

MAINE STATE LEGISLATURE

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CHAPTER 729

RECOVERY OF FORFEITED PROPERTY

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§ 7151. Seizure of forfeited personal property

When personal property is forfeited for an offense and no special mode is prescribed for recovering it, any person entitled to the whole or part thereof may seize and keep it until final judgment unless restored on the bond as provided.

R.S.1954, c. 179, § 1.

§ 7152. Restoration to claimant on giving bond

If the person claiming it for himself or another gives bond to the party seizing, with sufficient surety, to pay the appraised value when it is decreed forfeited, it shall be restored to him.

R.S.1954, c. 179, § 2.

§ 7153. Appraisal

The value shall be ascertained by the appraisement of 3 disinterested men mutually chosen by the parties; or, if they cannot agree, by a justice of the peace in the county.

R.S.1954, c. 179, § 3.

§ 7154. Inventory and appraisal if no claimant

If no person claims the property after such seizure, the party seizing shall cause an inventory and appraisement thereof to be made by 3 disinterested persons, under oath, appointed by a justice of the peace in the county; which shall be the rule for deciding in what court the complaint shall be filed.

R.S.1954, c. 179, § 4; 1961, c. 317, § 611.

§ 7155. Value over \$20; libel in Superior Court; notice

If the value of the property seized exceeds \$20, the party seizing, within 20 days, shall file a complaint in the clerk's office of the Superior Court in the county where the offense was committed, stating the cause of seizure and praying for an order of forfeiture. The clerk shall thereupon make out a notice to all persons to appear at such court at the time appointed to show cause why such order should not be passed, which notice shall be published in some newspaper printed in the county, if any, if not, in the state paper, at least 14 days before the time of trial.

R.S.1954, c. 179, § 5; 1961, c. 317, § 612.

§ 7156. Bond on seizure

When there is a claimant, the court may order the party seizing to give bond to him with sufficient surety for the safe-keeping of the property seized, compliance with the order of court for restoration, and the payment of costs and damages, if not forfeited, and may hear and determine the cause by a jury, or without, if the parties agree, and may allow costs against the claimant. If there is no claimant, the court shall order the forfeiture and disposal of the property according to law, and a sale and distribution of the proceeds, after deducting all proper charges.

R.S.1954, c. 179, § 6; 1963, c. 414, § 148.

§ 7157. Complaint not supported; property restored with damages

If the complaint is not supported or is discontinued, the court shall order a restoration of the property, with costs. If the jury or court finds the seizure without probable cause, reasonable damages shall be ordered for the claimant.

R.S.1954, c. 179, § 7; 1961, c. 317, § 613; 1963, c. 414, § 149.

§ 7158. Appeals

Either party may appeal to the next Superior Court in the county recognizing as in other cases of appeal. If the appeal is not prosecuted, the court, on complaint, may affirm the decree appealed from, with costs.

R.S.1954, c. 179, § 9.