

# MAINE STATE LEGISLATURE

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L.D. 1204

(Filing No. H- 227)

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
114TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 865, L.D. 1204, Bill, "An Act Concerning All-terrain Vehicle Use in State Parks"

Amend the bill by striking out all of the title and inserting in its place the following:

'An Act Concerning All-terrain Vehicle Use in State Parks and on Public Lands'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 12 MRSA §556, sub-§5 is enacted to read:

5. All-terrain vehicles. All-terrain vehicles are prohibited from lands under the care, custody, control or management of the Bureau of Public Lands, except under the following conditions:

A. Persons with camp lot leases within the bureau's holdings may be permitted to traverse those lands on previously established trails between their passenger vehicle or light-truck access point and their camps with 3-wheeled or 4-wheeled all-terrain vehicles for the purpose of carrying supplies back and forth;

B. Persons using all-terrain vehicle trails established by the bureau; and

C. Employees of the bureau or law enforcement personnel.

Sec. 2. 12 MRSA §602, sub-§15, ¶A, as amended by PL 1975, c. 771, §134, is further amended to read:

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15. Maine Trails System.

A. The Director of the Bureau of Parks and Recreation shall establish trails on state-owned lands and encourage the establishment of trails on private lands by governmental agencies and private organizations. Any trails established for all-terrain vehicles on land designated as a state park prior to January 1, 1989, must be approved by the Legislature. The director is authorized to negotiate and acquire such interests as may be necessary to establish and protect trails and, after consultation with interested parties, to designate certain trails as components of the Maine Trails System. In order to satisfy the purposes of this subsection, the elements of any trail corridor shall include a right-of-way and may include buffer areas and facilities. The director may acquire fee or lesser interest, such as scenic easement, in the rights-of-way and less-than-fee interest in buffer areas adjacent to the rights-of-way in order to protect the trails from incompatible developments. In all cases such interest shall be acquired to assure both access to the trail and maintenance of appropriate conditions.

If all reasonable efforts to acquire lands or interests therein by negotiation have failed, and public exigency requires it the director may, with the consent of the Governor, utilize the power of eminent domain to acquire such land as is deemed necessary to provide passage via the most direct or practicable connecting trail right-of-way across such lands; provided, that not more than 25 acres in any one mile may be acquired without consent of the owner and such owner or adjacent landowners shall not be precluded from using motorized vehicles across such trails therein in order to maintain reasonable access to their fee or other interests in land.

The director may enter into agreements with private organizations and governmental agencies to provide for the maintenance of established trails. Local and regional governmental agencies and private organizations are encouraged to assume the primary responsibility for the establishment, maintenance and administration of local trails. The director shall, where necessary, coordinate the efforts of governmental agencies and private organizations to establish, maintain and administer trails which are regional in character.

The director may issue such regulations governing the use of the system as required to maintain the purposes of this subsection and compatibility with federal regulations.

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**Sec. 3. All-terrain vehicle trails on bureau lands.** The Bureau of Public Lands shall evaluate landholdings under their care, custody, control or management for the appropriateness of developing trails for the recreational use of all-terrain vehicles. The bureau shall report to the Joint Standing Committee on Energy and Natural Resources by January 31, 1990, on their progress establishing trails and any findings and recommendations for trails.

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**Sec. 4. Experimental all-terrain vehicle trail.** The Bureau of Parks and Recreation shall conduct a one-year experimental program in 1989 to establish and operate an all-terrain vehicle trail in Mount Blue State Park. The bureau shall evaluate and monitor any environmental degradation, conflicts with recreational uses and adverse impact on the property of adjacent property owners that result from use of the trail and report any findings and recommendations to the Joint Standing Committee of the Legislature on energy and natural resources by January 31, 1990. Funds for this work shall be allocated from the ATV Recreational Management Fund established under the Maine Revised Statutes, Title 12, section 7854, subsection 4.'

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**STATEMENT OF FACT**

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This amendment prohibits all-terrain vehicles from lands under the care of the Bureau of Public Lands except under specific conditions. It also prohibits all-terrain vehicle trails from any state park unless they are specifically approved by the Legislature.

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Section 3 of the amendment requires the Bureau of Public Lands to evaluate its land holdings for the appropriateness of developing recreational trails for all-terrain vehicles.

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Section 4 allows the Bureau of Parks and Recreation to conduct a one-year experimental program for a recreational trail for all-terrain vehicles in Mount Blue State Park.

Reported by the Committee on Energy and Natural Resources  
Reproduced and distributed under the direction of the Clerk of the House  
5/18/89

(Filing No. H-227)