

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DATE: 3-31-00

(Filing No. H-1000)

JUDICIARY

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1845, L.D. 2582, Bill, "An Act to Correct the Inadvertent Repeal of the Abandoned Property Disposition Process for Municipalities"

Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, municipalities currently holding abandoned property have no process by which to return the property or otherwise dispose of it; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, '

Further amend the bill in section 1 in that part designated "§3106." by striking out all of subsection 2 and inserting in its place the following:

'2. Procedure. A political subdivision may dispose of covered property that has been abandoned in accordance with this section.

A. The municipal officers in the case of a city, town or plantation, the county commissioners in the case of a county and in all other cases the governing board of a political subdivision, or the designee of any of these, may give

COMMITTEE AMENDMENT

2 written notice to the owner or owners of covered property,
3 if known, instructing the owner or owners to remove the
4 covered property from the real estate in or on which it is
5 located within 21 days after receipt of the notice.

6 B. Notice must be mailed by certified mail, return receipt
7 requested, to the owner or owners of the covered property.
8 Notice is sufficient under this paragraph if the signed
9 receipt is returned or the certified mail is returned as
10 refused by the recipient.

11 C. If sufficient notice was not given under paragraph B or
12 if, with reasonable diligence, the identity or the address
13 of an owner or owners can not be determined, the notice is
14 sufficient if it is not mailed but published twice
15 consecutively in a daily or weekly newspaper having general
16 circulation in the municipality or political subdivision in
17 which the covered property is located.

18 D. The political subdivision has no responsibility to
19 safeguard or otherwise preserve or protect the covered
20 property pending restoration to its owner or other disposal.'
21

22
23 Further amend the bill in section 1 in that part designated
24 "**\$3106.**" by inserting after subsection 4 the following:

25
26 '5. Deposit of funds. After the sale of the property, the
27 political subdivision may apply proceeds from the sale to unpaid
28 taxes, assessments and expenses of storage, notice and sale. Any
29 balance and the records of the sale must be reported and
30 delivered to the Treasurer of State in accordance with Title 33,
31 section 1959, subsection 1.
32

33 **Emergency clause.** In view of the emergency cited in the
34 preamble, this Act takes effect when approved.'
35

36 37 38 SUMMARY

39
40 This amendment replaces subsection 2 of the bill to clarify
41 the requirements that apply to municipalities, counties and other
42 political subdivisions relating to notifying the owner of
43 abandoned property. This amendment requires mailing the notice
44 by certified mail, return receipt requested. The notice must be
45 addressed to the owners at their last known address or the
46 address on the voting list. If the receipt is returned or the
47 mailing is returned as refused by the recipient, the notice is
48 sufficient as mailed. If the notice given was not successful, or
49 if no address is known for the owners, notice must be given by
50 publication.

R.S.

COMMITTEE AMENDMENT "A" to H.P. 1845, L.D. 2582

2 This amendment also provides that if the municipality,
3 county or other political subdivision sells the abandoned
4 property, after applying the proceeds to the costs of storage,
5 notice and sale, the balance and the appropriate records must be
6 turned over to the Treasurer of State in accordance with the
7 Uniform Unclaimed Property Act.
8
9 This amendment also adds an emergency preamble and an
10 emergency clause to the bill.

COMMITTEE AMENDMENT