

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTIETH LEGISLATURE**  
**FIRST REGULAR SESSION**  
**December 6, 2000 to June 22, 2001**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 21, 2001**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2001**

purposes of this Act, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

See title page for effective date.

## CHAPTER 348

### S.P. 209 - L.D. 774

#### An Act to Require the Destruction of Certain Confiscated and Forfeited Handguns

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

**Sec. 1. 12 MRSA §7035, sub-§7**, as amended by PL 1995, c. 346, §1, is further amended to read:

**7. Sale of arms and ammunition.** The commissioner may sell all property held or confiscated by the State for violation of laws relating to the protection of inland fisheries and wildlife, except that a confiscated or forfeited handgun that was confiscated or forfeited because it was used to commit a homicide must be destroyed by the State unless the handgun was stolen and the rightful owner was not the person who committed the homicide, in which case the handgun must be returned to the owner if ascertainable. For purposes of this subsection, "handgun" means a firearm, including a pistol or revolver, designed to be fired by use of a single hand. The commissioner shall transmit all money received by the sales to the Treasurer of State to be credited to the department.

**Sec. 2. 15 MRSA §5821, sub-§3-A**, as enacted by PL 1989, c. 448, §2, is amended to read:

**3-A. Firearms and other weapons.** Law enforcement officers may seize all firearms and dangerous weapons that they may find in any lawful search for scheduled drugs in which scheduled drugs are found. Except for those seized weapons listed in a petition filed in the Superior Court pursuant to section 5822, all weapons seized, after notice and opportunity for hearing ~~shall~~ must be forfeited to the State by the District Court 90 days after a list of the weapons and drugs seized is filed in the District Court in the district in which the weapons and drugs were seized. A weapon ~~shall~~ need not be forfeited if the owner appears prior to the declaration of forfeiture and satisfies the court, by a preponderance of evidence, of all of the following:

A. That the owner had a possessory interest in the weapon at the time of the seizure sufficient to exclude every person involved with the seized drugs or every person at the site of the seizure;

B. That the owner had no knowledge of or involvement with the drugs and was not at the site of the seizure; and

C. That the owner had not given any involved person permission to possess or use the weapon.

Post-hearing procedures ~~shall be~~ are as provided in section 5822.

A confiscated or forfeited handgun that was confiscated or forfeited because it was used to commit a homicide must be destroyed by the State unless the handgun was stolen and the rightful owner was not the person who committed the homicide, in which case the handgun must be returned to the owner if ascertainable. For purposes of this subsection, "handgun" means a firearm, including a pistol or revolver, designed to be fired by use of a single hand.

**Sec. 3. 17-A MRSA §1158**, as amended by PL 1995, c. 252, §1, is further amended by adding at the end a new paragraph to read:

A confiscated or forfeited handgun that was confiscated or forfeited because it was used to commit a homicide must be destroyed by the State unless the handgun was stolen and the rightful owner was not the person who committed the homicide, in which case the handgun must be returned to the owner if ascertainable. For purposes of this section, "handgun" means a firearm, including a pistol or revolver, designed to be fired by use of a single hand.

See title page for effective date.

## CHAPTER 349

### S.P. 391 - L.D. 1287

#### An Act Concerning the Administration of County Government

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

**Sec. 1. 30-A MRSA §51, sub-§2**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

**2. Salaries; full compensation.** These salaries are in full compensation for all services of the commissioners, including the management of the jails and for any expenses or travel to and from the county seat for any commissioner, except as provided in subsection 3, ~~section 82, subsection 4~~ and section 105.

**Sec. 2. 30-A MRSA §82, sub-§4**, as amended by PL 1995, c. 380, §1, is repealed.