

MAINE STATE LEGISLATURE

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**STATE OF MAINE
SENATE
121ST LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 297, L.D. 901, Bill, "An Act To Update the Abandoned Property Laws"

Amend the bill by striking out all of section 1 and inserting in its place the following:

'Sec. 1. 14 MRSA §6013, as amended by PL 2003, c. 20, Pt. T, §9, is further amended to read:

§6013. Property unclaimed by tenant

Any property with a total value of \$500 ~~\$750~~ or more that is abandoned or unclaimed by a tenant following the tenant's vacating the rental unit must be disposed of according to Title 33, chapter 41.

The landlord shall place in storage in a safe, dry, secured location any property with a total value of less than \$500 ~~\$750~~ that is abandoned or unclaimed by a tenant following the tenant's vacating the rental unit. The landlord shall send written notice by first class mail with proof of mailing to the last known address of the tenant concerning the landlord's intent to dispose of the unclaimed property. The notice must include an itemized list of the items and containers of items of property unclaimed. If the tenant claims the property within 14 days after the notice is sent, the landlord shall continue to store the property for at least 10 days after the tenant's response to 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 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 all proceeds to rental arrearages, damages and costs of storage and sale. All remaining balances must then be forwarded to the Treasurer of State.

Sec. 2. 33 MRSA §1954, sub-§2, ¶¶A and B, as enacted by PL 1999, c. 294, §1, are amended to read:

A. Tangible property presumed to be abandoned under this subsection that has a fair market value of ~~\$500~~ \$750 or more must be reported to the administrator as required by this Act. If the administrator refuses delivery of the property and authorizes a holder to sell that property, the landlord shall sell the property in a commercially reasonable manner in accordance with any requirements imposed by the administrator.

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

(2) The record of the sale must include the name of the owner prior to the sale, a description of the property, the proceeds of the sale, any deductions authorized under subparagraph (1) and the balance remaining.

B. Tangible property that has a fair market value of less than ~~\$500~~ \$750 that is left by a tenant may be disposed of by the landlord in accordance with Title 14, section 6013.'

SUMMARY

This amendment makes changes to the laws governing abandoned property to conform to changes made in the bill. The amendment also incorporates changes to the law enacted in Public Law 2003, chapter 20, in order to avoid a conflict.