

# MAINE STATE LEGISLATURE

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A.S.

L.D. 2011

DATE: 5-19-99

(Filing No. H-619)

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**CRIMINAL JUSTICE**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
119TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1406, L.D. 2011, Bill, "An Act to Amend the Laws Regarding Asset Forfeiture"

Amend the bill by inserting before section 1 the following:

**Sec. 1. 15 MRSA §5822, sub-§4, ¶A**, as amended by PL 1991, c. 461, §2, is further 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, 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~~ municipal officers 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.

**Sec. 2. 15 MRSA §5824, sub-§§1 and 3**, as enacted by PL 1987, c. 420, §2, are amended to read:

**COMMITTEE AMENDMENT**

1. **State; agency or department.** In the case of an agency or department of the State, the Governor or the Attorney General;

3. **Municipality; agency or department.** In the case of an agency or department of a municipality, the legislative--body municipal officers of the municipality.'

Further amend the bill in section 2 in subsection 7 in paragraph B in the last line (page 3, line 2 in L.D.) by striking out the following: "a municipal officer" and inserting in its place the following: 'the municipal officers'

Further amend the bill by inserting after section 2 the following:

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

**§5655. Unconditional gifts**

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

Further amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

Further amend the bill by inserting at the end before the summary the following:

**·FISCAL NOTE**

This bill creates some efficiencies for asset forfeiture proceedings in certain criminal cases. The Judicial Department and the offices of the prosecuting attorneys may realize some minor savings due to these efficiencies. These changes in this bill may also result in earlier distributions of forfeited assets to the law enforcement agencies involved. The effect on dedicated revenue collected by the State is expected to be minor.

The Department of the Attorney General will incur some minor additional costs to approve asset transfers of forfeited property to state agencies. These costs can be absorbed within the department's existing budgeted resources.'

A. d. S.

COMMITTEE AMENDMENT "A" to H.P. 1406, L.D. 2011

**SUMMARY**

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This amendment adds language to allow the municipal officers, instead of voters at a town meeting, to accept forfeited assets conveyed to a municipality by a court of law. The amendment also allows the Attorney General as well as the Governor to approve the transfer of title of property in order to transfer a forfeited asset. The amendment expedites the closing of drug prosecution cases. The amendment also adds a fiscal note to the bill.

**COMMITTEE AMENDMENT**