

LD 1439

with notes on relationship to last year's bills (LD 2130 and LR 3280), 2020 Task Force Report and suggestions made at PH on LD 1439

LD 1439	Source	Notes
<p>Sec. 7. 12 MRSA §13155, sub-§5, as amended by PL 2019, c. 75, §3, is further amended to read:</p> <p>5. Fees. The ATV registration fee is:</p> <p>A. For a resident, \$45 <u>\$70</u> annually. The registration for an ATV owned by a resident is valid for one year, beginning on July 1st of each year; and</p> <p>B. For a nonresident:</p> <p>(1) Seventy-five <u>One hundred</u> dollars for a registration valid for 7 consecutive days. A person may purchase more than one 7-day registration in any season; and</p> <p>(2) Ninety <u>One hundred fifteen</u> dollars for a registration valid for one year.</p> <p>The registration for an ATV owned by a nonresident must specify the dates for which the registration is valid.</p> <p>Twelve <u>Thirty-seven</u> dollars of each fee collected pursuant to this subsection must be deposited in the ATV Recreational Management Fund established in section 1893, subsection 2 <u>and must be used to maintain designated state-approved ATV trails.</u></p> <p>Ten dollars of each fee collected pursuant to paragraph B must be deposited in the ATV Enforcement Fund established in section 10267.</p> <p>Sec. 15. Effective date. That section of this Act that amends the Maine Revised Statutes, Title 12, section 13155, subsection 5 takes effect <u>May 1, 2022.</u></p>	<p>From LD 2130 as amended by IFW (<u>delayed one year</u>)</p>	
<p>Sec. 10. 12 MRSA §13155, sub-§12 is enacted to read:</p> <p><u>12. Review of ATV registration fees and trail maintenance needs.</u> <u>In consultation with the Department of Agriculture, Conservation and Forestry, the department shall review ATV registration fees and maintenance needs of designated state-approved ATV trails in 2022 and 2023 and every 2 years thereafter. The Commissioner of Inland Fisheries and Wildlife shall report the findings and recommendations from the review to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters by February 1st each year a review is required. The committee may report out legislation related to ATV registration</u></p>	<p>From LR 3280</p>	

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<u>fees and maintenance needs of ATV trails to the session of the Legislature in which the report is received.</u>		
<p>Sec. 1. 12 MRSA §1893, sub-§1, ¶B, as amended by PL 2003, c. 414, Pt. B, §22 and affected by c. 614, §9, is further amended to read:</p> <p>B. The bureau shall administer the ATV Recreational Management Fund established under subsection 2 for the purposes given in that subsection and for the acquisition of land to be used for <u>designated state-approved</u> ATV trails. The bureau may adopt rules in accordance with Title 5, chapter 375, subchapter 2 <u>2-A</u> for the issuance of grants-in-aid from the fund and to further define alpine tundra areas pursuant to section 13001, subsection 4. Additional funding for the ATV Recreational Management Fund is as provided in Title 36, section 2903-D, subsection 3.</p> <p>Sec. 2. 12 MRSA §1893, sub-§1, ¶C is enacted to read:</p> <p>C. The bureau shall use funds in the ATV Recreational Management Fund established under subsection 2 to ensure that maintenance of designated state-approved ATV trails occurs annually and to adopt and use best practices of <u>motorized trail construction during construction and maintenance of designated state-approved</u> ATV trails. The bureau shall adopt rules that establish a procedure to <u>prioritize the bureau's maintenance of designated state-approved</u> ATV trails. Rules <u>adopted pursuant to this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.</u></p> <p>Sec. 3. 12 MRSA §1893, sub-§2, ¶A, as amended by PL 2003, c. 695, Pt. B, §2 and affected by Pt. C, §1, is repealed and the following enacted in its place:</p> <p>A. The fund may be used for the following purposes:</p> <ul style="list-style-type: none"> <u>(1) Conducting research on issues related to the management of ATVs;</u> <u>(2) Assisting in the formation of nonprofit ATV groups;</u> <u>(3) Making grants-in-aid to others, including political subdivisions, educational institutions, regional planning agencies and ATV groups, to construct and maintain designated state-approved ATV trails, to purchase equipment or to otherwise carry out the purposes of the fund;</u> 	<p>From LR 3280 (Sec 2 from LD 2130 as amended by IFW)</p>	

