

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1616

H.P. 1162

House of Representatives, May 10, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Reference to the Committee on Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads 'Ed Pert'.

EDWIN H. PERT, Clerk

Presented by Representative PARADIS of Old Town.

Cosponsored by Senator WEBSTER of Franklin, Representative SHELTRA of Biddeford and Representative CASHMAN of Old Town.

STATE OF MAINE

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

An Act Concerning Property Abandoned by Tenants.

(AFTER DEADLINE)



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

Sec. 1. 14 MRSA §6013, 2nd ¶, as repealed and replaced by PL 1987, c. 249, §1, is amended to read:

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 intent to dispose of the abandoned property. The notice must include an itemized list of the items and containers of items of property abandoned. If the tenant claims the property within 14 10 days after the notice is sent, the landlord shall continue to store the property for at least 10 5 days after the tenant's response to allow the tenant time to take possession of the property. If the property remains unclaimed after the 14th 10th day after notice has been sent or after the 10th 5th day after the tenant claims the property, the landlord may sell the property for a reasonable fair market price and apply all proceeds to rental arrearages, damages and costs of storage and sale. All remaining balances shall then be forwarded to the Treasurer of State.

Sec. 2. 33 MRSA §1818, sub-§1, as enacted by PL 1987, c. 691, §4, is amended to read:

1. Presumption of abandonment. Tangible and intangible property, held by a landlord, that has been left on the premises after a tenant has terminated tenancy or vacated the premises shall be presumed abandoned if it has not been claimed within 14 10 days after written notice has been sent by first class mail with proof of mailing to the last known address of the tenant.

Sec. 3. 33 MRSA §1818, sub-§2, ¶A, as enacted by PL 1987, c. 691, §4, is further amended to read:

A. At least 14 10 days prior to sale, the landlord shall give notice to the owner or tenant:

- (1) Either personally or by certified mail; or
- (2) If that notice cannot be given after 3 reasonable attempts to do so, by publication in a newspaper of general circulation in the county in which the premises are located.

The notice shall give a description of the property, the time and place of sale and the right to claim the property.

