

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)



120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 625

H.P. 485

House of Representatives, February 8, 2001

An Act to Compensate Citizens When Property is Seized Wrongfully and Damaged.

Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative TRAHAN of Waldoboro. (By Request)

2
4
6
8
10
12
14
16
18
20
22

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

Sec. 1. 12 MRSA §7907, sub-§1, as enacted by PL 1995, c. 346, §16, is amended to read:

1. **Seizure; filing libel.** All fish or wildlife hunted, trapped, fished, bought, sold, carried, transported or found in possession of any person in violation of chapters 701 to 721, and all equipment, including firearms, possessed or used in violation of chapters 701 to 721 are contraband and subject to seizure by any officer authorized to enforce chapters 701 to 721. Except for property exempted from libel under subsection 2, an officer making such a seizure shall file, within a reasonable time, with the court a libel against that property. The libel must describe the property seized, the approximate value of the property seized and the date and place of that seizure, cite the provision of law that is alleged to have been violated and request a decree of forfeiture. The libel proceedings and disposal of property are governed by section 7909.

Sec. 2. 12 MRSA §7909, sub-§5, as enacted by PL 1979, c. 420, §1, is amended to read:

5. **Return of articles or proceeds to claimant.** If the court is, upon the hearing, satisfied that the fish, wildlife or equipment possessed were not possessed in violation of chapters 701 to 721 and that the claimant is entitled to the custody of any part of the articles, he the court shall give him the claimant an order in writing, directed to the officer having the articles in custody commanding him the officer to deliver to the claimant the articles or proceeds derived from the sale of the articles, to which he the claimant is so found to be entitled, within 48 hours after demand. If the fish, wildlife or equipment possessed has been damaged or destroyed prior to its return to the claimant, then the court shall order that the claimant be reimbursed by the department for the value of the destroyed or damaged items, as identified on the libel in section 7907;

38
40

SUMMARY

42
44
46
48

This bill requires that if fish, wildlife or equipment seized by a game warden has been damaged or destroyed and the court finds that the fish, wildlife or equipment possessed was not possessed in violation of the applicable fish and wildlife laws, then the court shall order that the claimant be reimbursed by the Department of Inland Fisheries and Wildlife for the value of the destroyed or damaged items.