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<p><u>(4) Assisting in the design and development of designated state-approved ATV trails;</u></p> <p><u>(5) Ensuring that designated state-approved ATV trails are inspected annually;</u></p> <p><u>(6) Purchasing, leasing or otherwise acquiring interests in land, including, but not limited to, fee or easement interests for designated state-approved ATV trails or sport-riding facilities;</u></p> <p><u>(7) Providing protection to landowners against ATV-related suit or liability; and</u></p> <p><u>(8) Otherwise providing for the wise and orderly management of ATVs.</u></p>		
<p>Sec. 4. 12 MRSA §13001, sub-§4-A is enacted to read:</p> <p><u>4-A. Antique all-terrain vehicle or antique ATV.</u> "Antique all-terrain vehicle" or "antique ATV" means an all-terrain vehicle more than 25 years old that is registered as an antique ATV under section 13155, subsection 5-C.</p> <p>Sec. 9. 12 MRSA §13155, sub-§5-C is enacted to read:</p> <p><u>5-C. Antique ATV.</u> A person who owns an ATV that is more than 25 years old and that is substantially maintained in its original or restored condition may register that ATV under this subsection as an antique ATV. Notwithstanding subsection 5, the fee for an antique ATV registration is \$33. An antique ATV registration is valid until the ownership of the ATV is transferred to another person. Upon the transfer of ownership, the new owner may reregister that ATV as an antique ATV by paying the \$33 antique ATV registration fee. The registration fee for an antique ATV must be deposited in the ATV Recreational Management Fund established in section 1893, subsection 2.</p>	From LR 3280	DIFW noted fiscal impact (depends on number of ATV that will qualify; regular ATV fee is split between ATV Recreational Management Fund and ATV Enforcement Fund)
<p>Sec. 5. 12 MRSA §13155, sub-§1-A, ¶A, as amended by PL 2017, c. 97, §3, is further amended by amending subparagraph (1) to read:</p> <p>Except as provided in paragraph A, a person may not operate an ATV that is not registered in accordance with subsection 3.</p> <p>A. The following exceptions apply.</p>	From LR 3280	OPLA NOTE: A person may not operate an unregistered ATV except as provided here

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<p>(1) Registration is not required for an ATV operated on land on which the owner lives or on land on which the owner <u>that the ATV operator owns or leases,</u> regardless of where that ATV operator is domiciled, <u>as long as the ATV is not operated elsewhere within the jurisdiction of the State.</u></p>		
<p>Sec. 8. 12 MRSA §13155, sub-§5-B is enacted to read:</p> <p>5-B. Oversized ATV. <u>A person may not register an oversized ATV except as provided in this subsection. A resident who has registered an oversized ATV prior to January 1, 2022 may continue to register that oversized ATV upon payment of the fee specified in subsection 5, paragraph A. Registration for an oversized ATV may not be transferred to another person. For purposes of this subsection, "oversized ATV" means an ATV that is wider than 65 inches or weighs more than 2,000 pounds according to the manufacturer's specifications.</u></p>	<p>From LR 3280 (grandfather date moved from 8/1/20 to 1/1/22)</p>	
<p>Sec. 12. 12 MRSA §13157-A, sub-§28 is enacted to read:</p> <p>28. Operation of oversized ATVs by residents. <u>Except as prohibited in this section, a resident may operate an oversized ATV on frozen bodies of water. For purposes of this subsection, "oversized ATV" has the same meaning as defined in section 13155, subsection 5-B.</u></p>	<p>From 3280</p>	<p>OPLA NOTE: Unregistered ATVs can only be operated on land operator owns (see above). A <i>registered</i> ATV (regular or OS) can operate on ice except as otherwise prohibited. This seems to provide that a registered OS ATV can be operated on ice, which would be the case without this provision.</p>
<p>Sec. 11. 12 MRSA §13157-A, sub-§1-A, as amended by PL 2007, c. 509, §1, is further amended to read:</p> <p>1-A. Permission required. <u>A person may not operate an ATV on the land of another without the permission of the landowner or lessee. Permission is presumed on designated state-approved ATV trails or in areas open to ATVs by landowner policy. A landowner or lessee may limit the use of a designated state-approved ATV trail on that landowner's or lessee's property through agreements with the State or an ATV club to address environmental, public safety or management concerns, including by limiting the size and weight of ATVs permitted on the landowner's or lessee's property. A person</u></p>	<p>From 3280</p>	<p>DIFW indicated Task Force recommended prohibiting OS ATV on state trails</p> <p>This provision does not prohibit OS ATVs on state trails, but leaves it to landowners whether to limit OS ATVs.</p>

