

# 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 scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**LAWS**  
OF THE  
**STATE OF MAINE**  
AS PASSED BY THE

**ONE HUNDRED AND TENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
December 3, 1980 to June 19, 1981

**AND AT THE**

**FIRST SPECIAL SESSION**  
August 3, 1981

**PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE  
3, SECTION 164, SUBSECTION 6.**

---

**K.J. Printing Co.**  
Augusta, Maine  
1981

---

---

**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION

of the  
ONE HUNDRED AND TENTH LEGISLATURE

1981

---

---

**CHAPTER 45**

S. P. 56 — L. D. 82

**AN ACT Relating to the Organization of the Department of Transportation.****Be it enacted by the People of the State of Maine, as follows:**

**Sec. 1.** 23 MRSA § 201, as repealed and replaced by PL 1971, c. 593, § 6, is amended to read:

**§ 201. Appointment**

The commissioner shall, subject to the Personnel Law, appoint a civil engineer as chief engineer ~~in the Bureau of Highways.~~

**Sec. 2.** 23 MRSA § 4206, sub-§ 2, as last amended by PL 1979, c. 505, §§ 1 to 3, is repealed and the following enacted in its place:

**2. Organization.** The commissioner shall organize the department into such bureaus, divisions and other units as he deems necessary to fulfill the duties of the department, provided at all times there shall be the following bureaus:

- A. Bureau of Finance and Administration;**
- B. Bureau of Transportation Services;**
- C. Bureau of Planning;**
- D. Bureau of Project Development; and**
- E. Bureau of Maintenance and Operations.**

**Sec. 3. Revision clause.** Wherever in the Revised Statutes, Title 6, the words "Bureau of Aeronautics" appear they shall mean "Division of Aeronautics."

Effective September 18, 1981

**CHAPTER 46**

S. P. 55 — L. D. 88

**AN ACT to Include Money in the Law Regarding the Forfeiture of Property Used or Intended for Use in Violation of the Criminal Law Relating to Drugs.****Be it enacted by the People of the State of Maine, as follows:**

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, at any time situations may arise in which law enforcement efforts would be more effective if the forfeiture laws applied to cash and other things of value; and

Whereas, this Act would extend the forfeiture laws to cover cash and other things of value; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1.** 22 MRSA § 2387, sub-§ 1, ¶ B, as amended by PL 1975, c. 740, § 126, is further amended to read:

**B.** All conveyances, including aircraft, watercraft, vehicles or vessels, which are used, or are intended for use, to transport, conceal or otherwise to facilitate the manufacture, trafficking or furnishing of a substance in violation of Title 17-A, chapter 45; and

**Sec. 2.** 22 MRSA § 2387, sub-§ 1, ¶ C is enacted to read:

**C.** All moneys, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for a scheduled drug in violation of Title 17-A, chapter 45, all proceeds traceable to such an exchange, and all moneys, negotiable instruments and securities used or intended to be used to facilitate any violation of Title 17-A, chapter 45.

**Sec. 3.** 22 MRSA § 2387, sub-§ 3-A is enacted to read:

**3-A.** Exceptions to subsection 1, paragraph C. The court shall order forfeiture of all property under subsection 1, paragraph C, except that no such property maybe forfeited, to the extent of the interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.

**Sec. 4.** 22 MRSA § 2387, sub-§ 4, as amended by PL 1973, c. 567, § 20, is further amended by adding the following sentence after the last sentence:

All moneys, negotiable instruments, securities, proceeds and other things of value forfeited pursuant to subsection 1, paragraph C shall be used to pay the reasonable expenses of the forfeiture proceedings, seizure, storage, maintenance of custody, advertising and notice and the balance, if any, shall be deposited in the General Fund of the State Treasury.

**Sec. 5.** 22 MRSA § 2387, sub-§ 6, ¶¶ B and C, as repealed and replaced by PL 1975, c. 740, § 130, are amended to read:

**B.** The property subject to seizure has been the subject of a prior judgment in favor of the State in a forfeiture proceeding under this section; ~~or~~

**C.** There is a probable cause to believe that the property is directly or indirectly dangerous to health or safety; **or**

**Sec. 6.** 22 MRSA § 2387, sub-§ 6, ¶ D is enacted to read:

**D.** There is probable cause to believe that the property has been used or is intended to be used in violation of Title 17-A, chapter 45.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective February 27, 1981

## CHAPTER 47

H. P. 203 — L. D. 248

### AN ACT to Establish Statutory Compliance with Modern Technology and Procedure for Scoring Examinations.

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

**Sec. 1.** 5 MRSA § 632, 2nd ¶, as amended by PL 1975, c. 766, § 4, is further amended to read:

The names of all persons attaining the minimum final earned ratings established by the commissioner ~~in advance of the giving of the test~~ shall be placed upon the register in order of their ratings.

**Sec. 2.** 5 MRSA § 673, 2nd ¶, as amended by PL 1975, c. 686, § 6, is further amended by adding at the end 2 new sentences to read:

**The commissioner may adjust initial test results only to eliminate questions that are proven not relevant to the purposes of the test or which have a bias that is prohibited by state or federal law. Once a minimum final earned rating is established for a particular test, it shall not be changed.**

Effective September 18, 1981