

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 854

H.P. 631

House of Representatives, February 20, 2003

An Act To Amend the Laws Governing the Operation of All-terrain Vehicles

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative LANDRY of Sanford.
Cosponsored by Representatives: BOWLES of Sanford, COURTNEY of Sanford,
DUPLESSIE of Westbrook, JACKSON of Fort Kent, LORING of the Penobscot Nation,
McLAUGHLIN of Cape Elizabeth, WHEELER of Kittery, Senator: CARPENTER of York.

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

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

6 3. **Fee.** The annual registration fee for an ATV is ~~\$17~~ **\$25**
7 for a resident and \$35 for a nonresident. The annual
8 registration fee for a resident who belongs to an ATV club or
9 organization is \$20.

10 **Sec. 2. 12 MRSA §7856, sub-§2**, as amended by PL 2001, c. 421,
12 Pt. B, §85 and affected by Pt. C, §1, is further amended to read:

14 2. **Stop and identify requirement.** A person operating an
15 ATV upon the land of another shall may not fail to stop and
16 identify the--person such operator upon the request of the
17 landowner or the landowner's duly authorized representative. A
18 ~~person in violation must be held accountable to the owner under~~
19 ~~existing--laws--and--the--penalty--provided--in--Title--12--section~~
20 ~~7901-A who violates this subsection commits a Class E crime.~~

22 **Sec. 3. 12 MRSA §7857, sub-§1**, as enacted by PL 1983, c. 297,
23 §§1 and 3, is repealed and the following enacted in its place:

24 1. **Operating unregistered ATV.** Except as provided in
25 subsection 24, paragraphs A and B, a person may not operate an
26 ATV that is not registered in accordance with section 7854.

28 A person who violates this subsection commits a Class E crime.

30 **Sec. 4. 12 MRSA §7857, sub-§2**, as enacted by PL 1983, c. 297,
32 §§1 and 3, is amended to read:

34 2. **Operating ATV upon controlled access highway.** ~~A person~~
35 ~~is guilty,--except~~ Except as provided in subsection 24, paragraph
36 C, ~~of operating an ATV upon a controlled access highway,--if he~~
37 ~~operates~~ a person may not operate an ATV upon a controlled access
38 highway or within the right-of-way limits of a controlled access
39 highway.

40 A person who violates this subsection commits a Class E crime.

42 **Sec. 5. 12 MRSA §7857, sub-§3**, as amended by PL 2001, c. 289,
44 §1, is further amended to read:

46 3. **Unlawfully operating ATV on snowmobile trail.** A person
47 ~~is guilty of unlawfully operating a vehicle on a snowmobile trail~~
48 ~~if--that--person--operates--any~~ may not operate a 4-wheel drive
49 vehicle, dune buggy, ATV, motorcycle or any other motor vehicle,
50 other than a snowmobile and appurtenant equipment, at any time on
snowmobile trails that are financed in whole or in

2 part with funds from the Snowmobile Trail Fund, unless that use
has been authorized by the landowner or the landowner's agent or
4 unless the use is necessitated by an emergency involving safety
of persons or property.

6 A person who violates this subsection commits a Class E crime.

8 **Sec. 6. 12 MRSA §7857, sub-§4**, as enacted by PL 1983, c. 297,
§§1 and 3, is amended to read:

10 **4. Unlawfully operating ATV on private road.** A person is
12 ~~guilty of unlawfully operating an ATV on a private road, if he~~
operates may not operate an ATV upon any private road after
14 having been forbidden to do so by the owner thereof, the owner's
agent or a municipal official, either personally or by
16 appropriate notices posted conspicuously on that road.

18 A person who violates this subsection commits a Class E crime.

20 **Sec. 7. 12 MRSA §7857, sub-§5**, as amended by PL 1995, c. 65,
Pt. A, §34 and affected by §153 and Pt. C, §15, is further
22 amended to read:

24 **5. Operating ATV on public way.** ~~A person is guilty, except~~
26 Except as provided in subsection 24, paragraph D, ~~of operating a~~
person may not operate an ATV on a ~~public way, if he operates an~~
ATV ~~upon~~ any portion of a public way maintained or utilized for
28 the operation of conventional motor vehicles or upon the
sidewalks of any public way.

