

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature
1ST SPECIAL SESSION
JANUARY 2, 1974 TO MARCH 29, 1974
AND BY THE
One Hundred and Seventh Legislature
REGULAR SESSION
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,
SECTION 164, SUBSECTION 6.

THE KNOWLTON AND McLEARY COMPANY
FARMINGTON, MAINE
1975

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature

1975

Sec. 1. 34 MRSA § 801, sub-§ 1-A, as amended by PL 1973, c. 788, § 169, is further amended to read:

1-A. Males between the ages of 15 and 21 years. Males between the ages of 15 and ~~18~~ 21 years committed thereto by the juvenile court after being adjudicated to have committed a juvenile offense;

Sec. 2. 34 MRSA § 851, sub-§ 1-A, as amended by PL 1973, c. 788, § 1-A, is further amended to read:

1-A. Women between the age of 15 and 21 years. Females between the ages of 15 and ~~18~~ 21 years committed thereto by the juvenile court after being adjudicated to have committed a juvenile offense;

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 23, 1975

CHAPTER 558

AN ACT Relating to the Disposal of Certain Personal Property by Law Enforcement Agencies.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies;

Whereas, the Bureau of State Police has custody of unclaimed property; and

Whereas, daily storage charges are being assessed against the Bureau of State Police; and

Whereas, there is no statute to provide relief of this unclaimed property; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

25 MRSA Pt. 9, c. 401 is enacted to read:

PART 9

LAW ENFORCEMENT AGENCIES IN GENERAL

CHAPTER 401

DISPOSAL OF ABANDONED, LOST OR STOLEN PERSONAL PROPERTY BY LAW ENFORCEMENT AGENCIES

§ 3501. Application of chapter

This chapter shall apply to all personal property of which possession is transferred to a police department or other law enforcement agency of the State or any political subdivision thereof, under circumstances supporting a reasonable belief that such property was abandoned, lost or stolen, or otherwise illegally possessed, except property seized during search and retained and ultimately returned, destroyed or otherwise disposed of pursuant to a court order or some other law hereafter applicable to specific property or circumstance.

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

Such property believed to be abandoned, lost or stolen or otherwise illegally possessed, as is covered by this chapter, shall be retained in custody by the chief of police or the principal official of the law enforcement agency, who shall make reasonable inquiry and efforts to identify and notify the owner or other person entitled to possession thereof and shall return the property after such person provides reasonable and satisfactory proof of his ownership or right to possession and reimburses the agency and others authorized to incur expenses by the agency for all reasonable expenses of such custody. If the owner of such property or any other person entitled to possession thereof has not been identified within 30 days from the initial date of custody of such property by a law enforcement agency, the principal official of such agency shall cause to be published, at least once in a newspaper of general circulation in the county wherein such official has authority or in the state paper in the case of a state law enforcement agency, a notice of his agency's possession of such property and its inability to ascertain the owner thereof. Such notice shall also contain a brief description of the property and a statement to the effect that, if the owner of such property or any other person entitled to possession thereof has not claimed such property within 5 months of the date of such published notice, such property will either be surrendered to the person who found it, if any, or be sold to the highest bidder at public auction.

§ 3503. Sale of unclaimed property

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

§ 3504. Deposit of proceeds

Proceeds of the sale of the property at public auction, less reimbursement to the law enforcement agency and others authorized of the reasonable ex-

penses of custody thereof, shall be deposited in the State Treasury or the treasury of the appropriate political subdivision thereof to be expended as provided by law.

§ 3505. Recovery of property by owner or person entitled to possession; limitation

The owner or other person entitled to possession of such property may claim and recover possession of the property at any time before its sale at public auction, upon providing reasonable and satisfactory proof of ownership or right to possession and reimbursing the law enforcement agency and others authorized for all reasonable expenses for custody thereof.

§ 3506. Damages occasioned by acts or omissions

No person shall be responsible for subsequent damages to another occasioned by an act or omission in compliance with this chapter.

§ 3507. Property returned to finder

Any person may surrender property which he has found to a law enforcement agency. Such person shall be entitled to have such property surrendered to him if the owner thereof or other person entitled to possession thereof has not properly claimed the property within 6 months of its surrender to the law enforcement agency, provided such person who so surrendered the property reimburses the law enforcement agency and others authorized for reasonable expenses incurred in its custody of such property.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 23, 1975

CHAPTER 559

AN ACT Amending Laws Relating to Hospitalization of the Mentally Ill.

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

Sec. 1. 4 MRSA § 157, as last amended by PL 1973, c. 788, § 6, is further amended by inserting after the 2nd sentence the following:

One of the judges at large shall have as his primary responsibility the conduct of proceedings pursuant to Title 34, section 2334.

Sec. 2. 15 MRSA § 2211-A, last sentence of the first ¶, as last amended by PL 1973, c. 716, § 1, is amended to read:

The application and certification shall be in accordance with the requirements of Title 34, section 2333 or 2333-A if applicable.

Sec. 3. 15 MRSA § 2211-A, last sentence of 2nd ¶, as last amended by PL 1973, c. 716, § 1, is further amended to read: