

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 971

H. P. 766

House of Representatives, March 2, 1979

Speaker laid before the House and on Motion of Mr. Morton of Farmington, referred to the Committee on Fisheries and Wildlife. 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-NINE

**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:

12 MRSA c. 306 is enacted to read:

**CHAPTER 306**

**OFF-ROAD VEHICLES**

§ 2021. Definitions

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

1. Dwelling. "Dwelling" means any buildings used as permanent residence or place of domicile.
2. Off-road vehicle. "Off-road vehicle" means any vehicle using multitract or multiwheels not registered for operation upon the highways of this State, 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. 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 any 2-wheel vehicle including, but not limited to, motorcycles, trail bikes, bicycles, mopeds, scooters, etc., or other off-road vehicle not generally used for outdoor recreation.

3. Operate. The verb "to operate" in all its moods and tenses when it refers to an off-road vehicle means to use that vehicle in any manner within the jurisdiction of the State whether or not the vehicle is under way.

4. Owner. "Owner" for the purposes of registration shall mean any person, firm or corporation or association holding title to an off-road vehicle or having exclusive right to the use thereof for a period greater than 30 days.

#### § 2022. Registration

Except as otherwise provided, no off-road vehicle shall be operated within the jurisdiction of the State unless registered by the owner as provided in this chapter. All off-road vehicles owned by Maine residents and operated in Maine shall be registered in this State unless specifically exempted elsewhere in this chapter. The Commissioner of Inland Fisheries and Wildlife is authorized to register and assign a registration number to all off-road vehicles, upon application and payment of an annual fee of \$11.25 by the owner. The registration fee shall be credited as follows: \$4.75 of each fee shall be credited to the Department of Inland Fisheries and Wildlife; 50¢ of each fee shall be credited to the Bureau of Parks and Recreation and \$6 of each fee shall be annually distributed to the municipality of the owner's residence as shown on his registration certificate, except that in unorganized townships \$6 of each fee shall be annually distributed to the county of the owner's residence as shown on his registration certificate. All moneys received under this chapter, including dealer license fees, shall be credited to the Department of Inland Fisheries and Wildlife.

All moneys credited to the department, including registration fees, shall be expended by the bureau solely for the cost of administration, establishment of a safety program for off-road vehicle operators and enforcement of this chapter. The moneys credited to the bureau may be expended for off-road vehicle trail acquisition, including, but no limited to, the purchase or lease of real estate and the acquisition of easements; construction; development; planning; maintenance; and providing educational and informational materials for the use of operators of off-road vehicles and research. The bureau may make grants-in-aid to political subdivisions, educational institutions, regional planning agencies, off-road vehicle groups and others for the construction and maintenance of off-road vehicle trails and for research, development and planning of off-road vehicle trails, on such terms as the bureau determines necessary. The bureau shall determine what trails shall be eligible. The bureau may charge a reasonable fee for the services and materials when the moneys credited to it under this paragraph are insufficient to satisfy the demand for the services and materials. All fees so collected shall be deposited to the Department of Inland Fisheries and Wildlife, Bureau of Parks and Recreation. If any of such moneys are not expended during the year in which they are collected, the unexpended balance shall not lapse but shall be carried as a continuing account available for the purposes specified until expended.

The moneys distributed to the municipalities by the department may be appropriated by the municipalities for any purpose for which they may lawfully appropriate moneys.

The moneys distributed to the counties by the department may be appropriated by the counties for use in the unorganized townships where the fee was payable.

A registration shall be valid for one year commencing July 1st of each year. No municipality or political subdivision of this State may adopt any ordinance, law or regulation dealing with the operation or registration of off-road vehicles or any other subject matter of this chapter.

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 registration year shall be entitled to a certificate of registration upon payment of a transfer fee of \$2 and shall not be required to pay the regular registration fee of \$11.25.

#### § 2023. Form

Such registration shall be issued by the commissioner or by agents designated by him and shall be in such form as the commissioner may determine. The registration certificate shall be subject to inspection by any law enforcement officer on demand. The registration number assigned to an off-road vehicle shall be displayed in such form and manner as the commissioner shall determine.

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 commissioner 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 \$1.

#### § 2024. Numbers permanent

All numbers once awarded under this chapter to an off-road vehicle shall remain with that off-road vehicle until the off-road vehicle is destroyed, abandoned or permanently removed from this State. The registrant shall notify the department if an off-road vehicle is destroyed, abandoned or permanently removed from this State.

#### § 2025. Vehicles exempt from registration

No registration shall be required for an off-road vehicle operated over the snow or on land on which the owner lives or on lands on which he is domiciled, provided the off-road vehicle is not operated elsewhere within the jurisdiction of the State.

No registration shall be required for an off-road vehicle operated by a commercial ski area for the purpose of packing snow or for rescue operation thereon, unless the off-road vehicle is required to cross a public way during that operation.

Off-road vehicles 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.

#### § 2026. Dealers

Any person who is in the business of selling off-road vehicles in the State shall register as a dealer and secure a dealer's license from the Commissioner of Inland Fisheries and Wildlife. Off-road vehicles so registered do not need to be individually registered. Dealers shall display their dealer's number on each vehicle, it is then the owner's responsibility to register the off-road vehicle.

Replacement for lost or stolen plates may be obtained for a fee of \$2 per plate.

The dealer's license and registration fee shall be \$25 annually from each July 1st. Each dealer shall receive 2 dealer's number plates for the \$25 fee; additional plates, issued pursuant to regulations of the commissioner, may be obtained at \$10 for each additional plate.

