

§2115. Recovery of property by holder from administrator

1. Claim for reimbursement. A holder that under this Act pays money to the administrator may file a claim for reimbursement from the administrator of the amount paid if the holder:

A. Paid the money in error; or [PL 2019, c. 498, §22 (NEW).]

B. After paying the money to the administrator, paid money to a person the holder reasonably believed entitled to the money. [PL 2019, c. 498, §22 (NEW).]
[PL 2019, c. 498, §22 (NEW).]

2. Proof instrument presented and paid. If a claim for reimbursement under subsection 1 is made for a payment made on a negotiable instrument, including a traveler's check, money order or similar instrument, the holder must submit proof that the instrument was presented and payment was made to a person the holder reasonably believed entitled to payment. The holder may claim reimbursement even if the payment was made to a person whose claim was made after expiration of a period of limitation on the owner's right to receive or recover property, whether specified by contract, statute or court order.

[PL 2019, c. 498, §22 (NEW).]

3. Income or gain. If a holder is reimbursed by the administrator under subsection 1, paragraph B, the holder may also recover from the administrator income or gain under section 2117 that would have been paid to the owner if the money had been claimed from the administrator by the owner to the extent the income or gain was paid by the holder to the owner.

[PL 2019, c. 498, §22 (NEW).]

4. Property other than money, claim for return. A holder that under this Act delivers property other than money to the administrator may file a claim for return of the property from the administrator if:

A. The holder delivered the property in error; or [PL 2019, c. 498, §22 (NEW).]

B. The apparent owner has claimed the property from the holder. [PL 2019, c. 498, §22 (NEW).]
[PL 2019, c. 498, §22 (NEW).]

5. Evidence property claimed. If a claim for return of property under subsection 4 is made, the holder shall include with the claim evidence sufficient to establish that the apparent owner has claimed the property from the holder or that the property was delivered by the holder to the administrator in error.

[PL 2019, c. 498, §22 (NEW).]

6. Affidavit sufficient. The administrator may determine that an affidavit submitted by a holder is evidence sufficient to establish that the holder is entitled to reimbursement or to recover property under this section.

[PL 2019, c. 498, §22 (NEW).]

7. No fee or other charge. A holder is not required to pay a fee or other charge for reimbursement or return of property under this section.

[PL 2019, c. 498, §22 (NEW).]

8. Determination on claim. Not later than 90 days after a claim is filed under subsection 1 or 4, the administrator shall allow or deny the claim and give the claimant notice of the decision in a record. If the administrator does not take action on a claim during the 90-day period, the claim is deemed denied.

[PL 2019, c. 498, §22 (NEW).]

9. Claim in Superior Court. A person aggrieved by a decision of the administrator may maintain an original action to establish the claim in the Superior Court of Kennebec County naming the administrator as a defendant.

[PL 2019, c. 498, §22 (NEW).]

SECTION HISTORY

PL 2019, c. 498, §22 (NEW).

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