

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1688

S.P. 602

In Senate, May 23, 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.

Handwritten signature of Joy J. O'Brien in cursive.

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BALDACCI of Penobscot.

Cosponsored by Senator BRANNIGAN of Cumberland and Representative ALLEN of Washington.

STATE OF MAINE

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

An Act to Amend Maine's Unclaimed Property Act.

(After Deadline)



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

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

7 **§1818. Tangible property held by landlords**

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

15 1-A. Property over \$1,000. Tangible property presumed to
17 be abandoned under this section which has a fair market value
19 greater than \$1,000 shall be reported to the administrator as
21 required by this Act. If the administrator refuses delivery of
23 the property and authorizes a holder to sell that property, the
25 landlord shall sell the property in accordance with any
requirements imposed by the administrator and, in any event, for
not less than \$1,000. After the sale of the property, the
landlord shall pay the proceeds to the administrator in
accordance with the provisions of this Act.

27 2. **Property worth more than \$100 but less than \$1,000.**
Tangible property presumed to be abandoned under this section may
be sold by the landlord at public auction if the fair market
value of all property left by a tenant is \$100 or more, but less
than \$1,000.

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

35 (1) Either personally or by certified mail; or

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

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

47 B. The owner or tenant may claim this property at any time
prior to actual sale.

49 C. After sale, the landlord shall record the name of the
owner prior to the sale, a description of the property, the

1 proceeds of the sale, any deductions authorized under
2 paragraph D and the balance remaining.

3
4 D. The landlord may apply any proceeds from the sale to:

5 (1) The expenses of notice and sale;

6 (2) The amount of rent unpaid and due; and

7 (3) The expense of damages to the premises by the
8 tenant for which the landlord has not been compensated.

9
10 E. The balance from the sale and the records of the sale
11 shall be reported and delivered to the administrator as if
12 they were the property presumed abandoned.

13
14 3. Property worth less than \$100. Tangible property
15 presumed to be abandoned under this section may be sold by the
16 landlord in accordance with Title 14, section 6013, if the fair
17 market value of the property left by the tenant is less than
18 \$100.

19
20 **Sec. 2. 33 MRSA §1853, sub-§4**, as enacted by PL 1987, c. 691,
21 §4, is amended to read:

22
23 4. Refusal of tangible property. The administrator may
24 determine that notice and delivery of specific personal property
25 is not in the best interest of the State, either because the sum
26 or value is too small or for other good reason. If the
27 administrator notifies the holder of that property of that
28 determination within 120 days of receipt of the report required
29 under section 1851, the administrator may exclude the property
30 from the notices under section 1852 and may refuse to accept
31 delivery and custody of that property. If the administrator
32 refuses delivery of abandoned tangible property, the
33 administrator may authorize the holder under terms and conditions
34 specified by the administrator to sell the property and deliver
35 the proceeds to the administrator. In establishing conditions
36 whereby a holder may sell such property, the administrator shall
37 protect the rights of the owner to the same degree they would be
38 protected if the property were delivered to the administrator.

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43 **STATEMENT OF FACT**

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45 This bill provides authority to the administrator (State
46 Treasurer) to deal with tangible property valued at \$1,000 or
47 over. Currently, the law makes no provision for tangible
48 property of \$1,000 or over and no authority exists in the current
49 law for its disposition. These changes give the authority to the
50 administrator to either conduct the auction or authorize the
51 landlord to hold an auction, provided the landlord

1 was granted authority in writing by the administrator. The
2 auctions will be held in conformity with the provisions of the
3 Maine Revised Statutes, Title 33, section 1818, subsection 3.

TRAY TO INSTANT

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