The commissioner may issue temporary numbers and registrations to bona fide dealers who may upon the sale or exchange of an off-road vehicle issue them to new owners in order to allow them to operate off-road vehicles for a period of 20 consecutive days only after the day of sale in lieu of a permanent number as required by this chapter.

#### § 2027. Authority under registration

1. Limitation 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 maintained private road either in winter or summer, 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, the sidewalks or the plowed snowbanks of any other public way.

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

A. Properly registered off-road vehicles may cross controlled access highways by use of bridges over or roads under the 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. Properly 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 that 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.**

Off-road vehicles may operate on any portion of public ways when the main traveled portion is unplowed and unused by conventional motor vehicles. If the main traveled portion of a public way is plowed and utilized by conventional motor vehicles, off-road vehicles may operate only on that portion of the 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 on the portion of the way not maintained or utilized for the operation of conventional motor vehicles.

**C. Operation on public ways.**

- (1) Off-road vehicles shall be brought to a complete stop before entering the public way.
- (2) Off-road vehicle operators shall yield the right-of-way to all vehicular traffic on the public way.
- (3) Off-road vehicles, other than for the sole purpose of crossing a public way, shall be operated on the extreme right of the traveled 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 the 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.

**§ 2028. Operation**

**1. Reckless operation.** It is unlawful for any person to operate any off-road vehicle recklessly.

**2. Operating under the influence.** It is unlawful to operate or attempt to operate any off-road vehicle in any place while under the influence of intoxicating liquor or drugs or to operate or attempt to operate any off-road vehicle in any place while a person's mental or physical faculties are under the influence of intoxicating liquors or drugs. The provisions of Title 29, section 1312 relating to weight of alcohol in defendant's blood and its admission in evidence shall apply to this subsection.

3. **Operating to endanger.** It is unlawful for any person to operate any off-road vehicle as to endanger any person or property.

4. **Prudent speed.** It is unlawful to operate any off-road vehicle except at reasonable and prudent speed for the existing conditions.

5. **Age restrictions for operation.** No person under the age of 14 years shall operate an off-road vehicle when crossing any public way maintained for travel. No operator's license shall be required for the operation of an off-road vehicle. It shall be unlawful for anyone to permit a child under 10 years of age to operate any off-road vehicle unless he is accompanied by an adult, except 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.

6. **Spark arrester.** Every off-road vehicle shall be equipped with an improved spark arrester as approved by the Maine Forestry Service.

7. **Operating on land of another.** Any person operating an off-road vehicle upon the land of another shall stop and identify himself upon the request of the landowner or his duly authorized representatives. This chapter is in no way to be construed as giving license or permission to cross or go on the property of another. Any person in violation shall be held accountable to the owner under existing law.

8. **Operation on railroad tracks.** No person shall operate any off-road vehicle 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.

9. **Operation in cemeteries.** It shall be unlawful to operate any off-road vehicle in any cemetery, burial place or burying ground. Any person who violates this subsection shall be punished by a fine of not less than \$50 nor more than \$150 and may additionally be required by the court to reimburse the owner or operator of the cemetery, burying ground or burying place for any damage to memorials, tombs, gravestones or monuments located therein caused by that operation.

10. **Operation at certain times.** Off-road vehicles 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. Off-road vehicles may be operated on streets and public ways in special off-road vehicle events of limited duration conducted according to a prearranged schedule under a permit from the governmental unit having jurisdiction.

11. **Lights.** Every off-road vehicle shall have mounted on the front thereof at least one headlight capable of casting a white beam for a distance of at least 100 feet directly ahead of the off-road vehicle. Every off-road vehicle shall have mounted on the rear thereof at least one lamp capable of displaying a red light which shall be visible at a distance of at least 100 feet behind the off-road vehicle. These lights shall be in operation during the period from ½ hour after sunset to ½

hour before sunrise and 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.

12. **Stopping for law enforcement officer.** Any law enforcement officer in uniform whose duty it is to enforce provisions of 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 the off-road vehicle on request or signal of any such officer.

13. **Distance from dwelling.** It shall be unlawful to operate an off-road vehicle within 200 feet of any dwelling, hospital, nursing home, convalescent home or church, except as follows:

- A. When operating on public ways in accordance with section 2027, subsection 2;
- B. When operating on the frozen surface of any body of water; and
- C. When operating on land which a person owns or is permitted to use.

14. **Owner responsibility.** It shall be unlawful for the owner of any off-road vehicle to knowingly permit it to be operated in violation of any section of this chapter.

#### § 2029. Application

This chapter shall apply to the operation of off-road vehicles in all areas which come within the jurisdiction of the State.

#### § 2030. 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 communication give notice of the accident either to the State Police officer or 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 these persons to give notice of any accident requiring notice to the State Police officer or warden or one of the 3 offices named shall be prima facie evidence that the 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 the 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.

**§ 2031. 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 Bureau of Parks and Recreation and Allagash Wilderness Waterway shall enforce this chapter.

**§ 2032. Penalty**

Any person who violates this chapter or any rules or regulations promulgated by the Commissioner of Inland Fisheries and Wildlife and shall be subject to the penalties provided in section 3060 for each offense, except that the minimum fine shall be \$50 for violation of any provision of section 2028, subsection 12.

**STATEMENT OF FACT**

This bill creates provisions for registering and regulating off-road vehicles. These provisions parallel the provisions for registering and regulating snowmobiles.