

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

L.D. 1912

DATE: 4-13-04

(Filing No. S-509)

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE
SENATE
121ST LEGISLATURE
SECOND SPECIAL SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1413, L.D. 1912, Bill, "An Act To Implement the Recommendations of the Governor's Task Force on ATV Issues"

Amend the amendment by striking out all of the 2nd indented paragraph after the title (page 1, lines 29 to 31 in amendment) and inserting in its place the following:

'Further amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, certain provisions of this legislation must take effect as soon as possible to avoid severe damage to certain ATV trails; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. 12 MRSA §7857, sub-§26 is enacted to read:

26. Unlawful operating ATV on temporarily closed trail. A person may not operate an ATV on any section of a trail posted

2 with a notice of temporary closure in accordance with this
3 subsection. The notice must specify the section of trail that is
4 closed and the period of the closure and must be conspicuously
5 posted at each end of the closed section of the trail.

6 A. A person who violates this subsection commits a civil
7 violation for which a fine of not less than \$100 nor more
8 than \$500 may be adjudged.

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

14 **PART B**

16 Further amend the amendment by striking out all of section
17 27 and inserting in its place the following:

20 **Sec. 27. Appropriations and allocations.** The following
21 appropriations and allocations are made.

22 **JUDICIAL DEPARTMENT**

24 **Courts - Supreme, Superior, District**
25 **and Administrative 0063**

28 Initiative: Provides funds for the additional costs associated
29 with assistant clerks processing new ATV-related cases.

30 General Fund	2003-04	2004-05
32 Personal Services	\$0	\$9,539
34 General Fund Total	<hr/> \$0	<hr/> \$9,539

36 **JUDICIAL DEPARTMENT**

37 **DEPARTMENT TOTALS**

38 General Fund	2003-04	2004-05
40	\$0	\$9,539
42 DEPARTMENT TOTAL - ALL FUNDS	<hr/> \$0	<hr/> \$9,539

44 **INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF**

46 **ATV Safety and Educational Program 0559**

48 Initiative: Deappropriates funds to correspond to a loss of
49 General Fund revenues collected by the Department of Inland
50 Fisheries and Wildlife.

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1413,
L.D. 1912

2	General Fund	2003-04	2004-05
	All Other	\$0	(\$95,567)
4	General Fund Total	<hr/> \$0	<hr/> (\$95,567)
6	INLAND FISHERIES AND WILDLIFE		
	DEPARTMENT TOTALS	2003-04	2004-05
8	GENERAL FUND	\$0	(\$95,567)
10	DEPARTMENT TOTAL - ALL FUNDS	<hr/> \$0	<hr/> (\$95,567)
12	SECTION TOTALS	2003-04	2004-05
14	GENERAL FUND	\$0	(\$86,028)
16	SECTION TOTAL - ALL FUNDS	<hr/> \$0	<hr/> (\$86,028)

18 Further amend the amendment by inserting at the end before
20 the summary the following:

22 **PART C**

24 **Sec. C-1. Effective date.** Part B of this Act takes effect
August 31, 2004.

26 **Emergency clause.** In view of the emergency cited in the
28 preamble, this Act takes effect when approved, except as
otherwise indicated.'

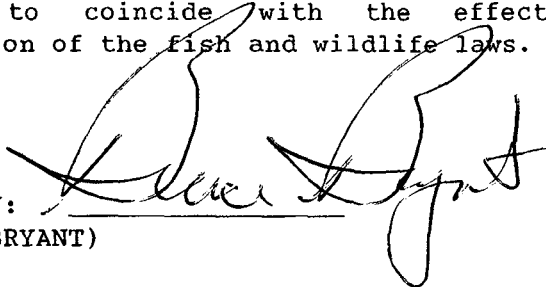
30 Further amend the amendment by relettering or renumbering
32 any nonconsecutive Part letter or section number to read
consecutively.

36 **SUMMARY**

38 This amendment makes the provisions relating to ATV trail
closures effective upon approval. It adds an emergency preamble
40 and emergency clause to the amendment. The amendment also

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1413,
L.D. 1912

changes the effective date of the remaining sections to August
31, 2004 to coincide with the effective date of the
recodification of the fish and wildlife laws.

SPONSORED BY: 
(Senator BRYANT)

COUNTY: Oxford

FISCAL NOTE REQUIRED
(See attached)

**121st Maine Legislature
Office of Fiscal and Program Review**

**LD 1912**

**An Act To Implement the Recommendations of the Governor's Task
Force on ATV Issues**

LR 2788(03)

Fiscal Note for Senate Amendment "A" to Committee Amendment "A"

Sponsor: Sen. Bryant

Fiscal Note Required: Yes

Fiscal Note

	2003-04	2004-05	Projections 2005-06	Projections 2006-07
Net Cost (Savings)				
General Fund	\$0	(\$4,026)	\$0	\$0
Appropriation/Allocations				
General Fund	\$0	\$8,591	\$0	\$0
Revenue				
General Fund	\$0	\$12,617	\$0	\$0
Other Special Revenue Funds	\$0	\$10,225	\$0	\$0

Correctional and Judicial Impact Statements:

Establishes new Class E crimes

Fiscal Detail and Notes

This fiscal estimate assumes an effective date of August 31, 2004. The amounts shown above reflect the incremental differences between this amendment and the fiscal impact of the committee amendment. As amended, the bill includes a General Fund appropriation to the Judicial Department of \$9,539 in fiscal year 2004-05, \$11,706 in fiscal year 2005-06 and \$11,998 in fiscal year 2006-07 to provide funds for the additional costs associated with Assistant Clerks processing new ATV related cases. The bill as amended also increases General Fund revenue for increased ATV fines by \$89,895 in fiscal year 2004-05 and \$115,000 annually thereafter.

Changing the fund classification of certain revenues will result in a loss of \$95,567 in General Fund revenues and an increase of the same amount in Other Special Revenue Funds revenues collected by the Department of Inland Fisheries and Wildlife in fiscal year 2004-05. The amended bill includes a General Fund deappropriation of \$95,567 for the ATV Safety & Educational Program to compensate for the loss of General Fund revenue from the shift in revenue classification.

Change in General Fund Revenues

	2003-04	2004-05	2005-06	2006-
Increased ATV Fines	\$0	\$89,895	\$115,000	\$115,000
Change in Fund Classification	\$0	(\$95,567)	(\$141,326)	(\$145,543)
Net Impact to IF&W General Fund Revenues	\$0	(\$5,672)	(\$26,326)	(\$30,543)
Net Loss from Decreased Sales and Use Tax*	\$0	(\$49,321)	(\$64,666)	(\$67,899)
Total General Fund Revenue Gain (Loss)	\$0	(\$54,993)	(\$90,992)	(\$98,442)

*The changes to the tax exemption for all-terrain vehicles purchased by nonresidents will decrease sales and use tax revenues collected. The General Fund loss is reduced by the amount of Municipal Revenue Sharing transfers that will not be required.