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Testimony of Tom Doak

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Maine Woodland Owners

In Opposition to

LD 341

An Act to Amend the Definition of "Oversized ATV" to
Increase the Minimum Weight Requirement

Senator Baldacci, Representative Roberts and Members of the Joint Standing Committee on Inland Fisheries and Wildlife, my name is Tom Doak, Executive Director of Maine Woodland Owners, speaking today in opposition to LD 341, "An Act to Amend the Definition of "Oversized ATV" to Increase the Minimum Weight Requirement".

The bill before you today changes the definition of "oversized ATV" to increase the weight threshold from 2,000 pounds to 3,500 pounds. It is very similar to a bill this Committee rejected in the 2nd Regular Session of the 130th Legislature, which would have increased the weight threshold from 2,000 pounds to 2,400 pounds, and LD 19, which this Committee heard earlier this session.

While the change proposed in this bill may seem like a simple one, what is not so simple is the history that precedes the bill.

In response to a growing number of issues, Governor Mills created the ATV Task Force in 2019 to take a comprehensive look at, and make recommendations regarding, the operation of ATVs in Maine. That task force made many significant recommendations, which ultimately were approved by this Committee, passed by the Legislature, and signed by the Governor in 2021. The bill contained a number of recommendations, including the limitation on the size and weight of ATVs that can be registered in Maine to 65 inches wide and 2,000 pounds.

The Governor's ATV Task Force, on which I served, included representatives of ATV, landowner, conservation, and law enforcement communities. The Task Force met for seven, day-long meetings that were open to public attendance and participation.

Let's face it, most landowners don't really want ATVs on their land. There is no benefit to allowing ATVs, and for most landowners, it is a negative. What was once a single passenger, relatively slow-moving, motorized vehicle with a flat seat and

handlebars, has evolved into a multiple passenger, fast vehicle with bucket seats, a sophisticated suspension system, an enclosed cab, and increasingly with air conditioning, and a stereo system. This is not what landowners signed up for when they allowed the creation of an ATV trail system. But, through a lot of hard work, miraculously there is a 6,000 mile ATV trail network in Maine, 90% of which is on private land.

What became clear in the Task Force's discussions was that there were significant concerns developing over the increasing size and weight of ATVs. Landowners, who are providing the trail system, were clear that this issue and the impact on their lands, had to be addressed. In fact, limiting the size and weight of ATVs was one of, if not the most discussed issues. The Task Force arrived at the recommended size limit of 65 inches and 2,000 pounds (which was significantly higher than the common standard in place at the time) as a compromise. The recommendations regarding the weight and width limitations were deliberate and intentional. Some landowners wanted much smaller limits, while other parties didn't want limits at all. What everyone could agree on was that some compromise was necessary in order to create a sustainable ATV program.

The legislation, which passed, included the Task Force's recommended size limits. Also included was a very important grandfather provision that permits an owner, who registered an oversized ATV prior to January 1, 2022, to continue to register that oversized vehicle. This right extends to any subsequent owner when ownership of the oversized ATV is transferred. What's more, the Department of Inland Fisheries and Wildlife interpreted this law to allow anyone who had purchased an oversized ATV by January 1, 2022 to register the vehicle, regardless of whether they had completed the registration by that time.

The bill before you now undermines the compromise the Task Force worked so hard to achieve and seeks to change the weight limitation from 2,000 pounds to 3,500 pounds. We believe this change is unnecessary in light of the grandfather provision. Anyone who had registered (or purchased) an oversized ATV prior to January 1, 2022 may continue to register them. Moreover, purchasers are not prohibited from buying and using oversized ATVs. Those purchasing an oversized ATV after January 1, 2022, must be given written notice by a dealer and required to sign it acknowledging they were made aware of the size and weight restrictions at the time of purchase. If they choose to buy the oversized ATV, they will still be able to use the vehicle on their own private land.

One of the key considerations of the Task Force and legislation was to establish a weight and size restrictions acceptable to most landowners, in order to avoid a confusing and disjointed trail system with different weights and size restrictions on different landowner's properties. The existing restrictions have accomplished that. It is also worth mentioning that should this hard fought compromise on size and weight restrictions be changed, we are concerned that you will see an increase in the number of landowners who choose to limit the size of ATVs allowed on their property or who deny access to ATVs all together.

Maine Woodland Owners opposes this change from 2,000 to 3,500 pounds and urges the Committee to vote ought not to pass on LD 341.