

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1193

H.P. 892 House of Representatives, April 9, 1987
Reference to the Committee on Judiciary suggested and
ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative DAVIS of Monmouth.

Cosponsored by Representative McGOWAN of Canaan, Senators
DOW of Kennebec and CAHILL of Sagadahoc.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT to Perfect Title of Forfeited
Vehicles.

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

Sec. 1. 22 MRSA §2387-A is enacted to read:

§2387-A. Perfecting titles to forfeited vehicles

Any officer, department or agency seizing any ve-
hicle subject to forfeiture under section 2387, sub-
section 1, paragraph C, shall file a report of sei-
zure with the Attorney General or a district attorney
having jurisdiction over the vehicle. The report
shall be labeled "Vehicle Report" and shall include a
description of the vehicle, the place and date of
seizure, the name and address of the owner or opera-

1 tor of the vehicle at the time of seizure and the
2 name and address of any other person who appears to
3 have an interest in the vehicle. The seizing officer,
4 department or agency shall be obligated to make
5 a diligent search and inquiry as to any person who
6 appears to have an interest in the vehicle. If, after
7 such a search it is not possible to ascertain the
8 title owner of that vehicle the notice requirements
9 of this section shall be sufficient to perfect the
10 State's title to that vehicle. This report must be
11 filed at least 15 days from the date of seizure.

12 Sec. 2. 22 MRSA §2387-B is enacted to read:

13 §2387-B. Perfection of title when owner unknown

14 1. Notice, hearing and perfection of title when
15 owner unknown. The Attorney General or a district
16 attorney upon receiving the seizure report, within 7
17 days, shall petition the Superior Court in the name
18 of the State in the nature of a proceeding in rem to
19 order forfeiture and perfect the State's title to any
20 vehicle subject to forfeiture pursuant to section
21 2387, subsection 1, paragraph C. The proceeding
22 shall be the same as for forfeited property pursuant
23 to section 2387, subsection 4, except for the follow-
24 ing.

25 A. The court shall order the State, prior to the
26 forfeiture proceeding, to publish notice of the
27 proceeding once each month for 6 consecutive
28 months in newspapers of general circulation
29 throughout the State.

30 B. The court shall hold a hearing on the peti-
31 tion not less than 2 weeks after all notices re-
32 quired by this section have been given.

33 C. The final order of forfeiture by the court
34 pursuant to this section shall perfect the
35 State's right and interest in and title to the
36 vehicle and shall relate back to the date of sei-
37 zure.

38 2. Defaced or missing identification numbers.
39 Any vehicle disposed of pursuant to this section
40 which does not have a vehicle identification number

1 or the number is illegible shall be issued a special
2 number by the Secretary of State pursuant to Title
3 29, section 103.

4 3. Subsequent actions. Neither replevin nor any
5 other action to recover any interest in any vehicle
6 disposed of pursuant to this section may be main-
7 tained in any court of this State.

8 Sec. 3. 29 MRSA §2374, sub-§4 is enacted to
9 read:

10 4. Forfeiture of interest. If the interest of
11 an owner in a vehicle is forfeited to the State pur-
12 suant to Title 22, section 2387, the owner shall
13 promptly mail or deliver to the Secretary of State
14 his last certificate of title. If the owner is un-
15 known, the State shall proceed to perfect title pur-
16 suant to Title 22, section 2387-B. In the event of
17 resale of the forfeited vehicle to another person,
18 the Secretary of State shall issue a new certificate
19 of title to the purchaser. If the forfeiting owner
20 fails to comply with this subsection, the Secretary
21 of State, pursuant to section 2378, shall revoke the
22 owner's certificate of title and, pursuant to section
23 2376, shall issue a new certificate of title to the
24 purchaser.

25 STATEMENT OF FACT

26 This bill clarifies the law regarding transfer of
27 titles of vehicles which have been forfeited to the
28 State after having been confiscated in drug raids.
29 The bill ensures that a purchaser at a public sale
30 will obtain a valid title to the vehicle.

Vehicles forfeited to the State after being seized during a drug raid many times are stolen vehicles. The title holder to such a vehicle may not be able to be found because the vehicle identification number of the stolen vehicle is missing or defaced. There is a need for the State to perfect its title in such vehicles so it can sell the vehicle to a bona fide purchaser without concern that the original title holder to the stolen vehicle will claim an interest in the vehicle many years later. Section 2 of the bill provides a mechanism for perfection of title when the owner cannot be identified.

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