

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
  
ONE HUNDRED AND ELEVENTH LEGISLATURE

**FIRST REGULAR SESSION**  
December 1, 1982 to June 24, 1983  
Chapters 1-452

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1983

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

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## CHAPTER 297

H.P. 1169 - L.D. 1544

AN ACT to Provide for Registration of  
All-terrain Vehicles.

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

Sec. 1. 12 MRSA c. 715, sub-c. IV is enacted to read:

SUBCHAPTER IVALL-TERRAIN VEHICLES§7851. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. ATV. "ATV" means all-terrain vehicle.

2. All-terrain vehicle. "All-terrain vehicle" means a motor driven, off-road, recreational vehicle capable of cross-country travel on land, snow, ice, marsh, swampland or other natural terrain. It includes, but is not limited to, a multi-track, multi-wheel or low pressure tire vehicle; a motor-cycle or related 2-wheel, 3-wheel or belt-driven vehicle; an amphibious machine; or other means of transportation deriving motive power from a source other than muscle or wind. For purposes of this subchapter, "all-terrain vehicle" does not include a snowmobile; an airmobile; a construction or logging vehicle used in performance of its common functions; a farm vehicle used for farming purposes; a vehicle used exclusively for emergency, military, law enforcement or fire control purposes.

3. Operate. "To operate," in all its moods and tenses when it refers to an ATV, means to use an ATV in any manner within the jurisdiction of the State, whether or not the vehicle is moving.

4. Owner. "Owner," for the purposes of registration, means any person holding title to an ATV.

§7852. Application

This subchapter shall apply to the operation of ATV's in the State.

§7853. License

No operator's license is required for the operation of an ATV, except as required by Title 29.

§7854. Registration

1. Application and issuance. The commissioner, or an agent designated by him, may register and assign a registration number plate to any ATV upon application and payment of an annual fee by the owner. The plate shall be attached securely to the rear of the vehicle and shall be clearly visible. After the first year of registration of the vehicle, the commissioner may issue a validation device which shall be placed on the number plate. A registration shall be valid for one year commencing July 1st of each year.

2. No registration required. No ATV registration is required for a vehicle registered with the Secretary of State under the provisions of Title 29.

3. Fee. The annual registration fee for an ATV is \$5.

4. Allocation of fees. All moneys received under this subchapter shall be credited to the department for the cost of administration and enforcement of this subchapter.

5. Form of registration. The ATV registration shall be in such form as the commissioner may determine.

6. Duplicate registration certificate. The holder of any registration certificate issued under this section may obtain a duplicate from the commissioner upon application and payment of a fee of \$1.

7. Transfer of ownership or discontinuance of use. The following shall apply to the transfer of ownership or discontinuance of use of an ATV.

A. Whoever transfers the ownership or permanently discontinues the use of a registered ATV and applies for registration of another ATV in the same registration year shall be entitled to a certificate of registration upon payment of a transfer of \$2 and shall not be required to pay the regular registration fee of \$5.

B. Whenever ownership is transferred or the use of an ATV for which a registration certificate has already been issued is discontinued, the old registration certificate shall be properly signed and executed by the owner showing that the ownership of the ATV has been transferred or its use discontinued and returned to the commissioner within 10 days of the transfer or discontinuance of use.

C. If there is a change of ownership of an ATV for which a registration certificate number has previously been issued, the new owner shall apply for a new registration certificate, set forth the original number in the application and pay the regular fee for the particular ATV involved.

9. Reciprocity. Reciprocity shall be allowed to nonresidents from all states, provinces, countries or districts which allow similar privileges to residents of this State, provided that they are covered by a valid registration from that state, province, country or district.

A. If the ATV is owned by a nonresident but is primarily operated by a Maine resident, it shall be registered under this section.

B. Nothing in this subsection may be construed to authorize the operation of any ATV described in any manner contrary to this subchapter.

10. Restrictions. The following restrictions apply to the registration of an ATV.

A. The registration certificate shall be subject to inspection by any law enforcement officer on demand.

B. The registrant shall notify the commissioner if an ATV is destroyed, abandoned, stolen or permanently removed from this State.

