

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
104th LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H. P. 1333, L. D. 1662, Bill,  
"AN ACT to authorize Issuance of Warrants for Administrative  
Searches."

Amend said Bill by striking out everything after the Title  
(same in L.D.) and inserting in place thereof the following:

'Emergency preamble. Whereas, the United States Supreme  
Court has held that administrative searches of private premises  
may not be conducted except with the owner's or occupant's  
consent or with a valid warrnat; and

Whereas, there is no established procedure in the State of  
Maine for issuing such warrants; and

Whereas, the absence of such procedure endangers the enforce-  
ment of health and safety codes, ordinances and regulations adopted  
by municipalities within the State; and

Whereas, the lack of such procedure may endanger the en-  
forcement of health and safety codes, statutes and regulations  
adopted by the State of Maine; and

Whereas, inadequate enforcement of health and safety codes,  
ordinances and regulations may result in the loss of federal  
financial aid to certain municipalities; and

Whereas, in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of Maine  
and require the following legislation as immediately necessary  
for the preservation of the public peace, health and safety; now,  
therefore,

*(Filing No. # - 661)*

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

Sec. 1 R. S., T. 4, §115, additional. Title 4 of the Revised Statutes is amended by adding a new section 115 to read as follows:

§ 115. Administrative search warrants

A Superior Court Justice may issue warrants to conduct administrative searches in such manner, for such purposes and under such circumstances as the Supreme Judicial Court shall by rule provide.

Sec. 2. R. S., T. 4, § 179, additional. Title 4 of the Revised Statutes is amended by adding a new section 179 to read as follows:

§ 179. Administrative search warrants

A District Court Judge may issue warrants to conduct administrative searches in such manner, for such purposes and under such circumstances as the Supreme Judicial Court shall by rule provide.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.'

Reported by a Majority of the Committee on Judiciary.

Reproduced and distributed under the direction of the Clerk of the House.

(Filing No. H-661)

1/26/70