

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

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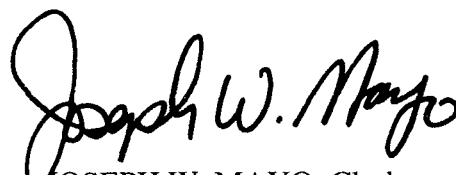
H.P. 97

House of Representatives, January 11, 1999

**An Act to Allow the Use of All-terrain Vehicles on the Extreme Right of
a Public Way.**

(EMERGENCY)

Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative KNEELAND of Easton.
Cosponsored by Senator KIEFFER of Aroostook and
Representatives: BERRY of Livermore, CLARK of Millinocket, CROSS of Dover-Foxcroft,
DUNCAN of Presque Isle, O'NEAL of Limestone, PINKHAM of Lamoine, WHEELER of
Bridgewater.

2 **Emergency preamble. Whereas,** Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4 **Whereas,** the use of ATV's increases in the spring and summer
6 seasons; and

8 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
10 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
12 safety; now, therefore,

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

16 **Sec. 1. 12 MRSA §7857, sub-§24, ¶D,** as amended by PL 1993, c.
26, §1, is further amended to read:

18 D. Notwithstanding the provisions of subsection 5:

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

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

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

40 (4) ATV's may operate on a public way that is not
maintained or utilized for the operation of
42 conventional motor vehicles, except that operation on
the left side of the way is prohibited during the hours
44 from sunset to sunrise;

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

2 (6) ATV's may be operated on streets and public ways
4 in special events of limited duration conducted
6 according to a prearranged schedule, under a permit
8 from the governmental unit having jurisdiction; and

10 (7) An ATV may be operated on a public way on the
12 extreme right of the traveled way by a law enforcement
14 officer for the sole purpose of traveling between the
16 place where the ATV is usually stored and an area to be
18 patrolled by the law enforcement officer; and

20 (8) Notwithstanding subparagraphs (1) to (7), ATV's
22 may be operated on the extreme right of a public way
24 within the built-up portion of a municipality,
26 unorganized or unincorporated township if the
28 appropriate governmental unit has designated the public
30 way as an ATV-access route. A public way designated by
32 an appropriate governmental unit as an ATV-access route
34 must be posted conspicuously at regular intervals by
36 that governmental unit with highly visible signs
38 designating the ATV-access route. Before designating a
public way as an ATV-access route, the appropriate
governmental unit shall make appropriate determinations
that ATV travel on the extreme right of the public way
may be conducted safely and will not interfere with
vehicular traffic on the public way. For purposes of
this subparagraph, "appropriate governmental unit"
means the Department of Transportation, county
commissioners or municipal officers within their
respective jurisdictions. The jurisdiction of each
appropriate governmental unit over public ways pursuant
to this subparagraph is the same as its jurisdiction
over the passage of vehicles on public ways pursuant to
Title 29-A, section 2395. Municipal or county law
enforcement officials having jurisdiction have primary
enforcement authority over any route established under
this subparagraph.

40 **Emergency clause.** In view of the emergency cited in the
42 preamble, this Act takes effect when approved.

44 SUMMARY

46 The purpose of this bill is to allow the operation of ATV's
48 on the extreme right of a public way within the built-up portion
50 of a municipality, unorganized or incorporated township if the
appropriate governmental unit has designated the public way as an
ATV-access route.