MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 653

H.P. 462

House of Representatives, February 19, 1991

Reference to the Committee on Transportation suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative STEVENS of Sabattus.

Cosponsored by Representative LIBBY of Kennebunk, Senator BALDACCI of Penobscot and Senator CAHILL of Sagadahoc.

STATE OF MAINE

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

An Act Concerning Abandoned Property.



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

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Sec. 1. 29 MRSA §1111, 6th ¶, as amended by PL 1987, c. 538, is further amended to read:

Removal of the vehicle, any part or accessory of such the vehicle or of any personal items from it while it the vehicle is in the possession or on the premises of such garage, parking lot or service station, without the express written permission of the owner or manager of such the garage, parking lot or service station shall-be-considered-a-misdemeanor-and-the-person-doing the-removing-of-such-part-or-accessory-shall-be-liable-to prosecution is a Class E crime. This shall-apply-to-removal without-written-permission-of-the-vehicle-itself,-and-shall include-any-person-or-persons-whatsoever, section applies to all persons including the owner of the vehicle.

Sec. 2. 29 MRSA §2610, sub-§§2, 3 and 5, as enacted by PL 1987, c. 598, §4, are amended to read:

2. Owner and lienholder unknown. If the owner of a vehicle described in subsection 1 is unknown, the owner of the premises or property where the vehicle is located shall inquire of the Secretary of State in writing whether the Secretary of State's records contain information as to the owner and lienholder, if any, of the vehicle. That inquiry shall must be made no later than 30 days after receipt of the vehicle and shall must include model, vehicle's make, year, body type, identification number and any registration and plates on the vehicle. Upon receipt of the inquiry, the Secretary of State shall provide the holder of the vehicle with any information on record as to the name and address of the vehicle's owner and lienholder or shall state that no record of the vehicle is on file.

- A. If the Secretary of State provides the name of the owner or lienholder, the holder of the vehicle shall comply with subsection 3.
- B. If the Secretary of State finds no record of the vehicle, the owner of the premises or property where the vehicle was brought or abandoned shall publish, at least twice in a newspaper of general circulation in the county where the premises or property is located, a notice which shall that clearly describe describes the vehicle and state states that if the owner of the vehicle or lienholder has not properly claimed it and paid all reasonable costs and charges for its towing and storage within 14 days from the date of last publication, ownership of the vehicle shall will pass to the owner of the property or premises where the vehicle is located. The notice shall must clearly state how the owner of the premises or property may be contacted.

Removal-of--the-vehicle-or-any-part,-accessory-or-personal item-from-the-vehicle-without-the-written-consent-of-the ewner-or-person-in-charge-of-the-premises-or-property-where the-vehicle-is-legated-is-a-Class-E-crime.

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3. Owner or lienholder known. If the owner or lienholder of a vehicle described in subsection 1 is known, the owner of the premises or property where the vehicle is located shall mail notice to the owner and lienholder, if any known. Such notice shall must be mailed not later that 30 days after receipt of the vehicle if no repair work, garaging, storing or parking was authorized by the vehicle's owner or driver, or not later than 30 following completion of any authorized repair work, garaging, storing or parking. The notice shall must give the location of the vehicle and the storage fee, if any, and state that if the owner or lienholder has not properly claimed the vehicle and paid all reasonable costs and charges for its towing, storage and authorized repair work within 14 days of receipt of the notice, ownership of the vehicle shall will pass to the owner of the premises or property where the vehicle is located, as The notice shall must be sent by provided in subsection 4. certified mail, return receipt requested. If the notice is returned unclaimed or unable to be delivered, the person required to give the notice shall comply with the publication requirements of subsection 2, paragraph B, within 10 work days of the return of the notice.

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5. Penalty. The holder of a vehicle, as described in subsection 1, who-fails to comply with subsection 2 or 3 by not making the inquiry or giving the notice within the time required by this section.

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Sec. 3. 29 MRSA $\S2610$, sub- $\S7$ is enacted to read:

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part, accessory or personal item from a vehicle without the written consent of the owner or person in charge of the premises or property where the vehicle is located is a Class E crime. This subsection applies to all persons, including the owner of the vehicle, and applies to vehicles for which the owner or

7. Removal of property. Removal of the vehicle or any

person in charge of the property where the vehicle is located is complying with subsection 2 or 3.

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STATEMENT OF FACT

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This bill amends the laws governing abandoned vehicles in the following ways:

2 1. Clarifies that the removal of any personal items from a vehicle that has been removed after illegally parked, disabled or abandoned is a Class E crime;

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- 2. Requires that, with respect to abandoned vehicles, persons required to give notice to owners and lienholders comply with certain publication requirements if the notice is unable to be delivered;
- 3. Removes the penalty provision for holders of vehicles who fail to comply with inquiry and notice requirements; and
- 4. Provides that the removal of an abandoned vehicle or part of the vehicle or personal items from the vehicle without the written consent of the person in charge of the premises is a Class E crime.