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Legislative Document

No. 1439

H.P. 1055

House of Representatives, April 12, 2021

**An Act To Clarify All-terrain Vehicle Registration Requirements
and Establish Regular Maintenance of Designated State-approved
All-terrain Vehicle Trails**

Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 204.
Received by the Clerk of the House on April 8, 2021. Referred to the Committee on Inland
Fisheries and Wildlife pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule
401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative THERIAULT of China.

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

2 **Sec. 1. 12 MRSA §1893, sub-§1, ¶B**, as amended by PL 2003, c. 414, Pt. B, §22
3 and affected by c. 614, §9, is further amended to read:

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

11 **Sec. 2. 12 MRSA §1893, sub-§1, ¶C** is enacted to read:

12 C. The bureau shall use funds in the ATV Recreational Management Fund established
13 under subsection 2 to ensure that maintenance of designated state-approved ATV trails
14 occurs annually and to adopt and use best practices of motorized trail construction
15 during construction and maintenance of designated state-approved ATV trails. The
16 bureau shall adopt rules that establish a procedure to prioritize the bureau's
17 maintenance of designated state-approved ATV trails. Rules adopted pursuant to this
18 paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

19 **Sec. 3. 12 MRSA §1893, sub-§2, ¶A**, as amended by PL 2003, c. 695, Pt. B, §2
20 and affected by Pt. C, §1, is repealed and the following enacted in its place:

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

22 (1) Conducting research on issues related to the management of ATVs;

23 (2) Assisting in the formation of nonprofit ATV groups;

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

28 (4) Assisting in the design and development of designated state-approved ATV
29 trails;

30 (5) Ensuring that designated state-approved ATV trails are inspected annually;

31 (6) Purchasing, leasing or otherwise acquiring interests in land, including, but not
32 limited to, fee or easement interests for designated state-approved ATV trails or
33 sport-riding facilities;

34 (7) Providing protection to landowners against ATV-related suit or liability; and

35 (8) Otherwise providing for the wise and orderly management of ATVs.

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

37 **4-A. Antique all-terrain vehicle or antique ATV.** "Antique all-terrain vehicle" or
38 "antique ATV" means an all-terrain vehicle more than 25 years old that is registered as an
39 antique ATV under section 13155, subsection 5-C.

1 **Sec. 5. 12 MRSA §13155, sub-§1-A, ¶A**, as amended by PL 2017, c. 97, §3, is
2 further amended by amending subparagraph (1) to read:

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

7 **Sec. 6. 12 MRSA §13155, sub-§3**, as affected by PL 2003, c. 614, §9 and amended
8 by c. 695, Pt. B, §13 and affected by Pt. C, §1, is further amended to read:

9 **3. Application and issuance.** The commissioner, or an agent designated by the
10 commissioner, may register and assign a registration number to an ATV upon application
11 and payment of an annual fee by the owner. The commissioner shall charge a fee of \$1 in
12 addition to the annual fee for each registration issued by an employee of the department.
13 The registration number in the form of stickers issued by the commissioner must be clearly
14 displayed on the front and rear of the vehicle. A registration is valid for one year
15 commencing July 1st of each year, except that any registration issued prior to July 1st but
16 after May 1st is valid from the date of issuance until June ~~31st~~ 30th of the following year.
17 A registration agent shall explain orally and in writing to the person who requests to register
18 an oversized ATV as defined under subsection 5-B the size and weight restrictions for
19 registering that ATV, including whether it qualifies for registration, and the provisions of
20 section 13157-A regarding the operation of oversized ATVs on designated state-approved
21 ATV trails.

22 **Sec. 7. 12 MRSA §13155, sub-§5**, as amended by PL 2019, c. 75, §3, is further
23 amended to read:

24 **5. Fees.** The ATV registration fee is:

25 A. For a resident, ~~\$45~~ \$70 annually. The registration for an ATV owned by a resident
26 is valid for one year, beginning on July 1st of each year; and

27 B. For a nonresident:

28 (1) ~~Seventy-five~~ One hundred dollars for a registration valid for 7 consecutive
29 days. A person may purchase more than one 7-day registration in any season; and

30 (2) ~~Ninety~~ One hundred fifteen dollars for a registration valid for one year.

31 The registration for an ATV owned by a nonresident must specify the dates for which
32 the registration is valid.

33 ~~Twelve~~ Thirty-seven dollars of each fee collected pursuant to this subsection must be
34 deposited in the ATV Recreational Management Fund established in section 1893,
35 subsection 2 and must be used to maintain designated state-approved ATV trails.

