

MAINE STATE LEGISLATURE

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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.

A handwritten signature in cursive script that reads "Ed Pert".

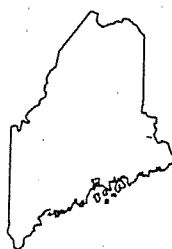
EDWIN H. PERT, Clerk

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.



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

2
4 Sec. 1. 14 MRSA §6013, as amended by PL 1987, c. 691, §1, is
further amended to read:

6 **§6013. Property abandoned by tenant**

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

12 The landlord shall place in storage in a safe, dry, secured
14 location any property with a total value of less than \$100-which
\$500 that is abandoned or unclaimed by a tenant following the
16 tenant's vacating the rental unit. The landlord shall send
written notice by first class mail with proof of mailing to the
18 last known address of the tenant concerning the landlord's intent
to dispose of the abandoned property. The notice must include an
20 itemized list of the items and containers of items of property
abandoned. If the tenant claims the property within 14 days
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
upon the tenant's payment of all rental arrearages, damages and
costs of storage. If the property remains unclaimed after the
26 14th day after notice has been sent or after the 10th day after
the tenant claims the property, the landlord may sell the
30 property for a reasonable fair market price and apply 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.

34 Sec. 2. 33 MRSA §1818, sub-§1, as enacted by PL 1987, c. 691,
36 §4, is amended to read:

38 1. **Presumption of abandonment.** Tangible and intangible
property, held by a landlord, that has been left on the premises
40 after a tenant has terminated tenancy or vacated the premises
~~shall-be~~ is presumed abandoned if it has not been claimed within
42 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
44 if the tenant has not taken possession of the property within 10
days after ownership has been claimed.

46 Sec. 3. 33 MRSA §1818, sub-§1-A, as enacted by PL 1989, c.
48 369, §1, is repealed.

50 Sec. 4. 33 MRSA §1818, sub-§2, as enacted by PL 1987, c. 691,
52 §4, is repealed and the following enacted in its place:

