

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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**Legislative Document**

**No. 1411**

H.P. 994

House of Representatives, March 14, 2007

### **An Act To Amend the Auto Impoundment and Forfeiture Laws**

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Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative BERRY of Bowdoinham.  
Cosponsored by Senator SAVAGE of Knox and  
Representatives: CROCKETT of Augusta, DUCHESNE of Hudson, HANLEY of Gardiner,  
SAVIELLO of Wilton, THIBODEAU of Winterport, TREAT of Farmingdale, WEDDELL of  
Frankfort.

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

2 **Sec. 1. 29-A MRSA §2421, sub-§6**, as enacted by PL 1993, c. 683, Pt. A, §2 and  
3 affected by Pt. B, §5, is amended to read:

4 **6. Storage of seized motor vehicles.** A seized motor vehicle must be held in secure  
5 storage or immobilized by a wheel clamp or other immobilizing device by the seizing  
6 agency or at the direction of the prosecuting official until disposition of the underlying  
7 criminal charges. The State shall assume all costs of storage of a vehicle not forfeited.

8 **Sec. 2. 29-A MRSA §2422, sub-§2**, as enacted by PL 1997, c. 417, §1, is  
9 amended to read:

10 **2. Storage.** If a motor vehicle is seized, it must be held in secure storage or  
11 immobilized by a wheel clamp or other immobilizing device by the seizing agency or at  
12 the direction of the arresting law enforcement officer.

13 **Sec. 3. 29-A MRSA §2422, sub-§3**, as enacted by PL 1997, c. 417, §1, is  
14 amended to read:

15 **3. Release of vehicle.** The motor vehicle may be released after at least an 8-hour  
16 period and payment of any towing, immobilization and storage fees.

17 **SUMMARY**

18 This bill authorizes a law enforcement agency or officer to immobilize a motor  
19 vehicle with a wheel clamp or other immobilization device as part of the impoundment  
20 procedure when a driver has been arrested for an OUI or driving while under license  
21 suspension for OUI and requires the driver to pay any immobilization fee before  
22 regaining possession of the motor vehicle.