

# MAINE STATE LEGISLATURE

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L.D. 1428

Date: 6-6-11

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**LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**

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**STATE OF MAINE**

**SENATE**

**125TH LEGISLATURE**

**FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 442, L.D. 1428, Bill, "An Act To Amend the Laws Governing Self-service Storage in the State"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

**Sec. 1. 10 MRSA §1372, sub-§1-A** is enacted to read:

**1-A. Abandoned leased space.** "Abandoned lease space" means a leased space that the operator finds unlocked and empty or unlocked and containing personal property with a value less than \$750 or a leased space possession of and all rights to which and any personal property within which have been surrendered to the operator by the occupant.

**Sec. 2. 10 MRSA §1372, sub-§1-B** is enacted to read:

**1-B. Electronic mail.** "Electronic mail" means electronic mail sent or delivered by transmission over the Internet.

**Sec. 3. 10 MRSA §1372, sub-§6**, as enacted by PL 1989, c. 62, is amended to read:

**6. Personal property.** "Personal property" means movable property, not affixed to land. Personal property includes, but is not limited to, goods, wares, merchandise, motor vehicles, watercraft, all-terrain vehicles, off-road vehicles, recreational vehicles and household items and furnishings.

**Sec. 4. 10 MRSA §1372, sub-§9** is enacted to read:

**9. Verified mail.** "Verified mail" means any method of mailing that is offered by the United States Postal Service and provides evidence of mailing.

**Sec. 5. 10 MRSA §1374, sub-§1**, as enacted by PL 1989, c. 62, is amended to read:

**1. Lien created.** The operator of a self-service storage facility has a lien on all personal property stored within each leased space for rent, labor or other charges, and for

1 expenses reasonably incurred in its sale, as provided in this Act. The lien attaches as of  
2 the date the occupant leases the space.

3 **Sec. 6. 10 MRSA §1375, sub-§1**, as amended by PL 2009, c. 525, §3, is further  
4 amended to read:

5 **1. Sale; use of proceeds.** Except as provided in subsection 1-A, if the occupant is in  
6 default for a period of more than 45 days, the operator may enforce a lien by selling the  
7 property stored in the leased space at a public or private sale for cash. Proceeds must  
8 then be applied to satisfy the lien, with any surplus disbursed as provided in subsection 5.  
9 The sale must take place at least 15 days after the provision of notice under subsection 2.

10 **Sec. 7. 10 MRSA §1375, sub-§§1-C and 1-D** are enacted to read:

11 **1-C. Personal property with value less than \$750.** If the occupant is in default for  
12 a period of more than 45 days, the operator may remove the occupant's lock to verify that  
13 the personal property in the leased space has a value greater than or equal to \$750. If the  
14 personal property has a value greater than or equal to \$750, the operator may enforce a  
15 lien pursuant to subsection 1. If the personal property has a value less than \$750, the  
16 personal property and leased space may be considered an abandoned leased space and the  
17 personal property may be disposed of pursuant to section 1378.

18 **1-D. Motor vehicles.** If the personal property in the leased space is a motor vehicle,  
19 the operator may have the motor vehicle towed with no liability to any party.

20 **Sec. 8. 10 MRSA §1375, sub-§2**, as enacted by PL 1989, c. 62, is amended to  
21 read:

22 **2. Notice.** As soon as the occupant is in default and before conducting a sale under  
23 subsection 1, the operator shall:

24 A. Send a notice of default by ~~regular mail and by certified mail~~ verified mail and by  
25 either first-class mail or electronic mail to the occupant at the occupant's last known  
26 address or other address set forth by the occupant in the rental agreement ~~which that~~  
27 includes:

28 (1) A statement that the contents of the occupant's leased space are subject to the  
29 operator's lien. The sale must take place at least 15 days after the provision of  
30 notice under subsection 2;

31 (2) A statement of the operator's claim, indicating the charges due on the date of  
32 the notice, the amount of any additional charges ~~which shall~~ that become due  
33 before the date of sale and the date those additional charges ~~shall~~ become due;

34 (3) A demand for payment of the charges due within a specified time, not less  
35 than 14 days after the date of the notice;

36 (4) A statement that unless the claim is paid within the time stated, the contents  
37 of the occupant's space will be sold, specifying the time and place; and

38 (5) The name, street address and telephone number of the operator, or the  
39 operator's designated agent, whom the occupant may contact to respond to the  
40 notice; ~~and.~~

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1 B. ~~Publish an advertisement of the sale once a week for 2 consecutive weeks in a~~  
2 ~~newspaper of general circulation in the city or town where the sale is to be held. The~~  
3 ~~advertisement must include a general description of the property as set forth in the~~  
4 ~~rental agreement, the name of the person on whose account it is being held and the~~  
5 ~~time and place of the sale. The sale must take place at least 15 days after the first~~  
6 ~~publication.~~

7 Sec. 9. 10 MRSA §1375, sub-§5, ¶B, as enacted by PL 1989, c. 62, is amended  
8 to read:

9 B. Hold the balance, if any, for 90 days from the date of sale for delivery on demand  
10 to the occupant or any other recorded lienholders. If the balance is not claimed after  
11 90 days, it becomes the property of the operator.

12 Sec. 10. 10 MRSA §1375, sub-§10, as enacted by PL 1989, c. 62, is amended to  
13 read:

14 10. Notices; mail. Unless otherwise specifically provided, all notices required by  
15 this Act ~~shall~~ must be sent ~~by certified or registered mail as described in subsection 2,~~  
16 ~~paragraph A.~~

17 A. Notices sent to the operator ~~shall~~ must be sent to the self-service storage facility  
18 where the occupant's property is stored. Notices to the occupant ~~shall~~ must be sent to  
19 the occupant at the occupant's last known address. Notices ~~shall be~~ are deemed  
20 delivered when deposited with the United States Postal Service, properly addressed  
21 as provided in subsection 2, with postage paid.

22 Sec. 11. 10 MRSA §1375, sub-§13 is enacted to read:

23 13. Value of stored property. If a rental agreement contains a limit on the value of  
24 personal property that may be stored in the occupant's leased space, the limit is deemed to  
25 be the maximum value of the stored personal property and the maximum liability of the  
26 operator for any claim.

27 Sec. 12. 10 MRSA §1378 is enacted to read:

28 §1378. Abandonment

29 In the case of an abandoned leased space, the operator has the right to immediately  
30 take possession of the leased space and dispose of any personal property in the leased  
31 space by any means at the operator's discretion.'

32 SUMMARY

33 This amendment removes language that would have given the operator of a self-  
34 storage facility the right to take possession of abandoned leased space without any duty of  
35 accounting or any liability to any party. This amendment also makes a number of  
36 grammatical and technical changes to the bill.