

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 1591

Presented by Mr. Danton of Old Orchard Beach. Printed under House Rule 36.

JEROME G. PLANTE, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

HOUSE AMENDMENT "A" to H. P. 1151, L. D. 1583, Bill, "An Act Revising Laws Relating to Search and Seizure."

Amend said Bill by striking out all of section 3 and inserting in place thereof the following:

"Sec. 3. R. S., T. 12, § 3051, repealed and replaced. Section 3051 of Title 12 of the Revised Statutes is repealed and the following enacted in place thereof:

‘§ 3051. Vehicles must stop on signal

1. Authority of inland fish and game wardens. Any officer whose duty it is to enforce the inland fish and game laws, if in uniform and if he has probable cause to believe that a violation of the inland fish and game laws has taken or is taking place, may, at any time, stop any motor vehicle, boat, vessel, airplane or conveyance of any kind for the purpose of arresting or questioning the operator or occupant thereof or for the purpose of searching said motor vehicle, boat, vessel, airplane or conveyance of any kind.

2. Penalty. Any operator of a motor vehicle, boat, vessel, airplane or conveyance of any kind, who fails or refuses to stop such conveyance immediately upon request or signal of any officer, in uniform, whose duty it is to enforce the inland fish and game laws, shall be punished by a fine of not more than \$400 or by imprisonment for not more than 90 days, or by both.’ ”

Further amend said Bill by striking out all of section 4 and inserting in place thereof the following:

"Sec. 4. R. S., T. 12, § 3052, repealed and replaced. Section 3052 of Title 12 of the Revised Statutes is repealed and the following enacted in place thereof:

‘§ 3052. Arrest; jurisdiction; false personation

Any officer authorized to enforce the inland fish and game laws may arrest any violator of said laws or any person who impersonates or represents himself as being a game warden. Any person so arrested shall be taken without unnecessary delay before the division of the District Court nearest to the place of violation.’ ”

Further amend said Bill by striking out all of sections 7 and 8 and inserting in place thereof the following:

“Sec. 7. R. S., T. 12, § 4503, repealed and replaced. Section 4503 of Title 12 of the Revised Statutes is repealed and the following enacted in place thereof:

‘§ 4503. Arrest

Any officer authorized to enforce the sea and shore fisheries laws may arrest any violator of those laws.’

Sec. 8. R. S., T. 12, § 4551, repealed and replaced. Section 4551 of Title 12 of the Revised Statutes is repealed and the following enacted in place thereof:

‘§ 4551. Boats, vehicles and persons to stop on request

1. Authority of coastal wardens. Any coastal warden in uniform may, if he has probable cause to believe that a violation of the sea and shore fisheries law has taken or is taking place, at any time stop any motor vehicle, boat, vessel, airplane or conveyance of any kind for the purpose of arresting or questioning the operator or occupant thereof or for the purpose of searching said motor vehicle, boat, vessel, airplane or conveyance of any kind.

2. Violation. It is unlawful for the operator of a motor vehicle, boat, vessel, airplane or conveyance of any kind, or any person:

- A. To fail or refuse to stop upon request or signal of any coastal warden;
- B. After he has so stopped, to fail to remain stopped until the coastal warden reaches his immediate vicinity and makes known to that operator or other person the reason for the request or signal;
- C. To fail or refuse to stand by for inspection on request of any coastal warden in uniform;
- D. Who has been requested or signaled to stop by a coastal warden in uniform, to throw or dump into any water any lobster, or any pail, bag, barrel or other container of any type, or the contents thereof, before the coastal warden has inspected the same.

3. Penalty. Whoever violates any provision of subsection 2 shall be punished by a fine of not less than \$25 nor more than \$500, or by imprisonment for not more than 90 days, or by both.’ ”

Further amend said Bill by striking out all of section 15 and inserting in place thereof the following:

“Sec. 15. R. S., T. 17, § 2004, amended. That part of section 2004 of Title

17 of the Revised Statutes, which relates to **“Form of Libel,”** is amended to read as follows:

‘Form of Libel

STATE OF MAINE

District
 Division of
 “County of, ss.—To A. B., District Court Judge
 Clerk
 Complaint Justice

The libel of C. D., of, shows that he had, by ~~virtue of a warrant duly issued on the day of, A. D. 19...., by officer of said District Court lawful seizure,~~ seized certain intoxicating liquors and the vessels in which the same were contained, described as follows:.....” (here follows a description of the liquors.) “because the same were kept and deposited at” (describing the place) “in the said county of, and were intended for sale, in violation of law. Wherefore he prays for a decree of forfeiture of said liquors and vessels, according to the provisions of law in such case made and provided.

Dated at, in said county, this day of, in the year of our Lord nineteen hundred

(Signed.)

.....” ‘ ‘ ”

Further amend said Bill by inserting after section 15 the following:

“Sec. 15-A. R. S., T. 17, § 2004, amended. That part of section 2004 of Title 17 of the Revised Statutes, which relates to **“Form of Recognizance in Case of a Single Sale,” “Form of Mittimus”** and **“Form of Recognizance in Case of Seizure”** are repealed.”

Further amend said Bill by striking out all of the last underlined paragraph of section 16 and inserting in place thereof the following:

‘The destruction of any substance by any person on or about the premises which are about to be or are being searched, for the purpose of preventing the seizure of that substance by officers authorized to make such search and seizure, shall be prima facie evidence that the substance destroyed was a narcotic unlawfully possessed by the person causing the destruction.’ ”

Further amend said Bill by striking out all of section 17 and inserting in place thereof the following:

“Sec. 17. R. S., T. 28, § 1155, repealed and replaced. Section 1155 of Title 28 of the Revised Statutes is repealed and the following enacted in place thereof:

‘§ 1155. Power of police officers to stop vehicles, restrictions

Any sheriff, deputy sheriff, constable, municipal or state police officer, or liquor enforcement officer, if he has probable cause to believe that a violation of the liquor laws has taken or is taking place, may, at any time, stop any motor vehicle, boat, vessel, airplane or conveyance of any kind for the purpose of

arresting or questioning the operator or occupant thereof or for the purpose of searching said motor vehicle, boat, vessel, airplane or conveyance of any kind.’ ”

Further amend said Bill by striking out in section 18 the 3rd underlined sentence of that part designated “§ 1203.” and inserting in place thereof the following underlined sentence:

‘The pouring out or other destruction of fluids by any person on or about the premises which are about to be or are being searched, for the purpose of preventing the seizure of those fluids by officers authorized to make such search and seizure, shall be prima facie evidence that the fluids poured out or destroyed were liquor intended for unlawful sale.’

Further amend said Bill in section 21, by striking out all of the last underlined sentence of the 2nd paragraph of that part designated “2121.” and inserting in place thereof the following:

‘Such law enforcement officer if in uniform and if he has probable cause to believe that a violation of law has taken or is taking place may, at any time, stop a motor vehicle for the purpose of arresting or questioning the owner or occupant thereof, or for the purpose or searching said motor vehicle.’

Further amend said Bill by striking out all of section 22 and inserting in place thereof the following:

“Sec. 22. R. S., T. 38, § 205, repealed and replaced. Section 205 of Title 38 of the Revised Statutes is repealed and the following enacted in place thereof:

‘§ 205. Enforcement

Inland fish and game wardens, coastal wardens, state police officers and all other law enforcement officers of this State have authority to enforce this subchapter and to arrest persons who violate it. Such officers, when in uniform, may stop any watercraft for the purpose of inspecting said craft, its equipment, and its documents or certificates and may board all watercraft where necessary to enforce this subchapter or to make arrests.’ ”