

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 657

H.P. 487

House of Representatives, February 17, 2011

### An Act To Permit Disposal of Abandoned Manufactured Housing

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Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script, reading 'Heather J.R. Priest'.

HEATHER J.R. PRIEST  
Clerk

Presented by Representative CROCKETT of Bethel.  
Cosponsored by Senator HASTINGS of Oxford and  
Representatives: HAMPER of Oxford, WINSOR of Norway, Senators: FARNHAM of  
Penobscot, LANGLEY of Hancock, PLOWMAN of Penobscot.

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

2 **Sec. 1. 33 MRSA §1954**, as amended by PL 2009, c. 566, §25, is further amended  
3 to read:

4 **§1954. Property in safekeeping depository or held by landlord or state institution;**  
5 **manufactured housing**

6 **1. Contents of safe deposit box or other safekeeping depository.** Tangible  
7 property held in a safe deposit box or other safekeeping depository in this State in the  
8 ordinary course of the holder's business and proceeds resulting from the sale of the  
9 property permitted by other law are presumed abandoned if the property and proceeds  
10 remain unclaimed by the owner for more than 3 years after expiration of the lease or  
11 rental period on the box or other depository.

12 **2-A. Manufactured housing.** Manufactured housing held by a landlord that has  
13 been left on the premises after a tenant has terminated tenancy or vacated the premises is  
14 presumed abandoned if it has not been claimed within 14 days after written notice has  
15 been sent by first class mail with proof of mailing to the last known address of the tenant  
16 or if the tenant has not taken possession of the manufactured housing within 10 days after  
17 claiming ownership. As used in this subsection, unless the context otherwise indicates,  
18 "manufactured housing" has the same meaning as in Title 10, section 9002, subsection 7.

19 A. Manufactured housing presumed to be abandoned under this subsection that has a  
20 fair market value of \$750 or more must be reported to the administrator as required  
21 by this Act. If the administrator refuses delivery of the manufactured housing and  
22 authorizes a holder to sell that manufactured housing, the landlord shall sell the  
23 manufactured housing in a commercially reasonable manner in accordance with any  
24 requirements imposed by the administrator.

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

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

33 B. Manufactured housing that has a fair market value of less than \$750 that is left by  
34 a tenant may be disposed of by the landlord in accordance with Title 14, section 6013  
35 except that the landlord is not required to place the manufactured housing in storage.

36 **3. Property held by state institutions.** Tangible property, other than prescription  
37 drugs, held by an institution under the control of the Department of Health and Human  
38 Services or the Department of Corrections that has been left by a patient or inmate is  
39 presumed abandoned if it is not claimed within one year after the patient's or inmate's  
40 discharge from or death while residing in the institution. Prescription drugs held by an  
41 institution under the control of the Department of Health and Human Services or the

1 Department of Corrections that are left by a patient or inmate are presumed abandoned  
2 upon the death of the patient or inmate or if the drugs are not claimed within 30 days of  
3 the patient's or inmate's discharge from the institution.

4 A. Tangible property other than prescription drugs presumed abandoned under this  
5 subsection may be sold by the head of the institution at public auction.

6 (1) At least 14 days prior to the sale, the head of the institution shall give notice  
7 to the owner:

8 (i) Either personally or by certified mail; or

9 (ii) If that notice cannot be given after one reasonable attempt to do so, by  
10 publication in a newspaper of general circulation in the county in which the  
11 institution is located.

12 The notice must give a description of the property, the institution at which it was  
13 left, the time and place of the sale and the right to claim the property.

14 (2) The owner may claim this property at any time prior to the actual sale.

15 (3) After sale, the head of the institution shall record the name of the owner prior  
16 to the sale, a description of the property, the institution at which it was left and  
17 the proceeds of the sale.

18 (4) The proceeds of the sale and the records of the sale must be reported and  
19 delivered to the administrator in the same manner as property presumed  
20 abandoned is reported and delivered.

21 B. Prescription drugs that are presumed abandoned under this subsection must be  
22 disposed of in accordance with rules established by the Board of Commissioners of  
23 the Profession of Pharmacy.

## 24 SUMMARY

25 This bill provides landlords a process for the disposal of abandoned manufactured  
26 housing. This process is based on the provisions of the Maine Revised Statutes, Title 33,  
27 section 1954, former subsection 2, which governed the disposal of tangible property in  
28 general by a landlord, until it was repealed by the Second Regular Session of the 124th  
29 Legislature.