

Sponsor: Committee

Drafter: JPS

LR (item): 328001

Date: March 11, 2020 and July 10, 2020

File Name: G:\COMMITTEES\IFW\Bill drafting\129th 2nd\328001 3.16.20 and 7.8.20.docx

TITLE: An Act To Clarify All-terrain Vehicle Registration Requirements and Establish Regular Maintenance of All-terrain Vehicle Trails

Be it enacted by the People of Maine as follows:

Sec. 1. 12 MRSA §1893, sub-§1-B, is amended to read:

B. The bureau shall administer the ATV Recreational Management Fund established under subsection 2 for the purposes given in that subsection and for the acquisition of land to be used for designated state-approved ATV trails. The bureau may adopt rules in accordance with Title 5, chapter 375, subchapter 2 for the issuance of grants-in-aid from the fund and to further define alpine tundra areas pursuant to section 13001, subsection 4. Additional funding for the ATV Recreational Management Fund is as provided in Title 36, section 2903-D, subsection 3.

Sec. 2. 12 MRSA §1893, sub-§2, is amended to read:

2. The ATV Recreational Management Fund. The ATV Recreational Management Fund, referred to in this subsection as “the fund,” is established and administered by the department.

A. The fund may be used for the following purposes:

(1) ~~to conduct~~ conducting research on issues related to the management of ATVs;

(2) assisting in the formation of nonprofit ATV groups;

(3) ~~make~~ making grants-in-aid to others, including political subdivisions, educational institutions, regional planning agencies, ATV ~~clubs~~ groups and ~~others~~ to construct and maintain designated state-approved ATV trails, to purchase equipment or to otherwise carry out the purposes of the fund;

(4) assisting in the design and development of designated state-approved ATV trails to the design specifications developed by the bureau;

(5) ensuring that designated state-approved ATV trails in the state are inspected annually;

(6) ~~purchase, lease or otherwise acquire~~ purchasing, leasing, or otherwise acquiring interests in land, including, but not limited to, fee or easement interests for designated state-approved ATV trails or sport-riding facilities;

- (7) ~~provide~~ providing protection to landowners against ATV-related suit or liability;
- (8) ~~otherwise provide~~ providing for the wise and orderly management of ATVs.

Sec. 3. 12 MRSA §10052, sub-§7, is enacted to read:

7. ATV registration. In consultation with the Department of Agriculture, Conservation and Forestry, the Department shall review ATV registration fees and maintenance needs of designated state-approved ATV trails in 2021, 2022, and every two years thereafter. The commissioner shall report the findings and recommendations from the review to the joint standing committee having jurisdiction over inland fisheries and wildlife by February 1 each year a review is required. The committee may report out legislation related to ATV registration fees to the session of the Legislature in which the report was received.

Sec. 4. 12 MRSA §13001, sub-3-A, is enacted to read:

3-A. Antique all-terrain vehicle or ATV. An “antique all-terrain vehicle” or “antique ATV” means an all-terrain vehicle or ATV more than 25 years old that is registered as an antique ATV under section §13155, sub-§5.

Sec. 5. 12 MRSA §13155, sub-§1-A, is amended to read:

1-A. Operating unregistered ATV. Except as provided in paragraph A, a person may not operate an ATV that is not registered in accordance with subsection 3.

A. The following exceptions apply.

(1) Registration is not required for an ATV operated on ~~which the owner lives or on land on which the owner is domiciled,~~ land which the ATV operator owns or leases, regardless of where that person is domiciled, as long as the ATV is not operated elsewhere within the jurisdiction of the State.

Sec. 6. 12 MRSA, §13155, sub-§3, is amended to read:

3. Application and issuance. The commissioner, or an agent designated by the commissioner, may register and assign a registration number to an ATV upon application and payment of an annual fee by the owner. The commissioner shall charge a fee of \$1 in addition to the annual fee for each registration issued by an employee of the department. The registration number in the form of stickers issued by the commissioner must be clearly displayed on the front and rear of the vehicle. A registration is valid for one year commencing July 1st of each year, except that any registration issued prior to July 1st but after May 1st is valid from the date of issuance until June 30 of the following year.

When registering ATVs, a registration agent must explain orally and in writing the size and weight restrictions for registering that ATV under subsection 4-A and the provisions of section 13157-A regarding the use of ATVs on designated, state-approved ATV trails.

