

MAINE STATE LEGISLATURE

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R.S.

L.D. 663

DATE: May 7, 1999

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INLAND FISHERIES AND WILDLIFE

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**STATE OF MAINE
SENATE
119TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT " A" to S.P. 241, L.D. 663, Bill, "An Act to Clarify the Powers of Game Wardens When Stopping Motor Vehicles"

Amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the authority of a game warden to stop a vehicle to protect a person from threat of death or personal injury is essential;

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §7053, sub-§2, ¶D-1, as enacted by PL 1989, c. 493, §5, is amended to read:

D-1. If in uniform and if they have a reasonable and articulable suspicion that a motor vehicle or other conveyance, or its operator or occupant, is or has been involved in, or may contain evidence of, a violation of

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2 chapters 701 to 721 or when necessary to protect a person
 3 from the threat of death or personal injury, stop the motor
 4 vehicle or other conveyance to check its registration and
 5 vehicle identification number, request personal
 6 identification of the operator or occupant and question the
 7 operator or occupant about the violation. This paragraph is
 8 repealed 90 days after adjournment of the Second Regular
 9 Session of the 119th Legislature;

10 **Sec. 2. 12 MRSA §7053, sub-§2, ¶D-2 is enacted to read:**

12 D-2. If in uniform and if they have a reasonable and
 13 articulable suspicion that a motor vehicle or other
 14 conveyance, or its operator or occupant, is or has been
 15 involved in, or may contain evidence of, a violation of
 16 chapters 701 to 721, stop the motor vehicle or other
 17 conveyance to check its registration and vehicle
 18 identification number, request personal identification of
 19 the operator or occupant and question the operator or
 20 occupant about the violation. This paragraph takes effect
 21 90 days after adjournment of the Second Regular Session of
 22 the 119th Legislature.

24 **Emergency clause.** In view of the emergency cited in the
 25 preamble, this Act takes effect when approved.'

26 Further amend the bill by inserting at the end before the
 27 summary the following:

30 **·FISCAL NOTE**

32 This bill may result in additional prosecutions for criminal
 33 and civil violations as well as additional traffic infractions.
 34 Assuming that any additional criminal cases would be Class D or
 35 Class E crimes, if additional jail sentences are imposed, the
 36 additional costs to the counties are estimated to be \$82.48 per
 37 day per prisoner. These costs are not reimbursed by the State.
 38 The number of prosecutions that may result in a jail sentence and
 39 the resulting costs to the county jail system are expected to be
 40 insignificant.

42 The additional workload, administrative costs and indigent
 43 defense costs associated with the minimal number of new cases
 44 filed in the court system can be absorbed within the budgeted
 45 resources of the Judicial Department. The collection of
 46 additional fines may also increase General Fund revenue by minor
 47 amounts.

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2 The additional enforcement costs can be absorbed by the
Department of Inland Fisheries and Wildlife utilizing existing
budgeted resources.'

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SUMMARY

8 This amendment replaces the bill and makes the bill an
emergency. The amendment allows a game warden to stop a motor
10 vehicle when necessary to protect a person from the threat of
death or personal injury. That new authority is repealed 90 days
12 after adjournment of the Second Regular Session of the 119th
Legislature. The amendment also adds a fiscal note to the bill.