

§10502. Seizure of fish, wildlife and equipment

1. Seizure; filing libel. All fish or wildlife hunted, trapped, fished, bought, sold, carried, transported or found in possession of any person in violation of this Part, and all currency used in violation of this Part and equipment, including but not limited to firearms, possessed or used in violation of this Part are contraband and subject to seizure by any officer authorized to enforce this Part. Except for property exempted from libel under subsection 2, an officer making such a seizure shall file, within a reasonable time, with the court a libel against that property. The libel must describe the property seized and the date and place of that seizure, cite the provision of law that is alleged to have been violated and request a decree of forfeiture. The libel proceedings and disposal of property are governed by section 10503.

[PL 2011, c. 253, §4 (AMD).]

2. Exemption from libel proceedings. The following property may be lawfully seized under this section but is not subject to the libel requirements of this section:

A. Unless reasonable doubt exists as to ownership, property having a value less than \$100; [PL 2009, c. 340, §9 (AMD).]

B. A firearm or archery equipment seized in connection with a violation of:

(1) Section 11206;

(2) Section 10902, subsection 6;

(3) Section 10752, subsection 6, paragraph B and section 10902, subsection 4, paragraphs A and B; or

(4) Section 10906; [PL 2023, c. 239, §9 (AMD).]

C. Fishing equipment that is seized in connection with a violation of section 10902, subsection 8 except for motor boats or motor vehicles; [PL 2003, c. 592, §1 (AMD); PL 2003, c. 592, §5 (AFF); PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. C, §§5, 6 (AFF).]

D. Fish or wildlife that is seized in connection with a violation of this Part; and [PL 2003, c. 592, §1 (AMD); PL 2003, c. 592, §5 (AFF); PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. C, §§5, 6 (AFF).]

E. Night vision equipment seized in connection with a violation of section 11206. [PL 2003, c. 592, §1 (NEW); PL 2003, c. 592, §5 (AFF); PL 2003, c. 655, Pt. C, §§5, 6 (AFF).]

Property seized by the commissioner that is exempt from libel under this subsection must be retained by the commissioner pending disposition of proceedings and is forfeited to the State upon conviction or adjudication that the person committed a violation under this subsection.

[PL 2023, c. 239, §9 (AMD).]

3. Disposal of forfeited property. The commissioner may dispose of property forfeited to the State under this section in any manner considered appropriate by the commissioner.

[PL 2003, c. 592, §1 (NEW); PL 2003, c. 592, §5 (AFF); PL 2003, c. 655, Pt. C, §§5, 6 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 592, §1 (AMD). PL 2003, c. 592, §5 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B422,C5,6 (AFF). PL 2003, c. 655, §§B58,59 (AMD). PL 2009, c. 340, §§9, 10 (AMD). PL 2011, c. 253, §4 (AMD). PL 2013, c. 538, §1 (AMD). PL 2023, c. 239, §9 (AMD).

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