Sec. 7. 12 MRSA §13155, sub-§4-A, is enacted to read:

4-A. Oversized ATVs. A person may not register an oversized ATV, except that a resident who has registered an oversized ATV prior to August 1, 2020 may continue to register that ATV under subsection 5. Registration for an oversized ATV may not be transferred to any other person. For purposes of this subsection, "oversized ATV" means an ATV that is wider than 65 inches or weighs more than 2,000 pounds according to the manufacturer's specifications.

Sec. 8. 12 MRSA §13155, sub-§5-B, is enacted to read:

5-B. Antique ATV. A person who owns an ATV that is more than 25 years old and that is substantially maintained in original or restored condition may register that ATV under this subsection as an antique ATV. The fee for an antique ATV registration is a one-time fee of \$33. An ATV antique registration is valid until the ownership of the ATV is transferred to another person. Upon the transfer of ownership, the new owner may reregister that ATV as an antique ATV by paying the \$33 antique ATV registration fee. The registration fee for an antique ATV must be deposited in the ATV Recreational Management Fund under section 1893, sub-section 2.

Sec. 9. Amend 12 MRSA §13157-A, sub-§1-A, ¶1, as follows:

1-A. Permission required. A person may not operate an ATV on the land of another without the permission of the landowner or lessee. Permission is presumed on designated, state-approved ATV trails or in areas open to ATVs by landowner policy. Except as provided in this subsection, a resident who has registered an oversized ATV under section 13155, sub-section 4-A, may operate that ATV on designated state-approved ATV trails. A landowner may limit the use of ATVs on a designated, state-approved ATV trail on that landowner's property through agreements with the State or an ATV club to address environmental, public safety or management concerns, including by limiting the size and weight of ATVs permitted on the landowner or lessee's property. A person operating an ATV, including an oversized ATV, on designated, state-approved ATV trails must adhere to limitations established by landowners or lessees on that part of the designated, state-approved ATV trail on the landowner's or lessee's property in accordance with this subsection. Written permission of the landowner or lessee is required for use of an ATV on cropland or pastureland or in an orchard. As used in this subsection, "cropland" means acreage in tillage rotation, land being cropped and land in bush fruits and "pastureland" means acreage devoted to the production of forage plants used for animal production. For purposes of this section, an "oversized ATV" has the same meaning as that term defined in section 13155, subsection 4-A. Nothing in this subsection may be construed to limit or expand a landowner's property rights.

Sec. 10. 12 MRSA, §13161, sub-§1, is enacted to read:

1-A. Dealer registration information. A dealer may not sell a new or used oversized ATV without explaining orally and in writing the size and weight restrictions for registering that ATV under subsection 4-A and the provisions of section 13157-A regarding the use of ATVs on designated, state-approved ATV trails. For purposes of this section, an “oversized ATV” has the same meaning as that term defined in section 13155, subsection 4-A.

Summary

This bill does the following:

1. Adds an annual inspection of designated state-approved ATV trails to the purposes of the ATV Recreational Management Fund.
2. Ensures that funds in the ATV Recreational Management Fund may be used to assist in the design and development of ATV trails following the design specifications developed by the Department of Agriculture, Conservation and Forestry.
3. Requires the Department of Agriculture, Conservation and Forestry and the Department of Inland Fisheries and Wildlife to review ATV registration fees and maintenance needs for ATV trails in 2021, 2022, and every other year thereafter and report findings to the committee of jurisdiction.
4. For registration purposes, creates a category of “antique ATV” that is an ATV over 25 years old and states that the registration fee for an antique ATV is \$33.
5. Creates a category of “oversized ATVs” to mean ATVs that are wider than 65 inches or weighs more than 2,000 pounds according to the manufacturer’s specifications. Registration of oversized ATVs is allowed for residents who have previously registered that oversized ATV prior to August 1, 2020. Registrations of oversized ATVs cannot be transferred to another person.
6. Allows operation of an unregistered ATV on land which the operator owns or leases.
7. Reinforces landowner and lessee rights to limit use of ATVs on designated state-approved ATV trails, including limiting the size and weight of ATVs permitted. Operators of ATVs, including an oversized ATV, on designated, state-approved ATV trails must adhere to limitations by landowners or lessees.
8. When registering ATVs, a registration agent must explain orally and in writing the size and weight restrictions for registering that ATV and information regarding the use of ATVs on designated, state-approved ATV trails.
9. A dealer selling a new or used oversized ATV must explain orally and in writing the size and weight restrictions for registering that ATV the information regarding the use of ATVs on designated, state-approved ATV trails.