

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1420

H. P. 1162

House of Representatives, March 30, 1977

On Motion of Mr. Carroll of Limerick, referred to Committee on Transportation. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Morton of Farmington.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Providing for the Registration and Regulation of Off-road Vehicles.

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

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

CHAPTER 6

OFF-ROAD VEHICLES

§ 481. Title

This chapter shall 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. All terrain vehicles. "All terrain vehicles" means a lightweight motor driven recreational vehicle using multitrack, multiwheel or low pressure tires and is capable of cross country travel without the benefit of road or trail on, in or over, land, water, snow, ice, marsh or other natural terrain, but does not include snowmobiles or trail bikes.

2. Dealer. "Dealer" means a person, partnership or corporation engaged in the business of selling off-road vehicles at wholesale or retail for profit and whose place of business is within the State. Dealers who sell off-road vehicles designed for dual use, either on or off the road, shall also come under this definition.

3. Department. "Department" means the Department of the Secretary of State.

4. Headlight. "Headlight" means a device to designate the front of an off-road vehicle and is a major lighting device used to provide general illumination ahead of the vehicle.

5. Lands. "Lands" means premises.

6. Off-road vehicle. "Off-road vehicle" means any vehicle, and may under certain situations include vehicles registered under chapter 5, that is designed and intended for off-road use on, in or over land, water, snow, ice, marsh or other natural terrain with or without the benefit of road or trail. Examples of the off-road vehicles covered under this chapter include, but are not limited to, all terrain vehicles, motorcycles, trailbikes, minibikes, 4-wheel drive vehicles of all kinds, dune buggies and automobiles or any other motor driven recreational vehicles. This definition does not include a motor boat, golf cart, aircraft, snowmobile, farm, industrial or forest harvest vehicle, such as a skidder, construction equipment, home power utility vehicle or other off-road vehicle not generally used for outdoor recreation.

7. Operate. "Operate" means to ride in or on and to be in actual physical control of the operation of an off-road vehicle.

8. Operator. "Operator" means any person who is in actual physical control of an off-road vehicle.

9. Owner. "Owner" means any of the following:

A. A vendee or lessee of an off-road vehicle which is the subject of an agreement for the conditional sale or lease thereof, with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee;

B. A person renting an off-road vehicle, or having exclusive use of an off-road vehicle; or

C. A person who holds legal ownership of the vehicle.

10. Person. "Person" means an individual, partnership, corporation, the State or any of its agencies or subdivisions within, or a body of persons whether incorporated or not.

11. Premises. "Premises" means any and all public, military, county, municipal, corporate or privately owned lands, waters, highways and any buildings, fixtures or structures thereon within the State.

12. Public way. "Public way" means the entire width of the right-of-way of every travel way publicly dedicated or maintained and when any part thereof is open to use by the public for the purposes of motor vehicle travel.

13. Road. "Road" means highway.

14. Roadway. "Roadway" means that portion of a highway which has an improved surface and is ordinarily open for motor vehicle travel by the public.

15. Secretary. "Secretary" means the Secretary of State.

16. Street. "Street" means every highway within the corporate limits of a municipality within the State.

17. Taillight. "Taillight" means a lighting device to designate the rear of an off-road vehicle by a red warning light.

18. Trail. "Trail" means a narrow linear route on land intended for recreational use and is not passable with an automobile.

19. Trailbike. "Trailbike" means any lightweight motor driven recreation vehicle designed to travel on not more than 3 wheels and is used for cross-country travel on land with or without the benefit of a road or trail, and includes, but is not limited to, motorcycles, trailbikes, minibikes and other similar wheeled recreational vehicles.

§ 483. Registration and fees

Except as hereinafter provided, every off-road vehicle which is operated in this State shall be registered under this chapter as follows:

1. Applications for registration. Applications for registration shall be upon a form prescribed and furnished by the department which shall contain a full description of the off-road vehicle, the actual bona fide name and address of the owner, proof of ownership and other information that may reasonably be required and which shall be accompanied by the fee required under this chapter. The Secretary of State shall issue a certificate of registration of the off-road vehicle to the owner along with the appropriate decal or registration plate, or both.

