

MAINE STATE LEGISLATURE

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EIGHTIETH LEGISLATURE

HOUSE

NO. 368

House of Representatives, March 22, 1921.

Referred to Committee on Legal Affairs and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Cole of Eliot.

STATE OF MAINE

**IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND TWENTY-ONE**

AN ACT for the Forfeiture of All Vehicles and Appurtenant
Property When Used to Assist in the Commission of Certain
Crimes.

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

Section 1. All motor vehicles of whatever kind, and all
2 vehicles drawn by animals, and all motor boats and all other
3 boats or vessels or craft of any kind whatsoever, whether
4 propelled by steam or by the use of any of the various fuel
5 oils or electricity or other motor or engine power or by
6 sails, and including also rowboats, and all aircraft, and
7 bicycles, pushcarts and wheelbarrows, and all other prop-
8 erty, objects and things used in transportation, but not em-

9 ployed in the service of common carriers, when used in
10 any way whatsoever to promote or assist in the commission
11 of or in an attempt at any theft, larceny, robbery, breaking
12 and entering, assault, murder, or any other crime or felony
13 either on or over any highway, road, street, bridge, or any
14 private way, or in any public or private place, or in or from
15 any place or land or building, and whether the things enu-
16 merated be used for the transportation of persons or prop-
17 erty, shall upon any conviction for any such offense in which
18 any such use be shown, be forfeited to the state, except as
19 provided for in section three. And all other articles or prop-
20 erty of any description whatsoever contained in or attached
21 to any such vehicle or other means of transportation herein
22 specified shall also likewise be forfeited to the state, except
23 also as provided for in section three.

Sect. 2. Whenever any such vehicle or other means of
2 transportation mentioned in this act shall be found in the
3 possession of or in the use of any person suspected of or
4 charged with or arrested for any such crime or felony as
5 herein mentioned, such vehicle or other means of trans-
6 portation and all other property contained therein and at-
7 taching thereto shall be seized and proceeded against in
8 the court having jurisdiction of the crime, and the said
9 court shall also have jurisdiction in rem in all respects fully;
10 and upon any conviction for any such crime or felony the
11 entire property found to have been used or attaching as de-
12 scribed in section one shall be declared to be the property
13 of the state; unless, as provided for in section three, a prop-

14 er claim shall have been made and allowed; and upon for-
15 feiture in any case the said court shall also order that all
16 such property be delivered forthwith to the county com-
17 missioners for the county in which the crime or felony was
18 committed and the conviction had, and the said commission-
19 ers shall make sale of all such property as in the case of
20 other forfeiture proceedings in this state, but shall report
21 of their action fully to the satisfaction of the said court.

Sect. 3. No claim for the release, return, recovery or
2 restoration of any such vehicle or other property described
3 by the provisions of this act shall be sustained in or allowed
4 by the said court or any other court unless it shall be clear-
5 ly shown that any such vehicle or other said property so
6 unlawfully used were taken from the owner thereof with-
7 out the knowledge or consent of the owner by the person
8 convicted of the crime concurrently involved, or were so
9 unlawfully used without the knowledge or consent of the
10 owner thereof.

Sect. 4. Upon any conviction for any crime or felony
2 where the unlawful concurrent use of any motor vehicle
3 or other property mentioned in this act shall be shown to
4 said court to have occurred and where a seizure has not
5 already been made in accordance with the provisions of
6 section two, and where the motor vehicle or other property
7 may be identified, the court may thereupon order seizure
8 forthwith, and upon an identification of the things so seized
9 and other suitable and sufficient evidence before the said

10 court, a declaration and order of sale as provided for in
11 section two shall follow; but the provisions of section three
12 relating to claims shall also apply in cases of such subse-
13 quent seizure as herein provided for.

Sect. 5. The provisions of this act shall not apply to the
2 illegal transportation of intoxicating liquors.