

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1235
6

7 H.P. 954

House of Representatives, March 17, 1983

8 Referred to the Committee on Fisheries and Wildlife. Sent up for
9 concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Brown of Gorham.

Cosponsors: Representative Roberts of Buxton, Representative Allen of
11 Washington and Representative Jacques of Waterville.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Provide for Registration of
18 All-terrain Vehicles.
19

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

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

24 SUBCHAPTER IV

25 ALL-TERRAIN VEHICLES

26 §7851. Definitions

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

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

1 2. All-terrain vehicle. "All-terrain vehicle"
2 means a motor driven off-road recreational vehicle
3 capable of cross-country travel on land, snow, ice,
4 marsh, swampland or other natural terrain. It
5 includes, but is not limited to, a multi-track,
6 multi-wheel or low pressure tire vehicle; a motor-
7 cycle or related 2-wheel, 3-wheel or belt-driven
8 vehicle; an amphibious machine; or other means of
9 transportation deriving motive power from a source
10 other than muscle or wind. For purposes of this sub-
11 chapter, "all-terrain vehicle" does not include a
12 snowmobile; an airmobile; a construction or logging
13 vehicle used in performance of its common functions;
14 a farm vehicle used for farming purposes; a vehicle
15 used exclusively for emergency, military, law
16 enforcement or fire control purposes; or any vehicle
17 which would otherwise fall within the definition of
18 an ATV when that vehicle is registered with the
19 Secretary of State under the provisions of Title 29.

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

24 4. Owner. "Owner," for the purposes of regis-
25 tration, means any person holding title to an ATV or
26 having exclusive right to the use of an ATV for a
27 period greater than 30 days.

28 §7852. Application

29 This subchapter shall apply to the operation of
30 ATV's in all areas which come within the jurisdiction
31 of the State.

32 §7853. License

33 No operator's license is required for the opera-
34 tion of an ATV.

35 §7854. Registration

36 1. Application and issuance. The commissioner,
37 or an agent designated by him, may register and
38 assign a registration number to any ATV upon applica-
39 tion and payment of an annual fee by the owner. A

1 registration shall be valid for one year commencing
2 July 1st of each year.

3 2. Fee. The annual registration fee for an ATV
4 is \$10.

5 3. Allocation of fees. All moneys received
6 under this subchapter shall be credited to the
7 department.

8 4. Use of fees. All moneys credited to the
9 department, including registration fees, shall be
10 expended by the department for the cost of adminis-
11 tration and enforcement of this subchapter.

12 5. Form of registration. The ATV registration
13 shall be in such form as the commissioner may deter-
14 mine.

15 6. Duplicate registration certificate. The
16 holder of any registration certificate issued under
17 this section may obtain a duplicate from the commis-
18 sioner upon application and payment of a fee of \$1.

19 7. Numbers permanent. All numbers once awarded
20 under this section to an ATV shall remain with that
21 ATV until the ATV is destroyed, abandoned or perma-
22 nently removed from this State, except that numbers
23 that have been inactive for at least 7 years may be
24 reissued by the department.

25 8. Transfer of ownership or discontinuance of
26 use. The following shall apply to the transfer of
27 ownership or discontinuance of use of an ATV.

28 A. Whoever transfers the ownership or perma-
29 nently discontinues the use of a registered ATV
30 and applies for registration of another ATV in
31 the same registration year shall be entitled to a
32 certificate of registration upon payment of a
33 transfer of \$2 and shall not be required to pay
34 the regular registration fee of \$10.

35 B. Whenever ownership is transferred or the use
36 of an ATV for which a registration certificate
37 has already been issued is discontinued, the old
38 registration certificate shall be properly signed

1 and executed by the owner showing that the owner-
2 ship of the ATV has been transferred or its use
3 discontinued and returned to the commissioner
4 within 10 days of the transfer or discontinuance
5 of use.

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

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

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

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

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

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

29 B. The registration number assigned to an ATV
30 shall be displayed in such form and manner as the
31 commissioner may determine.