#### §7855. Dealer's registration and license

1. Application and issuance. Any person who is in the business of selling ATV's in the State shall register as a dealer and secure a dealer's license from the commissioner. Dealers so registered and licensed need not register individual ATV's.

2. Fees. The dealer's registration and license fee shall be \$10 annually from each July 1st.

3. Dealer's number plates. Dealer's plates shall be provided and obtained as follows.

A. Each dealer shall receive dealer's number plates for a \$5 fee for each plate.

B. Replacement for lost or stolen plates may be obtained for a fee of \$5 for each plate.

C. If a number plate is lost or stolen, the owner shall notify the commissioner immediately.

D. No dealer registration is required when the dealer is registered under Title 29, section 357.

4. Temporary registrations and numbers. The commissioner may issue temporary numbers and registrations to bona fide dealers who may, upon the sale or exchange of an ATV, issue them to new owners, in order to allow them to operate ATV's for a period of 20 consecutive days, only after the date of sale in lieu of a permanent number as required by this subchapter. The fee for each temporary registration is \$1.

5. Restrictions. Dealers shall display their dealer's number on each ATV being used until the sale of the ATV's, whereupon it becomes the owner's responsibility to register the ATV.

§7856. Operating on land of another

1. No permission given. This subchapter is in no way to be construed as giving license or permission to cross or go on the property of another.

2. Stop and identify requirement. Any person operating an ATV upon the land of another shall stop and identify himself upon the request of the landowner or his duly authorized representative. Any person in violation shall be held accountable to the owner under existing laws and the penalty provided in Title 12, section 7901.

§7857. Prohibited acts

1. Operating an unregistered ATV. A person is guilty, except as provided in subsection 24, paragraphs A and B, of operating an unregistered ATV, if he operates an ATV which is not registered in accordance with section 7854.

2. Operating an ATV upon a controlled access highway. A person is guilty, except as provided in subsection 24, paragraph C, of operating an ATV upon a controlled access highway, if he operates an ATV upon a controlled access highway or within the right-of-way limits of a controlled access highway.

3. Unlawfully operating an ATV on a snowmobile trail. A person is guilty of unlawfully operating a vehicle on a snowmobile trail, if he operates any 4-wheel drive vehicle, dune buggy, motorcycle or other motorized vehicle, other than a snowmobile and appurtenant equipment, over the snow on roads and trails maintained for snowmobile use and financed in whole or in part with funds from the Snowmobile Trail Fund, unless that use has been authorized by the landowner or his agent, or unless the use is necessitated by an emergency involving safety of persons or property.

4. Unlawfully operating an ATV on a private road. A person is guilty of unlawfully operating an ATV on a private road, if he operates an ATV upon any private road after having been forbidden to do so by the owner thereof, the owner's agent or a municipal official, either personally or by appropriate notices posted conspicuously on that road.

5. Operating an ATV on a public way. A person is guilty, except as provided in subsection 24, paragraph D, of operating an ATV on a public way, if he operates an ATV upon any portion of a public way maintained or utilized for the operation of conventional motor vehicles or upon the sidewalks of any public way.

A. This subsection does not apply to ATV's registered with the Secretary of State under Title 29.

6. Failing to stop an ATV before entering a public way. A person is guilty of failing to stop an ATV before entering a public way, if he fails to bring an ATV to a complete stop before entering a public way.

7. Failing to yield right-of-way while operating an ATV. A person is guilty of failing to yield the right-of-way while operating an ATV, if he fails to yield the right-of-way to all other types of vehicular traffic while operating an ATV on a public way.

8. Crossing a closed bridge, culvert, overpass or underpass with an ATV. A person is guilty of crossing a closed bridge, culvert, overpass or underpass with an ATV, if he crosses with an ATV a bridge, culvert, overpass or underpass closed to ATV's by the Commissioner of Transportation. The commissioner may, following a public hearing, prohibit the crossing of an individual bridge, culvert, overpass or underpass, if he determines that that crossing or use of a public way is hazardous. Any bridge, culvert,



overpass or underpass closed by the commissioner shall be posted by appropriate notices.

9. Reckless operating on an ATV. A person is guilty of reckless operation of an ATV, if he operates any ATV in such a way as to recklessly create a substantial risk of serious bodily injury to another person.

10. Operating an ATV under the influence. A person is guilty of operating an ATV under the influence, if he operates any ATV while under the influence of intoxicating liquor or drugs. Standards, tests and procedures applicable in determining whether a person is under the influence within the meaning of this section shall be those procedures applicable pursuant to Title 29, sections 1312, 1312-B and 1312-C.

11. Operating an ATV to endanger. A person is guilty of operating an ATV to endanger, if he operates any ATV so as to endanger any person or property.

12. Operating an ATV at greater than reasonable and prudent speed. A person is guilty of operating an ATV at greater than a reasonable and prudent speed, if he operates any ATV except at a reasonable and prudent speed for the existing conditions.

13. Unlawfully operating an ATV while under age. A person is guilty of unlawfully operating an ATV while under age, if he is under the age of 15 years and operates an ATV across any public way maintained for travel.

14. Permitting an unaccompanied child to operate an ATV. A person is guilty, except as provided in subsection 24, paragraph E, of permitting an unaccompanied child to operate an ATV, if he permits a child under 10 years of age to operate any ATV, unless he is accompanied by an adult.

15. Operating an ATV without a muffler. A person is guilty, except as provided in subsection 24, paragraph B, of operating an ATV without a muffler, if he operates any ATV that is not equipped at all times with an effective and suitable muffling device on its engine to effectively deaden or muffle the noise of the exhaust.

A. Each ATV shall meet noise omission standards of the United States Environmental Protection Agency and in no case exceed 82 decibels of sound pressure level at 50 feet on the 'A' scale as measured by the SAE standards J-192.

B. Each ATV shall be equipped with a working spark arrestor.

C. No person may modify the exhaust system of any ATV in any manner which will increase the noise emitted above the emission standard provided in paragraph A.

16. Operating an ATV with insufficient lights. A person is guilty, except as provided in subsection 24, paragraph B, of operating an ATV with insufficient lights, if he operates an ATV which is not equipped as follows.

A. Every ATV shall have mounted on the front at least one headlight capable of casting a white beam for a distance of at least 100 feet directly ahead of the ATV.

B. Every ATV shall have mounted on the rear at least one lamp capable of displaying a red light which shall be visible at a distance of at least 100 feet behind the ATV.

17. Failure to use ATV lights. A person is guilty, except as provided in subsection 24, paragraph B, of failure to use lights, if he fails to use the lights required under subsection 16 as follows:

A. During the period from 1/2 hour after sunset to 1/2 hour before sunrise; and

B. At any time when, due to insufficient light or unfavorable atmospheric conditions caused by fog or otherwise, other persons, vehicles and other objects are not clearly discernible for a distance of 500 feet ahead.

18. Operating an ATV on railroad tracks. A person is guilty of operating an ATV on railroad tracks, if he operates any ATV along or adjacent and parallel to the tracks of any railroad within the limits of the railroad right-of-way without written permission from the railroad.

19. Operating an ATV in a cemetery. A person is guilty of operating an ATV in a cemetery, if he operates any ATV in any cemetery, burial place or burying ground.

20. Operating too close to certain buildings. A person is guilty, except as provided in subsection 24, paragraph F, of operating too close to a dwelling, hospital, nursing home, convalescent home or church, if he operates an ATV within 200 feet of any of those buildings.

21. Unlawfully permitting operation. A person is guilty of unlawfully permitting operation of an ATV, if he owns an ATV and knowingly permits it to be operated in violation of any section of this subchapter.

22. Failure to report accident. A person is guilty of failure to report an ATV accident, if:

A. He is the operator of an ATV involved in any accident resulting in injuries requiring the services of a physician, in death of any person or in property damage to the estimated amount of \$200 or more; some person acting for such an operator; or the owner of the involved ATV having knowledge of the accident, should the operator of the ATV be unknown; and

B. He fails to give notice of the accident by the quickest means of communication, to a law enforcement officer available nearest to the place where the accident occurred.

