

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 for the issuance of grants-in-aid  
8 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-§2, ¶A**, as amended by PL 2003, c. 695, Pt. B, §2  
12 and affected by Pt. C, §1, is repealed and the following enacted in its place:

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

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

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

16               (3) Making grants-in-aid to others, including political subdivisions, educational  
17 institutions, regional planning agencies and ATV clubs, to construct and maintain  
18 designated state-approved ATV trails, to purchase equipment or to otherwise carry  
19 out the purposes of the fund;

20               (4) Assisting in the design and development of designated state-approved ATV  
21 trails according to the design specifications developed by the bureau;

22               (5) Ensuring that designated state-approved ATV trails in the State are inspected  
23 annually;

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

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

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

29       **Sec. 3. 12 MRSA §13001, sub-§4-A** is enacted to read:

30       **4-A. Antique all-terrain vehicle or antique ATV.** "Antique all-terrain vehicle" or  
31 "antique ATV" means an all-terrain vehicle or ATV more than 25 years old that is  
32 registered as an antique ATV under section 13155, subsection 5-C.

33       **Sec. 4. 12 MRSA §13155, sub-§1-A, ¶A**, as amended by PL 2017, c. 97, §3, is  
34 further amended by amending subparagraph (1) to read:

35               (1) Registration is not required for an ATV operated on land ~~on which the owner~~  
36 ~~lives or on land on which the owner~~ that the ATV operator owns or leases.

1                   regardless of where that ATV operator is domiciled, as long as the ATV is not  
2                   operated elsewhere within the jurisdiction of the State.

3                   **Sec. 5. 12 MRSA §13155, sub-§3**, as affected by PL 2003, c. 614, §9 and amended  
4                   by c. 695, Pt. B, §13 and affected by Pt. C, §1, is further amended to read:

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

18                  **Sec. 6. 12 MRSA §13155, sub-§5-B** is enacted to read:

19                  **5-B. Oversized ATV.** A person may not register an oversized ATV except as provided  
20                  in this subsection. A resident who has registered an oversized ATV prior to August 1, 2020  
21                  may continue to register that oversized ATV upon payment of the fee specified in  
22                  subsection 5, paragraph A. Registration for an oversized ATV may not be transferred to  
23                  another person. For purposes of this subsection, "oversized ATV" means an ATV that is  
24                  wider than 65 inches or weighs more than 2,000 pounds according to the manufacturer's  
25                  specifications.

26                  **Sec. 7. 12 MRSA §13155, sub-§5-C** is enacted to read:

27                  **5-C. Antique ATV.** A person who owns an ATV that is more than 25 years old and  
28                  that is substantially maintained in its original or restored condition may register that ATV  
29                  under this subsection as an antique ATV. Notwithstanding subsection 5, the fee for an  
30                  antique ATV registration is \$33. An antique ATV registration is valid until the ownership  
31                  of the ATV is transferred to another person. Upon the transfer of ownership, the new owner  
32                  may reregister that ATV as an antique ATV by paying the \$33 antique ATV registration  
33                  fee. The registration fee for an antique ATV must be deposited in the ATV Recreational  
34                  Management Fund under section 1893, subsection 2.

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

36                  **12. All-terrain vehicle registration.** In consultation with the Department of  
37                  Agriculture, Conservation and Forestry, the department shall review all-terrain vehicle  
38                  registration fees and maintenance needs of designated state-approved all-terrain vehicle  
39                  trails in 2021 and 2022 and every 2 years thereafter. The commissioner shall report the  
40                  findings and recommendations from the review to the joint standing committee of the  
41                  Legislature having jurisdiction over inland fisheries and wildlife matters by February 1st

1 each year a review is required. The committee may report out legislation related to all-  
2 terrain vehicle registration fees to the session of the Legislature in which the report is  
3 received.

4 **Sec. 9. 12 MRSA §13157-A, sub-§1-A**, as amended by PL 2007, c. 509, §1, is  
5 further amended to read:

6 **1-A. Permission required.** A person may not operate an ATV on the land of another  
7 without the permission of the landowner or lessee. Permission is presumed on designated  
8 state-approved ATV trails or in areas open to ATVs by landowner policy. A landowner or  
9 a lessee may limit the use of ATVs on a designated state-approved ATV trail on that  
10 landowner's or lessee's property through agreements with the State or an ATV club to  
11 address environmental, public safety or management concerns, including by limiting the  
12 size and weight of ATVs permitted on the landowner's or lessee's property. A person  
13 operating an ATV, including an oversized ATV, on designated state-approved ATV trails  
14 shall adhere to limitations imposed by a landowner or a lessee and the State on that part of  
15 the designated state-approved ATV trail on the landowner's or lessee's property in  
16 accordance with this subsection. Written permission of the landowner or lessee is required  
17 for use of an ATV on cropland or pastureland or in an orchard. As used in this subsection,  
18 "cropland" means acreage in tillage rotation, land being cropped and land in bush fruits and  
19 "pastureland" means acreage devoted to the production of forage plants used for animal  
20 production. For purposes of this subsection, "oversized ATV" has the same meaning as in  
21 section 13155, subsection 5-B. Nothing in this subsection may be construed to limit or  
22 expand a landowner's property rights.

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

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

28 **Sec. 10. 12 MRSA §13157-A, sub-§28** is enacted to read:

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

33 **Sec. 11. 12 MRSA §13160, sub-§1-A** is enacted to read:

34 **1-A. Dealer registration information.** A dealer may not sell a new or used oversized  
35 ATV without explaining orally and in writing to the purchaser the size and weight  
36 restrictions for registering that ATV under section 13155, subsection 5-B and the  
37 provisions of section 13157-A regarding the use of ATVs on designated state-approved  
38 ATV trails. For purposes of this subsection, "oversized ATV" has the same meaning as in  
39 section 13155, subsection 5-B.

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

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

## SUMMARY

This bill does the following.

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

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

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

4. It creates a category of "oversized all-terrain vehicle," which is an all-terrain vehicle that is wider than 65 inches or weighs more than 2,000 pounds according to the manufacturer's specifications. Registration of an oversized all-terrain vehicle is allowed only for residents who have previously registered that oversized all-terrain vehicle prior to August 1, 2020. Registration of an oversized all-terrain vehicle may not be transferred to another person.

5. It requires the Department of Agriculture, Conservation and Forestry and the Department of Inland Fisheries and Wildlife to review all-terrain vehicle registration fees and maintenance needs for all-terrain vehicle trails in 2021 and 2022 and every other year thereafter and report findings to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters.

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

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

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

- 1           9. It allows residents to operate oversized all-terrain vehicles on frozen bodies of water.
- 2           10. It requires that a dealer selling a new or used oversized all-terrain vehicle explain
- 3 orally and in writing the size and weight restrictions for registering that all-terrain vehicle
- 4 and the provisions of law regarding the use of all-terrain vehicles on designated state-
- 5 approved all-terrain vehicle trails.