

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
106TH LEGISLATURE

COMMITTEE AMENDMENT "A " to H.P. 623, L.D. 821, Bill, "AN ACT
Relating to Forfeiture of All Property Used in Delivering Illegal
Drugs."

Amend said Bill in the last line of paragraph A of subsection 1
of that part designated "§2387." by striking out after the underlined
figure "2362-C" the underlined punctuation and figure ",2383" (next to
the last line of L.D.)

Further amend said Bill in the last line of paragraph B of
subsection 1 of that part designated "§2387." by striking out after
the underlined figure "2362-C" the underlined punctuation and figure
",2383" (same in L.D.)

Further amend said Bill in paragraph A of subsection 3 of that
part designated "§2387." by striking out in the last line (same in L.D.)
after the underlined figure "2362-C" the underlined punctuation and
figure ",2383"

Further amend said Bill by inserting at the end of subsection 3 of
that part designated "§2387." the following:

'C. No conveyance shall be subject to forfeiture unless the
owner thereof knew or should have known that such conveyance
was used in and for the unlawful manufacturing, dispensing
or distributing of any illegal substance covered by the
sections referred to in paragraph B of subsection 1. Proof
that said conveyance was used on 3 or more occasions for the
purpose of unlawfully manufacturing, distributing or dispen-
sing any controlled substance shall be prima facie evidence
that said owner knew thereof or should have known thereof.'

(Filing No. H-508)

Further amend said Bill by striking out in the 7th line of subsection 4 (6th line of L.D.) the underlined words "in equity"

Further amend said Bill by striking out in the 19th line of subsection 4 (15th and 16th lines of L.D.) the underlined words "as from a decree in equity"

Further amend said Bill in subsection 4 by inserting in the 3rd line from the end (2nd line from the end in L.D.) after the word and punctuation "notice," the following underlined words:
'and to pay any bonafide mortgage thereon,'

Statement of Fact

The purpose of this amendment is to eliminate violations of section 2383 of Title 22 from the operation of the Bill and to protect the rights of innocent owners, to provide for the payment of any bonafide mortgage on forfeited property from the proceeds of the sale of that property and clarification.

Reported by the Committee on Judiciary.

Reproduced and distributed under the direction of the Clerk of the House.

6/6/73

(Filing No. H-508)