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INLAND FISHERIES AND WILDLIFE

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1055, L.D. 1439, “An Act To Clarify All-terrain Vehicle Registration Requirements and Establish Regular Maintenance of Designated State-approved All-terrain Vehicle Trails”

Amend the bill by striking out all of section 4 and inserting the following:

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

4-A. Antique all-terrain vehicle or antique ATV. "Antique all-terrain vehicle" or "antique ATV" means an all-terrain vehicle more than 25 years old that is substantially maintained in its original or restored condition.'

Amend the bill by striking out all of section 6 and inserting the following:

'Sec. 6. 12 MRSA §13155, sub-§3, as affected by PL 2003, c. 614, §9 and amended by c. 695, Pt. B, §13 and affected by Pt. C, §1, is further 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 ~~31st~~ 30th of the following year. A registration agent shall provide to the person who requests to register an oversized ATV under subsection 5-B a written form developed and provided by the department explaining the size and weight restrictions for registering that ATV, including whether it qualifies for registration, and explaining the provisions of section 13157-A regarding the operation of oversized ATVs on designated state-approved ATV trails. The department shall develop a form for use by registration agents under this subsection.'

Amend the bill by striking out all of section 8 and inserting the following:

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

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1 **5-B. Oversized ATV.** A person may not register an oversized ATV except as provided
2 in this subsection. A resident who has registered an oversized ATV prior to January 1,
3 2022 may continue to register that oversized ATV upon payment of the fee specified in
4 subsection 5, paragraph A, and upon a transfer of ownership of that registered oversized
5 ATV, the new owner may also register that oversized ATV upon payment of the fee
6 specified in subsection 5, paragraph A. For purposes of this subsection, "oversized ATV"
7 means an ATV that is wider than 65 inches or weighs more than 2,000 pounds according
8 to the manufacturer's specifications.'

9 Amend the bill by striking out all of section 9 and inserting the following:

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

11 **5-C. Antique ATV.** A person who owns an antique ATV may register that ATV
12 under this subsection as an antique ATV. Notwithstanding subsection 5, the fee for an
13 antique ATV registration is \$45. An antique ATV registration is valid until the ownership
14 of the ATV is transferred to another person. Upon the transfer of ownership, the new owner
15 may reregister that ATV as an antique ATV by paying the \$45 antique ATV registration
16 fee. Notwithstanding section 10206, all registration fees for antique ATVs must be
17 deposited in the General Fund.'

18 Amend the bill in section 11 in subsection 1-A in the 6th line (page 3, line 30 in L.D.)
19 by inserting after the following: "the" the following: 'type.'

20 Amend the bill by striking out all of section 12.

21 Amend the bill by striking out all of section 13 and inserting the following:

22 '**Sec. 13. 12 MRSA §13161, sub-§1-A** is enacted to read:

23 **1-A. Dealer to provide registration information.** A dealer may not sell a new or
24 used oversized ATV without providing to the purchaser a written form developed and
25 provided by the department explaining the size and weight restrictions for registering that
26 ATV under section 13155, subsection 5-B and the provisions of section 13157-A regarding
27 the use of oversized ATVs on designated state-approved ATV trails. The department shall
28 develop a form for use by dealers under this section, which must include a place for a
29 purchaser to sign acknowledging receipt of the form. For purposes of this subsection,
30 "oversized ATV" has the same meaning as defined in section 13155, subsection 5-B.'

31 Amend the bill by inserting after section 14 the following:

32 '**Sec. 15. Appropriations and allocations.** The following appropriations and
33 allocations are made.

34 **AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**
35 **Off-Road Recreational Vehicles Program Z224**

36 Initiative: Provides an ongoing allocation for expenditure of funds to maintain state-
37 approved all-terrain vehicle trails.

38	OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
39	All Other	\$0	\$1,791,817
40			
41	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$1,791,817

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

4 **SUMMARY**

5 This amendment makes the following changes to the bill.

6 1. It clarifies the definition of “antique ATV” by including the limitation that it must
7 be substantially maintained in its original or restored condition.

8 2. It provides that the new antique ATV registration fee is \$45 and is deposited in the
9 General Fund.

10 3. It provides that an oversized ATV that is allowed under the bill to be registered by
11 its current owner may be transferred to a new owner who may also register that ATV.

12 4. It removes a provision relating to the operation of oversized ATVs on frozen bodies
13 of water. Oversized ATVs that are registered may be operated on frozen bodies of water;
14 unregistered ATVs, whether oversized or not, are allowed to be operated only on land the
15 operator owns or leases.

16 5. It clarifies that landowners or lessees across whose land state-approved ATV trails
17 run may limit not only the size and weight of ATVs allowed on the land but also the type
18 of ATVs.

19 6. It modifies the requirement that a registration agent provide information about
20 oversized ATVs to a person requesting to register one. It requires the agent to provide a
21 form developed by the Department of Inland Fisheries and Wildlife providing the necessary
22 information.

23 7. It modifies the requirement that a dealer provide information about oversized ATVs
24 to a person purchasing one. It requires the dealer to provide a form developed by the
25 Department of Inland Fisheries and Wildlife providing the necessary information. It
26 requires the department to include on the form a place for the purchaser to acknowledge
27 receipt of the form so that the dealer has a record of compliance. It also moves the provision
28 to a different section of law that provides for civil penalties for failure of a dealer to provide
29 this information.

30 8. It adds an appropriations and allocations section.

31 **FISCAL NOTE REQUIRED**

32 **(See attached)**