

MAINE STATE LEGISLATURE

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1 (New Draft of H.P. 954, L.D. 1235)

2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND ELEVENTH LEGISLATURE
5

6 Legislative Document

No. 1544

7
8 H.P. 1169

House of Representatives, May 4, 1983

9 Reported by Representative MacEachern from the Committee on Fisheries
10 and Wildlife and printed under Joint Rule 2.

11 Original bill sponsored by Representative Brown of Gorham. Cosponsored
by Representative Roberts of Buxton, Representative Allen of Washington and
Representative Jacques of Waterville.

EDWIN H. PERT, Clerk

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-THREE
17

18 AN ACT to Provide for Registration of
19 All-terrain Vehicles.
20

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

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

25 SUBCHAPTER IV

26 ALL-TERRAIN VEHICLES

27 §7851. Definitions

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

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

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

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

22 4. Owner. "Owner," for the purposes of regis-
23 tration, means any person holding title to an ATV.

24 §7852. Application

25 This subchapter shall apply to the operation of
26 ATV's in the State.

27 §7853. License

28 No operator's license is required for the opera-
29 tion of an ATV, except as required by Title 29.

30 §7854. Registration

31 1. Application and issuance. The commissioner,
32 or an agent designated by him, may register and
33 assign a registration number plate to any ATV upon
34 application and payment of an annual fee by the
35 owner. The plate shall be attached securely to the
36 rear of the vehicle and shall be clearly visible.
37 After the first year of registration of the vehicle,
38 the commissioner may issue a validation device which

1 shall be placed on the number plate. A registration
2 shall be valid for one year commencing July 1st of
3 each year.

4 2. No registration required. No ATV registra-
5 tion is required for a vehicle registered with the
6 Secretary of State under the provisions of Title 29.

7 3. Fee. The annual registration fee for an ATV
8 is \$5.

9 4. Allocation of fees. All moneys received
10 under this subchapter shall be credited to the
11 department for the cost of administration and
12 enforcement of this subchapter.

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

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

20 7. Transfer of ownership or discontinuance of
21 use. The following shall apply to the transfer of
22 ownership or discontinuance of use of an ATV.

23 A. Whoever transfers the ownership or perma-
24 rently discontinues the use of a registered ATV
25 and applies for registration of another ATV in
26 the same registration year shall be entitled to a
27 certificate of registration upon payment of a
28 transfer of \$2 and shall not be required to pay
29 the regular registration fee of \$5.

30 B. Whenever ownership is transferred or the use
31 of an ATV for which a registration certificate
32 has already been issued is discontinued, the old
33 registration certificate shall be properly signed
34 and executed by the owner showing that the owner-
35 ship of the ATV has been transferred or its use
36 discontinued and returned to the commissioner
37 within 10 days of the transfer or discontinuance
38 of use.

1 C. If there is a change of ownership of an ATV
2 for which a registration certificate number has
3 previously been issued, the new owner shall apply
4 for a new registration certificate, set forth the
5 original number in the application and pay the
6 regular fee for the particular ATV involved.

7 9. Reciprocity. Reciprocity shall be allowed to
8 nonresidents from all states, provinces, countries or
9 districts which allow similar privileges to residents
10 of this State, provided that they are covered by a
11 valid registration from that state, province, country
12 or district.

13 A. If the ATV is owned by a nonresident but is
14 primarily operated by a Maine resident, it shall
15 be registered under this section.

16 B. Nothing in this subsection may be construed
17 to authorize the operation of any ATV described
18 in any manner contrary to this subchapter.

19 10. Restrictions. The following restrictions
20 apply to the registration of an ATV.

21 A. The registration certificate shall be subject
22 to inspection by any law enforcement officer on
23 demand.

24 B. The registrant shall notify the commissioner
25 if an ATV is destroyed, abandoned, stolen or
26 permanently removed from this State.

27 §7855. Dealer's registration and license

28 1. Application and issuance. Any person who is
29 in the business of selling ATV's in the State shall
30 register as a dealer and secure a dealer's license
31 from the commissioner. Dealers so registered and li-
32 icensed need not register individual ATV's.

33 2. Fees. The dealer's registration and license
34 fee shall be \$10 annually from each July 1st.

35 3. Dealer's number plates. Dealer's plates
36 shall be provided and obtained as follows.

1 A. Each dealer shall receive dealer's number
2 plates for a \$5 fee for each plate.

3 B. Replacement for lost or stolen plates may be
4 obtained for a fee of \$5 for each plate.

5 C. If a number plate is lost or stolen, the
6 owner shall notify the commissioner immediately.

7 D. No dealer registration is required when the
8 dealer is registered under Title 29, section 357.

9 4. Temporary registrations and numbers. The
10 commissioner may issue temporary numbers and regis-
11 trations to bona fide dealers who may, upon the sale
12 or exchange of an ATV, issue them to new owners, in
13 order to allow them to operate ATV's for a period of
14 20 consecutive days, only after the date of sale in
15 lieu of a permanent number as required by this sub-
16 chapter. The fee for each temporary registration is
17 \$1.