2. Fees for registration. The fees for registration of off-road vehicles to be collected by the Secretary of State under this chapter are as follows:

A. A fee of \$10 for one year for each individual off-road vehicle registration;

B. A fee of \$25 annually for each dealer registration; and

C. A fee of \$2 for replacement of lost, transferred, mutilated or destroyed certificates, decals or registration plates.

3. Registration attached to vehicle. The assigned registration decal, numbers and letters shall be attached to the vehicle in the manner prescribed and in the location designated by the department by rules and regulations before the vehicle may legally be operated in accordance with this chapter. The department shall adopt regulations prescribing the location and placement of letters and numbers displaying the assigned registration number as found on the certificate of registration.

4. Certificate of registration. Operators of off-road vehicles shall carry the certificate or registration with them.

5. Expiration of registration. The certificate of registration issued for an off-road vehicle shall expire and the decal shall become invalid when ownership of the vehicle is transferred. The former owner shall, within 10 days, return to the department the certificate of registration previously assigned to the transferred off-road vehicle with the date of sale, name and residence of the new owner endorsed on the back. If the former owner applies for registration and pays the transfer fee, he may be issued in his name another certificate of registration for an off-road vehicle for the remainder of the current registration period without payment of any additional registration fee.

6. Central file. The Secretary of State shall maintain a central file of the certificate of registration numbers and the name and address of the owner of each off-road vehicle registered with the department and such information shall be made available to all recognized law enforcement agencies and the public.

7. Owner to notify department. The owner of an off-road vehicle shall notify the department within 10 days if the vehicle is destroyed, stolen, abandoned or transferred to another person or if the owner's address no longer conforms to the address appearing on the certificate of registration. If the vehicle has been destroyed, stolen or abandoned, the owner must submit the certificate of registration to the department. The department shall cancel the certificate and enter that fact in its records.

8. Rules and regulations. The Secretary of State may adopt rules and regulations and proportionate fees for registration of an off-road vehicle for less than the complete one-year registration period.

§ 484. Dealer registration

1. Off-road vehicle dealer. An off-road vehicle dealer shall register on forms prescribed by the department annually as a dealer. The Secretary of State, upon receipt of the application and required fee, shall assign dealer registration plates to the registrant and issue appropriate registration certificate to him.

2. Dealer registrations. Dealer registrations are nontransferable.

3. Plates issued on payment of fee. Upon payment of the fee, 3 off-road vehicle registration plates will be issued. No dealer shall operate or permit to be operated beyond the premises of his property, in an off-road configuration, any off-road vehicle owned by or under the control of such dealer unless a valid off-road vehicle dealer plate furnished by the department is displayed on the vehicle, and a copy of the registration certificate is in the possession of the operator.

4. Temporary registration. A temporary registration for a period not to exceed 20 days may be issued to a dealer, pursuant to rules and regulations promulgated by the department.

§ 485. Off-road vehicles exempt from registration

No registration shall be required for the following off-road vehicles:

1. Use of off-road vehicles. Off-road vehicles owned and used by the United States, the State or another state or municipality therein shall display the name of the owner on the vehicle where it is plainly visible;

2. Nonresidents. Off-road vehicles owned by nonresidents that are covered by a valid registration or license of another state or country, when such out-of-state off-road vehicles are operated in this State shall comply with sections 486, 488, 489, 491 and 492;

3. Volunteer organizations. Off-road vehicles owned by volunteer organizations and used exclusively for emergency purposes, upon application therefor, provided that each such off-road vehicle shall display the proper decal or registration plate for it and shall display the name of the owner in a manner prescribed by the Secretary of State;

