

		FIRS	r rec	SULAR SE	ISS	ION	
	ONE H	UNDRED	AND	TWELFTH	I LI	EGISLATU	JRE
Legislative	e Docume	nt					No. 10
H.P. 727				House of I	Repr	esentatives	, March 13, 19
On Mo Committee	otion of Re on Judicia						
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Presented b Cospo Cumberlan	nsored by					l and Sena	tor Diamond o
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AN	ACT Con Owne			etrial Personal			
Be it e: follows		by the	Peop	ole of t	the	State (of Maine a
16 1	MRSA c.	7 is e	enact	ed to r	cea	d :	
			CHA	APTER 7			
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ceipt of	s person but to ings, th f the pr	hal pr be use he ager roperty	ropen ed by ncy s y, fi	ty not that a shall, w le a pe	gen vitl sti	pelongin ncy in f nin 10 c tion in	future coun lays of re the Super:
or Cour of that	rt reque	esting tv.	a he	earing t	0 0	determin	ne ownersh:

1	2. Hearing. Within 45 days of the filing of a
2	petition pursuant to subsection 1, the court shall
3	hold a hearing to determine ownership. The court:
4	A. Shall order the return of the property to the
5	person determined to be the owner of the property
	or establish fair and reasonable conditions for
6 7	the continued use of the property by the agency,
8	including, but not limited to, lease or purchase
9	of the property;
10	B. May, where the law provides for forfeiture of
11	ownership, order the property disposed of in ac-
12	cordance with law; and
13	C. Shall, where ownership cannot be determined,
14	retain jurisdiction over the matter for 2 years
15	and at the end of that period, if no further evi-
16	dence of ownership has been presented to the
17	court, the court shall order the property sold at
18	public auction.
19	STATEMENT OF FACT
20	Under current practice, in cases of theft, owners
21	of personal property are often deprived of the use of
22	their property during the pendancy of pretrial pro-
23	ceedings, prosecution and appeals. The purpose of

this bill is to ensure that the question of ownership is determined and that the property is returned to the rightful owner, or that arrangements are made to compensate the owner for loss of use of that property.

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