



# MAINE STATE POLICE GENERAL ORDER

## E-60

**SUBJECT:** MAINE STATE POLICE POLICY REGARDING REMOVAL AND INVENTORYING OF MOTOR VEHICLES

**EFFECTIVE DATE:** 08.01.2020

**EXPIRATION DATE:** 08.01.2027

**RECENT HISTORY:** AMENDED (08.01.2020); AMENDED (12.18.2019); AMENDED (01.25.2018); AMENDED (08.21.2015); REVISED (02.27.2014); TECHNICAL CHANGE (10.04.2011); RESCINDS POLICY 64 (12.01.1997)

**DISTRIBUTION CODE:** 2 (MAY BE PUBLICLY DISCLOSED)

**APPLICABILITY CODE:** S, Z

**SIGNATURE OF COLONEL:**

A handwritten signature in black ink, appearing to read "W. B. R.", is written over a light blue rectangular background.

### I. PURPOSE

1. The purpose of this General Order is to establish the policy of the Maine State Police regarding the removal of motor vehicles when appropriate and authorized by law, and the inventorying of such vehicles.

### II. POLICY

1. The policy of the Maine State Police is:
  - A. To remove motor vehicles when doing so is necessary and authorized by law;
  - B. To authorize unlocked vehicles to be inventoried if time allows and in the discretion of the officer is appropriate under the circumstances to

- ensure that personal property contained within removed vehicles is accounted for and, when necessary, secured; and
- C. To ensure that prior to a vehicle being removed the registration or vehicle VIN has been checked, when possible, to determine if there are any alerts on the vehicle such as, Amber, Silver, BOLO's, ATL, Stolen vehicle, etc.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Motor vehicle. "Motor vehicle" means a self-propelled vehicle not operated exclusively on railroad tracks, but does not include:
    1. A snowmobile as defined in [Title 12, section 13001](#);
    2. An all-terrain vehicle as defined in [Title 12, section 13001](#), unless the all-terrain vehicle is permitted in accordance with [Title 29-A, section 501, subsection 8](#) or is operated on a way and [Title 29-A, section 2080](#) applies; and
    3. A motorized wheelchair or an electric personal assistive mobility device. See [29-A MRSA sec. 101\(42\)](#).
  - B. Private way. "Private way" means a way privately owned and maintained over which the owner may restrict use or passage and includes a discontinued way even if a public recreation easement has been reserved. See 29-A MRSA sec. 101(58).
  - C. Public way. "Public way" means a way, owned and maintained by the State, a county or a municipality, over which the general public has a right to pass. See 29-A MRSA sec. 101(59).
  - D. Remove. "Remove" means the act of moving a vehicle from a place, including, but not limited to, the act of towing a vehicle.

### IV. PROCEDURE

1. AUTHORITY TO REMOVE MOTOR VEHICLES GENERALLY
  - A. An officer is authorized to cause a motor vehicle to be removed from a location pursuant to [29-A MRSA sec. 2069](#), which provides in relevant part as follows:

**2069. Authority to remove an improperly parked vehicle; vehicles used in commission of a crime**

**1. Parked in violation.** A law enforcement officer or the Department of Transportation may cause the removal of a vehicle or require the operator to move the vehicle from a location in

violation of [section 2068, subsection 1](#) to a location where parking is permitted.

**2. Interfering with snow removal, normal traffic movement.** A law enforcement officer may cause the removal to a suitable parking place, at the expense of the registered owner, of a vehicle interfering with snow removal or the normal movement of traffic or parked within the limits of a right-of-way. The Department of Transportation may take the same action for a vehicle standing on property under its jurisdiction.

**3. Vehicle used in connection with a crime or operating after suspension traffic infraction.** A law enforcement officer may cause the removal to a suitable parking place of a vehicle connected with the arrest of the operator or owner of a vehicle or with the issuance of a summons for a traffic infraction as described in [section 2412-A, subsection 8](#) or used in connection with the commission of a crime.