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<p><u>operating an ATV, including an oversized ATV, on designated state-approved ATV trails shall adhere to limitations imposed by a landowner or lessee and the State on that part of the designated state-approved ATV trail on the landowner's or lessee's property in accordance with this subsection.</u> Written permission of the landowner or lessee is required <u>for use of an ATV</u> on cropland or pastureland or in an orchard. As used in this subsection, "cropland" means acreage in tillage rotation, land being cropped and land in bush fruits and "pastureland" means acreage devoted to the production of forage plants used for animal production. <u>For purposes of this subsection, "oversized ATV" has the same meaning as defined in section 13155, subsection 5-B.</u> Nothing in this subsection may be construed to limit or expand a landowner's <u>or lessee's</u> property rights.</p> <p>A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 or more than \$500 may be adjudged.</p> <p>B. A person who violates this subsection after having been adjudicated of having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.</p>		
<p>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:</p> <p>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 <u>30th</u> of the following year. A registration agent shall <u>explain orally and</u> in writing to the person who requests to register an oversized ATV as defined under subsection 5-B the size and weight restrictions for registering that ATV, <u>including whether it qualifies for registration, and the provisions of section 13157-A regarding the operation of oversized ATVs on designated state-approved ATV trails.</u></p>	<p>From 3280 (except as noted below)</p>	<p>DIFW indicated Task Force recommending prohibiting OS ATV on state trails</p> <p>DIFW suggested removing "orally", and having a written form developed by DIFW.</p>

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<p>Sec. 13. 12 MRSA §13160, sub-§1-A is enacted to read:</p> <p>1-A. Dealer to provide registration information. A dealer may not sell a new or used oversized ATV without <u>explaining orally and</u> in writing to the purchaser the size and weight restrictions for registering that ATV under section 13155, subsection 5-B and the provisions of section 13157-A regarding the use of oversized ATVs on designated state-approved ATV trails. For purposes of this subsection, "oversized ATV" has the same meaning as defined in section 13155, subsection 5-B.</p> <p>Sec. 14. Oversized ATV education component. The Department of Inland Fisheries and Wildlife shall develop and make available an education component for ATV dealers and owners and ATV registration agents regarding the operation and registration of oversized ATVs, as defined in the Maine Revised Statutes, Title 12, section 13155, subsection 5-B. The education component must provide guidance regarding which ATVs are considered oversized ATVs, when oversized ATVs may be registered and where oversized ATVs may be operated pursuant to Title 12, section 13155, subsection 3.</p>	<p>Sec 13 puts dealer requirement in §13160 rather than 13161</p> <p>Sec. 14 added</p>	<p>OPLA NOTE: placement of dealer explanation requirement in §13161 (last year's committee bill) made the dealer subject to these penalties for failure to comply: <i>civil violation \$100- \$500; if previously committed 3 or more civil violations under IFW law within the previous 5-year period: Class E crime.</i></p>

Oversized ATV

Registration of OS ATV:

Allowed: "grandfathered" resident who registered that ATV prior to January 1, 2022

Prohibited: Everyone else

Operation OS ATV		Operation regular ATV	
Nonregistered	Registered (<i>only grandfathered residents can register</i>)	Nonregistered	Registered
Only on land operator owns or leases	On land operator owns or leases	Only on land operator owns or leases	On land operator owns or leases
	On another's land, with permission of the landowner		On another's land, with permission of the landowner
	On State-approved ATV trails, subject to any landowner limits		On State-approved ATV trails, subject to any landowner limits
	On frozen bodies of water or anywhere else not prohibited or restricted		On frozen bodies of water or anywhere else not prohibited or restricted