

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 1983

S.P. 685

In Senate, January 8, 2020

**An Act To Amend Certain Record-keeping and Reporting
Requirements Imposed on State and Local Law Enforcement
Agencies and the Department of Public Safety**

Submitted by the Department of Public Safety pursuant to Joint Rule 203.
Reference to the Committee on Criminal Justice and Public Safety suggested and ordered
printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator DESCHAMBAULT of York.

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

2 **Sec. 1. 15 MRSA §5825**, as corrected by RR 2017, c. 1, §9, is amended to read:

3 **§5825. Records; reports**

4 **1. Records of forfeited property.** Any officer; to whom or department or agency
5 ~~having custody of to which~~ property subject to forfeiture under section 5821 ~~or having~~
6 ~~disposed of the property has been ordered forfeited~~ shall maintain ~~complete~~ records
7 showing:

8 A. ~~From whom it received the~~ The name of the court that ordered each item of
9 property to be forfeited to the officer, department or agency;

10 B. ~~Under what authority it held, received or disposed of the property;~~

11 C. ~~To whom it delivered the property;~~

12 D. ~~The date and manner of destruction or disposition of the~~ on which each item of
13 property was ordered forfeited to the officer, department or agency; and

14 E. ~~The exact kinds, quantities and forms of the~~ A description of each item of
15 property forfeited to the officer, department or agency.

16 The records must be open to inspection ~~by all federal and state officers responsible for~~
17 ~~enforcing federal and state drug control laws. Persons making final disposition or~~
18 ~~destruction of the property under court order shall report, under oath, to the court the~~
19 ~~exact circumstances of the disposition or destruction.~~

20 **2. Department of Public Safety; centralized record.** ~~The Department of Public~~
21 ~~Safety shall maintain a centralized record of property seized, held by and ordered to the~~
22 ~~department. A report of the disposition transfer of property previously held by the~~
23 ~~department~~ Department of Public Safety and then ordered by the a court to any be
24 forfeited to another governmental entity must be provided at least quarterly upon request
25 to the Commissioner of Administrative and Financial Services and the Office of Fiscal
26 and Program Review for review. These records must include an estimate as to the fair
27 market value of items seized. The report must account for any such transfer that occurred
28 during the 12 months preceding such a request.

29 **SUMMARY**

30 This bill amends the laws regarding asset forfeiture-related record keeping to clarify
31 that records of property that is forfeited to law enforcement agencies must be maintained
32 by those agencies and to change the specific information that must be included in those
33 records. The bill also provides that such records are open to inspection by anyone. The
34 bill provides that reports concerning the transfer of property held by the Department of
35 Public Safety and then ordered by a court to be forfeited to another governmental entity
36 must be provided upon request to the Commissioner of Administrative and Financial
37 Services and the Office of Fiscal and Program Review. The Department of Public
38 Safety's reports must account for any such forfeiture that occurred during the 12 months
39 preceding such a request. The bill eliminates the current law that requires the Department

1 of Public Safety to provide these reports at least quarterly to the Commissioner of
2 Administrative and Financial Services and the Office of Fiscal and Program Review and
3 the current law that requires the Department of Public Safety to maintain a centralized
4 record of property seized, held by the department and ordered to the department,
5 including an estimate of the fair market value of items seized.