

# MAINE STATE LEGISLATURE

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(New Draft of H.P. 342, L.D. 441)  
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1656

H.P. 1214 House of Representatives, May 22, 1987  
Reported by Representative PRIEST from the Committee on  
Legal Affairs and printed under Joint Rule 2.

EDWIN H. PERT, Clerk

Original bill sponsored 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

AN ACT Relating to Property Abandoned by  
Tenants.

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

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1981, c. 428, §7, is repealed and the following en-  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

The landlord shall place in storage in a safe,  
dry, secured location any property with a total value  
of less than \$100 which is abandoned or unclaimed by  
a tenant following the tenant's vacating the rental  
unit. The landlord shall send written notice by  
first class mail with proof of mailing to the last  
known address of the tenant concerning the landlord's

1 intent to dispose of the abandoned property. The no-  
2 tice must include an itemized list of the items and  
3 containers of items of property abandoned. If the  
4 tenant claims the property within 14 days after the  
5 notice is sent, the landlord shall continue to store  
6 the property for at least 10 days after the tenant's  
7 response to allow the tenant time to take possession  
8 of the property. If the property remains unclaimed  
9 after the 14th day after notice has been sent or af-  
10 ter the 10th day after the tenant claims the proper-  
11 ty, the landlord may sell the property for a reason-  
12 able fair market price and apply all proceeds to  
13 rental arrearages, damages and costs of storage and  
14 sale. All remaining balances shall then be forwarded  
15 to the Treasurer of State.

16 Sec. 2. 33 MRSA §1313, sub-§1, as enacted by PL  
17 1979, c. 327, §3, is amended to read:

18 1. Presumption of abandonment. All property held  
19 by a landlord that has been left on the premises af-  
20 ter a tenant has terminated his tenancy or vacated  
21 the premises shall be presumed abandoned if it has  
22 not been claimed within ~~30 days of the termination,~~  
23 ~~vacating or service of a writ of possession~~ 14 days  
24 after written notice has been sent by first class  
25 mail with proof of mailing to the last known address  
26 of the tenant.

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STATEMENT OF FACT

2           This new draft gives a former tenant 14 days to  
3 respond to a landlord's written notice that property  
4 worth less than \$100 has been left behind and the  
5 landlord will sell it. The notice must include an  
6 itemized list of the property. If the property in-  
7 cludes boxes or other containers, the landlord will  
8 not list the individual items found in those contain-  
9 ers, but will list the number of containers. If the  
10 tenant responds to the landlord's notice and claims  
11 the property, the landlord must hold the property for  
12 10 days to allow the tenant time to pick it up. If  
13 the tenant does not take possession of the items  
14 within the 10 days after he claims it or if the ten-  
15 ant does not claim it within 14 days after the notice  
16 is sent, the landlord may sell the property at a rea-  
17 sonable fair market price, apply the proceeds to the  
18 costs incurred plus any unpaid rent and damages and  
19 turn over the balance, if any, to the Treasurer of  
20 State.

21           For property worth \$100 or more, the property is  
22 presumed abandoned after 14 days after notice is  
23 sent.

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