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An Act To Amend the Laws Governing Self-service Storage in the State

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

Sec. 1. 10 MRSA §1372, sub-§1-A is enacted to read:

1-A. Abandoned leased space. "Abandoned lease space" means a leased space that the operator finds unlocked and empty or unlocked and containing personal property with a value less than \$750 or a leased space possession of and all rights to which and any personal property within which have been surrendered to the operator by the occupant. If there is a question as to the value of the personal property, the value is determined as it would be for a lien sale.

Sec. 2. 10 MRSA §1372, sub-§1-B is enacted to read:

1-B. Electronic mail. "Electronic mail" means an electronic message or an executable program or computer file that contains an image of a message that is transmitted between 2 or more computers or electronic terminals and includes electronic messages that are transmitted within or between computer networks from which a confirmation of receipt may be received.

Sec. 3. 10 MRSA §1372, sub-§6, as enacted by PL 1989, c. 62, is amended to read:

6. Personal property. "Personal property" means movable property, not affixed to land. Personal property includes, but is not limited to, goods, wares, merchandise, motor vehicles, watercraft, all-terrain vehicles, off-road vehicles, recreational vehicles and household items and furnishings.

Sec. 4. 10 MRSA §1372, sub-§9 is enacted to read:

9. Verified mail. "Verified mail" means any method of mailing that is offered by the United States Postal Service and provides evidence of mailing.

Sec. 5. 10 MRSA §1374, sub-§1, as enacted by PL 1989, c. 62, is amended to read:

1. Lien created. The operator of a self-service storage facility has a lien on all personal property stored within each leased space for rent, labor or other charges, and for expenses reasonably incurred in its sale, as provided in this Act. The lien attaches as of the date the occupant leases the space.

Sec. 6. 10 MRSA §1375, sub-§1, as amended by PL 2009, c. 525, §3, is further amended to read:

1. Sale; use of proceeds. Except as provided in subsection 1-A, if the occupant is in default for a period of more than 45 days, the operator may enforce a lien by selling the property stored in the leased space at a public or private sale for cash. Proceeds must then be applied to satisfy the lien, with any surplus disbursed as provided in subsection 5. The sale must take place at least 15 days after the provision of notice under subsection 2.

Sec. 7. 10 MRSA §1375, sub-§1-C is enacted to read:

1-C. Personal property with value less than \$750. If the occupant is in default for a period of more than 45 days, the operator may remove the occupant's lock to verify that the personal property in the leased space has a value greater than or equal to \$750. If the personal property has a value greater than or equal to \$750, the operator may enforce a lien pursuant to subsection 1. If the personal property has a value less than \$750, the personal property and leased space may be considered an abandoned leased space and the personal property may be disposed of pursuant to section 1378. 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. For purposes of this subsection, "motor vehicle" includes recreational vehicles.

Sec. 8. 10 MRSA §1375, sub-§2, as enacted by PL 1989, c. 62, is amended to read:

2. Notice. As soon as the occupant is in default and before conducting a sale under subsection 1, the operator shall:

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:

(1) A statement that the contents of the occupant's leased space are subject to the operator's lien. The sale must take place at least 15 days after the provision of notice under subsection 2;

(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;

(3) A demand for payment of the charges due within a specified time, not less than 14 days after the date of the notice;

(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; and

(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.~~

B. ~~Publish an advertisement of the sale once a week for 2 consecutive weeks in a newspaper of general circulation in the city or town where the sale is to be held. The advertisement must include a general description of the property as set forth in the rental agreement, the name of the person on whose account it is being held and the time and place of the sale. The sale must take place at least 15 days after the first publication.~~

Sec. 9. 10 MRSA §1375, sub-§5, ¶B, as enacted by PL 1989, c. 62, is amended to read:

B. Hold the balance, if any, for 90 days from the date of sale for delivery on demand to the occupant or any other recorded lienholders. If the balance is not claimed after 90 days, it becomes the property of the operator.

Sec. 10. 10 MRSA §1375, sub-§10, as enacted by PL 1989, c. 62, is amended to read:

10. Notices; mail. Unless otherwise specifically provided, all notices required by this Act ~~shall~~must be sent by ~~certified or registered mail~~as described in subsection 2, paragraph A.

A. Notices sent to the operator ~~shall~~must be sent to the self-service storage facility where the occupant's property is stored. Notices to the occupant ~~shall~~must be sent to the occupant at the occupant's last known address. Notices ~~shall~~bear deemed delivered when deposited with the United States Postal Service, properly addressed as provided in subsection 2, with postage paid.

Sec. 11. 10 MRSA §1375, sub-§13 is enacted to read:

13. Value of stored property. If a rental agreement contains a limit on the value of personal property that may be stored in the occupant's leased space, the limit is deemed to be the maximum value of the stored personal property and the maximum liability of the operator for any claim.

Sec. 12. 10 MRSA §1378 is enacted to read:

§ 1378. Abandonment

In the case of an abandoned leased space, the operator has the right to immediately take possession of the leased space and dispose of any personal property in the leased space by any means at the operator's discretion without any duty of accounting or any liability to any party.

SUMMARY

This bill amends the Maine Self-service Storage Act. It:

1. Defines abandoned leased space, electronic mail and verified mail;
2. Adds all-terrain vehicles, off-road vehicles and recreational vehicles to the definition of "personal property";
3. Sets the date that a lien attaches to the property within a leased storage space as the date the occupant leases the space;
4. Clarifies what happens to property with a value of \$750 or more and less than \$750, and if the property is a motor vehicle, it clarifies that the operator of the leased space may have the motor vehicle towed with no liability to any party;
5. Clarifies how a notice must be sent;
6. Repeals the requirement that a notice of sale must be published;

7. Indicates that an operator of a self-storage facility must hold a balance from proceeds of a sale for 90 days from the date of the sale and that if the balance is not claimed after 90 days, the balance becomes the property of the operator;

8. In the case of a rental agreement, sets a maximum amount for a claim by an occupant to be the value that was set as the maximum value of the stored property 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.