

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2059

H.P. 1509 House of Representatives, January 14, 1988
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on Transportation suggested
and ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative DUTREMBLE of Biddeford.
Cosponsored by Senator MATTHEWS of Kennebec.

STATE OF MAINE

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

1 **AN ACT to Amend Procedures Under the**
2 **Unclaimed Motor Vehicle Laws.**
3

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

6 **Sec. 1.** 29 MRSA §895-B, as amended by PL 1987,
7 c. 172, §§1 and 2, is repealed.

8 **Sec. 2.** 29 MRSA §1111, 5th ¶, as amended by PL

1 1985, c. 152, is repealed and the following enacted in
2 its place:

3 An officer may cause any vehicle parked, disabled
4 or abandoned on any way so as to interfere with or
5 hinder the removal of snow or the normal movement of
6 traffic, or parked within the limits of a highway
7 right-of-way, or any vehicle in connection with the
8 physical arrest of the driver or owner, and the
9 Department of Transportation may cause any vehicle
10 parked or standing on property under its jurisdiction,
11 to be removed from the way and placed in a suitable
12 parking place, at the expense of the person in whose
13 name the vehicle is registered. Neither the State nor
14 political subdivisions of the State nor the officer is
15 liable for any damages that may be caused by the
16 removal.

17 Sec. 3. 29 MRSA §2444, sub-§3, as amended by PL
18 1981, c. 437, §30, is repealed.

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

20 §2610. Abandoned and unclaimed vehicles

21 1. Application. If a vehicle has been brought to
22 or left at the premises of any place of business for
23 garaging, repairing, parking or storing or if a
24 vehicle has been towed to a place of business at the
25 request of the owner or driver or pursuant to section
26 1111, or if the vehicle has been abandoned on private
27 property, the owner of the premises or property shall
28 comply with this section.

29 2. Owner and lien holder unknown. If the owner
30 and lien holder of a vehicle described in subsection 1
31 is unknown, the owner of the premises or property
32 where the vehicle was brought or abandoned shall
33 notify the Secretary of State within 7 business days
34 of receipt of the vehicle that the vehicle is in the
35 property owner's possession. The notification shall
36 include the vehicle's make, model, model year, body
37 type, vehicle identification number and any
38 registration and plates on the vehicle. The
39 notification shall be accompanied by a \$4 fee. Upon

1 receipt of the notification, the Secretary of State
2 shall provide the holder of the vehicle with any
3 information on record as to the name and address of
4 the vehicle's owner and lien holder or shall state
5 that no record of the vehicle is on file.

6 A. If the Secretary of State provides the name of
7 the owner or lien holder, the holder of the
8 vehicle shall comply with subsection 3.

9 B. If the Secretary of State finds no record of
10 the vehicle, the owner of the premises or property
11 where the vehicle was brought or abandoned shall
12 publish, at least twice in a newspaper of general
13 circulation in the county where the premises or
14 property is located, a notice which shall clearly
15 describe the vehicle and state that if the owner
16 of the vehicle or holder of a security interest
17 has not properly claimed it and paid all
18 reasonable costs and charges for its towing and
19 storage within 7 days from the date of last
20 publication, ownership of the vehicle shall pass
21 to the owner of the property or premises where the
22 vehicle is located. The notice shall clearly
23 state how the owner of the premises or property
24 may be contacted.

25 Removal of the vehicle or any part, accessory or
26 personal item from the vehicle without the written
27 consent of the owner or person in charge of the
28 premises or property where the vehicle is located
29 is a Class E crime.

30 3. Owner or lien holder known. If the owner or
31 lien holder of a vehicle described in subsection 1 is
32 known, the owner of the premises or property where the
33 vehicle was brought or abandoned shall notify, within
34 14 business days of receipt of the vehicle, the owner
35 and lien holder, if any. The notice shall give the
36 location of the vehicle and the storage fee, if any,
37 and state that if the onwer or lien holder has not
38 properly claimed the vehicle and paid all reasonable
39 costs and charges for its towing, storage and
40 authorized repair work within 14 days of receipt of
41 the notice, ownership of the vehicle shall pass to the

1 owner of the premises or property where the vehicle is
2 located. The notice shall be sent by certified mail,
3 return receipt requested. A copy of the notice shall
4 be sent to the Secretary of State at the same time it
5 is mailed to the vehicle owner and lien holder.

6 4. Evidence of compliance. A person who has
7 complied with subsection 2 may present evidence of
8 compliance to the Secretary of State. The Secretary
9 of State shall issue certificates of title or letters
10 of ownership as follows.

11 A. For vehicles manufactured before 1975 or other
12 vehicles not required to be titled, upon
13 presentation of sufficient evidence and payment of
14 a \$5 fee, the Secretary of State may issue a
15 letter of ownership indicating compliance with
16 subsection 2 or 3.

17 B. For 1975 and newer vehicles subject to chapter
18 21, upon presentation of sufficient evidence and
19 application for certificate of title in accordance
20 with section 2364, and payment for a fee set forth
21 in section 2352, the Secretary of State may issue
22 a certificate of title in accordance with chapter
23 21.

24 5. Forfeit and penalty. The holder of a vehicle,
25 as described in section 1, who fails to comply with
26 subsection 2 or 3 shall forfeit all claims and liens
27 for garaging, parking or storing of the vehicle and
28 shall be punished by a fine of not more than \$25 for
29 each day the failure to report continues.

30 6. Rules. The Secretary of State may adopt rules
31 necessary to implement this section to assure the
32 validity of submitted claims.

33 STATEMENT OF FACT

34 This bill provides for the consolidation of 3 laws
35 governing abandoned or unclaimed vehicles. It
36 clarifies the responsibility and right of the garage

1 owners and the owners of the vehicle while protecting
2 those individuals or organizations who may hold a
3 security interest in a particular vehicle.

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