



HOUSE OF REPRESENTATIVES

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Senator Baldacci, Representative Roberts, Distinguished Members of the Inland Fisheries and Wildlife Committee:

My name is Will Tuell. I represent House District 10 in central Washington County, and I am here today to speak in support of LD 19, "An Act to Change the Definition of 'Oversized ATV' in the Laws Governing the Registration of All Terrain Vehicles."

I do so with a conflicted mind. The Legislature set a limit in an effort to preserve the condition of trails and the state and local communities' investments in them. As with any limit, there are going to be those "on the line" so to speak who don't quite fit and who are going to want to push the limit higher and higher.

At the same time, a one time increase to 2500 pounds, as LD 19 proposes, is modest and will give those who are slightly over but not egregiously over some wiggle room.

My main reason for supporting this bill though is because both Sen. Moore and I were approached by a constituent in Princeton who depends on his over-sized ATV to transport his wife to and from local medical appointments, and would like to see either a weight increase or a medical exemption for handicapped riders, which the current law does not have.

Our constituent, Robert Kisenwether, wrote recently, "There is also no handicap exclusion [to the current law]. The reason for this [bill] in my situation is [that I] had to buy a 4 door Polaris with a weight of 2,237 lbs because with my wife's condition she can not bend at the hips and get [in] a 2 door model; Polaris is the only manufacturer that has a straight shot opening from the rear seat to the front."

Mr. Kisenwether continued, saying, "This is discrimination against the handicap[ped] over 237 lbs. This machine is the only way I can get her to medical appointments, to the boat ramp, or out in the outdoors. If you are healthy, bless your heart but other people need special provisions."

As one who is legally blind myself, I can relate to Robert and his wife's situation, and I believe that we ought to be able to do one of two things – raise the limit 500 pounds, or develop a process whereby he and others across the state can petition the Commissioner of IF&W for a medical waiver provided they have a doctor's note. I don't know how many people this would affect, but I encourage the committee to consider this option if raising the limit one time isn't something you are willing to consider.

One thing I do know is that Mr. Kisenwether and his wife should not be considered lawbreakers just because they are trying to make the best of an extremely rare and debilitating disease.

Thank you.