

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 2003

H.P. 1398

House of Representatives, March 23, 1999

**An Act to Allow A Municipal Officer to Accept Forfeited Assets to Expedite the Administration of Drug Case Prosecution.**

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative SCHNEIDER of Durham.

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

4 **Sec. 1. 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 budget within the Department of the  
12 Attorney General, that has made a substantial contribution  
to the investigation or prosecution of a related criminal  
14 case, subject to the requirements of section 5824.

16 When property is forfeited and transferred to a municipality  
in accordance with section 5824, ~~the legislative body~~ a  
municipal officer of the municipality shall determine the  
18 disposition of the property. When property is forfeited and  
transferred to a county in accordance with section 5824, the  
20 county commissioners shall determine the disposition of the  
property.

22 **Sec. 2. 15 MRSA §5824, sub-§3,** as enacted by PL 1987, c. 420,  
24 §2, is amended to read:

26 **3. Municipality; agency or department.** In the case of an  
agency or department of a municipality, ~~the legislative body~~ a  
28 municipal officer of the municipality.

30 **Sec. 3. 30-A MRSA §5655,** as amended by PL 1989, c. 104, Pt.  
C, §§8 and 10, is further amended to read:

32 **§5655. Unconditional gifts**

34 A gift without conditions, of any type of property, offered  
36 to a municipality shall may be accepted or rejected by its  
legislative body, ~~except for forfeited assets conveyed to the~~  
38 municipality pursuant to Title 15, chapter 517, which may be  
accepted or rejected by a municipal officer.

42 **SUMMARY**

44 Currently, a person's assets used in the act of trafficking  
46 illegal drugs may be forfeited upon conviction and turned over to  
the enforcement authorities responsible for the conviction  
48 according to a specific judicial process. With respect to  
municipal government, the completion of that process is delayed  
because Maine law requires a municipal legislative body, which in  
50 most cases is the voters at a town meeting, to accept any

2 property except cash. Under certain circumstances, cash may be  
accepted by the municipal officers. This bill allows the  
4 municipal officers, rather than the voters at a town meeting, to  
accept a drug trafficker's forfeited assets as conveyed to the  
6 municipality by a court of law. This change will expedite the  
closing of drug prosecution cases that otherwise must remain open  
until the convening of the affected municipalities' town  
8 meetings, which are most often held only on an annual basis.