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Public Law
123rd Legislature
First Regular Session

Chapter 150
H.P. 515 - L.D. 666

An Act To Amend Maine's Abandoned Vehicle Laws

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

Sec. 1. 29-A MRSA §1851, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Towed because illegally parked or left standing or at officer's discretion. Towed pursuant to section 2068 or 2069 or at the direction of a law enforcement officer;

Sec. 2. 29-A MRSA §1852, as amended by PL 1999, c. 137, §1, is further amended to read:

§ 1852. Abandonment defined

For the purposes of this subchapter, a vehicle is considered "abandoned" if the owner or lienholder does not retrieve it and pay all reasonable charges for towing, storing and authorized repair of the vehicle within ~~147~~ days after the ~~notieenotices~~ notices to the owner and lienholder are sent by the Secretary of State or ~~147~~ days after the advertisement is published as required in section 1854, subsection 4. There is a rebuttable presumption that the last owner of record of a motor vehicle found abandoned as shown in the files of the office of the Secretary of State is the owner of the motor vehicle at the time it was abandoned and the person who abandoned it.

Sec. 3. 29-A MRSA §1854, sub-§1, as amended by PL 1999, c. 137, §1, is further amended to read:

1. Notification in writing. The owner of the premises where an abandoned vehicle is located or the owner's agent shall notify the Secretary of State that the owner or the owner's agent is in possession of an abandoned vehicle. The notification must be in writing and on a form provided by the Secretary of State.

Sec. 4. 29-A MRSA §1854, sub-§2, as amended by PL 1999, c. 137, §1, is further amended to read:

2. Contents of notification. This notification must include the vehicle's make, model, year, body type, vehicle identification number and any registration and plates on the vehicle. This notification also must include the date the vehicle came into possession of the owner, the owner's agent or person in charge of the premises where the vehicle is located, under what circumstances the vehicle came into that person's possession and whether the vehicle is salvage.

Sec. 5. 29-A MRSA §1854, sub-§4, ¶B, as amended by PL 1999, c. 137, §1, is further amended to read:

B. State that if the owner of the vehicle or lienholder has not properly retrieved it and paid all reasonable charges for its towing, storage and repair within ~~14~~7 days from the publication, ownership of the vehicle ~~will pass~~passes to the owner of the premises where the vehicle is located; and

Sec. 6. 29-A MRSA §1856, sub-§1, as amended by PL 1999, c. 137, §3, is further amended to read:

1. Evidence of compliance. A person who has complied with section 1854, subsection 4 shall present evidence of compliance to the Secretary of State immediately after the ~~14-day~~7-day notice period. The Secretary of State may not issue a letter of ownership or certificate of title until at least ~~30~~21 days after the date on which the person who has possession of and control over the vehicle notified the Secretary of State by complying with section 1854, subsections 1 and 2.

Sec. 7. 29-A MRSA §1857, as amended by PL 1999, c. 137, §3, is further amended to read:

§ 1857. Limits

If the notification to the Secretary of State required by section 1854 is made more than ~~30~~7 days after receipt of a vehicle described in section 1851, the person holding the vehicle may not collect more than ~~30~~7 days of storage fees. Daily storage charges must be reasonable and total storage charges may not exceed ~~\$600~~\$900 for a 30-day period.

Sec. 8. 29-A MRSA §1858, as amended by PL 1995, c. 65, Pt. A, §103 and affected by §153 and Pt. C, §15, is further amended to read:

§ 1858. Abandonment of vehicle on public way

Abandonment of a vehicle on a public way is a traffic infraction for which a fine of not less than \$250 must be assessed. A person who is found to have abandoned a vehicle under this section is responsible for any towing or other charges that are directly related to the abandonment of the vehicle.

Sec. 9. 29-A MRSA §1861 is enacted to read:

§ 1861. Holding vehicle and its accessories

A person holding or storing an abandoned vehicle, holding or storing a vehicle towed at the request of the vehicle's operator, owner or owner's agent or holding or storing a vehicle stored at the request of a law enforcement officer may hold the vehicle and all its accessories, contents and equipment, not including the personal effects of the registered owner, until reasonable towing and storage charges of the person holding or storing the vehicle are paid.

For purposes of this section, "personal effects" includes medications, medical equipment, clothing, mail, child safety seats and similar items. Except for child safety seats, items attached to the vehicle and business equipment, machinery and tools are not considered personal effects.

Effective September 20, 2007