

MAINE STATE LEGISLATURE

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L.D. 2274

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DATE: 3-7-00

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT "C" to COMMITTEE AMENDMENT "A" to H.P. 1627, L.D. 2274, Bill, "An Act to Clarify the Authority of Maine Game Wardens to Stop Motor Vehicles"

Amend the amendment in section 2 in paragraph D-3 in the last line (page 1, line 35 in L.D.) by striking out the following: "~~safety;~~" and inserting in its place the following:

'safety. The department shall adopt rules regarding the authority of a game warden to stop a motor vehicle pursuant to this paragraph. Rules adopted pursuant to this paragraph are major substantive rules pursuant to Title 5, chapter 375, subchapter II-A.

Beginning October 1, 2001, a game warden may not stop a motor vehicle unless that stop is performed pursuant to rules adopted by the department and approved by the Legislature pursuant to this paragraph. A stop conducted in violation of these rules renders all evidence obtained pursuant to the stop inadmissible in any subsequent legal proceeding.'

Further amend the amendment by inserting after section 2 the following:

'Sec. 3. 12 MRSA §7053, sub-§2, ¶E, as enacted by PL 1979, c. 420, §1, is amended to read:

E. Stop any watercraft to inspect the craft, its equipment and its documents or certificates; board all watercraft when necessary to enforce chapter 715, subchapter I; and order any watercraft ashore to correct a violation or to protect the safety of its occupants, if in the opinion of the warden their safety is in jeopardy. The department shall adopt

HOUSE AMENDMENT

2 rules regarding the authority of a game warden to stop a
3 watercraft pursuant to this paragraph. Rules adopted
4 pursuant to this paragraph are major substantive rules
5 pursuant to Title 5, chapter 375, subchapter II-A.

6 Beginning October 1, 2001, a game warden may not stop a
7 watercraft unless that stop is performed pursuant to rules
8 adopted by the department and approved by the Legislature
9 pursuant to this paragraph. A stop conducted in violation
10 of these rules renders all evidence obtained pursuant to the
11 stop inadmissible in any subsequent legal proceeding;

12
13 **Sec. 4. 12 MRSA §7053, sub-§2, ¶E-1, as enacted by PL 1989, c.**
14 **493, §6, is amended to read:**

15 E-1. Stop and examine any all-terrain vehicle to ascertain
16 whether it is being operated in compliance with chapter 715,
17 subchapter IV, demand and inspect the operator's certificate
18 of registration and, when appropriate, demand and inspect
19 evidence that the operator has satisfactorily completed a
20 training course as required by section 7853+. The
21 department shall adopt rules regarding the authority of a
22 game warden to stop an all-terrain vehicle pursuant to this
23 paragraph. Rules adopted pursuant to this paragraph are
24 major substantive rules pursuant to Title 5, chapter 375,
25 subchapter II-A.

26
27 Beginning October 1, 2001, a game warden may not stop an
28 all-terrain vehicle unless that stop is performed pursuant
29 to rules adopted by the department and approved by the
30 Legislature pursuant to this paragraph. A stop conducted in
31 violation of these rules renders all evidence obtained
32 pursuant to the stop inadmissible in any subsequent legal
33 proceeding;

34
35 **Sec. 5. 12 MRSA §7053, sub-§2, ¶¶F and G, as enacted by PL**
36 **1979, c. 420, §1, are amended to read:**

37 F. Stop and examine any snowmobile to ascertain whether it
38 is being operated in compliance with chapter 715, subchapter
39 II; demand and inspect the operator's certificate of
40 registration; and examine the identification numbers of the
41 snowmobile and any marks on it;--and, The department shall
42 adopt rules regarding the authority of a game warden to stop
43 a snowmobile pursuant to this paragraph. Rules adopted
44 pursuant to this paragraph are major substantive rules
45 pursuant to Title 5, chapter 375, subchapter II-A.

46
47 Beginning October 1, 2001, a game warden may not stop a
48 snowmobile unless that stop is performed pursuant to rules
49 adopted by the department and approved by the Legislature

2 pursuant to this paragraph. A stop conducted in violation
3 of these rules renders all evidence obtained pursuant to the
4 stop inadmissible in any subsequent legal proceeding; and

6 G. Do anything otherwise prohibited by chapters 701 to 721
7 if necessary to carry out their duties and powers. The
8 department shall adopt rules regarding the authority of a
9 game warden to stop a person pursuant to this paragraph.
10 Rules adopted pursuant to this paragraph are major
11 substantive rules pursuant to Title 5, chapter 375,
12 subchapter II-A.

14 Beginning October 1, 2001, a game warden may not stop a
15 person unless that stop is performed pursuant to rules
16 adopted by the department and approved by the Legislature
17 pursuant to this paragraph. A stop conducted in violation
18 of these rules renders all evidence obtained pursuant to the
19 stop inadmissible in any subsequent legal proceeding.

20 **Sec. 6. Initial rulemaking.** The Department of Inland Fisheries
21 and Wildlife shall submit rules made pursuant to the Maine
22 Revised Statutes, Title 12, section 7053, subsection 2,
23 paragraphs D-3, E, E-1, F and G to the First Regular Session of
24 the 120th Legislature by February 1, 2001.'

26 Further amend the amendment by relettering or renumbering
27 any nonconsecutive Part letter or section number to read
28 consecutively.

30 **FISCAL NOTE**

32 The Department of Inland Fisheries and Wildlife will incur
33 some minor additional costs to adopt certain rules. These costs
34 can be absorbed within the department's existing budgeted
35 resources.

38 **SUMMARY**

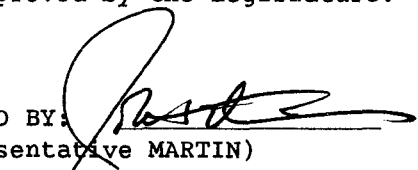
40 This amendment requires the Department of Inland Fisheries
41 and Wildlife to adopt rules regarding the powers of game wardens
42 to stop a person, motor vehicle, all-terrain vehicle, snowmobile
43 or watercraft. Rules must be submitted to the Legislature by
44 February 1, 2001 for review. After October 1, 2001, a game

R. 019

HOUSE AMENDMENT "C" to COMMITTEE AMENDMENT "A" to H.P. 1627,
L.D. 2274

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warden may not stop a person, motor vehicle, all-terrain vehicle,
snowmobile or watercraft unless the stop is in conformity with
rules approved by the Legislature.

SPONSORED BY: 
(Representative MARTIN)

TOWN: Eagle Lake

HOUSE AMENDMENT