

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
115TH LEGISLATURE  
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 462,  
L.D. 653, Bill, "An Act Concerning Abandoned Property"

Amend the amendment by inserting at the end before the  
fiscal note the following:

Sec. 5. 29 MRSA §§2611 and 2612 are enacted to read:

§2611. Removal of personal property from certain motor vehicles

The removal of any items of personal property from any vehicle that is described in section 2610, subsection 1 while the vehicle is in the possession or on the premises of a garage, parking lot or service station, without verbal or written permission of the owner or manager of the premises or property where the vehicle is located is a civil violation for which a forfeiture of \$50 may be adjudged. This section applies to all persons, including, but not limited to, the owner of the vehicle, except that if any towing, storage or repair charges owed to the garage, parking lot or service station where the vehicle is located have been paid in full, any personal property contained in the vehicle must be immediately released to the person identified as the owner of the personal property.

§2612. Sale of abandoned personal property

Any items of personal property left in any vehicle described in section 2610, subsection 1 are presumed to be abandoned, if not claimed by the owner on or before the date ownership of the vehicle passes to the owner of the property or premises where the vehicle is located pursuant to section 2610. That personal property may be disposed of by the owner of the property or premises where the vehicle is located pursuant to the provisions of Title 33, section 1818, subsections 2 and 3 in the same manner

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2 as a landlord disposes of property left by a tenant, except that,  
3 after applying the proceeds of the sale to the expenses of notice  
4 and sale, the owner of the property or premises may apply any  
5 remaining proceeds to any charges due to that owner for the  
6 towing, storage or repair of the vehicle in which the property  
7 sold was located.'

8 Further amend the amendment by striking out all of the  
9 fiscal note (page 4, lines 11 to 27 in amendment) and inserting  
10 in its place the following:

12 **FISCAL NOTE**

14 Costs associated with implementing certain changes to the  
15 laws governing abandoned vehicles, including determining prior  
16 owners of vehicles, will be absorbed by the Division of Motor  
17 Vehicles utilizing existing budgeted resources.

18 This bill establishes a new Class E crime and a civil  
19 violation. The additional work load and administrative costs  
20 associated with a minimal number of new cases filed in District  
21 Court as a result of the violations will be absorbed within the  
22 budgeted resources of the Judicial Department. The collection of  
23 additional fines will increase General Fund revenue by an amount  
24 that can not be determined at this time.

25 Sentences imposed for a Class E offense must be served in a  
26 county jail facility. The projected cost to a county for each  
27 person sentenced under the new Class E crime is approximately  
28 \$3,820 and is based upon an average length of stay of 67 days.'

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34 **STATEMENT OF FACT**

35 This amendment creates a new section of the law to deal  
36 separately with the issue of removing items of personal property  
37 from an abandoned vehicle. The amendment creates a new section  
38 in the statutes to deal with the disposal of personal property  
39 that has been left in an abandoned vehicle and utilizes the same  
40 procedures in the existing abandoned property laws that are used  
41 by landlords to dispose of personal property left behind by  
42 former tenants. The amendment also replaces the fiscal note.  
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Filed by Rep. Boutilier of Lewiston  
Reproduced and distributed under the direction of the Clerk of the  
House  
(6/5/91)

(Filing No. H-554)