

## **RULE 80I. SEARCH WARRANTS FOR SCHEDULE Z DRUGS**

(a) Issuance of Warrant. A warrant may be issued under this rule by any justice or judge to search for and seize any schedule Z drug that is declared to be contraband and subject to seizure by 17-A M.R.S.A. § 1114. Rule 41(a), (c), (d), (e), (f) and (g) of the Maine Rules of Criminal Procedure shall govern the issuance and execution of any warrant authorized by this rule.

(b) Suppression of Evidence. In a proceeding under a statute which makes the possession of a schedule Z drug a civil violation a District Court Judge may, with the consent of both parties, entertain a motion to suppress evidence prior to trial. If a question concerning the admissibility of evidence has not been determined by motion to suppress prior to trial, upon appropriate objection, it shall be determined by the District Court Judge at the time of trial.

### **Advisory Committee's Note November 15, 1976**

This rule is intended to implement 17-A M.R.S.A. § 1114, a section of the new Maine Criminal Code providing that a Schedule Z drug under the Code, possession of which is a civil violation, may be seized as contraband. At present, marijuana is the only drug in that category. See 22 M.R.S.A. 2383. The rule is necessary, because M.R.Cr.P. 41(b)(3), which would otherwise permit issuance of a search warrant for such purposes, does not apply in noncriminal proceedings. See M.R.Cr.P. 1. Rule 80I merely authorizes issuance of a search warrant in such circumstances. The provisions of M.R.Cr.P. 41 govern details of issuance and execution.

The provisions of the rule are made applicable in the District Court by the simultaneous adoption of D.C.C.R. 80I.