

By Mr. Verga of Gloucester, petition of Anthony J. Verga and others relative to abandoned vessels. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

PETITION OF:

Anthony J. Verga	Jeffrey Davis Perry
Bruce E. Tarr	Stephen M. Brewer
Mary E. Grant	Garrett J. Bradley
Douglas W. Petersen	Michael W. Morrissey
John W. Scibak	F. Jay Barrows
Robert L. Hedlund	John A. Lepper
Patricia A. Haddad	Christine E. Canavan
Antonio F. D. Cabral	Bruce J. Ayers
Robert M. Koczera	

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO ABANDONED VESSELS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 17 of Chapter 255 of the General Laws, as
2 appearing in the 2004 Official Edition, is hereby amended by
3 inserting after the words "civil action", in line 4, the following
4 words:— in the district court or

1 SECTION 2. Section 17 of said chapter 255, as so appearing, is
2 hereby amended by adding the following paragraph:— Notwith-
3 standing any general or special law to the contrary, no such civil
4 action shall be necessary for a lienholder to sell at public auction or
5 dispose of a vessel on which a lien exists pursuant to sections 14 or
6 14A and on which title is presumed to have been abandoned. Title
7 shall be presumed to have been abandoned if:—

8 (a) any owner of record of the vessel was sent certified mail at the
9 last known address including, but not limited to notice of the amount
10 of the lien and any proposed disposition or sale of the vessel; and

11 (b) legal notice of the lien, including but not limited to: descrip-
12 tion of the vessel, description of where the vessel is located, and
13 proposed disposition or sale was published in a newspaper of
14 general circulation in the city or town of any owner of record's last
15 known address for three consecutive days; and

16 (c) at least 90 days passed from the last such newspaper publica-
17 tion date and no response or reply was received indicating an ability
18 to satisfy the debt to the lienholder.

19 Upon filing with the marine title division of the department of
20 environmental police, or any successor agency, a notarized affidavit
21 stating no reply, satisfying the debt, to the certified mail or the publi-
22 cation, and with legible copies or originals of foregoing documents,
23 the lienholder may dispose of the vessel. If the lienholder of a vessel
24 presumed to have been abandoned elects to hold a public auction of
25 the vessel, upon receipt of the aforementioned notarized affidavit
26 and legible copies or originals of the foregoing documents, the
27 marine title division or any successor agency thereto, shall issue an
28 abandonment of title document to the lienholder, if requested, and,
29 subsequently new title documents to the purchaser of the vessel at
30 public auction.

31 Any proceeds of sale in excess of any liens thereon shall be
32 placed in a fund held by the department of conservation and recre-
33 ation in trust for the former owner of record for 2 years, at which
34 time the funds shall become available to said department of conser-
35 vation and recreation to be used solely for the purpose of removing
36 from the public waterways vessels on which title may be presumed
37 to have been abandoned.