

MAINE STATE LEGISLATURE

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1 (New Draft of H.P. 1192, L.D. 1689)
2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 2224

7
8 H.P. 1577 House of Representatives, March 18, 1986
9 Reported by Representative Murray from the Committee on Business and
10 Commerce and printed under Joint Rule 2. Original bill sponsored by
11 Representative Brannigan of Portland.

EDWIN H. PERT, Clerk

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-SIX
17

18 AN ACT to Amend Maine's Abandoned Property
19 Law.
20

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

23 Sec. 1. 33 MRSA §1304, sub-§1, ¶C, as amended by
24 PL 1983, c. 211, §3, is further amended to read:

25 C. Otherwise indicated an interest in the depos-
26 it, shares or claim as evidenced by a writing on
27 file with the holder. A record of the sending of
28 a Bureau of Internal Revenue Form 1099, or its
29 equivalent, to the owner and a record of its not
30 being returned by the post office department
31 shall be an indication of interest; nor

32 Sec. 2. 33 MRSA §1312, sub-§1, as amended by PL
33 1983, c. 211, §11, is further amended to read:

1 1. Property. Any cash or sums payable on a writ-
2 ten instrument not otherwise covered in this chapter,
3 and all other personal property ~~with a fair market~~
4 ~~value of \$1,000 or more~~ not otherwise covered in this
5 chapter, that is held or owing in the ordinary course
6 of the holder's business shall be presumed abandoned
7 if it has not been claimed within 5 years after be-
8 coming payable ~~or~~, distributable or abandoned.

9 Sec. 3. 33 MRSA §1352, sub-§2, ¶C, as enacted by
10 PL 1977, c. 707, §8, is amended to read:

11 C. A statement for property to be delivered to
12 the Treasurer of State, that if proof of claim is
13 not presented by the owner to the holder and if
14 the owner's right to receive the property is not
15 established to the holder's satisfaction within
16 65 days from the date of the ~~and~~ published notice,
17 the abandoned property shall be placed not
18 later than 85 days after the publication date in
19 the custody of the Treasurer of State to whom all
20 further claims shall thereafter be directed.

21 Sec. 4. 33 MRSA §1353, sub-§1, ¶A is enacted to
22 read:

23 A. Property reported under section 1352 for
24 which the holder is not required or is not able
25 to report the name of the apparent owner must be
26 paid or delivered to the Treasurer of State at
27 the time of filing the report.

28 Sec. 5. 33 MRSA §1358, sub-§2, ¶B, as enacted by
29 PL 1977, c. 707, §8, is amended to read:

30 B. At the end of each year or more often, the
31 Treasurer of State shall transfer to the General
32 Fund all money in the Abandoned Property Fund
33 that is in excess of ~~\$50,000~~ \$150,000.

34 Sec. 6. 33 MRSA §1360, sub-§4 is enacted to
35 read:

36 4. Out-of-state records. If a domiciled holder
37 does not maintain its records in the State and who
38 maintains its records outside the State, the Treasur-
39 er of State may order that the records be made avail-

1 Section 3 allows the Treasurer of State flexibil-
2 ity to more effectively advertise abandoned property.
3 Advertising will still provide a complete alphabeti-
4 cal list of all owners in 2 newspapers of general
5 circulation, regional advertising and a first class
6 letter to owners of property of \$25 or more with a
7 mailing address.

8 Section 4 provides for the payment or delivery of
9 property at the time of filing the report in those
10 instances where the holder is not required, or is not
11 able, to report the name of the apparent owner.

12 Current law provides for the payment or delivery
13 of reported property to the Treasurer of State within
14 85 days of publication of the ad as required by sec-
15 tion 1352; not all of the property reported can be
16 advertised; and travelers checks, money orders, and
17 some official bank checks many times are reported by
18 the instrument number only and, therefore, are not
19 advertised. Also property under \$25 may be reported
20 in the aggregate and also will not be advertised.
21 This change will accelerate the payment of abandoned
22 property where the name of the owner is not known.

23 Section 5 increases the balance which may be re-
24 tained from \$50,000 to \$150,000. This change will
25 enable the State to make payments on claims promptly.
26 Due to the reporting dates, advertising requirements
27 and a waiting period from the date of the ad to the
28 remittance date, a cash flow problem exists from July
29 1st to March 31st of the following year. The State
30 continues to earn interest whether the funds are in
31 the General Fund or held by the Treasurer of State.

32 Section 6 gives the Treasurer of State authority
33 to ask domiciled holders whose records are located
34 out of state to make the records available for exami-
35 nation or expenses of examiners required to travel
36 out of state to perform the assigned examination of
37 these records.

1 Section 7 allows the State one year to search for
2 owners before other persons or organizations may ini-
3 tiate searches for compensation. The section also
4 establishes a maximum fee for the first year and es-
5 tablishes minimum agreement terms between the owner
6 and the person or organization performing the search.

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