

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND AND ELEVEN

—  
H.P. 207 - L.D. 254

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

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

**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:

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

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

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

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

- (1) Arresting the operator for a criminal violation;
- (2) Issuing the appropriate written process for a criminal or civil violation or a traffic infraction; or
- (3) Questioning the operator or occupants;

E. In order to protect fish and wildlife:

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

- (a) Engaged in hunting, fishing or trapping; and
- (b) Not in or on a motor vehicle; and

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

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

~~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 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. Other law enforcement officers are subject to the provisions of this paragraph;~~

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

I. Do anything otherwise prohibited by this Part if necessary to carry out the ~~warden's~~ duties and powers of the warden or other official described in section

10401. This paragraph does not authorize a warden or other official described in section 10401 enforcing this Part to stop any person, motor vehicle or watercraft except as specifically provided in this section.

---

In House of Representatives, ..... 2011

Read twice and passed to be enacted.

..... Speaker

---

In Senate, ..... 2011

Read twice and passed to be enacted.

..... President

---

Approved ..... 2011

..... Governor