

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
108TH LEGISLATURE  
FIRST REGULAR SESSION

(Filing No. H-812)

COMMITTEE AMENDMENT "A" to H.P. 1162, L.D. 1420, Bill, "AN ACT  
Providing for the Registration and Regulation of Off-road Vehicles."

Amend the bill by striking out everything after the enacting  
clause and inserting in its place the following:

Sec. 1. 29 MRSA c. 6 is enacted to read:

CHAPTER 6

OFF-ROAD VEHICLES

§ 481. Title

This chapter should be known and may be cited as the "Maine Off-  
road Vehicle Act."

§ 482. Definitions

As used in this chapter, unless the context otherwise indicates,  
the following words and phrases shall have the following meanings.

1. Department. "Department" shall mean the Department of the  
Secretary of State.

2. Off-road vehicle. "Off-road vehicle" means any vehicle  
designed or intended for off-road use on land, water, snow, ice,  
marsh or other natural terrain. Off-road vehicles shall include  
but are not limited to motorcycles, terrain vehicles, trailbikes,  
minibikes, 4-wheel drive vehicles, dune buggies, automobiles not  
licensed for road use, and other motor driven recreational vehicles.  
Off-road vehicles shall not include a motor boat, golf cart, air-  
craft, snowmobiles, farm, industrial, or forest harvest vehicle such  
as a skidder, construction equipment, home power utility vehicle,  
vehicles used only in scheduled racing events, or other off-road  
vehicles not generally used for outdoor recreation.

3. Terrain vehicle. "Terrain vehicle" means a lightweight motor driven recreational vehicle using multitrack, multiwheel or low pressure tires that is capable of cross country travel and is not operated on any public road or way, except to cross the public road or way.

§ 483. Registration of Off-road Vehicles

1. Registration required. No off-road vehicle shall be operated within the jurisdiction of the State unless registered by the owner as provided in this chapter and unless the vehicle bears registration plates or insurance as determined by the Secretary of State. No vehicle registered exclusively as an off-road vehicle shall be operated upon any public road or way, except as provided in this chapter. Any vehicle designed for use on public ways and roads and for off-road use and registered and licensed to operate on public roads and ways may be operated as an off-road vehicle without an off-road vehicle registration.

2. Registration by the Department of the Secretary of State. Off-road vehicles shall be registered by the Department of the Secretary of State. Registration shall be made upon forms prescribed by the Secretary of State. The Secretary of State shall assign a registration number to all off-road vehicles upon application and payment of an annual fee of \$ 5 by the owner. A registration shall be valid for one year commencing July 1st of each year.

A. All moneys collected by the Department shall be expended for the cost of administration and enforcement of this chapter. If any moneys are not expended during the year in which they are collected, the unexpended balance

shall be deposited in the  Highway Fund.

3. Transfer or discontinued use of registered off-road vehicle.

Whenever ownership is transferred or the use of an off-road vehicle 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 off-road vehicle has been transferred or its use discontinued and returned to the department within 10 days of the event. If there is a change of ownership of an off-road vehicle for which a registration certificate number has previously been issued, the new owner shall apply for a new registration certificate and shall set forth the original number in the application. He shall pay the regular fee for the particular off-road vehicle involved. The holder of any registration certificate issued under this section may obtain a duplicate from the department upon application and payment of a fee of \$2.

A. Whoever transfers the ownership or permanently discontinues the use of a registered off-road vehicle and applies for registration of another off-road vehicle in the same year shall be entitled to a certificate of registration upon payment of a transfer fee of \$ 2 and shall not be charged the regular registration fee.

4. Off-road vehicles exempt from registration. No registration shall be required for an off-road vehicle operated solely over the property on which the owner is domiciled, provided the off-road vehicle is not operated elsewhere within the jurisdiction of the State.

§ 484. Rules and Regulations

The Secretary of State shall promulgate rules and regulations concerning the registration of off-road vehicles to include the method and procedure of registration, the issuance of registration plates or other identifying insignia and the revocation or suspension of off-road vehicle registrations.

§ 485. Operation of Off-road Vehicles Restricted

1. Limitations on operation of off-road vehicles. No person shall operate an off-road vehicle upon controlled access highways or within the right-of-way limits thereof.

← No person shall operate an off-road vehicle upon any private road after having been forbidden to do so by the owner thereof or the owner's agent, either personally or by appropriate notices posted conspicuously on the way. No person shall operate an off-road vehicle upon the main traveled portion of the sidewalks of any other public way.

2. Exemptions. The following are exceptions to the provisions of subsection 1.

A. ← \_\_\_\_\_ Property registered <sup>as</sup> /off-road vehicles may cross controlled access highways by use of bridges over or roads under such highways, or by use of roads crossing controlled access highways at grade. The Commissioner of Transportation may issue special permits for designated crossings of controlled access highways.

B. ← \_\_\_\_\_ Property registered off-road vehicles 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 and properly registered off-road vehicles 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 such operation can be made in safety and that it does not interfere with vehicular traffic approaching from either direction on such way. It shall be the responsibility of the operator of the off-road vehicle to yield the right of way to all vehicular traffic upon any way before crossing same.

