



Via testimony submission portal

April 23, 2021

The Honorable James Frederick Dill
Chair
Joint Committee on Inland Fisheries and Wildlife
3 State House Station
State House, Room 320
Augusta, ME 04333-0003

The Honorable H. Scott Landry Jr.
Chair
Joint Committee on Inland Fisheries and Wildlife
2 State House Station
State House, Room 333
Augusta, ME 04333-0002

Re: L.D. 1439 – Allow “Oversized ATVs”

Dear Chairmen Dill and Landry:

The Recreational Off-Highway Vehicle Association (ROHVA) is a national, not-for-profit trade association formed to promote the safe and responsible use of recreational off-highway vehicles (ROVs – sometimes referred to as side-by-sides or UTVs) manufactured or distributed in North America. ROHVA is also accredited by the American National Standards Institute (ANSI) to serve as the Standards Developing Organization for ROVs.¹

Section 8 of L.D. 1439 would define an “oversized ATV” as an ATV that is wider than 65 inches or weighs more than 2,000 pounds (this includes ROVs by definition). It would also prohibit the registration of oversized ATVs, with the exception of oversized ATV’s that were registered prior to January 1, 2022.

We understand that 80 percent of the designated state-approved ATV trail system is on private land and certain landowners have historically raised concerns about vehicle size. We also understand that the ATV Task Force recommendation of maximum width and weight limits of 65 inches and 2,000 pounds were the result of a compromise among certain stakeholders, taking into account historical state trail network designs.

ROHVA respects Maine’s ability to manage its own trail system as it sees fit by setting maximum vehicle width and weight limits on trails. With any legislation addressing trail use and restrictions, however, we want to ensure the legislation will not impact the registration and legal status of vehicles for use on federal or private property if they exceed state trail width and weight limits. While we are pleased that currently registered oversized ATVs would be grandfathered (while possessed by current owner) and that individuals would still be allowed to operate oversized ATVs on their own land, we want to ensure that both current and future owners will be allowed to register their vehicles and operate on federal or private land of another, provided such landowners grant permission for oversized ATVs. Private individuals need to be able to purchase, title, and register vehicles that are appropriate for their personal use. For example, New Hampshire separates registration from trail restrictions. New Hampshire does not have

¹ An ROV is a motorized off-highway vehicle that is compliant with the ANSI/ROHVA 1 standard. More information on the standard can be found at <https://rohva.org/ansi-standard/>. ROVs are designed to travel on four or more tires, intended by the manufacturer for use by one or more persons and having the following characteristics: a steering wheel for steering control; a Roll Over Protective Structure complying with ANSI/ROHVA-1; an Occupant Retention System complying with ANSI/ROHVA-1; non-straddle seating; maximum speed capability greater than 30 mph; less than 80 inches in overall width, exclusive of accessories; and engine displacement of less than 1,000cc. Current models are designed with seats for a driver and one or more passengers.

maximum width and weight dimensions included in its “off-highway recreational vehicle” definition, which is applicable for registration requirements. Instead, New Hampshire has separate provisions that impose width and weight restrictions on designated state trails without impacting the ability of larger vehicles to be registered. Off-highway vehicles are otherwise authorized to operate on private land with written landowner permission.

Continuing to allow oversized ATVs to be registered would also prevent any unintended consequences from revoking the ability to register and use certain vehicles. Not only would continuing to allow owners to register these vehicles protect consumers, it would also provide increased revenue that could fund future trail construction and maintenance benefitting all off-highway vehicle users.

As stated earlier, we respect Maine’s ability to manage its trails and impose certain restrictions. Ideally, we believe that there can be a mix of trail designs to better accommodate multiple vehicle classes, including ATVs, ROVs, off-highway motorcycles, and 4x4’s, on state trail networks. We urge the Committee to support accommodating at least a portion of designated state-approved ATV trails to oversized ATVs, which is a common practice in many other states. We recommend maximum limits of **80 inches in width and 3,500 pounds dry weight** on that portion of trails. Likewise, we also want to ensure that private landowners who want to allow access to oversized ATVs on their land be permitted to do so. Our recommended width and weight limits emulates laws enacted in other states that have increased their respective maximum limits to better accommodate today’s ATVs, drive economic activity, allow for new heavier electric vehicles, and better fund trail systems through the sales, registrations, and gas taxes of oversized ATVs.

The powersports industry is an economic driver throughout the country, particularly for rural communities. ROVs continue to be a growth leader for the industry, which includes supporting local dealers. The total economic impact of the value of the retail marketplace for the powersports industry in Maine in 2019 was \$265 million². We believe that we can support economic development as well as environmental protection through appropriate trail maintenance of multiple trail types that are suited for different sized vehicles financed by ROV and other off-highway vehicle registration fees and gas taxes. Additionally, Federal gas tax revenue from off-highway vehicles, including oversized ATVs, funds the Recreational Trails Program (RTP) which is a Federal trail program to develop and maintain trails across the country. To date, Maine has received \$28,549,142 in RTP funds, which has financed 765 projects (1992-2019).³

Thank you for your consideration of these comments. Should you have any questions, please contact me at 703-416-0444 ext. 3202.

Sincerely,



Scott P. Schloegel
Senior Vice President, Government Relations

Cc: Members of Joint Committee on Inland Fisheries and Wildlife

² 2019 Motorcycle Industry Council data.

³ Please visit <https://arra-access.com/states/maine/> to view Maine’s RTP funding summary and comprehensive RTP project list.