18 5. Restrictions. Dealers shall display their
19 dealer's number on each ATV being used until the sale
20 of the ATV's, whereupon it becomes the owner's
21 responsibility to register the ATV.

22 §7856. Operating on land of another

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

26 2. Stop and identify requirement. Any person
27 operating an ATV upon the land of another shall stop
28 and identify himself upon the request of the land-
29 owner or his duly authorized representative. Any
30 person in violation shall be held accountable to the
31 owner under existing laws and the penalty provided in
32 Title 12, section 7901.

33 §7857. Prohibited acts

34 1. Operating an unregistered ATV. A person is
35 guilty, except as provided in subsection 24, para-
36 graphs A and B, of operating an unregistered ATV, if
37 he operates an ATV which is not registered in accor-
38 dance with section 7854.

1 2. Operating an ATV upon a controlled access
2 highway. A person is guilty, except as provided in
3 subsection 24, paragraph C, of operating an ATV upon
4 a controlled access highway, if he operates an ATV
5 upon a controlled access highway or within the right-
6 of-way limits of a controlled access highway.

7 3. Unlawfully operating an ATV on a snowmobile
8 trail. A person is guilty of unlawfully operating a
9 vehicle on a snowmobile trail, if he operates any
10 4-wheel drive vehicle, dune buggy, motorcycle or
11 other motorized vehicle, other than a snowmobile and
12 appurtenant equipment, over the snow on roads and
13 trails maintained for snowmobile use and financed in
14 whole or in part with funds from the Snowmobile Trail
15 Fund, unless that use has been authorized by the
16 landowner or his agent, or unless the use is neces-
17 sitated by an emergency involving safety of persons
18 or property.

19 4. Unlawfully operating an ATV on a private
20 road. A person is guilty of unlawfully operating an
21 ATV on a private road, if he operates an ATV upon any
22 private road after having been forbidden to do so by
23 the owner thereof, the owner's agent or a municipal
24 official, either personally or by appropriate notices
25 posted conspicuously on that road.

26 5. Operating an ATV on a public way. A person
27 is guilty, except as provided in subsection 24, para-
28 graph D, of operating an ATV on a public way, if he
29 operates an ATV upon any portion of a public way
30 maintained or utilized for the operation of conven-
31 tional motor vehicles or upon the sidewalks of any
32 public way.

33 A. This subsection does not apply to ATV's
34 registered with the Secretary of state under
35 Title 29.

36 6. Failing to stop an ATV before entering a
37 public way. A person is guilty of failing to stop an
38 ATV before entering a public way, if he fails to
39 bring an ATV to a complete stop before entering a
40 public way.

1 7. Failing to yield right-of-way while operating
2 an ATV. A person is guilty of failing to yield the
3 right-of-way while operating an ATV, if he fails to
4 yield the right-of-way to all other types of vehic-
5 ular traffic while operating an ATV on a public way.

6 8. Crossing a closed bridge, culvert, overpass
7 or underpass with an ATV. A person is guilty of
8 crossing a closed bridge, culvert, overpass or under-
9 pass with an ATV, if he crosses with an ATV a bridge,
10 culvert, overpass or underpass closed to ATV's by the
11 Commissioner of Transportation. The commissioner
12 may, following a public hearing, prohibit the cross-
13 ing of an individual bridge, culvert, overpass or
14 underpass, if he determines that that crossing or use
15 of a public way is hazardous. Any bridge, culvert,
16 overpass or underpass closed by the commissioner
17 shall be posted by appropriate notices.

18 9. Reckless operating on an ATV. A person is
19 guilty of reckless operation of an ATV, if he oper-
20 ates any ATV in such a way as to recklessly create a
21 substantial risk of serious bodily injury to another
22 person.

23 10. Operating an ATV under the influence. A
24 person is guilty of operating an ATV under the influ-
25 ence, if he operates any ATV while under the influ-
26 ence of intoxicating liquor or drugs. Standards,
27 tests and procedures applicable in determining
28 whether a person is under the influence within the
29 meaning of this section shall be those procedures
30 applicable pursuant to Title 29, sections 1312,
31 1312-B and 1312-C.

32 11. Operating an ATV to endanger. A person is
33 guilty of operating an ATV to endanger, if he oper-
34 ates any ATV so as to endanger any person or prop-
35 erty.

36 12. Operating an ATV at greater than reasonable
37 and prudent speed. A person is guilty of operating
38 an ATV at greater than a reasonable and prudent
39 speed, if he operates any ATV except at a reasonable
40 and prudent speed for the existing conditions.