The following requirements apply  
C. / to operation of off-road vehicles on public ways.

- (1) Off-road vehicles shall be brought to a complete stop before entering the —→ way.
- (2) Off-road vehicles operators shall yield the right of way to all vehicular traffic on the way.
- (3) Off-road vehicles, for the sole purpose of crossing a public way, shall cross as nearly as possible to a 90° angle to the public way.
- (4) The Commissioner of Transportation may, following a public hearing, prohibit crossing of an individual bridge, culvert, overpass or underpass, if the commissioner determines such crossing or use of the public way is hazardous. Any bridge, culvert, overpass or underpass closed by the commissioner shall be posted by appropriate notices.

§ 486. Unlawful operationConditions.

1. / It shall be unlawful to operate an off-road vehicle according to the following conditions:

A. in a reckless manner;

B. in an intoxicated condition as the result of the use of intoxicating liquor or drugs. Section 1312, ← relating to weight of alcohol in defendant's blood and its admission in evidence, shall apply to this subsection;

C. in a manner to endanger any person or property;

D. at an unreasonable rate of speed;

E. on the property of any person, firm or corporation other than driveways, parking lots and other similar facilities for the operation of such vehicles, without permission by the property owner;

F. on public lands without express approval by the State or federal government;

G. without a headlamp in operation during the period from 1/2 hour after sunset to 1/2 hour before sunrise or during periods when, ← due to insufficient light or unfavorable atmospheric conditions, caused by fog or otherwise, other persons, vehicles and other objects are not clearly discernable for a distance of 500 feet ahead;

H. in violation of an order by any law enforcement officer in uniform;

(1) Any law enforcement officer in uniform whose duty it is to enforce —————> this chapter may stop and examine any off-road vehicle for the purpose

of ascertaining whether it is being operated in compliance with this chapter, and the officer may demand and inspect the operator's certificate of registration. He may also examine the identification numbers of the off-road vehicle and any marks thereon. It shall be unlawful for the operator of any off-road vehicle to fail or refuse to stop such vehicle on request or signal of any such officer; and  
I. within 200 feet of any dwelling without specific permission of the owner, hospital, nursing home, convalescent home or church.

§ 487. Accidents

The operator of any off-road vehicle involved in any accident resulting in injuries requiring the services of a physician or death of any person or property damage to the estimated amount of \$100 or more, or some person acting for him, or the owner of the off-road vehicle having knowledge of the accident should the operator of same be unknown, shall immediately by the quickest means of communications give notice of the accident either to the State Police officer or warden of the Department of Inland Fisheries and Game assigned to the areas wherein the accident occurred, to the nearest State Police officer or to the sheriff's office within the county wherein the accident occurred, or —————> the police department of the municipality wherein the accident occurred. Failure of such persons to give notice of any accident requiring notice to the State Police officer or warden or one of the three offices named shall be prima facie evidence that such accident was not reported.



All accident reports made by investigating officers shall be for the purpose of a statistical analysis and for accident prevention purposes and shall not be admissible in evidence in any trial, civil or criminal, arising out of such accident, but any investigating agency may disclose, upon the request of any person, the date, time, location of the accident and the names and addresses of drivers, owners, injured persons, witnesses and the investigating officer. The investigating agency may upon written request furnish a photo copy of any report at the expense of the person making the request.

#### § 488. Enforcement

Every law enforcement officer in the State including wardens of the Department of Inland Fisheries and Wildlife, wardens of the Department of Marine Resources, foresters and wardens of the Bureau of Forestry and supervisors and rangers of the State Bureau of Parks and Recreation and Allagash Wilderness Waterway shall enforce this chapter.

#### § 489. Penalty

Any person who violates this chapter or any rules or regulations promulgated by the Secretary of State shall be guilty of a Class E crime.

Sec. 2. Appropriation. There is appropriated from the Highway Fund to the Secretary of State the sum of \$5,000 for the fiscal years 1977-78 to carry out the purposes of this Act.

## STATEMENT OF FACT

The intent of this amendment is to simplify the procedure established in the bill to register an off-road vehicle according to the amendment. Off-road vehicles are required to be registered to operate in Maine. Vehicles registered and licensed to operate on public ways and designed to also operate as an off-road vehicle do not have to be registered as an off-road vehicle.

The amendment applies the snowmobiles laws, in general, to off-road vehicles. Off-road vehicles may cross a public way but cannot travel on a public way in excess of 300 yards. Off-road vehicles cannot operate on private property unless the property owner grants permission. A property owner may operate an off-road vehicle on his own property without registering the vehicle, but such a vehicle cannot be operated off the owner's property. The amendment also prohibits the operation of off-road vehicles in a reckless manner, at unreasonable rates of speed, at night without a headlamp in operation, within 200 feet of a residence or institution, or by an intoxicated person.

Reported by the Majority of the Committee on Transportation.

Reproduced and distributed under the direction of the Clerk of the House.  
6/23/77

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