

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 419

H.P. 361

House of Representatives, February 1, 1983

On Motion of Representative Carroll of Limerick referred to the Committee on Fisheries and Wildlife. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Ridley of Shapleigh.

Cosponsors: Representative Carroll of Limerick and Representative Paul of Sanford.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-THREE

AN ACT to Provide for the Registration
of Off-road Motorcycle-type Vehicles.

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

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

SUBCHAPTER IV

REGISTRATION OF OFF-ROAD

MOTORCYCLE-TYPE VEHICLES

§7851. Definitions

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

1 1. Commissioner. "Commissioner" means the Com-
2 missioner of Inland Fisheries and Wildlife.

3 2. Department. "Department" means the Depart-
4 ment of Inland Fisheries and Wildlife.

5 3. Off-road motorcycle-type vehicle. "Off-road
6 motorcycle-type vehicle" means a motor driven vehicle
7 with a motorcycle design intended for off-road use
8 only and includes minibikes, trail bikes, so-called
9 dirt bikes and any other 2, 3 or more wheeled motor
10 driven vehicles intended for off-road use only.
11 Off-road motorcycle-type vehicle does not include:

12 A. Any vehicle used exclusively for scheduled
13 racing events and operated solely on race tracks,
14 which, but for such use, would be included under
15 this definition; and

16 B. Motorcycles, motor driven cycles, mopeds or
17 motorized bicycles or tricycles, as those terms
18 are defined in Title 29, section 1.

19 §7852. Registration of off-road motorcycle-type
20 vehicles

21 Except as provided elsewhere in this subchapter,
22 no person may operate an off-road motorcycle-type
23 vehicle in this State, unless it is registered pur-
24 suant to this subchapter. The commissioner or his
25 designee shall register and assign a registration
26 number to all off-road motorcycle-type vehicles upon
27 application and payment of an annual \$10 registration
28 fee by the owner. A registration shall be valid for
29 one year, commencing July 1st of each year.

30 §7853. Collection and expenditure of registration
31 fees

32 All moneys collected by the department shall be
33 expended for the cost of administration and enforce-
34 ment of this subchapter. If any moneys are not
35 expended for the administration and enforcement of
36 this subchapter during the year in which they are
37 collected, the commissioner may provide funds, upon
38 request and in order of application, to political
39 subdivisions, educational institutions and to

1 off-road motorcycle-type vehicle organizations for
2 the construction, acquisition or maintenance of
3 off-road motorcycle trails and for the establishment
4 of educational and safety programs for operators of
5 off-road motorcycle-type vehicles. Any moneys not
6 expended in the year in which they are collected for
7 the purposes described shall be deposited in the
8 Highway Fund.

9 §7854. Transfer or discontinued use of registered
10 off-road motorcycle-type vehicles.

11 Whenever ownership is transferred or the use is
12 discontinued of an off-road motorcycle-type vehicle
13 for which a registration certificate has already been
14 issued, the old registration certificate shall be
15 properly signed and executed by the owner, showing
16 that the ownership of the off-road vehicle has been
17 transferred or its use discontinued, and returned to
18 the department within 10 days of the event. If there
19 is a change of ownership of an off-road
20 motorcycle-type vehicle for which a registration cer-
21 tificate number has previously been issued, the new
22 owner shall apply for a new registration certificate
23 and shall include the original number in the applica-
24 tion. He shall pay the regular registration fee.
25 The holder of any registration certificate issued
26 under this section may obtain a duplicate from the
27 department upon application and payment of a fee of
28 \$2.

29 1. Transfer fee. Whoever transfers the owner-
30 ship or permanently discontinues the use of a regis-
31 tered off-road motorcycle-type vehicle and applies
32 for registration of another off-road motorcycle-type
33 vehicle in the same year shall be entitled to a cer-
34 tificate of registration upon payment of a transfer
35 fee of \$2 and shall not be charged the regular regis-
36 tration fee.

37 §7855. Off-road motorcycle-type vehicle operated on
38 vehicle owner's property

39 No registration may be required for an off-road
40 motorcycle-type vehicle operated solely over the
41 property owned or leased by the owner, provided that
42 the off-road vehicle is not operated elsewhere within
43 the jurisdiction of the State.

1 §7856. Rules

2 The commissioner shall promulgate rules, in ac-
3 cordance with the Maine Administrative Procedure Act,
4 Title 5, chapter 375, concerning the registration of
5 off-road motorcycle-type vehicles to include the
6 method and procedure of registration, the issuance of
7 registration plates or other identifying insignia and
8 the revocation or suspension of off-road
9 motorcycle-type vehicle registrations.

10 1. Limitations on the operation of off-road
11 motorcycle-type vehicles. No person may operate an
12 off-road motorcycle-type vehicle upon:

13 A. Controlled access highways or within their
14 right-of-way limits, except as provided in this
15 subchapter; and

16 B. Private property over which travel has been
17 forbidden.

18 2. Limitations on the operation of off-road
19 motorcycle-type vehicles across public ways. Cur-
20 rently registered off-road motorcycle-type vehicles
21 may:

22 A. Cross controlled access highways by use of
23 bridges over or roads under those highways, or by
24 use of roads crossing controlled access highways
25 at grade. The Commissioner of Transportation may
26 issue special permits for designated crossings of
27 controlled access highways; and

28 B. Operate on a public way only for the distance
29 necessary, but in no case to exceed 300 yards,
30 for the purpose of crossing as directly as possi-
31 ble a public way, sidewalk or culvert. These
32 vehicles may also operate on a public way only
33 the distance necessary, but in no case to exceed
34 500 yards, for the sole purpose of crossing as
35 directly as possible a bridge, overpass or under-
36 pass, provided that the operation can be made
37 safely and that it does not interfere with vehic-
38 ular traffic approaching from either direction on
39 that way.

