

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2020

H.P. 1408

House of Representatives, January 7, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative MELENDY of Rockland.

Cosponsored by Representative SIMONDS of Cape Elizabeth, Representative MITCHELL
of Vassalboro and Representative GRAY of Sedgwick.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-TWO

**An Act to Amend the Distribution of Money and Property Seized in Drug
Busts.**



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

2
4 15 MRSA §5822, sub-§4, ¶A, as amended by PL 1991, c. 461, §2,
is further amended to read:

6 A. To the extent that the court finds it appropriate and
8 with the written consent of the Attorney General, the court
may order forfeiture of as much of the property as is
10 appropriate to a municipality, county or state agency, or to
the district attorneys attorney's budget within the
12 Department of the Attorney General, that has made a
substantial contribution to the investigation or prosecution
14 of a related criminal case, subject to the requirements of
section 5824. The court shall provide for the transfer of a
16 percentage share of the forfeited property resulting from
unlawful drug activity to the municipality where the
18 activity occurred, if the municipality assisted in the
investigation or prosecution of the related criminal
activity.

20
22 When property is forfeited and transferred to a municipality
in accordance with section 5824, the legislative body of the
24 municipality shall determine the disposition of the
property. When property is forfeited and transferred to a
26 county in accordance with section 5824, the county
commissioners shall determine the disposition of the
28 property.

30
32 **STATEMENT OF FACT**

34 The courts, with the consent of the Attorney General, are
currently authorized to order forfeiture of as much of the
36 property as is appropriate to a municipality that has made a
substantial contribution to the investigation or prosecution of a
38 criminal case. This bill clarifies that the court must provide
for the transfer of a percentage share of the forfeited property
40 resulting from unlawful drug activity to the municipality where
the activity occurred, if the municipality assisted in the
investigation or prosecution of the related criminal activity.