

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.

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:

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

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1 2	1-D. Motor vehicle. If the personal property in the leased space is a motor vehicle, the operator may have the motor vehicle towed with no liability to any party.
3 4	Sec. 8. 10 MRSA §1375, sub-§2, ¶A, as enacted by PL 1989, c. 62, §, is amended to read:
5 6 7 8	A. Send a notice of default by regular mail and by certified mail verified mail and by either first-class mail or electronic mail to the occupant at the occupant's last known address or other address set forth by the occupant in the rental agreement which that includes:
9 10	(1) A statement that the contents of the occupant's leased space are subject to the operator's lien;
11 12 13	(2) A statement of the operator's claim, indicating the charges due on the date of the notice, the amount of any additional charges which shall that become due before the date of sale and the date those additional charges shall become due;
14 15	(3) A demand for payment of the charges due within a specified time, not less than 14 days after the date of the notice;
16 17 18	(4) A statement that unless the claim is paid within the time stated, the contents of the occupant's space will be sold, specifying the time and place. The sale must take place at least 15 days after the notice; and
19 20 21	(5) The name, street address and telephone number of the operator, or the operator's designated agent, whom the occupant may contact to respond to the notice; and.
22	Sec. 9. 10 MRSA §1375, sub-§2, ¶B, as enacted by PL 1989, c. 62, is repealed.
23 24	Sec. 10. 10 MRSA §1375, sub-§5, ¶B, as enacted by PL 1989, c. 62, is amended to read:
25 26 27	B. Hold the balance, if any, <u>no longer than 90 days from the date of sale</u> for delivery on demand to the occupant or any other recorded lienholders. <u>If the balance is not claimed after 90 days</u> , it becomes the property of the operator.
28 29	Sec. 11. 10 MRSA §1375, sub-§10, as enacted by PL 1989, c. 62, is amended to read:
30 31 32	10. Notices; certified or registered mail. Unless otherwise specifically provided, all notices required by this Act shall must be sent by certified or registered mail pursuant to section 2-A.
33 34 35 36 37	A. Notices sent to the operator shall <u>must</u> be sent to the self-service storage facility where the occupant's property is stored. Notices to the occupant <u>shall must</u> be sent to the occupant at the occupant's last known address. Notices <u>shall must</u> be deemed delivered when deposited with the United States Postal Service, properly addressed as provided in subsection 2, with postage paid.
38	Sec. 12. 10 MRSA §1375, sub-§13 is enacted to read:

1	13. Value of stored property. If the rental agreement contains a limit on the value
2	of property stored in the occupant's leased space, the limit is determined to be the
3	maximum value of the stored property and the maximum liability of the owner for any
4	<u>claim.</u>
5	Sec. 13. 10 MRSA §1378 is enacted to read:
6	§1378. Abandonment
7	If the occupant abandons the leased space, the operator has the right to immediately
8	take possession of the leased space and dispose of any personal property in the leased
9	space by any means at the operator's discretion without any duty of accounting or any
10	liability to any party.
11	SUMMARY
12	This bill amends the Maine Self-service Storage Act. It
13	1. Defines abandonment, electronic mail and verified mail;
14	2. Adds all-terrain vehicles, off-road vehicles and recreational vehicles to the
15	definition of personal property;
16	3. Sets the date that the occupant leased the space as the date that the lien attaches to
17	the property;
18	4. Clarifies what happens to property with a value of more than \$750 and less than
19	\$750 and if the property is a motor vehicle, specifying that the operator of the leased
20	space may have the motor vehicle towed at no expense to anyone;
21	5. Clarifies how a notice must be sent to an occupant;
22	6. Repeals the requirement that a notice of sale must be published;
23	7. Indicates that an operator may not hold any balance from proceeds of a sale for
24	more than 90 days from the date of the sale and that if the balance is not claimed after 90
25	days, the balance becomes the property of the operator;
26	8. Sets a maximum amount of a claim by an occupant, if there was a rental
27	agreement to be the value that was set as a maximum in the rental agreement; and

9. Gives the operator the right to immediately take possession of the leased space and dispose of the property if the occupant abandons the leased space.

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