4. Noncompetitive off-road configuration. Off-road vehicles which are registered and licensed under chapter 5 and operated exclusively on the highways and streets of this State. When such off-road vehicles are used in a noncompetitive off-road configuration, they shall be required to be registered under this chapter. Such vehicles which are registered under chapter 5 shall be required to have only a valid decal and certificate which shall bear the owner's license plate number and the license plate number shall be the off-road vehicle registration number; and

5. Competitive events. Off-road vehicles used exclusively for and in pre-arranged competition events. When such competition off-road vehicles are used for recreational riding in a noncompetitive off-road configuration, they shall be required to become registered under this chapter and shall comply with all the provisions thereof.

Nothing in this section shall be construed to authorize the operation of any off-road vehicle contrary to this chapter. The Secretary of State may make further exemptions if deemed appropriate by the Off-road Vehicle Advisory Committee.

§ 486. Accidents.

1. Accidents. The operation 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 the same be unknown, shall immediately by the quickest means of communication give notice of the accident either to the state police office or a warden of the Department of Inland Fisheries and Wildlife assigned to the area wherein the accident occurred, to the nearest state police office or to the sheriff's office within the county wherein the accident occurred or the office of 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 office or warden of one of the 3 offices named shall be prima facie evidence that such accident was not reported.

2. Accident reports. 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 the persons involved.

§ 487. Liability for negligence

Negligence in the use or operation of an off-road vehicle is attributable to the owner.

1. Liability. Every owner of an off-road vehicle used or operated in this State shall be liable and responsible for the death or injury to a person, or damage to the property of another, in the use or operation of such off-road vehicle by any person using or operating the same with the express permission of such owner, provided that such operator's negligence shall not be attributed to the owner as to any claim or cause of action accruing to the operator or his legal representative for such injuries or death.

2. Premises. No landowner, lessee or occupant of premises owes any duty to an off-road vehicle owner or operator to keep the premises safe for the entry or use by off-road vehicles and gives any implied assurance to an off-road vehicle owner or operator, through the act of giving permission to enter, that the premises are safe for such entry or use. No landowner, lessee or occupant of premises assumes responsibility for or incurs liability for any injury or property loss sustained by off-road vehicle owners or operators resulting from the operation of off-road vehicles on his premises whether or not implied or express permission for such operation has been granted. If injury or property damage is sustained by an off-road vehicle owner or operator and such injury or property damage can be proven to be the result of a deliberate attempt by the landowner, lessee or occupant to inflict injury or property damage on the off-road vehicle owner or operator, then such incidents shall come under the criminal code of this State.

§ 488. Races, rallies and parades

1. Municipality may block streets. Any municipality in this State may block off the streets or highways in the municipality for the purpose of allowing off-road vehicle races, rallies or parades. The municipality shall not be held responsible for any injury suffered by anyone in connection with or arising out of any such race, rally or parade unless the injury or damage is caused by the gross negligence of the municipality. No state highway or street shall be blocked off for any off-road vehicle competition events without the written permission of the Department of Transportation.

2. Notification. Every municipality shall notify the local police department or the county sheriff's office at least one week in advance of the time and place of any off-road vehicle race, rally or parade which will result in any street, or part thereof, or any highway to be blocked off within that municipality. Upon such notice, the local police department shall take such measures as it deems appropriate to protect persons and property and to regulate traffic in the designated area and its vicinity on the date of such a race, rally or parade.

§ 489. Operation

1. **Unlawful operation.** Except as otherwise provided in this chapter, it shall be unlawful to operate an off-road vehicle on any street or highway which is not designated and posted as an off-road vehicle road or a joint-use highway by the governmental agency or municipality having jurisdiction. This provision does not apply to off-road vehicles which are licensed with the department for highway use.

2. **Single file.** When operation on a roadway or a highway is permitted by this chapter, off-road vehicles shall be operated in a single file, except in overtaking another vehicle, and shall travel on the right side of the roadway in the same direction as the flow of traffic and shall observe all the rules of the road.

