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Date: (Filing No. S-)

INLAND FISHERIES AND WILDLIFE

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**STATE OF MAINE
SENATE
130TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 640, L.D. 1813, “An Act To Amend the Definition of "Oversized ATV" To Increase the Minimum Weight Requirement”

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

'An Act Related to Oversized All-terrain Vehicles'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 12 MRSA §13155, sub-§1-A, as amended by PL 2021, c. 215, §5, is further amended to read:

1-A. Operating unregistered ATV. Except as provided in paragraph A and subsection 5-B, 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 land that the ATV operator owns or leases, regardless of where that ATV operator is domiciled, as long as the ATV is not operated elsewhere within the jurisdiction of the State.
- (2) Registration is not required for an ATV operated by a commercial ski area for the purpose of packing snow or for rescue operations on the commercial ski area, unless the ATV is required to cross a public way during that operation.
- (3) An ATV owned and operated in the State by the Federal Government, the State or a political subdivision of the State is exempt from registration fees but must be registered and is required to display registration numbers.
- (4) An ATV registration for the farm use specified in Title 29-A, section 501, subsection 8, paragraph E is not required for a vehicle registered with the Secretary of State under Title 29-A, section 501, subsection 8.
- (5) An ATV registered in another state or in a Canadian province may be operated without being registered pursuant to this section at a special event organized to

COMMITTEE AMENDMENT

1 occur in this State if the special event organizer submits a request in writing to the
2 commissioner 60 days prior to the special event and provides the commissioner
3 with a map of the trails to be used during the special event and the commissioner
4 approves the request.

5 (6) An ATV owned or under the control of an ATV manufacturer may be operated
6 without a Maine registration at a demonstration event organized to occur in this
7 State if such operation is approved by the commissioner. An ATV manufacturer
8 or a representative of an ATV manufacturer must submit a request in writing to the
9 commissioner at least 60 days prior to the demonstration event and shall include a
10 description and the location of the event.

11 (7) The commissioner may annually establish one 3-consecutive-day period, 2
12 days of which are weekend days, during which a nonresident may operate in the
13 State an ATV that is not registered in this State if the nonresident's ATV has a valid
14 registration from another state or a Canadian province.

15 B. The following penalties apply to violations of this subsection.

16 (1) A person who violates this subsection commits a civil violation for which a
17 fine of not less than \$200 nor more than \$500 may be adjudged.

18 (2) A person who violates this subsection after having been adjudicated as having
19 committed 3 or more civil violations under this Part within the previous 5-year
20 period commits a Class E crime.

21 **Sec. 2. 12 MRSA §13155, sub-§5-B**, as enacted by PL 2021, c. 215, §8, is amended
22 to read:

23 **5-B. Oversized ATV; exception.** A person may not register an oversized ATV except
24 as provided in this subsection. A resident who has registered an oversized ATV prior to
25 January 1, 2022 may continue to register that oversized ATV upon payment of the fee
26 specified in subsection 5, paragraph A, and upon a transfer of ownership of that registered
27 oversized ATV, the new owner may also register that oversized ATV upon payment of the
28 fee specified in subsection 5, paragraph A. Registration is not required for an oversized
29 ATV operated by a person on the land of another if written permission is received from the
30 landowner or lessee of the land and the person is engaged solely in a business activity, other
31 than a business activity involving recreational use of the oversized ATV. For purposes of
32 this subsection, "oversized ATV" means an ATV that is wider than 65 inches or weighs
33 more than 2,000 pounds according to the manufacturer's specifications.'

34 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
35 number to read consecutively.

36 SUMMARY

37 This amendment replaces the bill. It allows oversized all-terrain vehicles to be operated
38 without registration by business owners on private land for commercial purposes with
39 written permission of the landowner.

40 FISCAL NOTE REQUIRED

41 (See attached)