

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# SEVENTY-SECOND LEGISLATURE

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HOUSE.

No. 546

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND FIVE.

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AN ACT to amend section 52 of chapter 32 of the Revised  
Statutes relating to search.

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*Be it enacted by the Senate and House of Representatives in  
Legislature assembled, as follows:*

Section 1. Section 52 of chapter 32 of the Revised Statutes is hereby amended as follows: By striking out the words "and every sheriff and constable in his respective county," in the second line of said section, and by striking out the words "with a lawful warrant" after the word "and" in the sixth line of said section, and by inserting in place thereof the words 'with or without a warrant,' and by striking out the word "dwelling-houses" in the eighth line of

9 said section, and by adding at the end of said section the  
10 following words, 'but no dwelling-house shall be searched  
11 for the above purposes without a warrant and then only in  
12 the day time, and no sealed railroad car shall be entered for  
13 the above purposes without such warrant. Any magistrate  
14 may issue warrants to search, within his jurisdiction, any  
15 dwelling-house in the day time, or any other place at any  
16 time, for the purposes above set forth, to any commissioner  
17 of inland fisheries and game, or any warden, sheriff or any  
18 of his deputies; such warrant shall be issued subject to the  
19 requirements of section thirteen of chapter one hundred and  
20 thirty-three of the Revised Statutes; provided, however, that  
21 the commissioners shall, on or before October first of each  
22 year, in writing, notify the superintendents of all transporta-  
23 tion companies doing business within the State of the names  
24 of the wardens by them designated to exercise the right of  
25 search as herein provided, which number shall not exceed  
26 four for any one transportation company, and no others  
27 shall, except those so designated, be authorized to exercise  
28 the powers herein mentioned as to search,' so that said sec-  
29 tion, as amended, shall read as follows:

'Sect. 52. The commissioners and every warden through-  
31 out the State shall enforce the provisions of this chapter, and  
32 shall seize any game, fish or game birds taken or held in  
33 violation of this chapter; and every such officer may arrest,  
34 with or without a warrant, any person whom he has reason  
35 to believe guilty of a violation thereof, and with or without  
36 a warrant, may open, enter and examine all buildings,

37 camps, vessels, boats, wagons, cars, stages, tents, and other  
38 receptacles and places, and examine all boxes, barrels and  
39 packages where he has reason to believe that game, fish or  
40 game birds taken or held in violation of this chapter are to  
41 be found, and seize such game, fish or game birds if any be  
42 found therein, but no dwelling-house shall be searched for  
43 the above purposes without a warrant and then only in the  
44 day time, and no sealed railroad car shall be entered for the  
45 above purposes without such warrant. Any magistrate may  
46 issue warrants to search, within his jurisdiction, any dwell-  
47 ing-house, in the day time, or any other place at any time,  
48 for the purposes above set forth, to any commissioner of  
49 inland fisheries and game or any warden, sheriff or any of  
50 his deputies; such warrant shall be issued subject to the  
51 requirements of section thirteen of chapter one hundred and  
52 thirty-three of the Revised Statutes; provided, however,  
53 that the commissioners shall, on or before October first of  
54 each year, in writing, notify the superintendents of all trans-  
55 portation companies doing business within the State of the  
56 names of the wardens by them designated to exercise the  
57 right of search as herein provided, which number shall not  
58 exceed four for any one transportation company, and no  
59 others shall, except those so designated, be authorized to  
60 exercise the powers herein mentioned as to search.'

STATE OF MAINE.

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HOUSE OF REPRESENTATIVES,  
Augusta, March 15, 1905.

Reported by Mr. HIGGINS from Committee on Judiciary and ordered  
printed under joint rules.

E. M. THOMPSON, *Clerk.*