

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
119TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "A" 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 by inserting before section 1 the following:

Sec. 1. 12 MRSA §7034, sub-§4, as amended by PL 1989, c. 913, Pt. A, §1, is further amended to read:

4. **Written policies and training guidelines of warden service.** ~~The commissioner shall prepare a written code covering the operating procedure~~ develop and maintain current written policies and training guidelines governing all procedures of the warden service which is. Those policies and guidelines must be consistent with civil service law and contractual agreements. The commissioner shall report in January of each year to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters on written policies and training guidelines developed pursuant to this subsection. The commissioner shall also conduct regular surveys of the public on issues pertaining to those policies and shall include those survey results in those reports.

Sec. 2. 12 MRSA §7053, sub-§2, ¶A-1 is enacted to read:

A-1. In order to protect fish and wildlife:

(1) Stop any person who is observed by a warden to be hunting, fishing or trapping for the purpose of determining compliance with bag and possession limits or license, permit, equipment or other mandatory requirements and may issue a citation to that person if that person is not in compliance; or

2 (2) Stop a person who is known to be transporting fish
3 or wildlife to determine if the fish or wildlife is
4 lawfully possessed and being lawfully transported and
5 may seize any fish or wildlife being held in violation
6 of any law and cite the person for the unlawful act.

7 A stop under this paragraph may not result in, or be used as
8 a pretext for, a search of a vehicle, conveyance or
9 container unless the person stopped consents to such a
10 search or the warden has probable cause that a violation of
11 law has occurred. Failure of a person to consent to a
12 search does not constitute probable cause that a violation
13 has occurred;'

14 Further amend the amendment by relettering or renumbering
15 any nonconsecutive Part letter or section number to read
16 consecutively.

FISCAL NOTE

17 The Department of Inland Fisheries and Wildlife will incur
18 some minor additional costs to submit a required report to the
19 Legislature and to conduct certain surveys. These costs can be
20 absorbed within the department's existing budgeted resources.

SUMMARY

21 This amendment clarifies that the Commissioner of Inland
22 Fisheries and Wildlife must develop and maintain current written
23 policies and training guidelines governing all procedures of the
24 warden service and requires the commissioner to report annually
25 on those policies and guidelines to the joint standing committee
26 of the Legislature having jurisdiction over inland fisheries and
27 wildlife matters.

28 The amendment also includes provisions allowing wardens to
29 stop a person who is observed by a warden to be hunting, fishing
30 or trapping for the purpose of determining compliance with bag
31 and possession limits or license, permit, equipment or other
32 mandatory requirements and to stop a person who is known to be
33 transporting fish or wildlife to determine if the fish or
34 wildlife is lawfully possessed and being lawfully transported.
35 The amendment also adds provisions stating that those stops may
36 not result in, or be used as a pretext for, a search of a
37 vehicle, conveyance or container unless the person stopped
38 consents to such a search or the warden has probable cause that a

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2 violation of law has occurred. The amendment also states that
failure of a person to consent to such a search does not
4 constitute probable cause that a violation has occurred.

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8 SPONSORED BY: *Kil Kelly*
(Senator KILKELLY)

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COUNTY: Lincoln

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