

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

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

Sec. 1. 15 MRSA §5822, sub-§3, as enacted by PL 1987, c. 420, §2, is amended to read:

3. Type of action. The proceeding ~~shall be deemed~~ is an in rem a civil action. Property subject to forfeiture may be kept or stored at any location within the territorial boundaries of the State and is subject to the authority of any court in which a petition seeking the forfeiture of that property is filed. The State has the burden of proving all material facts by a preponderance of the evidence and the owner of the property or other person claiming under the property ~~shall have~~ has the burden of proving by preponderance of the evidence all exceptions set forth in section 5821, except as provided in section 5821, subsection 7, paragraph A.

Sec. 2. 15 MRSA §5822, sub-§4, ¶A, as enacted by PL 1987, c. 420, §2, is 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 ~~which, 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 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. 3. 15 MRSA §5823, sub-§2, as enacted by PL 1987, c. 420, §2, is amended to read:

2. Procedure. The Attorney General or a district attorney upon receiving the ~~seizure vehicle~~ report shall petition, within ~~7~~ 21 days, the Superior Court in the name of the State in the nature of a proceeding in rem to order forfeiture and perfect the State's title to any vehicle subject to forfeiture under section 5821. The proceeding ~~shall be~~ is the same as for forfeited property under section 5822, except that when the owner of the vehicle ~~cannot~~ can not be determined, the court shall:

A. Order the State, prior to the forfeiture ~~proceeding~~ hearing described in paragraph B, to ~~publish notice of the proceeding once each month for 6 consecutive months in newspapers~~ make service by publication as directed by the court pursuant to the Maine Rules of Civil Procedure, Rule 4, except that the publication must be made in a newspaper of general circulation throughout the State; and

B. Hold a hearing on the petition not less than 2 weeks after all notices required by this section have been given.

The final order of forfeiture by the court under this section ~~shall perfect~~ perfects the State's right and interest in and title to the vehicle and ~~shall relate~~ relates back to the date of seizure.

See title page for effective date.

CHAPTER 462

H.P. 956 - L.D. 1383

An Act to Clarify the Authority of the Department of Transportation to Acquire Property for Environmental Mitigation Purposes

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

23 MRSA §153, sub-§7, as enacted by PL 1987, c. 267, §3, is amended to read:

7. Other projects. Construct, improve and maintain transportation projects as directed by law and provide mitigation for existing or potential environmental effects of any transportation projects.

See title page for effective date.

CHAPTER 463

S.P. 613 - L.D. 1617

An Act to Encourage Waste Reduction and Recycling

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

38 MRSA §2141 is enacted to read:

§2141. Waste reduction and recycling labeling program

By February 1, 1992, the agency shall adopt rules establishing a waste reduction and recycling labeling program. The rules must include recycling emblems, standards for the use of the recycling emblems and standards for the use of the terms "reusable," "recyclable," "recycled" and "recycled content." To the fullest extent possible, emblems and standards adopted by the agency under this section must be consistent with emblems and standards adopted by the Northeast Recycling Council of the Council of State Governments and standards adopted by other northeastern states.