

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 785

6  
7 S.P. 296

In Senate, February 28, 1985

8 Referred to the Committee on Business and Commerce. Sent down for  
9 concurrence and ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Gauvreau of Androscoggin.

11 Cosponsored by Representative Bost of Orono, Representative Scarpino  
of St. George and Representative Stevens of Bangor.

12 STATE OF MAINE  
13

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

17 AN ACT Relating to the Assessment of Storage  
18 Fees by Motor Vehicle Service  
19 Stations.  
20

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

23 29 MRSA §1111, 5th ¶, as amended by PL 1981, c.  
24 437, §19, is further amended to read:

25 An officer may cause any vehicle parked, disabled  
26 or abandoned on any way so as to interfere with or  
27 hinder the removal of snow or the normal movement of  
28 traffic, or parked within the limits of a highway  
29 right-of-way, and the Department of Transportation  
30 may cause any vehicle parked or standing on property  
31 under its jurisdiction, to be removed from the way  
32 and placed in a suitable parking place, at the ex-  
33 pense of the person in whose name such vehicle is  
34 registered. Neither the State nor political subdivi-  
35 sions thereof nor the officer is liable for any dam-  
36 age that may be caused by such removal. The person

1 bearing the expense of the removal, such as a garage  
2 or parking lot owner, or service station owner within  
3 30 3 days of the removal receipt of the vehicle  
4 shall, by registered mail, notify the owner of the  
5 vehicle or holder of a security interest, if such can  
6 be reasonably ascertained, of the location of the ve-  
7 hicle, the daily storage fee and the requirements for  
8 securing release of the vehicle from storage, and  
9 mail a copy of the notice to the Chief of the State  
10 Police. The person bearing the expense of removal  
11 shall not charge more than \$5 per day for storage for  
12 the first 10 days of that storage. If the person  
13 bearing the expense of removal fails to provide prop-  
14 er notice to the vehicle owner or makes excessive  
15 storage charges under this section, his mechanic's  
16 lien shall be deemed extinguished and the registered  
17 owner of the vehicle shall have the right to return  
18 of the vehicle without payment of any storage fees.  
19 If the owner of the vehicle or holder of a security  
20 interest is unknown, the person bearing the expense  
21 of the removal shall comply with section 2444, sub-  
22 section 3. Removal of any part or accessory of the  
23 vehicle while it is in the possession or on the  
24 premises of the garage, parking lot or service sta-  
25 tion, without the express written permission of the  
26 owner or manager of the garage, parking lot or ser-  
27 vice station is a Class E crime and the person doing  
28 the removing of the part or accessory is liable to  
29 prosecution. This shall apply to removal, without  
30 written permission, of the vehicle itself and shall  
31 include any person or persons whatsoever, including  
32 the owner of the vehicle. If the vehicle remains un-  
33 claimed for 90 days, the person bearing the expense  
34 of removal may comply with section 895-B, subsections  
35 2, 3 and 4. The same procedure as described in this  
36 paragraph shall apply to vehicles towed to or left at  
37 a garage, service station or parking lot, on the or-  
38 ders given by the owner or operator of the vehicle.

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STATEMENT OF FACT

2 Present Maine law allows a law enforcement offi-  
3 cer to direct that any parked, disabled or abandoned  
4 motor vehicle which impedes traffic be removed to a  
5 garage, parking lot or service station at the sole  
6 expense of the owner. The owner may not secure re-  
7 turn of the vehicle until all storage, parking and  
8 towing fees are satisfied. Removal of the vehicle  
9 without authorization from the parking lot operator  
10 or service station is a Class E offense. The parking  
11 lot owner or service station has 30 days to report  
12 the whereabouts of the vehicle, or the storage  
13 charges to be assessed, to the owner of the motor ve-  
14 hicle. There is no requirement the owner be notified  
15 of the storage fee schedule. Frequently motor vehi-  
16 cle owners are unaware of storage rates and are put  
17 to a financial burden in securing the release of  
18 their motor vehicles.

19 This bill provides relief to the motor vehicle  
20 owners by requiring parking lots, garages and service  
21 stations to notify owners of their storage rates  
22 within 3 business days after a vehicle comes into  
23 storage. During the initial 10 days of storage a  
24 maximum storage fee of \$5 per day is established.  
25 Failure to abide by this section would result in a  
26 loss of the storage fees by the garage, parking lot  
27 or service station.

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