23. Operating an ATV on crop land or pastureland. A person is guilty of operating an ATV on crop land or pastureland, if he operates an ATV on any crop land or pastureland without the permission of the owner or lessee. As used in this subsection, crop land means acreage in tillage rotation, land being cropped and land in bush fruits. Pastureland means acreage devoted to the production of forage plants used for animal production.

24. Exceptions. The following exceptions apply to an ATV.

A. Notwithstanding the provisions of subsection 1:

(1) No registration is required for an ATV operated on land on which the owner lives or on lands on which he is domiciled, provided that the ATV is not operated elsewhere within the jurisdiction of this State;

(2) No registration is required for an ATV operated by a commercial ski area for the purpose of packing snow or for rescue operation thereon, unless the ATV is required to cross a public way during that operation; and

(3) ATV's owned and operated in this State by the Federal Government, the State or political subdivision of the State shall be exempt from registration fees, but shall be

registered and required to display numbers.

B. Notwithstanding subsections 1, 15, 16 and 17, ATV's used exclusively for scheduled racing meets and operated solely on predefined race courses are exempt from the provisions of this subchapter concerning registration, mufflers and lights during the time of operation at these meets and at all prerace practice at the location of the meet.

C. Notwithstanding the provisions of subsection 2:

(1) Properly registered ATV's may cross controlled access highways by use of bridges over or roads under those highways, or by use of roads crossing controlled access highways at grade; and

(2) The Commissioner of Transportation may issue special permits for designated crossings of controlled access highways.

D. Notwithstanding the provisions of subsection 5:

(1) Properly registered ATV's may operate on a public way only the distance necessary, but in no case to exceed 300 yards, on the extreme right of the traveled way for the purpose of crossing, as directly as possible, a public way, sidewalk or culvert;

(2) Properly registered ATV's may operate on a public way only the distance necessary, but in no case to exceed 500 yards, on the extreme right of the traveled way for the sole purpose of crossing, as directly as possible, a bridge, overpass or underpass, provided that that operation can be made in safety and that it does not interfere with traffic approaching from either direction on the public way;

(3) ATV's may operate on any portion of public ways when the public way has been closed in accordance with Title 23, section 2953;

(4) ATV's may operate on any portion of a public way not maintained or utilized for the operation of conventional motor vehicles, except that operation on the left side of the way shall be prohibited during the hours from sunset to sunrise;

(5) ATV's may be operated on streets and public ways during a period of emergency when the emergency has been so declared by a police agency having jurisdiction and when travel by conventional motor vehicles is not practicable; and

(6) ATV's may be operated on streets and public ways in special events of limited duration conducted according to a pre-arranged schedule, under a permit from the governmental unit having jurisdiction.

E. Notwithstanding subsection 14, that subsection does not apply on land which is owned by the parent or guardian or on land where permission for use has been granted to the parent or guardian.

F. Notwithstanding subsection 19, that subsection does not apply in the following situations:

(1) When operating on public ways in accordance with subsections 5, 6, 7 and 8 and subsection 24, paragraph C;

(2) When operating on the frozen surface of any body of water; and

(3) When operating on land which the operator owns or is permitted to use.

Sec. 2. 14 MRSA §159-A, sub-§1, ¶B, as amended by PL 1979, c. 663, §75, is further amended to read:

B. "Recreational or harvesting activities" ~~shall mean~~ means recreational activities conducted out of doors, including hunting, fishing, trapping, camping, hiking, sight-seeing, operation of snow-traveling and all-terrain vehicles, skiing, hang-gliding, boating, sailing, canoeing, rafting or swimming or activities that involve harvesting or gathering forest products. It shall include entry, use of and passage over premises in order to pursue these activities.

Sec. 3. Effective date. This Act shall take effect on July 1, 1984.

Effective July 1, 1984.

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