

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1006

H. P. 744

House of Representatives, February 19, 1971

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. McTeague of Brunswick.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT to Authorize Issuance of Warrants for Administrative Searches.

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

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.

STATEMENT OF FACT

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. There is no established procedure in the State of Maine for issuing such warrants. The absence of such procedure endangers the enforcement of health and safety regulations adopted by municipalities within this State. The lack of such procedure may endanger the enforcement of health and safety regulations adopted by the State of Maine. This Act will permit the Supreme Judicial Court to provide for a rule for the issuance of administrative search warrants.