30 A. This subsection does not apply to ATV's registered with
32 the Secretary of State under Title 29-A.

34 B. A person who violates this subsection commits a Class E
crime.

36 **Sec. 8. 12 MRSA §7857, sub-§23**, as enacted by PL 1983, c. 297,
38 §§1 and 3, is amended to read:

40 **23. Operating ATV on cropland or pastureland.** A person is
42 ~~guilty of operating an ATV on crop land or pastureland, if he~~
operates may not operate an ATV on ~~any crop land~~ cropland or
44 pastureland without the permission of the owner or lessee. As
used in this subsection, ~~erep-land~~ "cropland" means acreage in
46 tillage rotation, land being cropped and land in bush fruits.
"Pastureland" means acreage devoted to the production of forage
48 plants used for animal production.

50 A person who violates this subsection commits a Class E crime.

2 **Sec. 9. 12 MRSA §7859, first ¶**, as enacted by PL 1985, c. 762,
§23, is amended to read:

4 When a law enforcement officer issues a summons for a
6 violation under this subchapter, the officer may impound the ATV
operated by the person who received the summons if, in the
8 judgment of the officer, based on actual previous offenses by the
operator or other considerations, the operator will continue to
10 operate the vehicle in violation and such operation may be a
hazard to the safety of persons or property. A law enforcement
12 officer may impound an ATV used in violation of section 7857,
subsections 1 to 5 or 23 based solely on that violation.

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

16 C. Chapter 715, subchapter IV 4 violations:

18 ~~(1)---Operating--an--unregistered--ATV--as--described--in~~
20 ~~section-7857,-subsection-1;~~

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

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

28 ~~(4)---Unlawfully--operating--an--ATV--on--a--snowmobile--trail~~
30 ~~as--described--in--section-7857,-subsection-3;~~

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

36 ~~(6)---Operating--an--ATV--on--a--public--way--as--described--in~~
38 ~~section-7857,-subsection-5;~~

40 (7) Failure to stop an ATV before entering a public
way as described in section 7857, subsection 6;

42 (8) Failure to yield the right-of-way while operating
an ATV as described in section 7857, subsection 7;

44 (9) Crossing a closed bridge, culvert, overpass or
underpass with an ATV as described in section 7857,
46 subsection 8;

48 (10) Operating an ATV while under age as described in
section 7857, subsection 13;

- 2 (11) Operating an ATV without certificate of training
as described in section 7857, subsection 13-A;
- 4 (12) Operating an ATV without protective headgear as
described in section 7857, subsection 13-B;
- 6 (13) Carrying a passenger on an ATV without headgear as
8 described in section 7857, subsection 13-C;
- 10 (14) Permitting an unaccompanied child to operate an
ATV as described in section 7857, subsection 14;
- 12 (15) Permitting a child under 10 years of age to
14 operate an ATV as described in section 7857, subsection
14-A;
- 16 (16) Operating an ATV without a muffler as described
18 in section 7857, subsection 15;
- 20 (17) Operating an ATV with insufficient lights as
described in section 7857, subsection 16;
- 22 (18) Failure to use ATV lights as described in section
24 7857, subsection 17;
- 26 (19) Unlawfully operating an ATV on railroad tracks as
described in section 7857, subsection 18;
- 28 (20) Operating an ATV too close to certain buildings
30 as described in section 7857, subsection 20;
- 32 (21) Unlawfully permitting operation of ATV as
described in section 7857, subsection 21;
- 34 (22) Failure to report an ATV accident as described in
36 section 7857, subsection 22;
- 38 (23) Operating an ATV in a prohibited area as
described in section 7857, subsection 22-A; and
- 40 ~~(24) -- Operating an ATV on cropland or pastureland as~~
42 ~~described in section 7857, subsection 23, and~~
- 44 (25) Selling an ATV without lights as described in
46 section 7857, subsection 25.

Sec. 11. Appointment of additional game wardens. In accordance with the Maine Revised Statutes, Title 12, section 7051, the Commissioner of Inland Fisheries and Wildlife shall

2 appoint one additional game warden for each warden division based
on 2002 staffing levels.

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SUMMARY

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This bill:

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10 1. Makes certain civil violations involving ATVs Class E
crimes;

12 2. Allows the impoundment of an ATV for certain violations
based solely on those violations;

14

16 3. Increases the resident registration fee for ATVs to \$25,
unless that person belongs to an ATV club or organization, in
which case the fee is \$20; and

18

20 4. Requires the Commissioner of Inland Fisheries and
Wildlife to appoint an additional game warden for each warden
division of the State.

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