

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

Amend the bill in section 2 by striking out all of the last sentence (page 1 lines 13 to 16 in L.D.) and inserting the following: '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.'

Amend the bill in section 6 in subsection 1 in the 4th line (page 2, line 6 in L.D.) by striking out the following: "15" and inserting the following: '21'

Amend the bill by striking out all of section 7 (page 2, lines 9 to 13 in L.D.) and inserting the following:

**'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 307 days after receipt of a vehicle described in section 1851, the person holding the vehicle may not collect more than 307 days of storage fees. Daily storage charges must be reasonable and total storage charges may not exceed \$600~~\$900~~ for a 30-day period.'

Amend the bill by striking out all of sections 8, 9, 10 and 11 and inserting the following:

**'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.'

## **SUMMARY**

This amendment makes the following changes to the bill.

1. It amends a portion of the bill that deems the last owner of record of a motor vehicle found abandoned to be the owner of the motor vehicle at the time it was abandoned and to be the person who abandoned it. The amendment provides that there is a rebuttable presumption that the last owner of record of a motor vehicle found abandoned is the owner of the motor vehicle at the time it was abandoned and the person who abandoned it.

2 It amends the portion of the bill that would reduce the minimum period after the Secretary of State receives notice of an abandoned vehicle that the Secretary of State must wait before issuing a letter of ownership or certificate of title to the person holding the abandoned vehicle. In current law the minimum period is 30 days. The bill proposed to reduce this to 15 days. The amendment makes the minimum period 21 days.

3. It replaces a section of the bill that would have removed current limits on the fees a person holding an abandoned vehicle may charge for storing the vehicle. The amendment preserves that provision of law, but amends it to provide that total storage charges may not exceed \$900 for a 30-day period. It also amends the provision to provide that if the person holding the vehicle fails to notify the Secretary of State within 7 days of coming into possession of the vehicle, the person may only charge 7 days of storage fees. Under current law, the period is 30 days.

4. It adds a provision to the bill that establishes a minimum fine of \$250 for abandoning a vehicle on a public way.

5. It amends a provision of the bill that allows a person storing an abandoned vehicle to hold the vehicle until all fees are paid. The amendment provides that the person may hold the vehicle until all reasonable towing and storage fees are paid.

6. It removes the portions of the bill that provide for the suspension of an owner's driver's license and registration privileges for failure to pay towing and storage fees and the collection of an impoundment fee for storing vehicles used in the commission of a crime.