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LD 1439
COMMITTEE AMENDMENT
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[changes grouped by subject for ease of reading]

Antique ATV

Amend the bill is **Sec. 4** as follows:

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 ~~that is registered as an antique ATV under section 13155, subsection 5-C.~~

Amend the bill in **Sec 9** as follows:

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

5-C. Antique ATV. A person who owns an antique 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~~ \$45. 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~~ \$45 antique ATV registration fee. Notwithstanding section 10203, all ~~The registration fee fees for an antique ATV must be deposited in the General Fund-ATV Recreational Management Fund established in section 1893, subsection 2.~~

Oversized ATV

Amend the bill in **Sec 8** as follows:

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

5-B. Oversized ATV. 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 and upon a transfer of ownership of that registered oversized ATV, the new owner

may also 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.

Amend the bill by striking **Sec 12**:

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

28. Operation of oversized ATVs by residents. 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.

Amend the bill in **Sec 11** as follows:

Sec. 11. 12 MRSA §13157-A, sub-§1-A, as amended by PL 2007, c. 509, §1, is further amended to read:

1-A. Permission required. 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 type, size and weight of ATVs permitted on the landowner's or lessee's property. A person 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. Written permission of the landowner or lessee is required for use of an ATV 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. For purposes of this subsection, "oversized ATV" has the same meaning as defined in section 13155, subsection 5-B. Nothing in this subsection may be construed to limit or expand a landowner's or lessee's property rights.

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.

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.

Amend the bill in **Sec 6** as follows:

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 explain orally and in writing provide to the person who requests to register an oversized ATV as defined 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 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 **Sec 13** and replacing with the following
(*NOTE: this moves this provision from §13160 to §13161, which includes a penalty provision, and makes the indicated changes to the language, shown highlighted*):

Sec. 13. ~~12 MRSA §13160, sub-§1-A~~ is enacted to read:

~~**1-A. Dealer to provide registration information.** A dealer may not sell a new or used oversized ATV without explaining orally and 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.~~

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

1-A. Dealer to provide registration information. A dealer may not sell a new or used oversized ATV without explaining orally and in writing providing to the purchaser a written form developed and provided by the department explaining 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. The department shall develop a form for use by dealers under this section, which must include a place for a purchaser to sign acknowledging receipt of the form. For purposes of this subsection, "oversized ATV" has the same meaning as defined in section 13155, subsection 5-B.

SUMMARY

This amendment makes the following changes to the bill.

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

2. Provides that the new antique ATV registration fee is \$45 and is deposited in the General Fund.
3. Provides that an oversized ATV that is allowed under the bill to be registered by its current owner may be transferred to a new owner who may also register that ATV;
4. Removes a provision relating to operation of oversized ATVs on frozen bodies of water. Oversized ATV that are registered may be operated on frozen bodies of water, unregistered ATVs, whether oversized or not, are only allowed to be operated on land the operator owns or leases.
5. It clarifies that landowners or lessees, across whose land run state approved ATV trails, may limit not only the size and weight of ATVs allowed on the land but also the type of ATV.
6. Modifies the requirement that a registration agent provide information about oversized ATVs to person requesting to register one. It provides that the agent must provide a form developed by the Department of Inland Fisheries and Wildlife providing the necessary information.
7. Modifies the requirement that a dealer provide information about oversized ATVs to person purchasing one. It provides that the dealer must provide a form developed by the Department of Inland Fisheries and Wildlife providing the necessary information. It requires the department to include on the form a place for the purchaser to acknowledge receipt of the form so that the dealer has a record of compliance. It also moves the provision to a different section of law which provides for civil penalties for failure of a dealer to provide this information.