

# MAINE STATE LEGISLATURE

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OFFICE OF  
THE GOVERNOR

NO. 12 FY 90/91

DATE March 14, 1991

AN ORDER PROVIDING FOR  
ASSET FORFEITURES TO THE STATE POLICE

WHEREAS, the State of Maine has no current lawful means to allow forfeited cash and property to be awarded to the Maine State Police; and

WHEREAS, 25 M.R.S.A. §2956 (2) can be interpreted as limiting the authority of the Commissioner of Public Safety to accept forfeited property only to those cases investigated by the Bureau of Intergovernmental Drug Enforcement (BIDE); and

WHEREAS, the State Police often plays an important role in uncovering cases or providing logistical and other support to BIDE and the Drug Enforcement Agency; and

WHEREAS, the widely accepted practice of "equitable sharing" would normally allocate some of the fruits of a successful investigation to the State Police; and

WHEREAS, 15 M.R.S.A. §5821 et seq. authorizes the Governor, at his discretion, to transfer forfeited property to the General Fund or to any agency or department of the state; and

WHEREAS, it is important to clarify the authority of the Commissioner of Public Safety to receive transfers under both state and federal processes;

NOW, THEREFORE, I, JOHN R. MCKERNAN, JR., Governor of the State of Maine, pursuant to my authority as established in 2 M.R.S.A. §5, hereby empower the Commissioner of Public Safety to accept any conveyance of property or other assets ordered forfeited by any federal or state court or administrative agency process with competent jurisdiction, to be disposed of, be credited to, or used to the benefit of, the Bureau of Intergovernmental Drug Enforcement, or the Maine State Police, in accordance with all relevant state and federal statutes and administrative rules and regulations.

The effective date of this Order is March 14, 1991.

  
JOHN R. MCKERNAN, JR.  
Governor