



**GARDINER CITY COUNCIL  
AGENDA ITEM INFORMATION SHEET**



<b>Meeting Date</b>	12/07/2022	<b>Department</b>	City Clerk
<b>Agenda Item</b>	4.d Acceptance of Forfeiture funds from the District Attorney's Office		
<b>Est. Cost</b>			

**Background Information**

By this ordering the Council is approving (pursuant to 15 M.R.S.A. 5824(3) and 5826(6)) the transfer of \$12,925.00 to the Gardiner Police Department that has been ordered forfeited in a Criminal case for the substantial contribution to the investigation by the Gardiner Police Department.

<b>Requested Action</b>	"I move to approve the transfer to the Gardiner Police Department of the forfeited funds "
<b>City Manager and/or Finance Review</b>	City Manager Approves this action.
<b>Council Vote/ Action Taken</b>	
<b>Departmental Follow-Up</b>	

<b>City Clerk Use Only</b>	1 <sup>st</sup> Reading _____	Advertised _____	<div style="border: 1px dashed black; padding: 5px; width: fit-content;"> <b>EFFECTIVE DATE</b>            _____         </div>
	2 <sup>nd</sup> Reading _____	Advertised w/in 15 Days _____	
	Final to Dept _____	Updated Book _____	Online _____

August 29, 2022

Andrew Carlton  
City Manager  
Gardiner City Hall  
6 Church Street  
Gardiner, Maine 04345

Re: State of Maine v. Scott Morrison  
Kennebec County Unified Court Docket No. KENCD-CR-2021-01312  
**Criminal Forfeiture**  
Required Vote of City/Town Approval of Transfer of Forfeiture Assets

Dear Acting City Manager Davis:

Enclosed please find a draft City of Gardiner Approval Form for submission to the City Council.

Please inform the City Council that:

- A. 15 M.R.S.A. §5824(3) requires that, before any forfeitable item may be transferred to a State Agency, County or Municipality, the legislative body of that entity must publicly vote to accept the item(s) **if subsequently ordered forfeited by the Court;**
- B. Under Rules issued by the Department of the Attorney General, a public vote must be made on each forfeiture “approval” and a “continuing resolution” of approval cannot be accepted;
- C. As with all forfeitures, an approval of a transfer by the legislative body does not guarantee either that the Defendant(s) *In Rem* will in fact be forfeited or, if forfeited, that the Court will order the item(s) transferred to the approving

Department, Agency, County or Municipality. The legislative body's approval only signifies that, if the Defendant(s) *In Rem* are in fact ordered forfeited and, if the Attorney General and the Court agree to a transfer of all or part of the Defendant(s) *In Rem* to a Department, Agency, County or Municipality based upon the "*substantial contribution*" of that Department, Agency, County or Municipality, then that entity is in fact, willing to accept the Defendant(s) *In Rem* or portions thereof. In order to streamline what is otherwise a cumbersome forfeiture process, it is our practice to seek State, County or Municipal legislative approval in anticipation of the final order of forfeiture. However, final forfeiture is not guaranteed and both the legislative body and the law enforcement agency involved are cautioned that they **should not encumber** funds or property until a Final Order granting them lawful title to the property is delivered to them;

- D. Under the provisions of the Forfeiture Statute, if the legislative body fails to approve a transfer in a timely manner, any forfeited items shall be transferred to the State of Maine General Fund.

Assuming your legislative body does grant its approval, kindly see to it that the accompanying form is signed by the appropriate person and is "embossed" with the seal of that legislative body. Then, please return the **original** to me for filing and retain a copy for your records.

My sincere thanks for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely yours,

Maeghan Maloney  
District Attorney

MM|smf  
Enclosure

STATE OF MAINE  
KENNEBEC, ss

UNIFIED COURT  
DOCKET NO: KENCD-CR-2021-01312

STATE OF MAINE

V.

CITY OF GARDINER  
APPROVAL OF TRANSFER  
15 M.R.S.A. §5824(3) & 5822(4)(A)

SCOTT MORRISON  
\$12,925.00 IN U.S. CURRENCY

NOW COMES the City of Gardiner, Maine, by and through its legislative body, the Gardiner City Council, and does hereby grant approval pursuant to 15 M.R.S.A. §5824(3) & §5826(6) to the transfer of the \$12,925.00, or such amount ordered by the Court of the above-captioned Defendant *In Rem*, on the grounds that the Gardiner Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the Gardiner, Maine, City Council, do hereby approve of the transfer of the Defendant(s) *In Rem*, namely the \$12,925.00, or such amount ordered by the Court, pursuant to 15 M.R.S.A. §5824(3) & §5826(6) by vote of the Gardiner Town Council.

DATED:

\_\_\_\_\_  
Chairperson/Mayor/Councilman/Clerk  
Gardiner City Council  
Gardiner, Maine  
(impress Legislative Body Seal Here)