

§55. Search warrants; issuance by justice, judge or justice of the peace

A justice of the Superior Court, a judge of the District Court or a justice of the peace shall issue search warrants for any place in the State for such purposes as the United States Constitution and the Constitution of Maine permit, including with respect to any violation over which the Passamaquoddy Tribe, the Penobscot Nation or the Houlton Band of Maliseet Indians exercises exclusive jurisdiction under Title 30, section 6209-A, 6209-B or 6209-C. The evidence presented to the magistrate in support of the search warrant may consist of affidavits and other evidence under oath or affirmation that is capable of being reduced to a record for purposes of review. The application for the search warrant and supporting information and evidence must be submitted in accordance with rules adopted by the Supreme Judicial Court, except that, following the establishment of a statewide electronic warrant system as provided in Title 4, section 17, subsection 18, the filing of the application and supporting information and evidence may be done electronically, if presented to a justice of the Superior Court or a judge of the District Court or a justice of the peace authorized by rule of the Supreme Judicial Court to issue warrants electronically, and the warrant issued and returned electronically. The Supreme Judicial Court shall by rule provide the procedure of the application for and issuance of search warrants. When no procedure is specified by the Supreme Judicial Court, the justice, judge or justice of the peace shall proceed in any reasonable manner that is authorized by this section, that, if presented electronically, conforms to the requirements of Title 4, section 17, subsection 18 and that will allow the issuance of a search warrant for any constitutional purpose. A justice, a judge or a justice of the peace shall issue a search warrant for a domestic or foreign entity that is a provider of electronic communication service or a provider of remote computing service in accordance with the provisions of this section and section 56. [PL 2021, c. 684, §4 (AMD).]

SECTION HISTORY

PL 1965, c. 356, §18 (RPR). PL 1979, c. 343, §1 (RPR). PL 1987, c. 736, §20 (AMD). PL 1991, c. 484, §5 (AMD). PL 1995, c. 388, §3 (AMD). PL 1995, c. 388, §8 (AFF). PL 2017, c. 144, §2 (AMD). PL 2021, c. 684, §4 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 130th Maine Legislature and is current through October 1, 2022. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.