MAINE STATE LEGISLATURE

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(EMERGENCY) FIRST SPECIAL SESSION

ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1662

H. P. 1333 House of Representatives, January 6, 1970 The Committee on Judiciary suggested.

BERTHA W. JOHNSON, Clerk
Presented by Mr. Heselton of Gardiner.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND SEVENTY

AN ACT to Authorize Issuance of Warrants for Administrative Searches.

Emergency preamble. Whereas, the United States Supreme Court has held that administrative searches of private premises may not be conducted except with the owner or occupant's consent or with a valid warrant; 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 enforcement of health and safety regulations adopted by municipalities within this State; and

Whereas, the lack of such procedure may endanger the enforcement of health and safety regulations adopted by the State of Maine; and

Whereas, inadequate enforcement of health and safety 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,

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

- R. S., T. 4, § 175, 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.