

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 474

H.P. 366

House of Representatives, February 4, 2003

An Act To Strengthen the ATV Laws of the State

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative TRAHAN of Waldoboro.
Cosponsored by Senator HALL of Lincoln and
Representatives: DAIGLE of Arundel, DUNLAP of Old Town, SNOWE-MELLO of Poland,
Senator: SAVAGE of Knox.

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

2
4 **Sec. 1. 12 MRSA §7854, sub-§3**, as amended by PL 2001, c. 690, Pt. A, §13 and affected by §18, is further amended to read:

6 3. **Fee.** The annual registration fee for an ATV is ~~\$17-fer~~
8 ~~a-resident-and-\$35-fer-a-nonresident~~ \$50.

10 **Sec. 2. 12 MRSA §7854, sub-§4, ¶A**, as amended by PL 2001, c. 690, Pt. A, §14 and affected by §18, is further amended to read:

12 A. ~~After~~ Except as provided in paragraph C, after
14 administrative costs, revenues received under this
16 subchapter are credited as undedicated revenue to the
18 General Fund except that 50% of those revenues is credited
20 to the ATV Recreational Management Fund of the Department of
22 Conservation. The Legislature shall appropriate to the
24 department in each fiscal year an amount equal to the
administrative costs incurred by the department in
collecting revenue under this subsection. Those
administrative costs must be verified by the Department of
Conservation and the Department of Administrative and
Financial Services.

26 The department shall use a portion of the revenue dedicated
28 to the ATV Recreational Management Fund for an ATV law
enforcement grant-in-aid program to assist law enforcement
agencies other than the Bureau of Warden Service.

30 **Sec. 3. 12 MRSA §7854, sub-§4, ¶¶C and D** are enacted to read:

32 C. Thirty-three dollars of each ATV registration must be
34 credited to the ATV Enforcement and Safety Education Fund of
the department.

36 D. The ATV Enforcement and Safety Education Fund, referred
38 to in this paragraph as "the fund," is established and
administered by the department.

40 (1) The fund may be used to enhance the enforcement of
42 ATV laws and to promote education about ATV safety.

44 (2) If any money in the fund is not expended during
46 the year in which it is collected, the unexpended
48 balance may not lapse but must be carried forward.

Sec. 4. 12 MRSA §7854, sub-§5, as enacted by PL 1983, c. 297,
§§1 and 3, is amended to read:

2 **5. Form of registration.** The ATV registration shall must
3 be in such form as the commissioner may determine. The
4 commissioner shall ensure that the registration plate is large
5 enough and displayed in a manner to ensure that the registration
6 number can be easily read.

8 **Sec. 5. 12 MRSA §7854, sub-§9,** as enacted by PL 1983, c. 297,
9 §§1 and 3, is repealed.

10 **Sec. 6. 12 MRSA §7856, sub-§1-A** is enacted to read:

12 **1-A. Written permission required.** A person may not operate
13 on the land of another person without the prior written
14 permission of that landowner. A person who violates this
15 subsection commits a Class E crime.

16 **Sec. 7. 12 MRSA §7857, sub-§4,** as enacted by PL 1983, c. 297,
17 §§1 and 3, is repealed.

18 **Sec. 8. 12 MRSA §7857, sub-§23,** as enacted by PL 1983, c. 297,
19 §§1 and 3, is repealed.

20 **Sec. 9. 12 MRSA §7857, sub-§23-A** is enacted to read:

21 **23-A. Property damage.** An ATV operator who causes damage
22 to the land or property of another person is liable to that land
23 or property owner for treble damages.

24 **Sec. 10. 12 MRSA §7901-A, sub-§12, ¶C,** as enacted by PL 2001,
25 c. 421, Pt. B, §88 and affected by Pt. C, §1, is amended to read:

26 C. Chapter 715, subchapter IV 4 violations:

27 (1) Operating an unregistered ATV as described in
28 section 7857, subsection 1;

29 (2) Failure to display ATV registration numbers as
30 described in section 7857, subsection 1-A;

31 (3) Operating an ATV upon a controlled access highway
32 as described in section 7857, subsection 2;

33 (4) Unlawfully operating an ATV on a snowmobile trail
34 as described in section 7857, subsection 3;

35 ~~(5) -- Unlawfully operating an ATV on a private road as~~
36 ~~described in section 7857, subsection 4;~~

- 2 (6) Operating an ATV on a public way as described in
section 7857, subsection 5;
- 4 (7) Failure to stop an ATV before entering a public
way as described in section 7857, subsection 6;
- 6 (8) Failure to yield the right-of-way while operating
8 an ATV as described in section 7857, subsection 7;
- 10 (9) Crossing a closed bridge, culvert, overpass or
underpass with an ATV as described in section 7857,
12 subsection 8;
- 14 (10) Operating an ATV while under age as described in
section 7857, subsection 13;
- 16 (11) Operating an ATV without certificate of training
18 as described in section 7857, subsection 13-A;
- 20 (12) Operating an ATV without protective headgear as
described in section 7857, subsection 13-B;
- 22 (13) Carrying a passenger on an ATV without headgear as
24 described in section 7857, subsection 13-C;
- 26 (14) Permitting an unaccompanied child to operate an
ATV as described in section 7857, subsection 14;
- 28 (15) Permitting a child under 10 years of age to
30 operate an ATV as described in section 7857, subsection
14-A;
- 32 (16) Operating an ATV without a muffler as described
34 in section 7857, subsection 15;
- 36 (17) Operating an ATV with insufficient lights as
described in section 7857, subsection 16;
- 38 (18) Failure to use ATV lights as described in section
40 7857, subsection 17;
- 42 (19) Unlawfully operating an ATV on railroad tracks as
described in section 7857, subsection 18;
- 44 (20) Operating an ATV too close to certain buildings
46 as described in section 7857, subsection 20;
- 48 (21) Unlawfully permitting operation of ATV as
described in section 7857, subsection 21;
- 50

2 (22) Failure to report an ATV accident as described in
section 7857, subsection 22;

4 (23) Operating an ATV in a prohibited area as
described in section 7857, subsection 22-A; and

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8 ~~(24) -- Operating an ATV on cropland or pastureland as
described in section 7857, subsection 23; and~~

10 (25) Selling an ATV without lights as described in
section 7857, subsection 25.

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SUMMARY

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This bill raises ATV registration fees to \$50 and dedicates
the increase to ATV enforcement and safety education. The bill
18 requires the Department of Inland Fisheries and Wildlife to
ensure that registration plates are displayed in a manner that
20 will allow for easy identification of registration numbers and
repeals the ATV registration reciprocity law. The bill also
22 requires ATV operators to get prior written permission to operate
an ATV on the land of another and provides treble damages to a
24 land or property owner whose property is damaged by use of an ATV.