

MAINE STATE LEGISLATURE

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L.D. 2229

(Filing No. H-662)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
112TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1583, L.D. 2229, Bill, "AN ACT to Amend the ATV Laws."

Amend the Bill by inserting after section 1 the following:

'Sec. 2. 12 MRSA §7056, sub-§4, as enacted by PL 1985, c. 108, §1, is amended to read:

4. All-terrain vehicle laws. All Bureau of Forestry law enforcement personnel of the State, including those of the Bureau of Forestry, shall have the same powers and duties as game wardens to enforce chapter 715, subchapter IV.'

Further amend the Bill by inserting after section 4 the following:

'Sec. 5. 12 MRSA §7854, sub-§1-A is enacted to read:

1-A. Appointment. The commissioner may appoint municipal clerks or such other persons that a municipality may designate as agents to issue ATV registrations.

Agents may charge a service fee of not more than \$1 for each ATV registration issued and this service fee shall be retained by the municipality. Each municipal agent shall report to the commissioner on or before the 15th day of each calendar month. The report shall include an accounting of all ATV registrations issued during the previous calendar month and shall be accompanied by:

A. The department's copy of each registration issued; and

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1 E. All ATV registration funds collected by the
2 agent during the reporting period.

3 Sec. 6. 12 MRSA §7854, sub-§2, as enacted by PL
4 1983, c. 297, §§1 and 3, is amended to read:

5 2. No registration required. No ATV registration
6 for the farm use specified in Title 29, section 242,
7 subsection 1, paragraph E-1 is required for a vehicle
8 registered with the Secretary of State under the pro-
9 visions of Title 29, section 242, subsection 1, para-
10 graph E.'

11 Further amend the Bill by striking out all of
12 sections 8, 9 and 10 and inserting in their place the
13 following:

14 'Sec. 8. 12 MRSA §7857, sub-§3, as enacted by PL
15 1983, c. 297, §§1 and 3, is repealed and the follow-
16 ing enacted in its place:

17 3. Unlawfully operating an ATV on a snowmobile
18 trail. A person is guilty of unlawfully operating a
19 vehicle on a snowmobile trail, if he operates any
20 4-wheel drive vehicle, dune buggy, ATV, motorcycle or
21 any other motor vehicle, other than a snowmobile and
22 appurtenant equipment, on snowmobile trails which are
23 financed in whole or in part with funds from the
24 Snowmobile Trail Fund, unless that use has been au-
25 thorized by the landowner or his agent, or unless the
26 use is necessitated by an emergency involving safety
27 of persons or property.'

28 Further amend the Bill in section 11 in subsec-
29 tion 13 by adding after the first paragraph a new
30 paragraph to read:

31 'Notwithstanding this subsection, persons over the
32 age of 12 years, who have successfully completed a
33 training course approved by the department pursuant
34 to section 7853, may cross public ways as permitted

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1 under subsection 24, paragraph D, subparagraph (1).'

2 Further amend the Bill by inserting after section
3 14 the following:

4 'Sec. 15. 12 MRSA §7857, sub-§16, as enacted by
5 PL 1983, c. 297, §§1 and 3, is amended to read:

6 16. Operating an ATV with insufficient lights.
7 A person is guilty, except as provided in subsection
8 24, paragraph paragraphs B and E-1, of operating an
9 ATV with insufficient lights, if he operates an ATV
10 which is 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 Further amend the Bill in section 16 in subsec-
20 tion 21 by striking out all of the first sentence and
21 inserting in its place the following:

22 'A person is guilty of unlawfully permitting opera-
23 tion of an ATV, if he owns an ATV and knowingly per-
24 mits it to be which is operated by another person in
25 violation of any section of this subchapter.'

26 Further amend the Bill by striking out all of
27 section 18.

28 Further amend the Bill by inserting after section
29 20 the following:

30 'Sec. 21. 12 MRSA §7857, sub-§24, ¶E-1 is en-
31 acted to read:

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1 E-1. Notwithstanding subsection 16, ATV's manu-
2 factured without a headlight or taillight are ex-
3 empt from the provisions of that subsection while
4 being operated between the hours of sunrise and
5 sunset.

6 Further amend the Bill in section 21 by striking
7 out all of that part designated "§7858." and insert-
8 ing in its place the following:

9 '§7858. Liability for damage by other persons

10 Any owner of an ATV, any person who gives or fur-
11 nishes an ATV to any person and any parent or guardi-
12 an responsible for the care of a minor under 18 years
13 of age shall be jointly and severally liable with the
14 operator for any damages caused in the operation of
15 the vehicle or by this minor in operating any ATV.'

16 Further amend the Bill in section 21 in that part
17 designated "§7859." in the last paragraph by striking
18 out all of the last underlined sentence (page 9,
19 lines 15 to 19 in L.D.).

