

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 1167

S. P. 424

In Senate, February 7, 1963

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Stitham of Somerset.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

AN ACT Relating to Authority of Department of Sea and Shore Fisheries to Search Buildings and Vehicles.

Be it enacted by the People of the State of Maine, as follows:

R. S., c. 37-A, § 92, repealed and replaced. Section 92 of chapter 37-A of the Revised Statutes, as enacted by section 1 of chapter 331 of the public laws of 1959, is repealed and the following enacted in place thereof:

'Sec. 92. Search warrants and authority to search without one. The commissioner or any coastal warden may with or without a warrant, open, enter and examine all buildings, camps, vessels, boats, wagons, cars, motor vehicles, airplanes, stages, tents and other receptacles and places, and examine all boxes, barrels, packages, containers, freezers, refrigerators, or any other type of receptacle, where he has probable cause to believe that fish, shellfish, lobsters or other marine species, or parts thereof, taken or held in violation of this chapter, or where any evidence, contraband or instrumentalities of any crime in violation of this chapter, are to be found, and seize such fish, shellfish, lobsters or other marine species, or parts thereof, or any evidence, contraband or instrumentalities, of any crime in violation of this chapter, if any be found therein. No dwelling house shall be searched for the purposes of this section without a warrant, unless by consent, or incidental to a lawful arrest, and no sealed railroad car shall be entered for such purposes without such warrant. Any judge may issue warrants to search within his jurisdiction for the purposes of this section.'