1 In crossing a public way or bridge, off-road
2 motorcycle-type vehicles shall:

3 (1) Be brought to a complete stop before
4 entering a public way;

5 (2) Yield the right-of-way to all vehicular
6 traffic on a way; and

7 (3) Cross as nearly as possible at a 90°
8 angle to the public way.

9 3. Rules of the Commissioner of Transporta-
10 tion. The Commissioner of Transportation, in accor-
11 dance with the Maine Administrative Procedure Act,
12 Title 5, chapter 375, may promulgate rules pertaining
13 to the operation of off-road motorcycle-type vehicles
14 across and over public ways and bridges. The commis-
15 sioner may prohibit crossing of an individual bridge,
16 culvert, overpass or underpass, if he determines that
17 crossing or use of the public way is hazardous. Any
18 bridge, culvert, overpass or underpass closed by the
19 commissioner shall be posted.

20 §7857. Unlawful operation

21 1. It shall be unlawful to operate an off-road
22 motorcycle-type vehicle:

23 A. In a reckless manner;

24 B. In an intoxicated condition as the result of
25 the use of intoxicating liquor or drugs. Stan-
26 dards, tests and procedures applicable in deter-
27 mining whether a person is under the influence
28 within the meaning of this section shall be those
29 applicable in Title 29, section 1312;

30 C. In a manner to endanger any person or prop-
31 erty;

32 D. At an unreasonable rate of speed;

33 E. On the property of another and who fails to
34 stop and identify himself upon the request of the
35 landowner or his duly authorized representative.
36 This section is in no way to be construed as

1 giving license or permission to cross or go onto
2 the property of another;

3 F. Without a headlamp in operation during the
4 period from 1/2 hour after sunset to 1/2 hour
5 before sunrise or during periods when, due to
6 insufficient light or unfavorable atmospheric
7 conditions, caused by fog or otherwise, other
8 persons, vehicles or other objects are not
9 clearly discernable for a distance of 500 feet
10 ahead;

11 G. In violation of an order by any law enforce-
12 ment officer in uniform;

13 H. Within 200 feet of any dwelling without spe-
14 cific permission of the owner, hospital, nursing
15 home, convalescent home or church; or

16 I. Along or adjacent and parallel to the tracks
17 of any railroad within the limits of the railroad
18 right-of-way without written permission from the
19 railroad.

20 §7858. Accidents

21 The operator of any off-road motorcycle-type
22 vehicle involved in any accident resulting in inju-
23 ries requiring the services of a physician, death of
24 any person or property damage to the estimated amount
25 of \$100 or more, within 24 hours of the accident,
26 shall report the accident to the State Police, a
27 warden of the Department of Inland Fisheries and
28 Wildlife, the sheriff's office within the county in
29 which the accident occurred or the police department
30 of the municipality in which the accident occurred.
31 Failure to report any accident as required by this
32 subchapter shall be subject to the penalties of
33 section 7860.

34 §7859. Enforcement

35 1. Enforcement officers. Every law enforcement
36 officer in the State, including wardens of the
37 Department of Inland Fisheries and Wildlife, wardens
38 of the Department of Marine Resources, foresters and
39 wardens of the Bureau of Forestry and supervisors and

1 rangers of the Bureau of Parks and Recreation and
2 Allagash Wilderness Waterway, shall enforce this sub-
3 chapter.

4 2. Authority to stop off-road motorcycle-type
5 vehicles. Any law enforcement officer in uniform
6 whose duty it is to enforce this subchapter may stop
7 and examine any off-road motorcycle-type vehicle for
8 the purpose of ascertaining whether it is being oper-
9 ated in compliance with this subchapter, and the
10 officer may demand and inspect the operator's certif-
11 icate of registration. He may also examine the iden-
12 tification numbers of the vehicle and any registra-
13 tion insignia that may be required. It is unlawful
14 for the operator of any off-road vehicle to fail or
15 refuse to stop that vehicle on request or signal of
16 any such officer.

17 §7860. Penalty

18 Any person who violates any provision of this
19 subchapter, or rule adopted pursuant to this subchap-
20 ter, shall be guilty of a Class E Crime.

21 STATEMENT OF FACT

22 This bill requires off-road motorcycle-type
23 vehicles to be registered to operate in Maine. Vehi-
24 cles registered and licensed to operate on public
25 ways and designed to also operate as an off-road
26 vehicle do not have to be registered as an off-road
27 motorcycle-type vehicle.

28 This bill applies the snowmobiles laws, in gen-
29 eral, to off-road motorcycle-type vehicles. Off-road
30 motorcycle-type vehicles may cross a public way, but
31 cannot travel on a public way in excess of 300 yards.
32 A property owner may operate an off-road vehicle on
33 his own property without registering the vehicle, but
34 the vehicle cannot be operated off the owner's prop-
35 erty. In addition, an off-road motorcycle-type vehi-

1 cle used exclusively for scheduled racing events is
2 not required to be registered. The bill also prohib-
3 its the operation of off-road motorcycle-type vehi-
4 cles in a reckless manner, at unreasonable rates of
5 speed, at night without a headlamp in operation,
6 within 200 feet of a residence or institution, or by
7 an intoxicated person.

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