3. **Operation.** Off-road vehicles may also be operated as follows:

A. On highways and streets for special events of limited duration which are conducted according to a prearranged schedule in accordance with section 488;

B. On highways or streets during periods of emergency when so declared by the agency or municipality having jurisdiction; and

C. On highways and streets when necessary to cross a bridge, underpass or overpass, except on controlled access roadways and entrance ramps connected thereto, provided that the distance of that operation shall only be the distance necessary for such crossing, but in no case shall the distance exceed 500 yards and the operation along the roadway shall be on the extreme right of the traveled way of the roadway.

3. **Highways or streets closed.** Agencies within or of this State and all political subdivisions thereof may close any highway, street or part thereof, if under their jurisdiction, except controlled access highways, to other motor vehicles and permit either all kinds of properly registered and equipped off-road vehicles or specific kinds of properly registered and equipped off-road vehicles to use these roads, provided that adequate notices are displayed in accordance with traffic safety regulations.

4. **Joint-use highway designated.** Agencies within or of this State and all political subdivisions thereof may designate any highway, or part of a highway or publicly maintained road under their jurisdiction, as a joint-use highway which will be open for use to both motor vehicles and either all kinds of properly registered and equipped off-road vehicles or specific kinds of properly registered and equipped off-road vehicles, provided that adequate notices are displayed in accordance with traffic safety regulations. Operators of off-road vehicles used on joint-use highways shall have in their possession either a valid motor vehicle operator's license issued by the department or a similar valid license issued by another state or country and shall observe all the rules of the road.

5. **Unregistered vehicle.** No person shall operate an off-road vehicle not registered with the department upon any roadway or across any roadway,

except as provided under this section, and then only after stopping and yielding the right-of-way to all approaching vehicles. An off-road vehicle may make a crossing of a street, 2-lane highway or culvert provided:

- A. The crossing is made at an angle of approximately 90 degrees to the direction of the roadway and at a place where no obstruction prevents a quick and safe crossing;
- B. The off-road vehicle is brought to a complete stop before crossing the roadway;
- C. The operator yields the right-of-way to all oncoming traffic which constitutes an immediate hazard;
- D. The distance of the operation shall only be the distance necessary for such crossing, but in no case shall the distance exceed 300 yards; and
- E. The operation along the roadway in connection with such crossing shall be on the extreme right of the traveled way of the roadway.

§ 490. Certain operations prohibited

No person shall operate an off-road vehicle in any of the following manners:

- 1. **Operating in reckless manner.** In a reckless manner that would endanger the life and property of another person or at an unreasonable rate of speed that will render the vehicle out of control under existing conditions. This provision does not apply to off-road vehicle races, rallies or derbies that are held off public roads;
- 2. **Operating while under the influence.** While under the influence of intoxicating liquor, fermented malt beverages, narcotics, barbitol or derivative of barbitol or other controlled substances. Furthermore, no owner or other person having charge or control of an off-road vehicle shall knowingly authorize or permit any person who is incapable, by reason of age, physical or mental disability, or who is under the influence of intoxicating liquor or drugs to operate an off-road vehicle;
- 3. **Hours.** During the hours from $\frac{1}{2}$ hour before sunset to $\frac{1}{2}$ hour before sunrise without displaying a lighted headlight and a lighted taillight;
- 4. **Private property.** On private premises, without the consent of the owner or owner's representative or lessor thereof. Any person operating an off-road vehicle upon the lands of another shall stop, identify himself upon the request of the landowner, landowner's representative or lessor, and, if requested to do so, shall promptly remove the vehicle from the premises;
- 5. **Cemetery or burial ground.** On or across a cemetery or burial ground;
- 6. **Area closed to use.** In any forest nursery, planting area or certain portions of public lands, so posted or reasonably identified as an area closed to off-road vehicle use;
- 7. **State-owned lands.** On state-owned lands, except in accordance with regulations governing off-road vehicle use on state-owned lands;

