



124th MAINE LEGISLATURE

SECOND REGULAR SESSION-2010

Legislative Document

No. 1536

H.P. 1080

House of Representatives, December 21, 2009

An Act To Amend the Standards by Which Game Wardens May Stop All-terrain Vehicles when Operating on Private Property

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 17, 2009. Referred to the Committee on Inland Fisheries and Wildlife pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. Mac Jailand

MILLICENT M. MacFARLAND Clerk

Presented by Representative SARTY of Denmark.

Cosponsored by Senator DIAMOND of Cumberland and

Representatives: JOHNSON of Greenville, Speaker PINGREE of North Haven, PIOTTI of Unity, SAVIELLO of Wilton, SHAW of Standish, SYKES of Harrison, WEAVER of York, Senator: ROSEN of Hancock.

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

Sec. 1. 12 MRSA §10353, sub-§2, \P G, as amended by PL 2009, c. 389, §1, is further amended to read:

G. If the warden has reasonable and articulable suspicion to believe that a violation of law has taken place or is taking place, stop Stop and examine any all-terrain vehicle operating on privately owned property 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 of registration and, when appropriate, demand and inspect evidence that the operator has satisfactorily completed a training course as required by section 13152. A warden may stop an allterrain vehicle operating on publicly owned property for purposes of this paragraph if the warden has reasonable and articulable suspicion to believe that a violation of the law has taken place. Other law enforcement officers are subject to the provisions of this paragraph;

SUMMARY

16 Current law provides that a law enforcement officer may stop an all-terrain vehicle to 17 ascertain whether a violation of the law has occurred if the law enforcement officer has a 18 reasonable and articulable suspicion to believe that a violation of the law has taken place. 19 This bill allows a law enforcement officer to stop an all-terrain vehicle operated on 20 privately owned property without a reasonable and articulable suspicion to believe a 21 violation of the law has occurred.