

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

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

Kennebec Journal
Augusta, Maine
1979

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
FIRST REGULAR SESSION
of the
ONE HUNDRED AND NINTH LEGISLATURE
1979

other lien arising out of claims against other time-share owners of the same unit.

4. Restraint upon partition of time-share units. No action for partition of any unit in which time-share estates are created shall lie.

5. Cancellation of contract. Any purchaser or prospective purchaser of a time-share estate may cancel a contract or conveyance of a time share by delivering or mailing a postage prepaid written notice of the purchaser's intention to cancel within 15 days after the date of any contract or conveyance or within 15 days after delivery of the current written statement required by subsection 3, whichever is later.

6. Time-share estates located outside State. This section shall apply to offers or sales within this State of time-share estates in property even if the property is located outside of this State.

7. Application with respect to foreclosures of mortgages. This section shall not apply to offers or sales by financial institutions as defined in Title 9-B of time-share estates in property with respect to foreclosure of any mortgage or the delivery of any deed in lieu of such foreclosure.

8. Violation. Any violation of this section shall be a violation of Title 5, chapter 10.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect 30 days after adjournment of the Legislature.

Effective July 15, 1979

CHAPTER 485

H. P. 1471 — L. D. 1659

AN ACT to Clarify the Manner of Disposing of Abandoned Property in the Hands of State Institutions.

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

Sec. 1. 33 MRSA § 1314 is enacted to read:

§ 1314. Property held by state institutions

1. **Presumption of abandonment.** All property held by an institution under the control of the Department of Mental Health and Corrections that has been left by

a patient or inmate shall be presumed abandoned if it has not been claimed within 2 years after the patient's or inmate's discharge from, or death while residing in, the institution.

2. Reducing tangible property to cash. Tangible property presumed to be abandoned under this section may be sold by the head of the institution at public auction if the fair market value of all of the property left at that institution by the patient or inmate is less than \$1,000.

A. At least 14 days prior to sale, the head of the institution shall give notice to the owner:

(1) Either personally or by certified mail; or

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

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

B. The owner may claim this property at any time prior to actual sale.

C. After sale, the head of the institution shall record the name of the owner prior to the sale, a description of the property, the institution at which it was left and the proceeds of the sale.

D. The proceeds of the sale and the records of the sale shall be reported and delivered to the Treasurer of State as if it were the property presumed abandoned.

Sec. 2. 33 MRSA § 1353, sub-§ 6 is enacted to read:

6. Property refused by the Treasurer of State. If the Treasurer of State refuses to accept tangible personal property presumed abandoned under section 1314 and that property cannot be reasonably sold under section 1314, subsection 2, then the head of an institution, after notice to the owner as provided in section 1314, subsection 2, paragraph A, subparagraphs (1) (2), shall hold that property for the owner to claim for 60 days. If that property is unclaimed after that period, then the head of the institution shall be relieved of all liability for delivering that property and may dispose of it as he wishes.

Sec. 3. 34 MRSA § 9, as last amended by PL 1975, c. 771, § 379, is repealed and the following enacted in its place:

§ 9. Property abandoned by an inmate or patient

Any property abandoned or unclaimed by an inmate or patient of an institution

under the control of the department shall be disposed of according to Title 33, chapter 27.

Sec. 4. Application. As of its effective date, this Act shall apply to all funds or property that is unclaimed or abandoned and is in the possession of the head of an institution as provided in this Act.

This Act shall not apply to any funds that have been deposited into a trust fund prior to the effective date of this Act.

Effective September 14, 1979

CHAPTER 486

H. P. 152 — L. D. 191

AN ACT Concerning Repossession of Consumer Goods from a Consumer in Default Under a Consumer Credit Transaction.

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

9-A MRSA § 5.109, sub-§ 4 is enacted to read:

4. The consumer fails to make a payment as required by agreement if he fails to pay when due an amount equal to or greater than the amount of the average installment under a schedule of payments, other than any down payment or balloon payment permitted under section 3.308, which conforms both as to amounts and intervals to the average of all installments and intervals under the agreement. The unpaid amount due may consist of any unpaid installment or accumulation of partially unpaid installments, delinquency or deferral charges, or any combination thereof.

Effective September 14, 1979

CHAPTER 487

S. P. 418 — L. D. 1290

AN ACT Concerning the State Claims Board.

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

Sec. 1. 23 MRSA § 152, 5th ¶, first sentence, as repealed and replaced by PL 1973, c. 585, § 5, is amended to read: