

MAINE STATE LEGISLATURE

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DATE: 5-20-03

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MINORITY
JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 920, L.D. 1246, "Resolve, Regarding Searches of Curtilage by Certain State Agencies"

Amend the resolve by striking out the title and substituting the following:

'Resolve, Regarding Searches of Curtilage by Certain State Agencies and Local Code Enforcement Officers'

Further amend the resolve by striking out everything after the title and before the summary and inserting in its place the following:

'Sec. 1. Uniform standards regarding searches of curtilage. Resolved: That the Department of Environmental Protection, the Department of Conservation and the Department of Inland Fisheries and Wildlife shall review their policies and procedures regarding searches of private property, including curtilage, and shall adopt written policies and procedures approved by the Attorney General governing searches of private property, including curtilage, that conform to the prohibition on unreasonable searches and seizures in the United States Constitution Amendment IV. The Executive Department, State Planning Office shall include in the training for municipal code enforcement officers required under the Maine Revised Statutes, Title 30-A, section 4451 written policies and procedures approved by the Attorney General governing searches of private property, including curtilage, that conform to the prohibition on unreasonable searches and seizures in the United States Constitution Amendment IV. The Attorney General shall report by January 15, 2005 to the joint standing committee of the Legislature having jurisdiction over judiciary matters on the written policies and procedures required pursuant to this section.'

COMMITTEE AMENDMENT

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SUMMARY

This amendment is the minority report. It replaces the resolve to require the Department of Environmental Protection, the Department of Conservation and the Department of Inland Fisheries and Wildlife to adopt written policies and procedures for searches of private property, including curtilage, that are approved by the Attorney General and that conform to the prohibition on unreasonable searches and seizures in the United States Constitution Amendment IV. This amendment also requires the Executive Department, State Planning Office to include written policies and procedures approved by the Attorney General for searches and seizures in the training that the State Planning Office establishes for municipal code enforcement officers.

This amendment requires the Attorney General to report during the First Regular Session of the 122nd Legislature to the joint standing committee of the Legislature having jurisdiction over judiciary matters on the written policies and procedures required pursuant to this resolve.

FISCAL NOTE REQUIRED
(See attached)

Approved: 05/12/03 *MAC*

**121st Maine Legislature
Office of Fiscal and Program Review**

LD 1246

**Resolve, Regarding Searches of Curtilage by Certain State Agencies and
Local Code Enforcement Officers**

LR 0700(02)

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Judiciary

Fiscal Note Required: Yes



Fiscal Note

Minor cost increase - General Fund