32 C. The registrant shall notify the commissioner
33 if an ATV is destroyed, abandoned or permanently
34 removed from this State.

35 §7855. Dealer's registration and license

36 1. Application and issuance. Any person who is
37 in the business of selling ATV's in the State shall

1 register as a dealer and secure a dealer's license
2 from the commissioner. Dealers so registered and li-
3 icensed need not register individual ATV's.

4 2. Fees. The dealer's registration and license
5 fee shall be \$25 annually from each July 1st.

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

8 A. Each dealer shall receive 2 dealer's number
9 plates for the \$25 fee.

10 B. Additional plates may be obtained for \$10 for
11 each additional plate.

12 C. Replacement for lost or stolen plates may be
13 obtained for a fee of \$12 for each plate.

14 4. Temporary registrations and numbers. The
15 commissioner may issue temporary numbers and regis-
16 trations to bona fide dealers who may, upon the sale
17 or exchange of an ATV, issue them to new owners in
18 order to allow them to operate ATV's for a period of
19 20 consecutive days only after the date of sale in
20 lieu of a permanent number as required by this sub-
21 chapter.

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

26 §7856. Operating on land of another

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

30 2. Stop and identify requirement. Any person
31 operating an ATV upon the land of another shall stop
32 and identify himself upon the request of the land-
33 owner or his duly authorized representative. Any
34 person in violation shall be held accountable to the
35 owner under existing laws.

36 §7857. Prohibited acts

1 1. Operating an unregistered ATV. A person is
2 guilty, except as provided in subsection 21, para-
3 graphs A and B, of operating an unregistered ATV if
4 he operates an ATV which is not registered in accor-
5 dance with section 7854.

6 2. Operating an ATV upon a controlled access
7 highway. A person is guilty, except as provided in
8 subsection 21, paragraph C, of operating an ATV upon
9 a controlled access highway if he operates an ATV
10 upon a controlled access highway or within the right-
11 of-way limits of a controlled access highway.

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

19 4. Operating an ATV on a public way. A person
20 is guilty, except as provided in subsection 21, para-
21 graph D, of operating an ATV on a public way if he
22 operates an ATV upon any portion of a public way
23 maintained or utilized for the operation of conven-
24 tional motor vehicles or upon the sidewalks of any
25 public way.

26 5. Failing to stop an ATV before entering a
27 public way. A person is guilty of failing to stop an
28 ATV before entering a public way if he fails to bring
29 an ATV to a complete stop before entering a public
30 way.

31 6. Failing to yield right-of-way while operating
32 an ATV. A person is guilty of failing to yield the
33 right-of-way while operating an ATV if he fails to
34 yield the right-of-way to all other types of vehic-
35 ular traffic while operating an ATV on a public way.

36 7. Crossing a closed bridge, culvert, overpass
37 or underpass with an ATV. A person is guilty of
38 crossing a closed bridge, culvert, overpass or under-
39 pass with an ATV if he crosses with an ATV a bridge,
40 culvert, overpass or underpass closed to ATV's by the
41 Commissioner of Transportation. The commissioner

1 may, following a public hearing, prohibit the cross-
2 ing of an individual bridge, culvert, overpass or
3 underpass if he determines that that crossing or use
4 of a public way is hazardous. Any bridge, culvert,
5 overpass or underpass closed by the commissioner
6 shall be posted by appropriate notices.

7 8. Reckless operating on an ATV. A person is
8 guilty of reckless operation of an ATV if he operates
9 any ATV in such a way as to recklessly create a sub-
10 stantial risk of serious bodily injury to another
11 person.

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

20 10. Operating an ATV to endanger. A person is
21 guilty of operating an ATV to endanger if he operates
22 any ATV so as to endanger any person or property.

23 11. Operating an ATV at greater than reasonable
24 and prudent speed. A person is guilty of operating
25 an ATV at greater than a reasonable and prudent speed
26 if he operates any ATV except at a reasonable and
27 prudent speed for the existing conditions.

