

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
115TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1043, L.D. 1516, Bill, "An Act to Clarify Statutory Provisions Relating to Asset Forfeiture"

Amend the bill by inserting after section 1 the following:

'Sec. 2. 15 MRSA §5822, sub-§4, ¶A, as enacted by PL 1987, c. 420, §2, is amended to read:

A. To the extent that the court finds it appropriate and with the written consent of the Attorney General, the court may order forfeiture of as much of the property as is appropriate to a municipality, county or state agency which, or to the district attorneys budget within the Department of the Attorney General, that has made a substantial contribution to the investigation or prosecution of a related criminal case, subject to the requirements of section 5824.

When property is forfeited and transferred to a municipality in accordance with section 5824, the legislative body of the municipality shall determine the disposition of the property. When property is forfeited and transferred to a county in accordance with section 5824, the county commissioners shall determine the disposition of the property.'

Further amend the bill by renumbering the sections to read consecutively.

Further amend the bill by adding at the end before the statement of fact the following:

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**FISCAL NOTE**

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6 A court order providing for forfeiture to the district  
attorneys budget will result in an amount of funds that could be  
used to offset Personal Services expenditures. The additional  
8 dedicated revenue could reduce the General Fund appropriation to  
the district attorneys program within the Department of the  
10 Attorney General. This amount will depend upon future court  
orders and can not be estimated at this time. An allocation and  
12 a deappropriation will be required once the amount is known.'

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**STATEMENT OF FACT**

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18 This amendment allows the court to forfeit property to the  
district attorneys budget within the Department of the Attorney  
20 General if a district attorney's office has made a substantial  
contribution to the investigation or prosecution of a related  
22 criminal case.

Reported by the Committee on Judiciary  
Reproduced and distributed under the direction of the Clerk of the  
House  
(5/30/91) (Filing No. H-511)