

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 103

H.P. 87

House of Representatives, January 12, 2009

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**An Act To Ensure Protection from Harassment for Purchasers of  
Real Property through Auction**

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Reference to the Committee on Judiciary suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative CROCKETT of Augusta.  
Cosponsored by Senator BRYANT of Oxford and  
Representatives: BLANCHARD of Old Town, BRIGGS of Mexico, CONNOR of Kennebunk,  
FINCH of Fairfield, MAGNAN of Stockton Springs, PRATT of Eddington, Senators:  
GERZOFSKY of Cumberland, PLOWMAN of Penobscot.

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

2 **Sec. 1. 32 MRSA §287-B** is enacted to read:

3 **§287-B. Personal property located on real property**

4 **1. Opportunity to claim personal property.** Prior to an auction of real property,  
5 the owner of the real property and the auctioneer shall provide an opportunity for any  
6 person who owns personal property located on the real property to claim the personal  
7 property.

8 **2. Claim.** A person who owns personal property under subsection 1 may claim the  
9 property by removing it from the real property or by notifying both the owner and the  
10 auctioneer that the personal property is owned by that person and may not be included in  
11 the auction.

12 **3. Claim period.** A person who owns personal property under subsection 1 may  
13 notify the auctioneer and the owner of the real property pursuant to subsection 2 anytime  
14 within the 30 days before the auction and the date of the auction.

15 **4. Not included in auction.** Personal property that is claimed under this section by  
16 the date of the auction may not be included in the auction of real property.

17 **5. Removal of personal property.** If a person who claims personal property  
18 pursuant to this section has not removed it by the date of the auction, the person must  
19 remove it as soon as possible or within a period agreed to by the person and the new  
20 owner of the real property.

21 **Sec. 2. 32 MRSA §299, sub-§8,** as enacted by PL 1999, c. 146, §5, is amended to  
22 read:

23 **8. Statement of buyer's premium.** A statement of the buyer's premium and any  
24 other charges to the bidders or any other persons in attendance; ~~and~~

25 **Sec. 3. 32 MRSA §299, sub-§9,** as enacted by PL 1999, c. 146, §5, is amended to  
26 read:

27 **9. Title and address.** The title and address of the board- ; and

28 **Sec. 4. 32 MRSA §299, sub-§10** is enacted to read:

29 **10. Personal property.** In an auction that includes real property, any personal  
30 property on the premises of the real property to be auctioned that is not subject to the  
31 auction, including but not limited to personal property claimed under section 287-B.

32 **SUMMARY**

33 This bill requires the owner of real property that is to be sold by auction, and the  
34 auctioneer who will conduct the auction, to provide an opportunity for any person who

1 owns personal property located on the real property to claim that personal property before  
2 the auction. The personal property may be claimed by notifying the owner of the real  
3 property and the auctioneer before the auction or by removing the personal property.  
4 Personal property that is claimed in this manner is not included in the auction of the real  
5 property, and the auctioneer must make that clear at the beginning of the auction.

6 If the person who claims the personal property has not removed it by the date of the  
7 auction, the person is responsible for removing the personal property as soon as possible  
8 or within a time period established by the agreement of the person and the new owner of  
9 the real property.