant to a rental  
12 agreement.

13           4. Occupant. "Occupant" means a person, a  
14 sublessee, successor or assign, entitled to the use  
15 of a leased space at a self-service storage facility  
16 under a rental agreement.

17           5. Operator. "Operator" means the owner, opera-  
18 tor, lessor or sublessor of a self-service storage  
19 facility, an agent or any other person authorized to  
20 manage the facility.

21           "Operator" does not mean a warehouseman, unless the  
22 operator issues a warehouse receipt, bill of lading  
23 or other document of title for the personal property  
24 stored.

25           6. Personal property. "Personal property" means  
26 movable property, not affixed to land.

27           "Personal property" includes, but is not limited to,  
28 goods, wares, merchandise, motor vehicles, watercraft  
29 and household items and furnishings.

30           7. Rental agreement. "Rental agreement" means  
31 any written agreement that establishes or modifies  
32 the terms, conditions or rules concerning the use and  
33 occupancy of a self-service storage facility.

34           8. Self-service storage facility. "Self-service  
35 storage facility" means any real property used for  
36 renting or leasing individual storage spaces in which  
37 the occupants themselves customarily store and remove  
38 their own personal property on a "self-service" ba-  
39 sis.

1     §1373. Restrictions of use

2         1. Operator not to permit use for residential  
3 purposes. An operator may not knowingly permit a  
4 leased space at a self-service storage facility to be  
5 used for residential purposes.

6         2. Occupant not to use for residential pur-  
7 poses. An occupant may not use a leased space for  
8 residential purposes.

9     §1374. Lien

10         1. Lien created. The operator of a self-service  
11 storage facility has a lien on all personal property  
12 stored within each leased space for rent, labor or  
13 other charges, and for expenses reasonably incurred  
14 in its sale, as provided in this Act.

15         2. Statement in rental agreement. The rental  
16 agreement shall contain a statement, in bold type,  
17 advising the occupant:

18             A. Of the existence of the lien; and

19             B. That property stored in the leased space may  
20 be sold to satisfy the lien if the occupant is in  
21 default.

22     §1375. Enforcement of lien

23         1. Sale; use of proceeds. If the occupant is in  
24 default for a period of more than 45 days, the opera-  
25 tor may enforce a lien by selling the property stored  
26 in the leased space at a public or private sale, for  
27 cash. Proceeds shall then be applied to satisfy the  
28 lien, with any surplus disbursed as provided in sub-  
29 section 5.

30         2. Notice; advertisement. Before conducting a  
31 sale under subsection 1, the operator shall:

32             A. Notify the occupant of the default by regular  
33 mail at the occupant's last known address;

34             B. Send a 2nd notice of default by certified  
35 mail to the occupant at the occupant's last known  
36 address which includes:

1                   (1) A statement that the contents of the  
2                   occupant's leased space are subject to the  
3                   operator's lien;

4                   (2) A statement of the operator's claim,  
5                   indicating the charges due on the date of  
6                   the notice, the amount of any additional  
7                   charges which shall become due before the  
8                   date of sale and the date those additional  
9                   charges shall become due;

10                   (3) A demand for payment of the charges due  
11                   within a specified time, not less than 14  
12                   days after the date of the notice;

13                   (4) A statement that unless the claim is  
14                   paid within the time stated, the contents of  
15                   the occupant's space will be sold at a spec-  
16                   ified time and place; and

17                   (5) The name, street address and telephone  
18                   number of the operator, or his designated  
19                   agent, whom the occupant may contact to re-  
20                   spond to the notice; and

21                   C. At least 3 days before the sale, advertise  
22                   the time, place and terms of the sale in a news-  
23                   paper of general circulation in the jurisdiction  
24                   where the sale is to be held.

25                   3. Redemption of property. At any time before a  
26                   sale under this section, the occupant may pay the  
27                   amount necessary to satisfy the lien and redeem the  
28                   occupant's personal property.

29                   4. Location of sale. The sale under this sec-  
30                   tion shall be held at the self-service storage facil-  
31                   ity where the personal property is stored.

32                   5. Distribution of proceeds. If a sale is held  
33                   under this section, the operator shall:

34                   A. Satisfy the lien from the proceeds of the  
35                   sale; and

36                   B. Hold the balance, if any, for delivery on de-  
37                   mand to the occupant or any other recorded lien-  
38                   holders.

1           6. Purchasers. A purchaser in good faith of any  
2 personal property sold under this Act takes the prop-  
3 erty free and clear of any rights of:

4           A. Persons against whom the lien was valid; and

5           B. Other lienholders.

6           7. Operator liability. If the operator complies  
7 with the provisions of this Act, the operator's lia-  
8 bility:

9           A. To the occupant is limited to the net pro-  
10 ceeds received from the sale of the personal  
11 property; and

12           B. To other lienholders is limited to the net  
13 proceeds received from the sale of any personal  
14 property covered by that other lien.

15           8. Denying occupant access to leased space. If  
16 an occupant is in default, the operator may deny the  
17 occupant access to the leased space.

18           9. Notices; certified mail. Unless otherwise  
19 specifically provided, all notices required by this  
20 Act shall be sent by certified mail.

21           A. Notices sent to the operator shall be sent to  
22 the self-service storage facility where the  
23 occupant's property is stored. Notices to the  
24 occupant shall be sent to the occupant at the  
25 occupant's last known address.

26           Notices shall be deemed delivered when deposited  
27 with the United States Postal Service, properly  
28 addressed as provided in subsection 2, with post-  
29 age paid.

30           10. Control of property in leased space. Unless  
31 the rental agreement specifically provides otherwise  
32 and until a lien sale under this Act, the exclusive  
33 care, custody and control of all personal property  
34 stored in the leased self-service storage space re-  
35 remains vested in the occupant.

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STATEMENT OF FACT

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The purpose of this bill is to create a Maine  
Self-service Storage Act to regulate the use of  
leased space at self-service storage facilities.

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