

MAINE STATE LEGISLATURE

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L.D. 2059

(Filing No. H-451)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
113TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1509, L.D. 2059,
Bill, "AN ACT to Amend Procedures Under the Unclaimed
Motor Vehicle Laws."

Amend the bill by striking out all of section 4
and inserting in its place the following:

'Sec. 4. 29 MRSA §2610 is enacted to read:

§2610. Abandoned vehicles

1. Application. If a vehicle has been abandoned after being brought to or left at the premises of any place of business for garaging, repairing, parking or storing; if a vehicle has been abandoned after being towed to a place of business either at the request of the owner or driver or pursuant to section 1111; or if a vehicle is abandoned on private property, the owner of the premises or property shall comply with this section. For the purposes of this section, a vehicle shall be considered abandoned 30 days after authorized repair work is done or authorized garaging, parking or storing is completed, or after a vehicle has remained on a property for 30 days if no repair work, garaging, storing or parking was authorized by the vehicle's driver or owner.

2. Owner and lien holder unknown. If the owner

1 of a vehicle described in subsection 1 is unknown, the
2 owner of the premises or property where the vehicle is
3 located shall inquire of the Secretary of State in
4 writing whether the Secretary of State's records
5 contain information as to the owner and lienholder, if
6 any, of the vehicle. That inquiry shall be made no
7 later than 30 days after receipt of the vehicle and
8 shall include the vehicle's make, model, year, body
9 type, vehicle identification number and any
10 registration and plates on the vehicle. Upon receipt
11 of the inquiry, the Secretary of State shall provide
12 the holder of the vehicle with any information on
13 record as to the name and address of the vehicle's
14 owner and lienholder or shall state that no record of
15 the vehicle is on file.

16 A. If the Secretary of State provides the name of
17 the owner or lienholder, the holder of the vehicle
18 shall comply with subsection 3.

19 B. If the Secretary of State finds no record of
20 the vehicle, the owner of the premises or property
21 where the vehicle was brought or abandoned shall
22 publish, at least twice in a newspaper of general
23 circulation in the county where the premises or
24 property is located, a notice which shall clearly
25 describe the vehicle and state that if the owner
26 of the vehicle or lienholder has not properly
27 claimed it and paid all reasonable costs and
28 charges for its towing and storage within 14 days
29 from the date of last publication, ownership of
30 the vehicle shall pass to the owner of the
31 property or premises where the vehicle is
32 located. The notice shall clearly state how the
33 owner of the premises or property may be contacted.

34 Removal of the vehicle or any part, accessory or
35 personal item from the vehicle without the written
36 consent of the owner or person in charge of the
37 premises or property where the vehicle is located
38 is a Class E crime.

39 3. Owner or lienholder known. If the owner or
40 lienholder of a vehicle described in subsection 1 is
41 known, the owner of the premises or property where the

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1 vehicle is located shall mail notice to the owner and
2 lienholder, if any. Such notice shall be mailed not
3 later than 30 days after receipt of the vehicle if no
4 repair work, garaging, storing or parking was
5 authorized by the vehicle's owner or driver, or not
6 later than 30 days following completion of any
7 authorized repair work, garaging, storing or parking.
8 The notice shall give the location of the vehicle and
9 the storage fee, if any, and state that if the owner
10 or lienholder has not properly claimed the vehicle and
11 paid all reasonable costs and charges for its towing,
12 storage and authorized repair work within 14 days of
13 receipt of the notice, ownership of the vehicle shall
14 pass to the owner of the premises or property where
15 the vehicle is located, as provided in subsection 4.
16 The notice shall be sent by certified mail, return
17 receipt requested.

18 4. Evidence of compliance. A person who has
19 complied with subsection 2 or 3 may present evidence
20 of compliance to the Secretary of State. The
21 Secretary of State shall issue certificates of title
22 or letters of ownership as follows.

23 A. For vehicles not required to be titled, upon
24 presentation of sufficient evidence and payment of
25 a \$5 fee, the Secretary of State may issue a
26 letter of ownership indicating compliance with
27 subsection 2 or 3.

28 B. For vehicles subject to chapter 21, upon
29 presentation of sufficient evidence and
30 application for certificate of title in accordance
31 with section 2364, and payment for a fee set forth
32 in section 2352, the Secretary of State may issue
33 a certificate of title in accordance with chapter
34 21.

35 5. Forfeit and penalty. The holder of a vehicle,
36 as described in subsection 1, who fails to comply with
37 subsection 2 or 3 shall forfeit all claims and liens
38 for garaging, parking or storing of the vehicle and
39 shall be punished by a fine of not more than \$25 for
40 each day the failure to comply continues.

1 6 Rules. The Secretary of State may adopt rules
2 pursuant to the Maine Administrative Procedure Act,
3 Title 5, chapter 375, necessary to implement this
4 section to assure the validity of submitted claims.'

5 STATEMENT OF FACT

6 This amendment clarifies when a vehicle is
7 considered abandoned and sets deadlines for action by
8 a garage, tow service or property owner. The
9 amendment creates a new definition of a vehicle as
10 legally abandoned if it is left for 30 days after
11 authorized repairs or storage is completed. If the
12 owner of the vehicle is unknown, the owner of the
13 premises must inquire of the Secretary of State as to
14 the owner's identity within 30 days, as under present
15 law.

16 If the owner is known, notice must be mailed to
17 the owner within 30 days. Present law is 30 days if
18 police authorized towing, otherwise 90 days. If the
19 owner is unknown and the Secretary of State finds no
20 record of the vehicle, the owner of the premises must
21 publish notice twice in the newspaper, although no
22 time limit is specified. The vehicle owner has 14
23 days, reduced from 30 days in present law, after
24 receipt of written notice or after publication of
25 notice to reclaim the vehicle, and pay all reasonable
26 charges for towing, storage and authorized repair,
27 before ownership passes to the owner of the premises.

28 As in present law, the holder of a vehicle who
29 fails to provide proper notice forfeits all claims to
30 the vehicle and is subject to a fine of \$25 per day.

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