

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND FIRST LEGISLATURE

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**Legislative Document**

**No. 1359**

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H. P. 925 House of Representatives, February 13, 1963  
Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Rust of York.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-THREE

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### AN ACT Relating to Search Warrants.

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

**Sec. 1. R. S., c. 146, § 16, repealed and replaced.** Section 16 of chapter 146 of the Revised Statutes is repealed and the following enacted in place thereof:

**‘Sec. 16. Warrants for search.** A judge may issue warrants to search, within the limits of his jurisdiction, any house, building, camp, motor vehicle, vessel, boat, airplane or any other place or thing, for the following property or articles:

**I. Stolen property.** Personal property stolen, embezzled or obtained by false pretenses

**II. Concealed property.** Personal property hired or leased or held as collateral security and fraudulently concealed;

**III. Insured property.** Personal property insured against loss or damage by fire which the complainant has reasonable cause to believe has been removed or is concealed for the purpose of defrauding the insurer;

**IV. Counterfeit coin, notes, etc.** Counterfeit or spurious coin, forged bank notes and other forged instruments or tools, machines or materials prepared or provided for making them;

**V. Counterfeit trade marks, etc.** Counterfeits or imitations of a label, trade mark, stamp or form of advertisement recorded pursuant to the statutes of the State of Maine, goods upon which such counterfeit or imitation has been impressed, affixed or used, and any dies, plates, brands, moulds, engravings, printing presses, types or other tools, machines or materials prepared or provided for making such counterfeit or imitation;

**VI. Unwholesome meat or provisions.** Diseased animals or carcasses thereof, or any tainted, diseased, corrupted, decayed or unwholesome meat, fish, vegetables, produce, fruit or provisions of any kind, or the meat of any calf killed when less than 2 weeks old or any product thereof, if kept or concealed with intent to kill, sell or offer the same for sale for food;

**VII. Diseased animals.** Diseased animals;

**VIII. Obscene literature, etc.** Books, pamphlets, ballads, printed papers and other things containing indecent, impure or obscene language, or indecent, impure or obscene prints, pictures, figures or descriptions, manifestly tending to corrupt the morals of youth, and intended to be sold, exhibited, loaned, circulated or distributed, or introduced into any family, school or place of education, and the type, forms, press, woodcuts, raw material and mechanical apparatus used and employed in printing and publishing such books, ballads, pamphlets or printed papers;

**IX. Drugs, medicines, etc.** Drugs, medicines, instruments and other articles intended to be used for self-abuse, or for causing unlawful abortion, and the raw materials, tools, machinery, implements, instruments and personal property used or intended to be used in the manufacture of such drugs, medicines, instruments or other articles;

**X. Lottery tickets, etc.** Lottery tickets or other materials unlawfully made, provided or procured for the purpose of drawing a lottery;

**XI. Gaming apparatus and furniture.** Gaming apparatus or implements used or kept and provided to be used in unlawful gaming in any gaming house, or in any building, apartment or place resorted to for the purpose of unlawful gaming, and the furniture, fixtures and personal property, including money, found in such place at a time when persons are engaged in unlawful gaming;

**XII. Pool tickets.** Pool tickets or other materials unlawfully made, provided or procured for the purpose of buying or selling pools;

**XIII. Rifles, etc.** An unreasonable number of rifles, shotguns, pistols, revolvers or other dangerous weapons or an unnecessary quantity of ammunition, if kept or concealed for any unlawful purpose;

**XIV. Bombs, etc.** Bombs and explosives illegally kept;

**XV. Weapons.** A rifle, shotgun, pistol, revolver, knife, implement, dangerous weapon or any instrumentality or thing used in, necessarily part of, or evidence of the commission of any felony or misdemeanor;

**XVI. Authorized.** Any personal property, object or thing, otherwise authorized by the laws of the State of Maine.'

**Sec. 2. R. S., c. 146, § 17, amended.** Section 17 of chapter 146 of the Revised Statutes is amended to read as follows:

'**Sec. 17. 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 com-

**plainant**, 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 suspect and does suspect that the same is there concealed.'