

MAINE STATE LEGISLATURE

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R. H. S.

Date: 5/22/19

(Filing No. H-355)

minority

INLAND FISHERIES AND WILDLIFE

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STATE OF MAINE

HOUSE OF REPRESENTATIVES

124TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 244, L.D. 308, Bill, "An Act To Clarify Standards by Which Game Wardens May Stop All-terrain Vehicles"

Amend the bill by striking out the title and substituting the following:

'An Act To Clarify Standards by Which Law Enforcement Officers May Stop All-terrain Vehicles'

Amend the bill by inserting after the title and before the enacting clause the following:

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

Whereas, this Act must take effect immediately to ensure the proper balance between the State's interest in the safe operation of all-terrain vehicles and a person's right to privacy; and

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,'

Amend the bill in section 1 in paragraph G in the last line (page 1, line 10 in L.D.) by inserting after the following: "13152" the following: 'Other law enforcement officers are subject to the provisions of this paragraph. This paragraph is repealed February 1, 2010'

Amend the bill by adding at the end before the summary the following:

'Sec. 2. 12 MRSA §10353, sub-§2, ¶G-1 is enacted to read:

G-1. Beginning February 1, 2010, stop and examine any all-terrain vehicle to ascertain whether it is being operated in compliance with chapter 939 or any other provision of this Part regulating ATVs, demand and inspect the operator's certificate

COMMITTEE AMENDMENT

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1 of registration and, when appropriate, demand and inspect evidence that the operator
2 has satisfactorily completed a training course as required by section 13152;

3 **Sec. 3. Report.** The Commissioner of Inland Fisheries and Wildlife shall report on
4 the effect of this Act on the Department of Inland Fisheries and Wildlife's ability to
5 enforce all-terrain vehicle laws and to interact with all-terrain vehicle operators in the
6 field to the Joint Standing Committee on Inland Fisheries and Wildlife by January 5,
7 2010. That joint standing committee may submit legislation to the Second Regular
8 Session of the 124th Legislature regarding that report.

9 **Emergency clause.** In view of the emergency cited in the preamble, this
10 legislation takes effect when approved.'

11 **SUMMARY**

12 This amendment, which is the minority report of the committee, adds an emergency
13 preamble and emergency clause and clarifies that the reasonable and articulable suspicion
14 standard for all-terrain vehicle stops applies to all law enforcement officers and not just
15 game wardens. It repeals that standard on February 1, 2010. It also directs the
16 Commissioner of Inland Fisheries and Wildlife to report on how the new standard
17 affected the department's ability to enforce all-terrain vehicle laws and to interact with
18 all-terrain vehicle operators in the field to the Joint Standing Committee on Inland
19 Fisheries and Wildlife by January 5, 2010 and gives that committee the authority to
20 submit legislation to the Second Regular Session of the 124th Legislature regarding that
21 report.

FISCAL NOTE REQUIRED

(See attached)



124th MAINE LEGISLATURE

LD 308

LR 1128(03)

An Act To Clarify Standards by Which Game Wardens May Stop All-terrain Vehicles

Fiscal Note for Bill as Amended by Committee Amendment "B"

Committee: Inland Fisheries and Wildlife

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Department of Inland Fisheries and Wildlife can be absorbed within existing budgeted resources.