

§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).

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