



## 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

Legislative Document

No. 1259

H.P. 873

House of Representatives, March 21, 1991

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

EDWIN H. PERT, Clerk

Presented by Representative MURPHY of Berwick. Cosponsored by Representative JALBERT of Lisbon.

STATE OF MAINE

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

An Act to Clarify the Landlord's Handling of Abandoned Property.

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

Sec. 1. 14 MRSA §6013, as amended by PL 1987, c. 691, §1, is further amended to read:

§6013. Property abandoned by tenant

Any property with a total value of \$100 \$500 or more that is abandoned or unclaimed by a tenant following the tenant's 10 vacating the rental unit shall must be disposed of according to Title 33, chapter 37.

The landlord shall place in storage in a safe, dry, secured 14 location any property with a total value of less than \$100-which <u>\$500 that</u> is abandoned or unclaimed by a tenant following the tenant's vacating the rental unit. The landlord shall send 16 written notice by first class mail with proof of mailing to the last known address of the tenant concerning the landlord's intent 18 to dispose of the abandoned property. The notice must include an 20 itemized list of the items and containers of items of property If the tenant claims the property within 14 days abandoned. 22 after the notice is sent, the landlord shall continue to store the property for at least 10 days after the tenant's response to 24 allow the tenant time to take possession of the property. The landlord may condition the release of the property to the tenant 26 upon the tenant's payment of all rental arrearages, damages and costs of storage. If the property remains unclaimed after the 28 14th day after notice has been sent or after the 10th day after the tenant claims the property, the landlord may sell the property for a reasonable fair market price and apply 30 all proceeds to rental arrearages, damages and costs of storage and 32 sale. All remaining balances shall must then be forwarded to the Treasurer of State.

Sec. 2. 33 MRSA §1818, sub-§1, as enacted by PL 1987, c. 691, 36 §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 is 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, or if the tenant has not taken possession of the property within 10 days after ownership has been claimed.

Sec. 3. 33 MRSA §1818, sub-§1-A, as enacted by PL 1989, c. 369, §1, is repealed.

Sec. 4. 33 MRSA §1818, sub-§2, as enacted by PL 1987, c. 691, 50 §4, is repealed and the following enacted in its place:

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 2. Property worth more than \$500. Tangible property
2 presumed to be abandoned under this section that has a fair market value greater than \$500 must be reported to the
4 administrator as required by this Act. If the administrator refuses delivery of the property and authorizes a holder to sell
6 that property, the landlord shall sell the property in a commercially reasonable manner in accordance with any
8 requirements imposed by the administrator.

10A. After the sale of the property, the landlord may apply<br/>any proceeds from the sale to unpaid rent, damages to the<br/>premises and the expenses of storage, notice and sale. Any<br/>balance and the records of the sale must be reported and<br/>delivered to the administrator in accordance with the<br/>provisions of this Act.

B. The record of the sale must include the name of the
18 owner prior to the sale, a description of the property, the
proceeds of the sale, any deductions authorized under
20 paragraph A and the balance remaining.

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

3. Property worth less than \$500. Tangible property presumed to be abandoned under this section may be sold by the landlord in accordance with Title 14, section 6013, if the fair market value of the property left by the tenant is less than \$100 \$500.

## STATEMENT OF FACT

34 This bill simplifies and clarifies a landlord's responsibilities concerning property abandoned by a tenant and 36 provides for a more expeditious and economical handling of that property, while still affording tenants all basic rights, 38 including the right to claim their property prior to sale.