8. Near dwellings. Within 200 feet of an inhabited dwelling, hospital, nursing home or church, except on the owner's property or property under the owner's control or as an invited guest upon another person's lands;

9. Near skiing area. Within 200 feet of a skiing area that is in use, providing that an off-road vehicle may enter such an area for the purpose of service or other necessary operations as may be needed; or

10. Loaded firearm. Except as may otherwise be permitted under other laws of this State, no person shall operate an off-road vehicle with a loaded firearm in his possession and no person shall intentionally drive or pursue any domesticated animals, except as permitted by the animal's owner, or intentionally drive or pursue any wildlife with an off-road vehicle.

§ 491. Age restriction for operation

1. Under age 14. No person under the age of 14 years shall operate an off-road vehicle across any public roadway or connecting street.

2. With permission. No person under the age of 14 years shall operate an off-road vehicle, except upon the lands of his parents, immediate relatives or legal guardian, unless he is accompanied by a person at least 18 years of age.

3. Vehicle safety instructions. The Secretary of State may certify off-road vehicle safety instructions to act as his agents in conducting classes and examinations and issuing off-road vehicle safety certificates in his name.

4. Joint-use highways. No person under the age of 16 years may operate an off-road vehicle on joint-use highways as described in section 489.

5. Program. The department shall implement a comprehensive off-road vehicles information, safety education and training program which will include the preparation and dissemination of information and safety advice to the public and training of operators. The program shall provide for the training of youthful operators and for the issuance of off-road vehicle safety certificates to those who successfully complete the training provided under the program.

6. Cooperation. In implementing a program which is established pursuant to this section, the department shall cooperate with private organizations and associations, private and public corporations, the Department of Educational and Cultural Services and local governmental units or agencies. The department shall also consult with the Off-road Vehicle Advisory Committee in regard to subject matter and requirements of a training program that leads to the certification of off-road vehicle operators.

7. Replacement certificates. Replacement of off-road vehicle safety certificates shall be issued by the Secretary of State upon application.

§ 492. Required equipment

Off-road vehicles shall be required to have the following equipment.

1. Headlights and taillights.

A. Every off-road vehicle operated during the hours of darkness shall display a lighted headlight and taillight. These lights shall be in operation during the period of from $\frac{1}{2}$ hour after sunset to $\frac{1}{2}$ hour before sunrise and at any time when, due to insufficient light or unfavorable atmospheric conditions caused by fog or otherwise, vehicles and other objects are not clearly discernible for a distance of 500 feet ahead of the vehicle.

B. The headlight shall display a white light of sufficient illuminating power to reveal any person, vehicle or large object at a distance of 100 feet ahead of the vehicle.

C. If the off-road vehicle is equipped with a multiple-beam headlight, the upper beam shall meet the minimum requirements set forth in paragraph B and the lower-most beam shall be so aimed and of sufficient intensity to reveal persons, vehicles or objects at a distance of at least 50 feet ahead of the vehicle.

D. The taillight of an off-road vehicle must display a red light plainly visible during the hours of darkness from a distance of 500 feet.

2. Brakes.

A. It shall be unlawful to operate an off-road vehicle which is not equipped with at least one brake of a design approved by the Secretary of State operated either by hand or by foot, capable of bringing the off-road vehicle to a stop, under normal conditions, within 40 feet when traveling at a speed of 20 miles per hour with a 150-pound operator. The design shall permit simple and easy adjustment to compensate for wear.

B. It shall be unlawful to operate an off-road vehicle, unless equipped with a braking system which may be operated by hand or foot, capable of producing deceleration of 14 feet per second on level ground at a speed of 20 miles per hour and the design shall permit simple and easy adjustment to compensate for wear.

