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An Act To Provide Safe All-terrain Vehicle Access on Public Ways

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

Sec. 1. 12 MRSA §13157-A, sub-§6, ¶H, as enacted by PL 2003, c. 655, Pt. B, §414 and as affected by §422, is amended to read:

H. Notwithstanding paragraphs A to G, an ATV may be operated ~~on the extreme right of a~~within the public way of a municipality or an unorganized or unincorporated township if the appropriate governmental unit has designated the public way as an ATV-access route. A public way designated by an appropriate governmental unit as an ATV-access route must be posted conspicuously at regular intervals by that governmental unit with highly visible signs designating the ATV-access route. Before designating a public way as an ATV-access route, the appropriate governmental unit shall make appropriate determinations that ATV travel ~~on the extreme right of~~within the public way may be conducted safely and will not interfere with vehicular traffic on the public way. Location of travel within the public way is determined on a case-by-case basis. For purposes of this paragraph, "appropriate governmental unit" means the Department of Transportation, county commissioners or municipal officers within their respective jurisdictions. The jurisdiction of each appropriate governmental unit over public ways pursuant to this paragraph is the same as its jurisdiction over the passage of vehicles on public ways pursuant to Title 29-A, section 2395. Municipal or county law enforcement officials having jurisdiction have primary enforcement authority over any route established under this paragraph.

SUMMARY

This bill will allow the Department of Transportation more flexibility in providing safe access for ATV users within the public way by determining how and where ATV access occurs on a case-by-case basis.