

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 in the emergency preamble in the 2nd paragraph in the 2nd line (page 1, line 4 in L.D.) by striking out the following: "rights-of-way" and inserting the following: 'right-of-way limits'

Amend the bill by striking out all of sections 1 and 2 and inserting the following:

Sec. 1. 12 MRSA §13106-A, sub-§3, ¶A, as enacted by PL 2003, c. 655, Pt. B, §394 and affected by §422, is amended to read:

A. A person may operate a snowmobile upon a controlled access highway or within the right-of-way limits of a controlled access highway in accordance with this paragraph.

(1) A person on a properly registered snowmobile may cross controlled access highways by use of bridges over or roads under those highways, or by use of roads crossing controlled access highways at grade.

(2) The Commissioner of Transportation may issue special permits for designated crossings of controlled access highways.

(3) A person on a properly registered snowmobile may operate the snowmobile within the right-of-way limits of a controlled access highway on a trail segment approved by the Commissioner of Transportation or the board of directors of the Maine Turnpike Authority, as applicable.

At the request of the Commissioner of Agriculture, Conservation and Forestry, the Commissioner of Transportation or the board of directors of the Maine Turnpike Authority, as applicable, may permit construction of a snowmobile trail within the right-of-way limits of a controlled access highway under the jurisdiction of the Department of Transportation or the Maine Turnpike Authority being constructed on or after January 1, 2016 when there is an ability to provide for the continuity of a state-owned or state-controlled network of snowmobile trails. Funds for the construction of a snowmobile trail under this paragraph may not be provided from the Highway Fund.

Sec. 2. 12 MRSA §13157-A, sub-§3, ¶A, as enacted by PL 2003, c. 655, Pt. B, §414 and affected by §422, is amended to read:

A. A person may not operate an ATV upon a controlled access highway or within the right-of-way limits of a controlled access highway, except that:

(1) A person on a properly registered ATV may cross controlled access highways by use of bridges over or roads under those highways or by use of roads crossing controlled access highways at grade; ~~and~~

(2) The Commissioner of Transportation may issue special permits for designated crossings of controlled access highways; and

(3) A person on a properly registered ATV may operate the ATV within the right-of-way limits of a controlled access highway on a trail segment approved by the Commissioner of Transportation or the board of directors of the Maine Turnpike Authority, as applicable.

At the request of the Commissioner of Agriculture, Conservation and Forestry, the Commissioner of Transportation or the board of directors of the Maine Turnpike Authority, as applicable, may permit construction of an ATV trail within the right-of-way limits of a controlled access highway under the jurisdiction of the Department of Transportation or the Maine Turnpike Authority being constructed on or after January 1, 2016 when there is an ability to provide for the continuity of a state-owned or state-controlled network of ATV trails. Funds for the construction of an ATV trail under this paragraph may not be provided from the Highway Fund.'

SUMMARY

This amendment clarifies that the Department of Transportation or the board of directors of the Maine Turnpike Authority, whichever has jurisdiction, may approve trail segments and permit the construction of all-terrain vehicle and snowmobile trails within the right-of-way limits of controlled access highways being constructed on or after January 1, 2016.

The amendment prohibits funding the construction of those all-terrain vehicle and snowmobile trails from the Highway Fund.