

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 254

H.P. 207

House of Representatives, February 1, 2011

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

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Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative SARTY of Denmark.  
Cosponsored by Senator DIAMOND of Cumberland and  
Representatives: BRIGGS of Mexico, CEBRA of Naples, CLARK of Millinocket, COTTA of  
China, McKANE of Newcastle, SANDERSON of Chelsea, SHAW of Standish, WOOD of  
Sabattus.

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

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

4 G. ~~If the warden has reasonable and articulable suspicion to believe that a violation~~  
5 ~~of law has taken place or is taking place, stop~~ Stop and examine any all-terrain  
6 vehicle to ascertain whether it is being operated in compliance with chapter 939 or  
7 any other provision of this Part regulating ATVs, demand and inspect the operator's  
8 certificate of registration and, when appropriate, demand and inspect evidence that  
9 the operator has satisfactorily completed a training course as required by section  
10 13152. ~~Other law enforcement officers are subject to the provisions of this~~  
11 ~~paragraph;~~

12 **SUMMARY**

13 Current law provides that a game warden may stop an all-terrain vehicle to ascertain  
14 whether a violation of the law has occurred if the game warden has a reasonable and  
15 articulable suspicion to believe that a violation of the law has taken place or is taking  
16 place. This bill allows a game warden to stop an all-terrain vehicle without a reasonable  
17 and articulable suspicion to believe a violation of the law has occurred, which was the  
18 standard in law prior to 2009.