2. REMOVAL OF AN INOPERABLE OR UNATTENDED MOTOR VEHICLE FROM A PUBLIC WAY

A. OWNER OR OPERATOR OF INOPERABLE OR UNATTENDED VEHICLE IMMEDIATELY AVAILABLE.

1. If the owner or operator of an inoperable or unattended motor vehicle is immediately available and the vehicle is not to be impounded, the officer shall ask the owner or operator if the owner or operator has a preference for a wrecker service.

a. The preferred wrecker service shall be used unless either a wrecker for the wrecker service is unavailable or the time necessary for a wrecker to come to the place where the vehicle is would be unreasonably long.

(1) If the preferred wrecker service cannot be used, then the officer is to explain the reason to the owner or operator of the inoperable or unattended vehicle.

b. Prior to a vehicle being removed the registration or vehicle VIN must be checked, when possible, to determine if there are any alerts on the vehicle such as, Amber, Silver, BOLO's, ATL, Stolen vehicle, etc.

- c. The officer must also ensure that the vehicle information is provided to the Regional Communications Center for inclusion in the complaint.

**B. OWNER OR OPERATOR OF INOPERABLE OR UNATTENDED VEHICLE NOT IMMEDIATELY AVAILABLE.**

1. If the owner or operator of an inoperable or unattended motor vehicle is not immediately available and the vehicle is not to be impounded, then the officer may have the vehicle towed by any available wrecker service unless a note with a phone number of the owner or operator was left conspicuously on the vehicle and observed by the officer or was called in to the Regional Communications Center. In such instance, the officer shall attempt to contact or have contacted, the owner or operator to inquire a preference for a wrecker service.
2. The preferred wrecker service shall be used unless either a wrecker for the wrecker service is unavailable or the time necessary for a wrecker to come to the place where the vehicle is would be unreasonably long.
  - a. If the preferred wrecker service cannot be used, then the officer is to explain the reason to the owner or operator of the inoperable or unattended vehicle.
  - b. Prior to a vehicle being removed the registration or vehicle VIN must be checked, when possible, to determine if there are any alerts on the vehicle such as, Amber, Silver, BOLO's, ATL, Stolen vehicle, etc.
  - c. The officer must also ensure that the vehicle information is provided to the Regional Communications Center for inclusion in the complaint.

**C. EMERGENCY REMOVAL OF A MOTOR VEHICLE**

1. If the location of a parked motor vehicle presents a hazard such that removal of the vehicle should or must be done as soon as possible for the safety of the public, then an officer may immediately request a wrecker capable of removing the vehicle from the location, without first having to try to contact the owner or operator of the vehicle whom had left a note conspicuously on the vehicle and observed by the officer or was called in to the Regional Communications Center. However, in such instances, once time permits the officer may attempt to contact or have contacted, the owner or

operator to advise them that the vehicle has been removed and by which wrecker service.

- a. Prior to a vehicle being removed the registration or vehicle VIN must be checked, when possible, to determine if there are any alerts on the vehicle such as, Amber, Silver, BOLO's, ATL, Stolen vehicle, etc.
- b. The officer must also ensure that the vehicle information is provided to the Regional Communications Center for inclusion in the complaint.

D. REMOVAL OF A MOTOR VEHICLE THAT IS TO BE IMPOUNDED

1. An officer may have a wrecker called to remove a motor vehicle that is to be impounded.
  - a. If the officer requesting the services of a wrecker in such circumstances thinks that the vehicle might later be subject to forfeiture proceedings, then the officer shall have the vehicle towed to and stored at a Maine State Police facility.

E. REMOVAL OF A STOLEN MOTOR VEHICLE

1. As soon as possible, an officer who recovers a stolen vehicle that is to be, or has been, removed from a location shall notify the law enforcement agency that originally took the stolen vehicle report of the following information:
  - a. The name, address, and telephone number of the wrecker service that will be removing (or has removed) the stolen vehicle.
2. The law enforcement agency that originally took the stolen vehicle report is responsible for notifying the owner of the recovery of the vehicle.

