

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 77

S.P. 29

In Senate, January 21, 2003

### An Act to Require Permission for an ATV to Cross Private Land

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator KNEELAND of Aroostook.  
Under suspension of the rules, cosponsored by Representative CLARK of Millinocket and Senators: BRYANT of Oxford, STANLEY of Penobscot, YOUNGBLOOD of Penobscot, Representatives: BENNETT of Caribou, JACKSON of Fort Kent, LUNDEEN of Mars Hill, SHERMAN of Hodgdon, WOTTON of Littleton.

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

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Sec. 1. 12 MRSA §7826-A is enacted to read:

**§7826-A. Unlawfully operating motor vehicle on snowmobile trail**

A person is guilty of unlawfully operating a vehicle on a snowmobile trail if that person operates any 4-wheel drive vehicle, dune buggy, motorcycle or other motor vehicle, other than a snowmobile and appurtenant equipment, at any time on snowmobile trails that are financed in whole or in part with funds from the Snowmobile Trail Fund unless that use has been authorized by the landowner or the landowner's agent or unless the use is necessitated by an emergency involving safety of persons or property. Operation of an ATV on such a trail is governed by section 7856.

A person who violates this subsection commits a civil violation for which a forfeiture of not less than \$100 and not more than \$500 may be adjudged.

Sec. 2. 12 MRSA §7856, sub-§3 is enacted to read:

**3. Written permission required.** A person may not operate an ATV upon land of another unless the person has the written permission of the landowner or the landowner's agent or unless the landowner specifically permits the operation of ATVs on the land without written permission. This subsection does not apply to the operation of an ATV on land owned by a federal, state or local governmental entity or on or across a railroad right-of-way. Operation of an ATV on or across a public way is governed by section 7857, subsections 5 and 24. Operation of an ATV on or across a railroad right-of-way is governed by section 7857, subsections 18 and 24.

A person who violates this subsection commits a civil violation for which a forfeiture of not less than \$100 and not more than \$500 may be adjudged.

Sec. 3. 12 MRSA §7857, sub-§3, as amended by PL 2001, c. 289, §1, is repealed.

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

**4. Unlawfully operating ATV on private road.** A person is guilty of unlawfully operating an ATV on a private road, if he that person operates an ATV upon any private road after having been forbidden to do so by the owner thereof, the owner's agent

2 or a municipal official, either personally or by appropriate  
3 notices posted conspicuously on that road. A person operating an  
4 ATV on a private road is also subject to the provisions of  
section 7856, subsection 3.

6 **Sec. 5. 12 MRSA §7857, sub-§23**, as enacted by PL 1983, c. 297,  
7 §§1 and 3, is repealed.

8 **Sec. 6. 12 MRSA §7901-A, sub-§12, ¶C**, as enacted by PL 2001,  
9 c. 421, Pt. B, §88 and affected by Pt. C, §1, is amended by  
10 repealing subparagraph (4).

11 **Sec. 7. 12 MRSA §7901-A, sub-§12, ¶C**, as enacted by PL 2001, c.  
12 421, Pt. B, §88 and affected by Pt. C, §1, is amended by  
13 repealing subparagraph (24).

## 18 SUMMARY

19 This bill prohibits the operation of an ATV on private land  
20 without the written permission of the landowner or landowner's  
21 agent unless the landowner specifically permits ATVs without  
22 written permission. Current law includes a variety of provisions  
23 regarding the operation of an ATV on the land of another. The  
24 bill repeals or modifies these provisions to make the law  
25 consistent with the written-permission requirement. The bill  
26 also moves appropriate penalties into appropriate sections and  
27 repeals the penalties that applied to the provisions of law that  
28 are repealed by the bill.

29 1. Current law prohibits operation of any motor vehicle,  
30 including an ATV, on snowmobile trails financed with funds from  
31 the Snowmobile Trail Fund unless operation has been authorized by  
32 the landowner or the landowner's agent or unless the use is  
33 necessitated by an emergency involving safety of persons or  
34 property. The bill amends the language to cross reference the  
35 written-permission requirement for ATV and moves the amended  
36 provision to a more appropriate section of the law.

37 2. Current law prohibits a person from operating an ATV on  
38 a private road after having been forbidden to do so by the owner  
39 thereof, the owner's agent or a municipal official, either  
40 personally or by appropriate notices posted conspicuously on that  
41 road. The bill adds to this section a cross-reference to the  
42 written-permission requirement to clarify that a person who has  
43 not been forbidden to operate an ATV on the road still must  
44 obtain permission to operate on that road.

45 3. Current law prohibits operation of an ATV on any crop  
46 land or pastureland without the permission of the owner or  
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2 lessee. The bill repeals this provision as it is superseded by  
the broader written-permission requirement.