

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

Legislative Document

No. 1368

H.P. 1002

House of Representatives, April 7, 2021

An Act To Require Due Process in Asset Seizure

Received by the Clerk of the House on April 5, 2021. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative ANDREWS of Paris.

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

2 **Sec. 1. 15 MRSA §5821, first ¶**, as amended by PL 2017, c. 409, Pt. B, §1, is
3 further amended to read:

4 Except as provided in section 5821-A or 5821-B or 5821-C, the following are subject
5 to forfeiture to the State and no property right may exist in them:

6 **Sec. 2. 15 MRSA §5821-C** is enacted to read:

7 **§5821-C. Property not subject to forfeiture**

8 **1. Exempt property.** The following property is not subject to forfeiture under this
9 chapter:

10 A. United States currency with a total value of less than \$100; and

11 B. A motor vehicle with a fair market value of \$1,000 or less.

12 **2. Determining fair market value.** The district attorney having jurisdiction over the
13 prosecutorial district in which the property in question is located or the Attorney General
14 shall identify one or more resources or publications that will serve as the basis for a
15 determination of the fair market value of a motor vehicle under subsection 1, paragraph B.

16 **3. District attorney powers.** The district attorney having jurisdiction over the
17 prosecutorial district in which the property in question is located or the Attorney General
18 may increase the value provided in subsection 1, paragraph A or B of property not subject
19 to forfeiture if doing so would serve the interest of justice and the efficient use of
20 governmental resources. Any increase to the value provided in subsection 1, paragraph A
21 or B under this subsection must be based on a determination from the district attorney or
22 the Attorney General of:

23 A. The frequency, including the type and number, of offenses within the respective
24 jurisdiction that subject property to forfeiture; and

25 B. The average value of forfeited property within the respective jurisdiction, less the
26 costs to forfeit and seize it.

27 **SUMMARY**

28 This bill exempts United States currency with a total value of less than \$100 and motor
29 vehicles with fair market values of \$1,000 or less from asset forfeiture under the Maine
30 Revised Statutes, Title 15, section 5821. The bill requires district attorneys or the Attorney
31 General to identify the resources or publications to be used to determine the fair market
32 value of a motor vehicle. The bill also permits the district attorney or Attorney General to
33 raise the total value of United States currency or the fair market value of motor vehicles
34 exempt from forfeiture under this section based on a determination of the frequency of
35 offenses that subject property to forfeiture and the average value of forfeited property less
36 the cost of forfeiting and seizing it.