F. REMOVAL OF A MOTOR VEHICLE LOCATED ON PRIVATE PROPERTY

1. An officer may not cause a motor vehicle that is located private property to be removed from its location unless:
  - a. The motor vehicle was used in connection with the commission of a crime;

- b. The motor vehicle constitutes or contains evidence;
- c. The motor vehicle owner or operator has allegedly committed Trespass By A Motor Vehicle (see [Title 17-A, §404: Trespass by motor vehicle](#));
- d. The motor vehicle was involved in a motor vehicle accident or intentional act that began on a public way or a place where public traffic could reasonably be anticipated; or
- e. The motor vehicle operator is arrested, and the vehicle should not or cannot remain where it is located.

- 2. An officer **shall not** remove a motor vehicle from private property if the reason for removal is because there is a civil dispute over the vehicle.

#### G. REMOVAL OF A MOTOR VEHICLE WHEN ITS OPERATOR HAS BEEN ARRESTED

- 1. An officer shall cause a motor vehicle to be removed from its location if the operator of the vehicle has been arrested.
  - a. If the arrested operator's vehicle is parked in a safe location, the officer may allow the vehicle to remain there, provided that the owner or operator of the vehicle is advised of and consents to such.
  - b. If a third party is available to operate such a vehicle, then the officer may allow the third party to do so, provided the owner or operator consents to such.

#### H. EXPENSE OF REMOVAL AND STORAGE OF MOTOR VEHICLES

- 1. [Per 29-A MRSA sec. 2069\(4\)](#), the Maine State Police is not liable for damage that may be caused by removal of a vehicle or for any towing or storage charges.

#### I. NOTIFICATION

- 1. [Per 29-A MRSA sec. 2069\(5\)](#), upon removal of a vehicle in accordance with section 2069, the notification requirements and provisions for payment of towing and storage costs in [29-A MRSA Chapter 15, Subchapter 3, "Abandoned vehicles,"](#) apply.

#### J. RELEASE OF IMPOUNDED MOTOR VEHICLES

- 1. An impounded motor vehicle must be released to the vehicle's owner or the owner's authorized agent as soon as

the Maine State Police does not need to retain custody of the vehicle for official business.

K. INVENTORY OF MOTOR VEHICLES THAT ARE TO BE OR HAVE BEEN CAUSED TO BE REMOVED FROM A LOCATION

1. INVENTORYING OF MOTOR VEHICLES GENERALLY

- a. To ensure that personal property items contained in a vehicle that is to be (or has been) caused to be removed by the Maine State Police are accounted for (and, when necessary, secured), each such vehicle may be inventoried if time allows and in the discretion of the officer is appropriate under the circumstances.

2. INVENTORY PROCEDURE

- a. If an officer elects to inventory a vehicle he or she shall examine a vehicle and inventory personal property contained therein either prior to the removal of the vehicle from its location or at the storage location to which the vehicle is removed.
- b. The inventory of personal property in a vehicle must either be taken in writing or by audio recording.
  - (1) (If inventory is taken by audio recording, then the list of items must later be transcribed.
- c. The scope of the inventory of personal property shall be restricted to those areas of the vehicle where a person would ordinarily be expected to store or inadvertently leave items of such property.
  - (1) Such locations include, but are not necessarily limited to only, the floor, glove compartment, door pockets, trunk, dashboard, and on, under, and behind the seats, of the car.
- d. In addition to inventorying items contained in particular areas of a vehicle that is to be or has been caused to be removed, containers (including, as examples, suitcases, pocketbooks, paper bags, boxes, and similar such items) also shall be examined, and the contents thereof shall be inventoried.

- (1) Any such container that is locked shall not be opened during the inventory process unless the container can be opened without causing damage to it.
  - (2) If such a container cannot be opened without causing damage to it, then the inventory shall only include a description of the unopened container.
  - (3) If an item of personal property is one that would reasonably be expected to have significant cash value, then the item will be inventoried by the officer and, if necessary, secured by the officer.
- e. If there is probable cause to believe that an inventoried item constitutes contraband or evidence of a crime, then the officer conducting the inventory is to seize and secure the item.
  - f. A locked unattended vehicle should not be inventoried.
  - g. If an officer discovers any hazardous or potentially dangerous material during the process of inventorying a vehicle, the officer shall take appropriate action, including, but not limited to, informing (as applicable) the wrecker operator and/or the manager of the storage site, of the presence of the material.

#### **NOTICE**

**THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.**