

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 303

H.P. 225

House of Representatives, January 14, 1999

An Act to Amend the Uniform Unclaimed Property Act.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative MAYO of Bath.
Cosponsored by Senator LIBBY of York and
Representatives: BUCK of Yarmouth, CLARK of Millinocket, GLYNN of South Portland,
ROSEN of Bucksport, SHOREY of Calais, WHEELER of Bridgewater, Senator:
LaFOUNTAIN of York.

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

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Sec. 1. 33 MRSA §1953, sub-§1, ¶¶F and G, as enacted by PL 1997, c. 508, Pt. A, §2 and affected by §3, are amended to read:

F. Money or credits owed to a customer as a result of a retail business transaction, ~~3~~ 2 years after the obligation accrued;

G. A gift certificate, ~~3~~ 2 years after ~~December-31st-of-the year-in the date on which the certificate was sold payable;~~ the amount abandoned is the price paid by the purchaser for the gift certificate;

Sec. 2. 33 MRSA §1953, sub-§1, ¶O, as enacted by PL 1997, c. 508, Pt. A, §2 and affected by §3, is amended to read:

O. All other property, ~~5~~ 2 years after the owner's right to demand the property or after the obligation to pay or distribute the property arises, whichever first occurs.

Sec. 3. 33 MRSA §1958, sub-§2, ¶¶B and C, as enacted by PL 1997, c. 508, Pt. A, §2 and affected by §3, are amended to read:

B. Except with respect to a traveler's check or money order, the name, if known, and last known address, if any, and the social security number or taxpayer identification number, if readily ascertainable, of the apparent owner of property of the value of ~~\$50~~ \$200 or more;

C. An aggregated amount of items valued under ~~\$50~~ \$200 each;

Sec. 4. 33 MRSA §1958, sub-§5, ¶C, as enacted by PL 1997, c. 508, Pt. A, §2 and affected by §3, is amended to read:

C. The value of the property is ~~\$50~~ \$100 or more.

Sec. 5. 33 MRSA §1971, sub-§6, as enacted by PL 1997, c. 508, Pt. A, §2 and affected by §3, is amended to read:

6. Insufficient records. If, after January 1, 1998 ~~2000~~, a holder ~~does-not-maintain-the-records~~ fails to report as required by section 1972 and the records of the holder available for the periods subject to this Act are insufficient to permit the preparation of a report, the administrator may require the holder to report and ~~pay to the administrator the amount the administrator reasonably estimates, on the basis of any available records of the holder or by any other reasonable method of estimation, should have been but was not reported.~~ It is the administrator's burden to prove that the abandoned property that

2 was not properly reported is being held by the holder. A holder
3 that does not maintain the records required by this chapter may
4 be subject to section 1975.

6 **Sec. 6. 33 MRSA §1972**, as enacted by PL 1997, c. 508, Pt. A,
7 §2 and affected by §3, is amended to read:

8 **§1972. Retention of records; record keeping**

10 **1. Holder of property.** Except as otherwise provided in
11 subsection 2, a holder required to file a report under section
12 1958 shall maintain the records containing the information
13 required to be included in the report for ~~10~~ 6 years after the
14 holder files the report, unless a shorter period is provided by
15 rule of the administrator.

16 **2. Business association or financial organization.** A
17 business association or financial organization that sells, issues
18 or provides to others for sale or issue in this State traveler's
19 checks, money orders or similar instruments other than 3rd-party
20 bank checks, on which the business association or financial
21 organization is directly liable, shall maintain a record of the
22 instruments while they remain outstanding, indicating the state
23 and date of issue, for 3 years after the holder files the
24 report. An issuer of gift certificates or credit memos shall
25 obtain the name and address of the purchaser or creditor at the
26 time of issue. The issuer shall maintain a record of this
27 information for 3 years after the date of issue.

30 **SUMMARY**

32 This bill amends the Uniform Unclaimed Property Act as
33 follows.

34 **1.** It reduces the general presumption of abandonment from 5
35 years to 2 years.

36 **2.** It specifically reduces the presumption of abandonment
37 for gift certificates and credit memos from 5 years to 2 years as
38 well as requires all issuers of gift certificates to keep records
39 of purchasers and their addresses.

40 **3.** It requires holders of abandoned property to report the
41 names and addresses of last known owners whose property they
42 retain with a value over \$200. Currently that requirement
43 attaches for property with only a value of \$50.

44 **4.** It raises the threshold for the ability to report, in
45 the aggregate, held property with individual values of under \$200
46 rather than the current \$50.

2 5. It requires the administrator to prove that unclaimed
3 property is being held by a holder before the administrator may
4 fine the holder or business for not reporting. Currently, the
5 administrator fines people, even if they do not hold abandoned
6 property, for not reporting since the administrator presumes
7 certain businesses must hold abandoned property.

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10 6. It reduces from 10 years to 6 years the length of time a
11 business must maintain records. This time period equals the
12 general statute of limitations.