

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1209

H.P. 900

House of Representatives, March 22, 2011

An Act Regarding Stops of All-terrain Vehicles and Snowmobiles by Law Enforcement Officers

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative CRAFTS of Lisbon.
Cosponsored by Senator MASON of Androscoggin and
Representatives: BICKFORD of Auburn, BLACK of Wilton, BURNS of Alfred, DAVIS of
Sangerville, FREDETTE of Newport, TIMBERLAKE of Turner, 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 and examine any all-terrain vehicle
6 being operated on a trail in the Maine Trails System established pursuant to section
7 1892 to ascertain whether it is being operated in compliance with chapter 939 or any
8 other provision of this Part regulating ATVs, demand and inspect the operator's
9 certificate of registration and, when appropriate, demand and inspect evidence that
10 the operator has satisfactorily completed a training course as required by section
11 13152. If the all-terrain vehicle is being operated more than 20 feet from a trail in the
12 Maine Trails System, the warden, for any reason, may stop and examine the all-
13 terrain vehicle and operator. Other law enforcement officers are subject to the
14 provisions of this paragraph;

15 **Sec. 2. 12 MRSA §10353, sub-§2, ¶H**, as enacted by PL 2003, c. 414, Pt. A, §2
16 and affected by c. 614, §9, is amended to read:

17 H. ~~Stop~~ If the warden has reasonable and articulable suspicion to believe that a
18 violation of law has taken place or is taking place, stop and examine any snowmobile
19 being operated on a trail in the Maine Trails System established pursuant to section
20 1892 to ascertain whether it is being operated in compliance with chapter 937 or any
21 other provision of this Part regulating snowmobiles; demand and inspect the
22 operator's certificate of registration; and examine the identification numbers of the
23 snowmobile and any marks on it. If the snowmobile is not being operated on a trail
24 in the Maine Trails System, the warden, for any reason, may stop and examine the
25 snowmobile and operator. Other law enforcement officers are subject to the
26 provisions of this paragraph; and

27 **SUMMARY**

28 Current law requires a game warden or other law enforcement officer to have a
29 reasonable and articulable suspicion to stop an all-terrain vehicle or ATV; no such
30 restriction is placed on game wardens or law enforcement officers stopping snowmobiles.

31 This bill maintains that reasonable and articulable suspicion requirement for a game
32 warden or law enforcement officer stopping an ATV being operated on a trail in the
33 Maine Trails System and also applies it to snowmobiles being operated on a trail in the
34 Maine Trails System. For an ATV that is more than 20 feet from one of those trails or a
35 snowmobile that is not on one of those trails, no reasonable suspicion is required to stop
36 and examine the ATV or snowmobile or its operator.