

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1227

H.P. 918

House of Representatives, March 22, 2011

**An Act Concerning the Disposal of Unclaimed, Lost or Stolen
Personal Property by Law Enforcement Agencies**

Submitted by the Department of Public Safety pursuant to Joint Rule 204.
Reference to the Committee on Criminal Justice and Public Safety suggested and ordered
printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative BURNS of Whiting.

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

2 **Sec. 1. 25 MRSA §3502**, as enacted by PL 1975, c. 558, is amended to read:

3 **§3502. Custody and return of property believed to be abandoned, lost or stolen**

4 Such property believed to be abandoned, lost or stolen or otherwise illegally
5 possessed, as is covered by this chapter, ~~shall~~ must be retained in custody by the chief of
6 police or the principal official of the law enforcement agency, who shall make reasonable
7 inquiry and efforts to identify and notify the owner or other person entitled to possession
8 ~~thereof of the property~~ and shall return the property after such person provides reasonable
9 and satisfactory proof of ~~his~~ that person's ownership or right to possession and reimburses
10 the agency and others authorized to incur expenses by the agency for all reasonable
11 expenses of such custody. If the owner of such property or any other person entitled to
12 possession ~~thereof of the property~~ has not been identified ~~within~~ after at least 30 days
13 from the initial date of custody of such property by a law enforcement agency, the
14 principal official of such agency shall cause to be published, at least once in a newspaper
15 of general circulation in the county ~~wherein in which~~ such official has authority or in ~~the~~
16 ~~state paper~~ a newspaper having statewide circulation in the case of a state law
17 enforcement agency, a notice of ~~his~~ the law enforcement agency's ~~possession~~ possession
18 of such property and its inability to ascertain the owner ~~thereof of the property~~. Such
19 notice ~~shall~~ must also contain a brief description of the property and a statement to the
20 effect that, if the owner of such property or any other person entitled to possession ~~thereof~~
21 of the property has not claimed such property within 5 months of the date of such
22 published notice, such property will ~~either~~ be surrendered to the person who found it, if
23 any, ~~or be~~ sold to the highest bidder at public auction, donated to a nonprofit organization
24 or charity or disposed of as waste.

25 **Sec. 2. 25 MRSA §3503**, as enacted by PL 1975, c. 558, is amended to read:

26 **§3503. Sale of unclaimed property**

27 If the identity or location of the owner or other person entitled to possession of the
28 property has not been ascertained within 6 months after the law enforcement agency
29 obtains such possession, or said identity has been determined and such person does not
30 claim possession within this 6-month period, and the finder of such property, if any, has
31 not claimed it pursuant to the provisions of section 3507 within 15 days after the
32 expiration of said 6-month period, the principal official thereof shall effectuate the sale of
33 the property for cash to the highest bidder at a public auction, notice of which, including
34 time, place and a brief description of such property, shall be published at least once in a
35 newspaper of general circulation in the county wherein such official has authority at least
36 10 days prior to such auction or in the state paper in the case of a state law enforcement
37 agency. Property offered but not sold at such public auction may be offered and sold at a
38 subsequent public auction without further notice, donated to a nonprofit organization or
39 charity or disposed of as waste.

40 A law enforcement agency shall appropriately and properly dispose of as waste any
41 property that poses a possible health risk.

1 At no time may any property that has been disposed of by a law enforcement agency
2 as waste be owned or personally used by any member of a law enforcement agency or by
3 any immediate family member of any member of a law enforcement agency.

4

SUMMARY

5 This bill provides law enforcement agencies in disposing of unclaimed, lost and
6 stolen property in their custody with more options, including donating it to a nonprofit
7 organization or charity or disposing of it as waste.