

§6206. Fees and forms for libel proceedings

This section applies to the libel proceedings authorized in section 6207. [PL 1977, c. 661, §5 (NEW).]

1. Fees. The fees to be taxed on the libel proceedings shall be as follows:

A. For the libel and order of notice, \$5; [PL 1977, c. 661, §5 (NEW).]

B. For the entry of the libel, \$2; [PL 1977, c. 661, §5 (NEW).]

C. For the hearing, \$5; [PL 1977, c. 661, §5 (NEW).]

D. For posting the notices, and the officer's return of service, \$10; [PL 1977, c. 661, §5 (NEW).]

E. For the delivery or restoration of the items, \$10; and [PL 1977, c. 661, §5 (NEW).]

F. For all the officer's travel in connection with the entire proceeding, as provided under Title 5, section 8. [PL 1977, c. 661, §5 (NEW).]

[PL 1977, c. 661, §5 (NEW).]

2. Forms. These forms, with such changes as adapt them to the particular court, locality and circumstances of the case, shall be sufficient in law:

A. Form of libel:

STATE OF MAINE

County of SS

To the Honorable

....., Clerk
....., Judge
Justice of the Peace

of

Court.

Your libelant, of, Maine, a warden,

states that on the day of, 20 .., at

in this county, the libelant seized certain fish, shellfish, lobsters, or other marine species, or parts thereof, or certain equipment, described as follows:

.....
.....
.....

That the items seized and described were either taken, bought, sold, shipped, transported, possessed or used in violation of a provision of the Maine Revised Statutes, Title 12, chapters 601 to 627, or in violation of a rule authorized by those chapters. The specific violation of statute or rule is

.....

Wherefore the libelant prays for a decree of forfeiture of these items in accordance with the provisions of the Maine Revised Statutes, Title 12, section 6207.

Signed at,
 in this county, this day of, 20..

(Signed)....
 Warden [RR 2021, c. 2, Pt. B, §38 (COR).]

B. Form for order of notice:

STATE OF MAINE

(L.S.)

County of SS

To all persons interested in the libel of made part of this order of notice:

You are hereby notified to appear before me at the time and place appointed for the hearing in this order of notice, and show cause, why the items described in the libel should not be declared forfeited to the State.

It is ordered that the hearing be held on, 19.., at (a.m., p.m.) at in of (county).

It is further ordered that a true copy of this libel and this order of notice, attested by a warden, be posted in two conspicuous places in the of(county), municipality where said items were seized, at least 10 days before the day of hearing.

.....
 Ordered this day of, 19.. by me, Judge of the Court.

 Judge

[PL 1977, c. 661, §5 (NEW).]

C. Form for officer's return of service:

STATE OF MAINE

..... SS 19..

I have this day made service of the within libel and order of notice, by posting a true copy of each, attested by me, in two conspicuous places in, as follows: one at, and one at, in accordance with said order of notice.

The fees which may be taxed for my services, if any, are as follows:

Posting notices and return of service,.... \$10.00

Travel

.....
Total \$.....

.....
Date

(Signed)
Warden

[PL 1977, c. 661, §5 (NEW).]

D. Form for order of forfeiture:

STATE OF MAINE

(LS)

..... SS

To, a warden or any warden:

Whereas it appears that the libel and notice were properly made, which libel and order of notice are made a part of this order of forfeiture,

And whereas it appears that service was properly made,

And whereas hearing was held at the time and place, fixed in the order of notice,

And whereas one of did appear and claim the by filing a written claim and after a full hearing it appeared to me that the claimant was not therefore entitled to any item claimed, judgement is rendered against the claimant and for the State. The state's costs are taxed as dollars and cents.

(Or in substitute of the above paragraph the following paragraph if it is applicable:)

(And whereas no person appeared at said hearing or filed a written claim;)

It is therefor ordered by me, that all items described in the libel be forfeited to the State.

You are hereby ordered to turn the forfeited items over to the Commissioner of Marine Resources.

Dated, this day of A.D. 19..

(Signed)
Judge

[PL 1977, c. 661, §5 (NEW).]

[RR 2021, c. 2, Pt. B, §38 (COR).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1987, c. 736, §7 (AMD). RR 2021, c. 2, Pt. B, §38 (COR).

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