28 12. Unlawfully operating an ATV while
29 underage. A person is guilty of unlawfully operating
30 an ATV while underage if he is under the age of 14
31 years and operates an ATV across any public way main-
32 tained for travel.

33 13. Permitting an unaccompanied child to operate
34 an ATV. A person is guilty, except as provided in
35 subsection 21, paragraph E, of permitting an unaccom-
36 panied child to operate an ATV if he permits a child
37 under 10 years of age to operate any ATV, unless he
38 is accompanied by an adult.

39 14. Operating an ATV without a muffler. A
40 person is guilty, except as provided in subsection

1 21, paragraph B, of operating an ATV without a muffler if he operates any ATV that is not equipped at
2 all times with an effective and suitable muffling
3 device on its engine to effectively deaden or muffle
4 the noise of the exhaust.
5

6 15. Operating an ATV with insufficient
7 lights. A person is guilty, except as provided in
8 subsection 21, paragraph B, of operating an ATV with
9 insufficient lights if he operates an ATV which is
10 not equipped as follows.

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

15 B. Every ATV shall have mounted on the rear at
16 least one lamp capable of displaying a red light
17 which shall be visible at a distance of at least
18 100 feet behind the ATV.

19 16. Failure to use ATV lights. A person is
20 guilty, except as provided in subsection 21, para-
21 graph B, of failure to use lights if he fails to use
22 the lights required under subsection 15 as follows:

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

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

30 17. Operating an ATV on railroad tracks. A
31 person is guilty of operating an ATV on railroad
32 tracks if he operates any ATV along or adjacent and
33 parallel to the tracks of any railroad within the
34 limits of the railroad right-of-way without written
35 permission from the railroad.

36 18. Operating an ATV in a cemetery. A person is
37 guilty of operating an ATV in a cemetery if he oper-
38 ates any ATV in any cemetery, burial place or burying
39 ground.

1 19. Unlawfully permitting operation. A person
2 is guilty of unlawfully permitting operation of an
3 ATV if he owns an ATV and knowingly permits it to be
4 operated in violation of any section of this subchap-
5 ter.

6 20. Failure to report accident. A person is
7 guilty of failure to report an ATV accident if:

8 A. He is the operator of any ATV involved in any
9 accident resulting in injuries requiring the ser-
10 vices of a physician, in death of any person or
11 in property damage to the estimated amount of
12 \$250 or more; some person acting for such an
13 operator; or the owner of the involved ATV having
14 knowledge of the accident, should the operator of
15 the ATV be unknown; and

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

20 21. Exceptions. The following exceptions apply
21 to an ATV.

22 A. Notwithstanding the provisions of subsection
23 1:

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

29 (2) No registration is required for an ATV
30 operated by a commercial ski area for the
31 purpose of packing snow or for rescue opera-
32 tion thereon, unless the ATV is required to
33 cross a public way during that operation;
34 and

35 (3) ATV's owned and operated in this State
36 by the Federal Government, the State or
37 political subdivision of the State shall be
38 exempt from registration fees, but shall be
39 registered and required to display numbers.

1 B. Notwithstanding subsections 1, 14, 15 and 16,
2 ATV's used exclusively for scheduled racing meets
3 and operated solely on predefined race courses
4 are exempt from the provisions of this subchapter
5 concerning registration, mufflers and lights
6 during the time of operation at these meets and
7 at all prerace practice at the location of the
8 meet.

9 C. Notwithstanding the provisions of subsection
10 2:

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

16 (2) The Commissioner of Transportation may
17 issue special permits for designated cross-
18 ings of controlled access highways.

19 D. Notwithstanding the provisions of subsection
20 4:

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

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

37 (3) ATV's may operate on any portion of
38 public ways when the public way has been
39 closed in accordance with Title 23, section
40 2953;

1 The effective date of July 1, 1984, would allow
2 time for ATV owners to become familiar with the
3 provisions of the bill, and would provide ample
4 opportunity for the department to adopt rules neces-
5 sary to implement this subchapter.

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