3. Mufflers.

A. It shall be unlawful to operate an off-road vehicle which is not equipped at all times with a muffler in good working order which blends the exhaust noise into the overall vehicle noise and is in constant operation to prevent excessive noise, as defined by this subsection.

B. It shall be unlawful to operate an off-road vehicle with a replacement or modified exhaust system which will increase the exhaust noise level emitted over the manufacturer's original exhaust equipment. This subsection of that off-road vehicle model and it shall be unlawful for any dealer to sell, offer for sale or provide to the public, any off-road vehicle exhaust system or part thereof, such as a muffler which will increase the noise level emitted over the manufacturer's original exhaust equipment. This subsection shall not bar dealers from selling accessory exhaust systems which do not exceed the manufacturer's original exhaust equipment noise levels.

C. The maximum sound intensity levels produced by off-road vehicles shall not exceed 86 db (A) after January 1, 1978, as measured in accord-

ance with SAE Recommended Practice J-331, as amended. All off-road vehicles shall at all times be equipped with a United States Department of Agriculture-Forest Service approved spark arrestor type muffler in good working order.

D. The Secretary of State may adopt more stringent noise requirements, provided they are not more stringent than the off-road vehicle noise regulations set forth by the United States Environmental Protection Agency or any other federal agency.

E. This section does not apply to organized races or competition events and the off-road vehicles used therein, except when such events are held on public lands. When a competition off-road vehicle is operated for any off-road purposes other than a sanctioned competition event, such off-road vehicle shall conform to the provisions of this chapter.

§ 493. Enforcement and penalties

1. Enforcement. Every law enforcement officer in the State and designated officers or employees of the department shall enforce this chapter.

2. Form of summons and complaint. The Secretary of State shall be authorized to prescribe the form of summons and complaint in all cases involving a violation of this chapter or of any ordinance, rule or regulation relating to off-road vehicles or of any class or category of such cases and to establish procedures for proper administrative controls over the disposition thereof.

3. Ordinance. No political subdivision of this State may adopt an off-road vehicle ordinance which imposes a fee, license or operator requirements, or imposes or specifies equipment or noise levels.

4. Records and reports. The chief executive officer of each local police force including county, municipal, Chief of the State Police and chief of fish and wildlife warden service shall prepare or cause to be prepared such records and reports as may be prescribed hereunder.

5. Rules and regulations. The Secretary of State shall have the power to adopt such rules and regulations, consistent with this chapter, which may be deemed necessary to accomplish the purposes and enforce the provisions of this section, including requirements for reporting by courts having jurisdiction over off-road vehicle violations.

6. Violation. Any person violating any of the provisions of this chapter shall, upon conviction for any first offense, be sentenced to pay a fine of not less than \$25 nor more than \$50 and, for any 2nd offense, shall be sentenced to pay a fine of not less than \$50 nor more than \$100.

7. Statement of disposition. The court in which any person shall be tried, or the clerk of the court, shall at the time of final disposition of such proceeding forthwith mail or deliver to the department a certified statement of the disposition of the case or proceeding, giving the date thereof, the name of the defendant, the date and place of the violation and the amount of the fine or penalty paid.

§ 494. Disposition of fees and fines

1. **Fines and penalties.** On the first day of each month or within 10 days thereafter, all fines and penalties collected for violations of this chapter shall be paid over to the Secretary of State, with a statement accompanying the same, setting forth the action or proceedings in which such moneys were collected, the name and residence of the defendant, the nature of the offense and the fines or penalty imposed.

2. **Off-road Vehicle Restricted Receipts Fund.** All money received by the Secretary of State from the registration of off-road vehicles and off-road vehicle dealers, the sale of registration information, publications or any other services provided by the department, all fines and penalties resulting from violations of this chapter and all fees collected by him under this chapter shall be deposited into the Off-road Vehicle Restricted Receipts Fund. This fund shall be audited 3 years from the effective date of this chapter and at 2-year intervals thereafter and if any unallocated residue appears in the fund at the end of each auditing period, other than an amount caused by intra-governmental or legal delays, it may be deposited in the General Fund.