1 13. Unlawfully operating an ATV while under age.
2 A person is guilty of unlawfully operating an ATV
3 while under age, if he is under the age of 15 years
4 and operates an ATV across any public way maintained
5 for travel.

6 14. Permitting an unaccompanied child to operate
7 an ATV. A person is guilty, except as provided in
8 subsection 24, paragraph E, of permitting an unaccom-
9 panied child to operate an ATV, if he permits a child
10 under 10 years of age to operate any ATV, unless he
11 is accompanied by an adult.

12 15. Operating an ATV without a muffler. A
13 person is guilty, except as provided in subsection
14 24, paragraph B, of operating an ATV without a muf-
15 fler, if he operates any ATV that is not equipped at
16 all times with an effective and suitable muffling
17 device on its engine to effectively deaden or muffle
18 the noise of the exhaust.

19 A. Each ATV shall meet noise omission standards
20 of the United States Environmental Protection
21 Agency and in no case exceed 82 decibels of sound
22 pressure level at 50 feet on the 'A' scale as
23 measured by the SAE standards J-192.

24 B. Each ATV shall be equipped with a working
25 spark arrestor.

26 C. No person may modify the exhaust system of
27 any ATV in any manner which will increase the
28 noise emitted above the emission standard pro-
29 vided in paragraph A.

30 16. Operating an ATV with insufficient lights.
31 A person is guilty, except as provided in subsection
32 24, paragraph B, of operating an ATV with insuffi-
33 cient lights, if he operates an ATV which is not
34 equipped as follows.

35 A. Every ATV shall have mounted on the front at
36 least one headlight capable of casting a white
37 beam for a distance of at least 100 feet directly
38 ahead of the ATV.

1 B. Every ATV shall have mounted on the rear at
2 least one lamp capable of displaying a red light
3 which shall be visible at a distance of at least
4 100 feet behind the ATV.

5 17. Failure to use ATV lights. A person is
6 guilty, except as provided in subsection 24, para-
7 graph B, of failure to use lights, if he fails to use
8 the lights required under subsection 16 as follows:

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

11 B. At any time when, due to insufficient light
12 or unfavorable atmospheric conditions caused by
13 fog or otherwise, other persons, vehicles and
14 other objects are not clearly discernible for a
15 distance of 500 feet ahead.

16 18. Operating an ATV on railroad tracks. A
17 person is guilty of operating an ATV on railroad
18 tracks, if he operates any ATV along or adjacent and
19 parallel to the tracks of any railroad within the
20 limits of the railroad right-of-way without written
21 permission from the railroad.

22 19. Operating an ATV in a cemetery. A person is
23 guilty of operating an ATV in a cemetery, if he oper-
24 ates any ATV in any cemetery, burial place or burying
25 ground.

26 20. Operating too close to certain buildings. A
27 person is guilty, except as provided in subsection
28 24, paragraph F, of operating too close to a dwell-
29 ing, hospital, nursing home, convalescent home or
30 church, if he operates an ATV within 200 feet of any
31 of those buildings.

32 21. Unlawfully permitting operation. A person
33 is guilty of unlawfully permitting operation of an
34 ATV, if he owns an ATV and knowingly permits it to be
35 operated in violation of any section of this subchap-
36 ter.

37 22. Failure to report accident. A person is
38 guilty of failure to report an ATV accident, if:

1 A. He is the operator of an ATV involved in any
2 accident resulting in injuries requiring the ser-
3 vices of a physician, in death of any person or
4 in property damage to the estimated amount of
5 \$200 or more; some person acting for such an
6 operator; or the owner of the involved ATV having
7 knowledge of the accident, should the operator of
8 the ATV be unknown; and

9 B. He fails to give notice of the accident by
10 the quickest means of communication, to a law
11 enforcement officer available nearest to the
12 place where the accident occurred.

13 23. Operating an ATV on crop land or
14 pastureland. A person is guilty of operating an ATV
15 on crop land or pastureland, if he operates an ATV on
16 any crop land or pastureland without the permission
17 of the owner or lessee. As used in this subsection,
18 crop land means acreage in tillage rotation, land
19 being cropped and land in bush fruits. Pastureland
20 means acreage devoted to the production of forage
21 plants used for animal production.

22 24. Exceptions. The following exceptions apply
23 to an ATV.

24 A. Notwithstanding the provisions of subsection
25 1:

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

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

37 (3) ATV's owned and operated in this State
38 by the Federal Government, the State or
39 political subdivision of the State shall be
40 exempt from registration fees, but shall be

1 registered and required to display numbers.

2 B. Notwithstanding subsections 1, 15, 16 and 17,
3 ATV's used exclusively for scheduled racing meets
4 and operated solely on predefined race courses
5 are exempt from the provisions of this subchapter
6 concerning registration, mufflers and lights
7 during the time of operation at these meets and
8 at all prerace practice at the location of the
9 meet.

