

MAINE STATE LEGISLATURE

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CHAPTER 3

SEARCH WARRANTS

Sec.

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§ 51. Issuance

A judge may issue a search warrant to seize the following property:

1. **Stolen property.** Stolen or embezzled property;
2. **Unlawful possession.** Property, the possession of which is unlawful;
3. **Means to commit a crime.** Property used or possessed with intent to be used as the means of committing a criminal offense or concealed to prevent a criminal offense from being discovered;
4. **Evidence of a crime.** Property constituting evidence of a crime or tending to show that a particular person committed a crime.

The property described in this section, or any part thereof, may be seized from any place where such property may be located or from any person who shall be found to have such property in his possession or under his control.

R.S.1954, c. 146, § 16; 1963, c. 334, § 1.

§ 52. Complaint

The complaint for a warrant to search must be made in writing, sworn to and signed by the complainant, must specially designate the place to be searched, the owner or occupant thereof, if known to the complainant, and the person or thing to be searched for, and allege substantially the offense in relation thereto; and that the complainant has probable cause to believe and does believe that the same is there concealed.

R.S.1954, c. 146, § 17; 1963, c. 334, § 2.

§ 53. Contents of warrant

A search warrant shall recite, by reference to the complaint annexed or otherwise, all the essential facts alleged in the complaint, be directed to a proper officer or to a person therein named, and be made returnable like other warrants. The person or thing searched for, if found, and the person in whose possession or custody the same was found, shall be returned with the warrant before a proper judge.

R.S.1954, c. 146, § 18.

§ 54. Search of dwelling house

To authorize the search of a dwelling house in the nighttime, the judge must be satisfied that it is necessary to prevent the escape or removal of such person or property, and must in his warrant expressly require it.

R.S.1954, c. 146, § 19.

§ 55. District Court or complaint justice

A District Court Judge or a complaint justice may issue warrants to search within the limits of the jurisdiction of the District Court, in the same manner for the same purposes and subject to the same provisions as such warrant may now be issued by a judge of a municipal court.

1961, c. 386, § 1.