

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 216

S.P. 117

Received by the Secretary, January 30, 1991

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator BRANNIGAN of Cumberland.

Cosponsored by Senator BALDACCI of Penobscot and Representative SHELTRA of Biddeford.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

---

An Act to Amend the Unclaimed Property Act.

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

2  
33 MRSA §1860, as enacted by PL 1987, c. 691, §4, is  
4 amended to read:

6 **§1860. Action to establish claim**

8 A person aggrieved by a decision of the administrator or  
9 whose claim has not been acted upon within 90 days after its  
10 filing may bring an action to establish the claim in a court of  
11 appropriate jurisdiction, naming the administrator as a  
12 defendant. The action must be brought within 90 days after the  
13 decision of the administrator or within 180 days after the filing  
14 of the claim if the administrator has failed to act on it.

16 ~~If the aggrieved person establishes the claim in an action~~  
17 ~~against the administrator, the court shall award that person~~  
18 ~~costs and reasonable attorney fees.~~

20  
21 **STATEMENT OF FACT**

22  
23 The Maine Revised Statutes, Title 33, section 1860 allows a  
24 court to award costs and reasonable attorney fees to a person who  
25 establishes a claim in an action against the Treasurer of State  
26 if that person is aggrieved by a decision of the Treasurer of  
27 State or the person's claim has not been acted upon within 90  
28 days after its filing. This bill eliminates this provision and  
29 will potentially save the State a large sum of money.