10 C. Notwithstanding the provisions of subsection
11 2:

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

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

20 D. Notwithstanding the provisions of subsection
21 5:

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

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

38 (3) ATV's may operate on any portion of
39 public ways when the public way has been

1 closed in accordance with Title 23, section
2 2953;

3 (4) ATV's may operate on any portion of a
4 public way not maintained or utilized for
5 the operation of conventional motor vehi-
6 cles, except that operation on the left side
7 of the way shall be prohibited during the
8 hours from sunset to sunrise;

9 (5) ATV's may be operated on streets and
10 public ways during a period of emergency
11 when the emergency has been so declared by a
12 police agency having jurisdiction and when
13 travel by conventional motor vehicles is not
14 practicable; and

15 (6) ATV's may be operated on streets and
16 public ways in special events of limited
17 duration conducted according to a pre-
18 arranged schedule, under a permit from the
19 governmental unit having jurisdiction.

20 E. Notwithstanding subsection 14, that subsec-
21 tion does not apply on land which is owned by the
22 parent or guardian or on land where permission
23 for use has been granted to the parent or
24 guardian.

25 F. Notwithstanding subsection 19, that subsec-
26 tion does not apply in the following situations:

27 (1) When operating on public ways in accor-
28 dance with subsections 5, 6, 7 and 8 and
29 subsection 24, paragraph C;

30 (2) When operating on the frozen surface of
31 any body of water; and

32 (3) When operating on land which the oper-
33 ator owns or is permitted to use.

34 Sec. 2. 14 MRSA §159-A, sub-§1, ¶B, as amended
35 by PL 1979, c. 663, §75, is further amended to read:

36 B. "Recreational or harvesting activities" shall
37 mean means recreational activities conducted out

1 of doors, including hunting, fishing, trapping,
2 camping, hiking, sight-seeing, operation of
3 snow-traveling and all-terrain vehicles, skiing,
4 hang-gliding, boating, sailing, canoeing, rafting
5 or swimming or activities that involve harvesting
6 or gathering forest products. It shall include
7 entry, use of and passage over premises in order
8 to pursue these activities.

9 Sec. 3. Effective date. This Act shall take
10 effect on July 1, 1984.

11 STATEMENT OF FACT

12 This new draft:

13 1. Deletes the exception for vehicles registered
14 under Title 29 from the definition of ATV;

15 2. Changes the word "underway" to "moving;"

16 3. Limits the registration of ATV's to the
17 owners;

18 4. Deletes unnecessary language in the section
19 relating to application of the law;

20 5. Continues the requirement of having an
21 operator's license for ATV's under the jurisdiction
22 of Title 29, for example, motorcycles;

23 6. Adds provisions for a number plate and annual
24 revalidation and adds an exclusion for vehicles
25 registered under Title 29;

26 7. Combines section 7854, subsections 3 and 4;

27 8. Deletes a redundant section relating to a
28 numbering system;

29 9. Deletes a redundant section relating to dis-
30 play of the numbering system;

31 10. Adds the word stolen to ATV-related
32 occurrences which require notice to the commissioner;

- 1 11. Changes the dealer's registration fee from
2 \$25 to \$10;
- 3 12. Provides that dealers may obtain additional
4 plates for \$5 each;
- 5 13. Provides for replacement of lost plates for
6 a \$5 fee;
- 7 14. Provides notice to the commissioner of lost
8 or stolen plates;
- 9 15. Eliminates decal registration for a dealer
10 registered under Title 29;
- 11 16. Provides for temporary plates effective for
12 20 days for a \$1 fee;
- 13 17. Adds the same penalty for failure to stop
14 and identify oneself to the owner of property if on
15 that property without permission, as for other viola-
16 tions of the chapter;
- 17 18. Adds a prohibition from operating on snow-
18 mobile trails maintained by the Snowmobile Trail
19 Fund;
- 20 19. Adds an exception to the prohibition to
21 operate on a public way for vehicles registered under
22 Title 29;
- 23 20. Changes the age requirement for operating an
24 ATV from 14 years to 15 years of age;
- 25 21. Adds standards for noise emissions, requires
26 a spark arrestor and prohibits modifying the exhaust
27 system;
- 28 22. Adds a prohibition for operating closer than
29 200 feet to certain buildings;
- 30 23. Adds a prohibition for operating on crop
31 land and pastureland and includes a definition of
32 those terms;
- 33 24. Changes the dollar limit for reporting an
34 accident from \$250 to \$200;

1 25. Provides for exceptions to the general
2 violation section for operation on ice-covered bodies
3 of water or one's own land; and

4 26. Adds ATV's to the law regarding limited lia-
5 bility for owners, lessees or occupants of premises.

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