

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2409

H.P. 1760 House of Representatives, March 2, 1988

Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.

Reference to the Committee on Judiciary suggested and
ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative PARADIS of Augusta.

STATE OF MAINE

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

1 **AN ACT to Waive Filing Fees for the State**
2 **in Asset Forfeiture Proceedings.**
3

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

7 Whereas, the laws pertaining to asset forfeiture
8 in criminal drug cases serve as a deterrent to drug

1 trafficking; and

2 Whereas, the asset forfeiture provisions also
3 provide a financial benefit to the State and its
4 political subdivisions by requiring that all money
5 instruments, conveyances, real property and other
6 property used in drug trafficking be subject to
7 forfeiture by the State; and

8 Whereas, the Maine Rules of Civil Procedure, Rule
9 54A, requires a \$100 filing fee for any civil action
10 brought in the Superior Court; and

11 Whereas, neither the Department of the Attorney
12 General nor the district attorneys' offices have
13 specific funds allocated in their budgets for the
14 filing of asset forfeiture petitions in the Superior
15 Court; and

16 Whereas, it is in the best interests of the State
17 to waive these filing fees; and

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

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

26 15 MRSA §5822, sub-§1, ¶C is enacted to read:

27 C. A petition for forfeiture filed pursuant to
28 this section by the Attorney General or a district
29 attorney shall be accepted by any court having
30 jurisdiction without assessment or payment of
31 civil entry or filing fees otherwise provided for
32 by rules of court.

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

1 STATEMENT OF FACT

2 The purpose of this bill is to waive filing fees
3 for the Attorney General and district attorneys in
4 asset forfeiture proceedings.

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