36 Ten dollars of each fee collected pursuant to paragraph B must be deposited in the ATV
37 Enforcement Fund established in section 10267.

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

39 **5-B. Oversized ATV.** A person may not register an oversized ATV except as provided
40 in this subsection. A resident who has registered an oversized ATV prior to January 1,
41 2022 may continue to register that oversized ATV upon payment of the fee specified in
42 subsection 5, paragraph A. Registration for an oversized ATV may not be transferred to

1 another person. For purposes of this subsection, "oversized ATV" means an ATV that is
2 wider than 65 inches or weighs more than 2,000 pounds according to the manufacturer's
3 specifications.

4 **Sec. 9. 12 MRSA §13155, sub-§5-C** is enacted to read:

5 **5-C. Antique ATV.** A person who owns an ATV that is more than 25 years old and
6 that is substantially maintained in its original or restored condition may register that ATV
7 under this subsection as an antique ATV. Notwithstanding subsection 5, the fee for an
8 antique ATV registration is \$33. An antique ATV registration is valid until the ownership
9 of the ATV is transferred to another person. Upon the transfer of ownership, the new owner
10 may reregister that ATV as an antique ATV by paying the \$33 antique ATV registration
11 fee. The registration fee for an antique ATV must be deposited in the ATV Recreational
12 Management Fund established in section 1893, subsection 2.

13 **Sec. 10. 12 MRSA §13155, sub-§12** is enacted to read:

14 **12. Review of ATV registration fees and trail maintenance needs.** In consultation
15 with the Department of Agriculture, Conservation and Forestry, the department shall
16 review ATV registration fees and maintenance needs of designated state-approved ATV
17 trails in 2022 and 2023 and every 2 years thereafter. The Commissioner of Inland Fisheries
18 and Wildlife shall report the findings and recommendations from the review to the joint
19 standing committee of the Legislature having jurisdiction over inland fisheries and wildlife
20 matters by February 1st each year a review is required. The committee may report out
21 legislation related to ATV registration fees and maintenance needs of ATV trails to the
22 session of the Legislature in which the report is received.

23 **Sec. 11. 12 MRSA §13157-A, sub-§1-A**, as amended by PL 2007, c. 509, §1, is
24 further amended to read:

25 **1-A. Permission required.** A person may not operate an ATV on the land of another
26 without the permission of the landowner or lessee. Permission is presumed on designated
27 state-approved ATV trails or in areas open to ATVs by landowner policy. A landowner or
28 lessee may limit the use of a designated state-approved ATV trail on that landowner's or
29 lessee's property through agreements with the State or an ATV club to address
30 environmental, public safety or management concerns, including by limiting the size and
31 weight of ATVs permitted on the landowner's or lessee's property. A person operating an
32 ATV, including an oversized ATV, on designated state-approved ATV trails shall adhere
33 to limitations imposed by a landowner or lessee and the State on that part of the designated
34 state-approved ATV trail on the landowner's or lessee's property in accordance with this
35 subsection. Written permission of the landowner or lessee is required for use of an ATV
36 on cropland or pastureland or in an orchard. As used in this subsection, "cropland" means
37 acreage in tillage rotation, land being cropped and land in bush fruits and "pastureland"
38 means acreage devoted to the production of forage plants used for animal production. For
39 purposes of this subsection, "oversized ATV" has the same meaning as defined in section
40 13155, subsection 5-B. Nothing in this subsection may be construed to limit or expand a
41 landowner's or lessee's property rights.

42 A. A person who violates this subsection commits a civil violation for which a fine of
43 not less than \$100 or more than \$500 may be adjudged.

1 B. A person who violates this subsection after having been adjudicated of having
2 committed 3 or more civil violations under this Part within the previous 5-year period
3 commits a Class E crime.

4 **Sec. 12. 12 MRSA §13157-A, sub-§28** is enacted to read:

5 **28. Operation of oversized ATVs by residents.** Except as prohibited in this section,
6 a resident may operate an oversized ATV on frozen bodies of water. For purposes of this
7 subsection, "oversized ATV" has the same meaning as defined in section 13155, subsection
8 5-B.