20 Further amend the Bill by inserting after section
21 23 the following:

22 'Sec. 24. 29 MRSA §242, sub-§1, ¶E, as amended
23 by PL 1973, c. 140, is further amended to read:

24 E. The Secretary of State may issue, upon appli-
25 cation and the payment of a fee of \$2, a special
26 registration permit authorizing the limited oper-
27 ation on the highway of self-propelled golf
28 carts, lawn mowers, ATV's and other such vehicles
29 of a similar nature with such restrictions and
30 limitations as to use as will, in the opinion of
31 the Secretary of State, minimize the danger to
32 the operator thereof. Such special registration
33 permits shall be valid for use until March 1st of
34 the next calendar year. No operator's license
35 shall be required for such limited operation of

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1 said vehicles, and such vehicles shall be exempt
2 from the laws regulating the inspection of motor
3 vehicles. No person under the age of 15 years
4 shall operate such vehicles on a public way.

5 Sec. 25. 29 MRSA §242, sub-§1, ¶E-1 is enacted
6 to read:

7 E-1. Operation of an ATV under paragraph E shall
8 be limited to its use for agricultural purposes
9 in connection with the operation of a farm and
10 shall be restricted to operation from or to the
11 premises where kept, from or to a farm lot and
12 between farm lots, used for farm purposes by the
13 ATV owner.'

14 Further amend the Bill in section 25 under the
15 heading "CONSERVATION, DEPARTMENT OF" in the 5th line
16 (page 10, line 31 in L.D.) by striking out the symbol
17 and figure "\$28,000" and inserting in its place the
18 following: '\$25,000' and in the 8th line (page 10,
19 line 34 in L.D.) by striking out the symbol and fig-
20 ure "\$80,000" and inserting in its place the follow-
21 ing: '\$77,000'

22 Further amend the Bill in section 25 under the
23 heading "INLAND FISHERIES AND WILDLIFE, DEPARTMENT
24 OF" in the 3rd line from the end (page 11, line 2 in
25 L.D.) by striking out the figure "17,000" and insert-
26 ing in its place the figure '25,000' and in the last
27 line (page 11, line 4 in L.D.) by striking out the
28 symbol and figure "\$50,000" and inserting in its
29 place the symbol and figure '\$58,000'

30 Further amend the Bill by renumbering the sec-
31 tions to read consecutively.

32 Further amend the Bill in the Emergency clause in
33 the 3rd line (page 11, line 7 in L.D.) by striking
34 out the following: "3 and 12" and inserting in its
35 place the following: '4, 6 and 13'

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1 Further amend the Bill by adding at the end be-
2 fore the Statement of Fact the following:

3 'FISCAL NOTE

4 The provision of the bill to increase the annual
5 registration fee from \$7 to \$12 will result in an in-
6 crease in dedicated revenue of \$100,000 annually for
7 the Department of Inland Fisheries and Wildlife.'

8 STATEMENT OF FACT

9 This amendment accomplishes the following pur-
10 poses:

11 1. Affirms the fact that all state law enforce-
12 ment officials have the authority and responsibility
13 to enforce the various ATV laws. It is not the intent
14 that enforcement of those laws be given priority over
15 enforcement of other laws, the requirement for whose
16 enforcement may not be specifically mentioned in the
17 law;

18 2. Allows ATV's to be registered in local munic-
19 ipalities at a fee of \$1. This is consistent with re-
20 cently instigated programs for snowmobilers and wa-
21 tercraft;

22 3. Affirms the fact that the Secretary of State
23 may issue special permits allowing the use of ATV's
24 on highways when traveling to or between farm lots in
25 the conduct of farm work. That registration had pre-
26 viously been provided by the Secretary of State but a
27 concern as to its legality arose with the placement
28 of the ATV laws in the Maine Revised Statutes, Title
29 12;

30 4. Eliminates the "affirmative permission" pro-
31 vision of the bill. This provision would have re-
32 quired permission of the landowner before the ATV
33 could be ridden on the owner's land. With the elimi-
34 nation of this provision, the amendment puts back 2

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1 more limited provisions of the current law. One pro-
2 hibits a person from operating his ATV on a private
3 road which is posted against ATV's or on which the
4 owner has forbidden the person to do so. The 2nd pro-
5 hibits operation of an ATV on crop or pasture land
6 without owner's permission;

7 5. Adds ATV to the prohibition on the operation
8 of motor vehicles on snowmobile trails financed by
9 the Snowmobile Trail Fund without the authorization
10 of the person through whose land the trail runs and
11 prohibits this use year round;

12 6. Makes an exception to the provision that per-
13 sons under 15 years of age may not operate an ATV
14 across a public way by allowing such operation if the
15 person has passed an approved training course;

16 7. Holds the owner responsible for the acts of
17 another person while operating the owner's ATV re-
18 gardless of his knowledge that the ATV was being op-
19 erated by this person. In the original bill, knowl-
20 edge of the operation was required;

21 8. Eliminates the requirement that the impound-
22 ing agency pay the costs of ATV impoundment if the
23 owner is found not guilty of the charged offense;

24 9. Further amends the bill by reducing the sala-
25 ry level of the Department of Conservation program
26 administrator to that of the fisheries and wildlife
27 administrator. Allocates the \$3,000 this saves to the
28 Department of Inland Fisheries and Wildlife and adds
29 an additional \$5,000 to defray the \$8,000 cost of the
30 front license plate required by the bill; and

31 10. Adds a fiscal note indicating that the \$5
32 fee increase to \$12 will result in a \$100,000 annual
33 increase in dedicated revenue for the Department of
34 Inland Fisheries and Wildlife.

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