

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1428

S.P. 442

In Senate, April 7, 2011

An Act To Amend the Laws Governing Self-service Storage in the State

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.

Secretary of the Senate

Presented by Senator COURTNEY of York.
Cosponsored by Representative CRAFTS of Lisbon and
Senators: COLLINS of York, MARTIN of Kennebec, PLOWMAN of Penobscot,
THIBODEAU of Waldo, Representatives: CRAY of Palmyra, WATERHOUSE of Bridgton.

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

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

3 **1-A. Abandonment.** "Abandonment" means a leased space that the operator finds
4 unlocked and empty or unlocked and the personal property within the leased space has a
5 value of less than \$750 or the occupant surrenders possession of and all rights to the
6 leased space and any personal property in the leased space.

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

8 **1-B. Electronic mail.** "Electronic mail" means an electronic message or an
9 executable program or computer file that contains an image of a message that is
10 transmitted between 2 or more computers or electronic terminals and includes electronic
11 messages that are transmitted within or between computer networks from which a
12 confirmation of receipt is received.

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

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

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

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

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

24 **1. Lien created.** The operator of a self-service storage facility has a lien on all
25 personal property stored within each leased space for rent, labor or other charges, and for
26 expenses reasonably incurred in its sale, as provided in this Act. The lien attaches as of
27 the date the occupant leases the space.

28 **Sec. 6. 10 MRSA §1375, sub-§1-C** is enacted to read:

29 **1-C. Personal property with value less than \$750.** If the occupant is in default for
30 a period of more than 45 days, the operator may remove the occupant's lock to verify that
31 the personal property in the leased space has a value greater than \$750. If the property
32 has a value of greater than \$750, the operator may enforce a lien pursuant to subsection 1.
33 If the personal property has a value less than \$750, the personal property and leased space
34 may be considered abandoned and disposed of pursuant to section 1378.

35 **Sec. 7. 10 MRSA §1375, sub-§1-D** is enacted to read:

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

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

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

9 (1) A statement that the contents of the occupant's leased space are subject to the
10 operator's lien;

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

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

16 (4) A statement that unless the claim is paid within the time stated, the contents
17 of the occupant's space will be sold, specifying the time and place. The sale must
18 take place at least 15 days after the notice; and

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

22 **Sec. 9. 10 MRSA §1375, sub-§2, ¶B**, as enacted by PL 1989, c. 62, is repealed.

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

25 B. Hold the balance, if any, no longer than 90 days from the date of sale for delivery
26 on demand to the occupant or any other recorded lienholders. If the balance is not
27 claimed after 90 days, it becomes the property of the operator.

28 **Sec. 11. 10 MRSA §1375, sub-§10**, as enacted by PL 1989, c. 62, is amended to
29 read:

30 **10. Notices; certified or registered mail.** Unless otherwise specifically provided,
31 all notices required by this Act ~~shall~~ must be sent ~~by certified or registered mail pursuant~~
32 to section 2-A.

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

38 **Sec. 12. 10 MRSA §1375, sub-§13** is enacted to read:

