

MAINE STATE LEGISLATURE

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L.D. 254

Date: 5/2/11

(Filing No. H-160)

Majority

INLAND FISHERIES AND WILDLIFE

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 207, L.D. 254, Bill, "An Act To Amend the Standards by Which Game Wardens May Stop All-terrain Vehicles Operating on Private Property"

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

'An Act To Amend the Standards by Which Law Enforcement Officers May Stop an All-terrain Vehicle Operating on Private Property'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

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

2. Powers. In addition to other powers granted in this Part, a game warden or other official described in section 10401 may:

A. Arrest, summons and prosecute a violator of the following:

- (1) This Part;
- (2) Rules adopted by the commissioner; and
- (3) The federal Migratory Bird Treaty Act, 16 United States Code, Chapter 7, subchapter II, section 703 and all rules and regulations promulgated in pursuance of that Act.

A game warden or other official described in section 10401 shall, without unnecessary delay, take any person so arrested before the District Court nearest the place of violation;

B. Serve criminal processes on offenders of the law and serve all processes pertaining to the enforcement of this Part;

C. Accept personal recognizances in accordance with the following procedures:

COMMITTEE AMENDMENT

1 (1) A game warden or other official described in section 10401 making an arrest
2 for any violation of this Part and Title 38, chapter 3, subchapter 1, article 5-A, at
3 a point more than 50 miles distant from the nearest District Court having
4 jurisdiction, may accept the personal recognizance of the prisoner in an amount
5 not to exceed \$1,000 for the prisoner's appearance before the nearest District
6 Court on a specified date and a deposit in money to the amount of that
7 recognizance; and

8 (2) The warden or other official described in section 10401 shall report all those
9 recognizances and forward all those deposits to the court to which the
10 recognizance is returnable.

11 Recognizances and deposits must be handled by the court in accordance with
12 sections 10202 and 10203;

13 D. If the warden or other official described in section 10401 is in uniform and has
14 reasonable and articulable suspicion to believe that a violation of law has taken place
15 or is taking place, stop a motor vehicle or watercraft for the purpose of:

16 (1) Arresting the operator for a criminal violation;

17 (2) Issuing the appropriate written process for a criminal or civil violation or a
18 traffic infraction; or

19 (3) Questioning the operator or occupants;

20 E. In order to protect fish and wildlife:

21 (1) If the warden or other official described in section 10401 is in uniform, stop a
22 person for the purpose of determining compliance with license, permit,
23 equipment or other requirements or restrictions if the person, at the time of the
24 stop, is:

25 (a) Engaged in hunting, fishing or trapping; and

26 (b) Not in or on a motor vehicle; and

27 (2) Pursuant to policy established by the commissioner, establish checkpoints to
28 stop any type of vehicle and conduct checks to gather statistics concerning
29 hunting, fishing and trapping and to determine compliance with fish and wildlife
30 laws;

31 F. Stop any watercraft to inspect the craft, its equipment and its documents or
32 certificates; board a watercraft when necessary to enforce chapter 935 or any other
33 provision of this Part regarding watercraft; and order any watercraft ashore to correct
34 a violation or to protect the safety of its occupants, if in the opinion of the warden or
35 other official described in section 10401 their safety is in jeopardy;

36 G. ~~If the warden has reasonable and articulable suspicion to believe that a violation~~
37 ~~of law has taken place or is taking place, stop~~ Stop and examine any all-terrain
38 vehicle to ascertain whether it is being operated in compliance with chapter 939 or
39 any other provision of this Part regulating ATVs, demand and inspect the operator's
40 certificate of registration and, when appropriate, demand and inspect evidence that

1 the operator has satisfactorily completed a training course as required by section
2 13152. ~~Other law enforcement officers are subject to the provisions of this paragraph;~~

3 H. Stop and examine any snowmobile to ascertain whether it is being operated in
4 compliance with chapter 937 or any other provision of this Part regulating
5 snowmobiles; demand and inspect the operator's certificate of registration; and
6 examine the identification numbers of the snowmobile and any marks on it; and

7 I. Do anything otherwise prohibited by this Part if necessary to carry out the
8 ~~warden's~~ duties and powers of the warden or other official described in section
9 10401. This paragraph does not authorize a warden or other official described in
10 section 10401 enforcing this Part to stop any person, motor vehicle or watercraft
11 except as specifically provided in this section.'

12 **SUMMARY**

13 This amendment retains the provisions of the bill and clarifies existing law that
14 authorizes all law enforcement officers, not just game wardens, to enforce the provisions
15 of the Maine Revised Statutes, Title 12, Part 13. It does not expand or otherwise restrict
16 the current authority of game wardens or other law enforcement officers.

FISCAL NOTE REQUIRED
(See attached)



Approved: 04/20/11 *MAC*

125th MAINE LEGISLATURE

LD 254

LR 102(02)

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

Fiscal Note for Bill as Amended by Committee Amendment "A"
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 accomplished with existing staff and within existing budgeted resources.