

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

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

'An Act To Create a Mitigation Fund for Damage Caused by Unauthorized All-terrain Vehicle Use on Private Land'

Amend the resolve by striking out everything after the title and before the summary and inserting the following:

,

Sec. 1. 12 MRSA §10263 is enacted to read:

§ 10263. All-terrain Vehicle Mitigation Fund

The All-terrain Vehicle Mitigation Fund, referred to in this section as "the fund," is established within the department as a nonlapsing fund to be used by the commissioner to fund or assist in funding the mitigation of damage caused by all-terrain vehicles operated on private property. Revenue from the mitigation surcharge imposed under section 10609 must be deposited in the fund. The commissioner may accept and deposit into the fund monetary gifts, donations or other contributions from public or private sources for the purposes specified in this section. The fund must be held separate and apart from all other money, funds and accounts.

The commissioner shall establish, by rule, the procedure for making a claim for payment from the fund. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 12 MRSA §10609 is enacted to read:

§ 10609. All-terrain vehicle mitigation surcharge

A person who is convicted of a violation under chapter 939 must be assessed a surcharge of 10% of the fine assessed pursuant to that violation in addition to the fine.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF

ATV Safety and Educational Program 0559

Initiative: Establishes the All-terrain Vehicle Mitigation Fund.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
All Other	\$2,000	\$3,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$2,000	\$3,000

SUMMARY

This amendment is the minority report. It replaces the resolve and provides that a person convicted of a violation of an ATV-related prohibition must be assessed a surcharge that is 10% of the fine assessed as a result of that violation in addition to the fine. It also creates the All-terrain Vehicle Mitigation Fund to help private landowners mitigate damage caused to their property by ATV use. Revenue generated by the 10% surcharge for violations of an ATV-related law must be deposited into the fund. The amendment also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

(See attached)