

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Improve the Laws Concerning the Management by Law Enforcement Agencies of Unclaimed, Lost or Stolen Personal Property**

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

**Sec. 1. 25 MRSA §3501**, as amended by PL 1983, c. 254, §1, is further amended to read:

### **§ 3501. Application of chapter**

This chapter shall ~~apply~~ applies to all personal property of ~~which possession that~~ is transferred to a police department or other law enforcement agency of the State or any political subdivision thereof, ~~of the State~~ 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. This chapter ~~shall apply~~ applies to personal property seized during search and retained ~~which that~~ is not offered or admitted as evidence and ~~which that~~, after retention by a police department or other law enforcement agency, becomes abandoned.

**Sec. 2. 25 MRSA §3502**, as enacted by PL 1975, c. 558, is amended to read:

### **§ 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~~ must 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~~ that person's 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 of the property~~ has not been identified ~~with~~ after at least 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 which~~ such official has authority ~~or, in the state paper a newspaper having statewide circulation~~ in the case of a state law enforcement agency; ~~or on the law enforcement agency's publicly accessible website~~, a notice of ~~his~~ the law enforcement agency's possession of such property and its inability to ascertain the owner thereof. Such notice ~~shall~~ must 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~~ 30 days of the date of such published notice, such property ~~will either~~ must be surrendered to the person who found it, if any, ~~or be sold to the highest bidder at public auction, donated to a nonprofit charity or disposed of as waste. At no time may any property that has been disposed of by a law enforcement agency as waste be owned or personally used by any member or relative of a member of that law enforcement agency.~~

**Sec. 3. 25 MRSA §3503**, as enacted by PL 1975, c. 558, is amended to read:

### **§ 3503. Sale, donation or disposal 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~~60 days 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~~60-day 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~~the 60-day period, the principal official thereof ~~shall~~may 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~~must be published at least once in a newspaper of general circulation in the county ~~wherein~~in which such official has authority at least 10 days prior to such auction ~~or, in the state paper~~a newspaper having statewide circulation in the case of a state law enforcement agency ~~or on the law enforcement agency's publicly accessible website~~. Property offered but not sold at such public auction may be offered and sold at a subsequent public auction without further notice. A law enforcement agency also may donate the property to a nonprofit charity or dispose of the property as waste without having offered that property at a public auction.

**Sec. 4. 25 MRSA §3504**, as affected by PL 1997, c. 508, Pt. A, §3 and amended by Pt. B, §6, is further amended to read:

### **§ 3504. Deposit of proceeds**

Proceeds of ~~the~~a sale of the property at public auction, less reimbursement to the law enforcement agency and others authorized of the reasonable expenses of custody, must be disposed of according to Title 33, chapter 41.

**Sec. 5. 25 MRSA §3505**, as enacted by PL 1975, c. 558, is amended to read:

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

The owner or other person entitled to possession of ~~sueh~~ property may claim and recover possession of the property at any time before its sale at public auction, donation to charity or disposition as waste 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~~of that property.

**Sec. 6. 25 MRSA §3506**, as enacted by PL 1975, c. 558, is amended to read:

### **§ 3506. Damages occasioned by acts or omissions**

~~No~~A person shall ~~be~~is not responsible for subsequent damages to another occasioned by an act or omission in compliance with this chapter. An action or proceeding may not be maintained against any law enforcement agency or agent of any law enforcement agency for or on account of an act or an omission of an act of that law enforcement agency or law enforcement agency's agent under this chapter.

**Sec. 7. 25 MRSA §3507**, as enacted by PL 1975, c. 558, is amended to read:

### **§ 3507. Property returned to finder**

Any person may surrender property ~~which~~that ~~that~~ that person has found to a law enforcement agency. Such person ~~shall be~~is entitled to have such property surrendered to ~~him~~that person if the owner ~~thereof~~of ~~the property~~ or other person entitled to possession ~~thereof~~ of the property has not properly claimed the property within ~~6 months~~60 days 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.

## SUMMARY

This bill provides law enforcement agencies greater latitude and discretion in how they manage unclaimed, abandoned, lost or stolen personal property in their respective custodies.

Among other things, the bill decreases the amount of time an owner is allowed to claim abandoned, lost or stolen property and allows a law enforcement agency to advertise its possession of such property on its publicly accessible website rather than in a newspaper. The bill also allows law enforcement agencies to donate such property to charity or dispose of the property as waste as alternatives to holding a sale of the property at a public auction.