

South Portland City Council
Position Paper of the City Manager

Subject:

ORDER #15-14/15 - Accepting \$607.00, or any portion thereof, under the State of Maine Asset Forfeiture Program to be used by the Police Department. Passage requires majority vote.

Position:

Under the State Asset Forfeiture Program, property or cash seized as a result of law enforcement action may be transferred back to local law enforcement agencies that participated in the enforcement action.

This item concerns the acceptance of \$607.00 or any portion thereof, stemming from the case involving Wayne Curlew Jr. The Police Department participated in the arrest.

In order to allow the Cumberland County Superior Court to release this property to the City of South Portland, the City Council has to approve the acceptance.

Any funds received must be used by the police department to supplement, not replace, resources available. The actual cash received will be credited to the State of Maine Asset Forfeiture Account.

Requested Action:

Council passage of ORDER #15-14/15

A handwritten signature in black ink, appearing to read "James H. Fahey". The signature is written in a cursive, flowing style with a large initial 'J' and 'F'.

To: Jim Gailey, City Manager
From: Chief Edward J. Googins
Date: August 7, 2014
Ref: State Asset Forfeiture

Upon Court disposition, the City of South Portland is in line to receive any or all of the \$607.00 seized in the case : State of Maine vs. Wayne Curlew. Jr. CR-14-2650.

Please schedule this item on the upcoming Council agenda so a court order can be issued transferring ownership in this seizure.



CITY OF SOUTH PORTLAND

GERARD A. JALBERT
Mayor

JAMES H. GAILEY
City Manager

SUSAN M. MOONEY
City Clerk

SALLY J. DAGGETT
Jensen Baird Gardner & Henry

IN CITY COUNCIL

ORDER #15-14/15

District One
MICHAEL R. POCK

District Two
PATRICIA A. SMITH

District Three
MELISSA E. LINSKOTT

District Four
LINDA C. COHEN

District Five
GERARD A. JALBERT

At Large
MAXINE R. BEECHER

At Large
THOMAS E. BLAKE

ORDERED, that the City Manager be and hereby is authorized to accept six hundred seven dollars (\$607.00) or any portion thereof, from the State of Maine as the City of South Portland's equitable distribution of forfeited assets; and

BE IT FURTHER ORDERED, that the \$607.00, or any portion thereof, shall be used for law enforcement purposes at the South Portland Police Department, and said monies shall supplement and not supplant the Police Department budget appropriated by the City.

Said amount shall be credited to the State of Maine Asset Forfeiture Account #204912-412011.

Fiscal Note: Revenue - \$607. 00 or any portion thereof

Dated: August 18, 2014

JANET T. MILLS
ATTORNEY GENERAL



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FAX: (207) 496-3291

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STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006

July 29, 2014

Chief Edward Googins
South Portland Police Department
30 Anthoine Street
South Portland, ME 04106

RE: State v. Wayne Curlew, CR-14-2650 and \$607.00
City of South Portland Approval

Dear Chief:

Enclosed please find a City of South Portland Approval form for the forfeiture of the money seized in this case. As you can see, the City/Town Council, or a representative thereof, needs to sign this form and return it to me so that I can provide you with a court order that will transfer a portion of the money that was seized to the City/Town. Please let me know if you have any questions for me.

Thank you.

Sincerely,

DEPARTMENT OF THE ATTORNEY GENERAL
State of Maine

By: 
Lea-Anne Sutton
Assistant Attorney General

STATE OF MAINE
Cumberland, SS

UNIFIED CRIMINAL DOCKET
Criminal Action
Docket No. CR-14-2650

State of Maine

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v.

City/Town Of South Portland
Approval Of Transfer
15 M.R.S.A. §5824(3)
and §5826(6)

Wayne Curlew, Jr.,
Defendant

AND
\$607.00 US CURRENCY
DEFENDANT IN REM

NOW COMES the City/Town of South Portland, Maine, by and through its legislative body, the City/Town Council, and does hereby grant approval pursuant to Section 5824(3) and Section 5826(6) of Title 15 of the Maine Revised Statutes Annotated, to the transfer of the above captioned Defendant(s) *In Rem*, namely \$607.00 US Currency, on grounds that the City/Town of South Portland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the City/Town of South Portland Town/City Council does hereby approve of the transfer of the Defendant(s) *In Rem* to the City/Town of South Portland, Maine pursuant to 15 M.R.S.A. §5824(3) and §5826(6).

Dated: _____

Chairperson/Mayor/Selectman/Clerk

(Impress Legislative Body Seal Here)