§ 495. Allocation of funds

The Secretary of State, consistent with the provisions of this chapter, shall determine how money in the Off-road Vehicle Restricted Receipts Fund may be spent.

1. **Withdrawals.** The Secretary of State shall draw money from the fund for use in administering the registration and safety education provisions of this chapter. Needed personnel to administer this chapter, equipment and supplies shall be paid for with moneys from this fund.

2. **Allocation of funds.** The Secretary of State may allocate funds from the restricted receipts fund to the land managing agencies of the State for the following uses:

A. Research and study of off-road vehicle use and enforcement of this chapter;

B. The acquisition of lands and trail rights-of-way for off-road vehicle use; and

C. The establishment, construction, signing and maintenance or repair of off-road vehicle trails or off-road vehicle use areas.

3. **Funds to political subdivisions.** The Secretary of State may allocate funds to any political subdivision of this State and land managing agencies of the United States Government within the State for the purposes described under subsection 2, paragraphs B and C.

4. **Law enforcement agency.** The Secretary of State may allocate funds from the restricted receipts fund to any law enforcement agency of this State or any political subdivision of this State for use in enforcement of section 493.

5. **Restrictions.** Nothing in this chapter shall be construed to allow the use of moneys from the Off-road Vehicle Restricted Receipts Fund for the

maintenance or construction of trails which are not open to off-road vehicle use. No funds shall be used for road or highway maintenance where damage has been caused by vehicles other than the off-road vehicles covered under this chapter .

§ 496. Rules and regulations; Off-road Vehicle Advisory Committee

The Secretary of State shall have the power to adopt, amend or repeal such rules and regulations as may be necessary to carry out the provisions and intent of this chapter; provided that, prior to taking any such action, the Secretary of State shall obtain the advice of the Off-road Vehicle Advisory Committee relative to the action. Any such adoption, amendment or repeal of rules and regulations shall be carried out in accordance with the Administrative Code and after hearing.

The Off-road Vehicle Advisory Committee shall be formed within 6 months of the effective date of this chapter and shall be comprised of one member, officer or employee of each of the following agencies and organizations, who shall be designated in writing by the agencies and organizations to the Secretary of State within 6 months of the effective date of this chapter: Bureau of Forestry; Bureau of Parks and Recreation; Department of Inland Fisheries and Wildlife; New England Trail Riders Association; Maine Snowmobile Association; Maine Motorcycle Dealers Association; Bureau of Outdoor Recreation or White Mountains National Forest staff; American Motorcycle Association; the Maine Farm Bureau; the Maine Pulp and Paper Industry Information Office; and a representative of the all terrain and 4-wheel drive vehicle interests. The Off-road Vehicle Advisory Committee shall elect its own officers and chairman and adopt such rules as may be needed for the committee's continuous function.

The committee shall meet at least 2 times a year to advise the Secretary of State relative to the adoption, amendment or repeal of any rule or regulation and to generally advise the Secretary of State on other matters relating to the administration of this chapter.

Sec. 2. Appropriation. There is appropriated from the General Fund to the Secretary of State, Off-road Vehicle Restricted Receipts Fund, for the fiscal year 1977-78, the sum of \$10,000, for staffing and necessary expenses. The breakdown shall be as follows:

	1977-78
SECRETARY OF STATE	
Off-road Vehicle Restricted Receipts Fund	
Personal Services	(2) \$ 7,500
All Other	2,000
Capital Expenditures	500
	\$10,000

STATEMENT OF FACT

The purpose of this bill is to provide for the registration and regulation of off-road vehicles which are defined in Title 29, section 482, subsection 6. The appropriation for fiscal year 1977-78 is a one-time appropriation which is only needed to fund start-up and operational costs until registration fees and other sources of funds provided in the bill reach a level which is sufficient to support the cost of administration.