

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

**'An Act To Clarify Standards by Which Law Enforcement Officers May Stop All-terrain Vehicles'**

Amend the bill by inserting after the title and before the enacting clause the following:

**'Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** this Act must take effect immediately to ensure the proper balance between the State's interest in the safe operation of all-terrain vehicles and a person's right to privacy; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Amend the bill in section 1 in paragraph G in the last line (page 1, line 10 in L.D.) by inserting after the following: "13152" the following: 'Other law enforcement officers are subject to the provisions of this paragraph. This paragraph is repealed February 1, 2010'

Amend the bill by adding at the end before the summary the following:

**'Sec. 2. 12 MRSA §10353, sub-§2, ¶G-1** is enacted to read:

G-1. Beginning February 1, 2010, 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;

**Sec. 3. Report.** The Commissioner of Inland Fisheries and Wildlife shall report on the effect of this Act on the Department of Inland Fisheries and Wildlife's ability to enforce all-terrain vehicle laws and to interact with all-terrain vehicle operators in the field to the Joint Standing Committee on Inland Fisheries and Wildlife by January 5, 2010. That joint standing committee may submit legislation to the Second Regular Session of the 124th Legislature regarding that report.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.'

## SUMMARY

This amendment, which is the minority report of the committee, adds an emergency preamble and emergency clause and clarifies that the reasonable and articulable suspicion standard for all-terrain vehicle

stops applies to all law enforcement officers and not just game wardens. It repeals that standard on February 1, 2010. It also directs the Commissioner of Inland Fisheries and Wildlife to report on how the new standard affected the department's ability to enforce all-terrain vehicle laws and to interact with all-terrain vehicle operators in the field to the Joint Standing Committee on Inland Fisheries and Wildlife by January 5, 2010 and gives that committee the authority to submit legislation to the Second Regular Session of the 124th Legislature regarding that report.

**FISCAL NOTE REQUIRED**  
**(See attached)**