

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2000

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Legislative Document

No. 2582

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H.P. 1845

House of Representatives, February 23, 2000

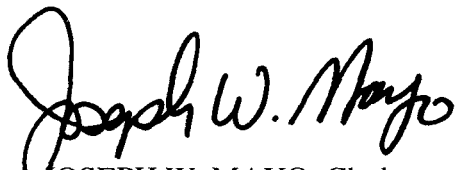
**An Act to Correct the Inadvertent Repeal of the Abandoned Property  
Disposition Process for Municipalities.**

(AFTER DEADLINE)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule  
205.

Reference to the Committee on Judiciary suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative CAMPBELL of Holden.  
Cosponsored by Senator FERGUSON of Oxford and  
Representatives: BERRY of Belmont, BRUNO of Raymond, BUCK of Yarmouth, FISHER of  
Brewer, JOY of Crystal, NASS of Acton, Senators: NUTTING of Androscoggin, RUHLIN of  
Penobscot.

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

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4       Sec. 1. 30-A MRSA §3106 is enacted to read:

6       §3106. Disposition of abandoned property

8       1. Definitions. As used in this section, unless the  
context otherwise indicates, the following terms have the  
following meanings.

10       A. "Covered property" means all tangible property, other  
12       than tangible property described in Title 33, section 1954,  
located in or on real estate acquired by a political  
14       subdivision through tax delinquency proceedings pursuant to  
Title 36 or through any similar procedure created by statute  
16       for the collection of unpaid taxes, assessments, expenses or  
charges. "Covered property" includes all tangible property,  
18       other than tangible property described in Title 33, section  
1954, located in or on real estate that has been determined  
20       to be a dangerous building pursuant to Title 17, chapter 91,  
subchapter IV.

22       B. "Political subdivision" has the same meaning as in  
24       section 2252.

26       2. Procedure. A political subdivision may dispose of  
covered property that has been abandoned in accordance with this  
28       subsection.

30       A. The municipal officers in the case of a city, town or  
plantation, the county commissioners in the case of a county  
32       and in all other cases the governing board of a political  
subdivision, or the designee of any of these, may give  
34       written notice to the owner or owners of covered property,  
if known, instructing the owner or owners to remove the  
36       covered property from the real estate in or on which it is  
located within 21 days after receipt of the notice.

38       B. The notice is sufficient if it is mailed by certified  
40       mail, return receipt requested, to the last known address of  
the owner or owners of the covered property, and it is  
42       sufficient if the address used is the most recent one shown  
by the assessing records pertaining to the real estate in or  
44       upon which the covered property is located or the assessing  
records of any municipality in which the owner or owners own  
46       or are in possession of real estate at the time the notice  
is given.

2 C. If the owner or owners of the covered property are not  
3 known to own or be parties in possession of any real estate,  
4 the notice is sufficient if it is addressed to the address  
5 shown on any municipal voting list or other voter record.

6 D. When with reasonable diligence the identity or the  
7 address of an owner or owners can not be determined, the  
8 notice is sufficient if it is not mailed but published twice  
9 consecutively in a daily or weekly newspaper having general  
10 circulation in the municipality in which the covered  
11 property is located.

12 E. The political subdivision has no responsibility to  
13 safeguard or otherwise preserve or protect the covered  
14 property pending restoration to its owner or other disposal.

15 3. Content of notice. Whether mailed or published, notice  
16 need not include a roster or inventory of the covered property,  
17 but need only state that tangible personal property that may  
18 belong to the addressee, owner or former owner is located in or  
19 on real property within the ownership or control of the political  
20 subdivision, and that on contact with the originating political  
21 subdivision, arrangements can be made for removal of covered  
22 property belonging to that addressee, owner or former owner.

23 4. Limitations on liability. A political subdivision that  
24 has complied with this section is not liable for the disposal of  
25 covered property or for the proceeds, if any, of the disposal.

## 30 SUMMARY

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32 The enactment of the Uniform Unclaimed Property Act in  
33 Public Law 1997, chapter 508, Part A caused the inadvertent  
34 repeal of a provision of abandoned property law that created a  
35 process for municipalities to follow when seeking to dispose of  
36 the abandoned personal property that is typically found in  
37 tax-acquired or condemned real estate. The purpose of this bill  
38 is to restore that process.  
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