

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND AND ELEVEN

—  
H.P. 918 - L.D. 1227

**An Act Concerning the Disposal of Unclaimed, Lost or Stolen Personal  
Property by Law Enforcement Agencies**

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

**Sec. 1. 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 of the property~~ 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 ~~within~~ 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 in which~~ such official has authority or in ~~the state~~ a newspaper of general circulation in the county in which the property was taken into custody in the case of a state law enforcement agency, a notice of ~~his~~ the law enforcement agency's ~~possession~~ possession of such property and its inability to ascertain the owner ~~thereof of the property~~. 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 of the property~~ has not claimed such property within 5 months of the date of such published notice, such property will ~~either~~ be surrendered to the person who found it, if any, ~~or be~~ sold to the highest bidder at public auction, donated to a nonprofit organization or charity or disposed of as waste.

**Sec. 2. 25 MRSA §3503**, as enacted by PL 1975, c. 558, is amended to read:

### **§3503. Sale 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 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 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 period, the principal official thereof shall 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 be published at least once in a newspaper of general circulation in the county wherein such official has authority at least 10 days prior to such auction or in the state paper in the case of a state law enforcement agency. Property offered but not sold at such public auction may be offered and sold at a subsequent public auction without further notice, donated to a nonprofit organization or charity or disposed of as waste.

A law enforcement agency shall appropriately and properly dispose of as waste any property that poses a possible health risk.

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 of a law enforcement agency or by any immediate family member of any member of a law enforcement agency.

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In House of Representatives, ..... 2011

Read twice and passed to be enacted.

..... Speaker

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In Senate, ..... 2011

Read twice and passed to be enacted.

..... President

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Approved ..... 2011

..... Governor