

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 441

H.P. 342 House of Representatives, February 19, 1987
On Motion of Representative PRIEST of Brunswick referred
to the Committee on Legal Affairs. Sent up for concurrence
and ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative MANNING of Portland.

Cosponsored by Representative MURPHY of Berwick and
Senator DILLENBACK of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT Relating to Property Abandoned by
2 Tenants.
3

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

6 Sec. 1. 14 MRSA §6013, 2nd ¶, as enacted by PL
7 1981, c. 428, §7, is repealed and the following en-
8 acted in its place:

9 Any property with a total value of less than \$100
10 abandoned or unclaimed by a tenant following the
11 tenant's vacating the rental unit shall be placed in
12 storage by the landlord in a safe, dry, secured loca-
13 tion. The landlord shall send written notice by first
14 class mail to the last known address of the tenant
15 concerning the landlord's intent to dispose of the
16 abandoned property. If the property remains unclaimed

1 after the 7th day after notice has been sent, the
2 landlord may sell the property for a reasonable fair
3 market price and apply all proceeds to rental arrear-
4 ages, damages and cost of storage and sale. All re-
5 maining balances shall then be forwarded to the Treas-
6 urer of State.

7 Sec. 2. 33 MRSA §1313, sub-§1, as enacted by PL
8 1979, c. 327, §3, is amended to read:

9 1. Presumption of abandonment. All property held
10 by a landlord that has been left on the premises af-
11 ter a tenant has terminated his tenancy or vacated
12 the premises shall be presumed abandoned if it has
13 not been claimed within 30 days of the termination,
14 vacating or service of a writ of possession 7 days
15 after written notice has been sent by first class
16 mail to the last known address of the tenant.

17 Sec. 3. 33 MRSA §1313, sub-§2, ¶A, as enacted by
18 PL 1979, c. 327, §3, is amended to read:

19 A. At least 14 7 days prior to sale the landlord
20 shall give notice to the owner or tenant:

21 (1) Either personally or by certified mail;
22 or

23 (2) If that notice cannot be given after 3
24 reasonable attempts to do so, by publication
25 in a newspaper of general circulation in the
26 county in which the premises are located.

27 The notice shall give a description of the prop-
28 erty, the time and place of sale and the right to
29 claim the property.

STATEMENT OF FACT

1

2 Under current law, landlords are required to ex-
3 pend considerable time and money to move and safe-
4 guard for 30 days property abandoned by tenants. In
5 many instances, the storage and moving costs greatly
6 exceed the value of the property. This bill changes
7 the length of time to 7 days, after notice is sent to
8 the tenant, to create the presumption that the prop-
9 erty is abandoned.

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