9 **Sec. 13. 12 MRSA §13160, sub-§1-A** is enacted to read:

10 **1-A. Dealer to provide registration information.** A dealer may not sell a new or
11 used oversized ATV without explaining orally and in writing to the purchaser the size and
12 weight restrictions for registering that ATV under section 13155, subsection 5-B and the
13 provisions of section 13157-A regarding the use of oversized ATVs on designated state-
14 approved ATV trails. For purposes of this subsection, "oversized ATV" has the same
15 meaning as defined in section 13155, subsection 5-B.

16 **Sec. 14. Oversized ATV education component.** The Department of Inland
17 Fisheries and Wildlife shall develop and make available an education component for ATV
18 dealers and owners and ATV registration agents regarding the operation and registration of
19 oversized ATVs, as defined in the Maine Revised Statutes, Title 12, section 13155,
20 subsection 5-B. The education component must provide guidance regarding which ATVs
21 are considered oversized ATVs, when oversized ATVs may be registered and where
22 oversized ATVs may be operated pursuant to Title 12, section 13155, subsection 3.

23 **Sec. 15. Effective date.** That section of this Act that amends the Maine Revised
24 Statutes, Title 12, section 13155, subsection 5 takes effect May 1, 2022.

25 SUMMARY

26 This bill does the following.

27 1. Pursuant to Resolve 2019, chapter 35, section 1, the bill increases the registration
28 fees for all-terrain vehicles by \$25 for each type of registration. The bill provides that the
29 Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands must
30 use the registration fees deposited into the ATV Recreational Management Fund to oversee
31 construction and maintenance of designated state-approved all-terrain vehicle trails.

32 2. It adds an annual inspection of designated state-approved all-terrain vehicle trails to
33 the purposes of the ATV Recreational Management Fund.

34 3. It ensures that funds in the ATV Recreational Management Fund may be used to
35 assist in the design and development of all-terrain vehicle trails following the design
36 specifications developed by the Department of Agriculture, Conservation and Forestry,
37 Bureau of Parks and Lands.

38 4. For registration purposes, it creates a category of "antique all-terrain vehicle," which
39 is an all-terrain vehicle over 25 years old, and provides that the registration fee for an
40 antique all-terrain vehicle is \$33.

1 5. It creates a category of “oversized all-terrain vehicle,” which is an all-terrain vehicle
2 that is wider than 65 inches or weighs more than 2,000 pounds according to the
3 manufacturer’s specifications. Registration of an oversized all-terrain vehicle is allowed
4 only for residents who have previously registered that oversized all-terrain vehicle prior to
5 August 1, 2021. Registration of an oversized all-terrain vehicle may not be transferred to
6 another person.

7 6. It requires the Department of Agriculture, Conservation and Forestry and the
8 Department of Inland Fisheries and Wildlife to review all-terrain vehicle registration fees
9 and maintenance needs for all-terrain vehicle trails in 2022 and 2023 and every 2 years
10 thereafter and report their findings to the joint standing committee of the Legislature
11 having jurisdiction over inland fisheries and wildlife matters.

12 7. It allows operation of an unregistered all-terrain vehicle on land that the operator
13 owns or leases.

14 8. It reinforces landowner and lessee rights to limit use of all-terrain vehicles on
15 designated state-approved all-terrain vehicle trails, including limiting the size and weight
16 of all-terrain vehicles permitted. Operators of all-terrain vehicles, including oversized all-
17 terrain vehicles, on designated state-approved all-terrain vehicle trails must adhere to
18 limitations imposed by landowners, lessees and the State.

19 9. It provides that, when registering an oversized all-terrain vehicle, a registration agent
20 must explain orally and in writing the size and weight restrictions for registering that all-
21 terrain vehicle and provisions of the law regarding the use of all-terrain vehicles on
22 designated state-approved all-terrain vehicle trails.

23 10. It allows residents to operate oversized all-terrain vehicles on frozen bodies of
24 water.

25 11. It requires that a dealer selling a new or used oversized all-terrain vehicle explain
26 orally and in writing the size and weight restrictions for registering that all-terrain vehicle
27 and the provisions of law regarding the use of all-terrain vehicles on designated state-
28 approved all-terrain vehicle trails. It also requires the Department of Inland Fisheries and
29 Wildlife to develop and make available an education component for ATV owners and ATV
30 registration agents regarding the operation and registration of oversized ATVs, including
31 guidance regarding which ATVs are considered oversized ATVs, under which conditions
32 oversized ATVs may be registered and where oversized ATVs may be operated.