

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 336

H.P. 259

House of Representatives, January 20, 2005

An Act To Lower the Minimum Age for Operating an All-terrain Vehicle to 14 Years of Age

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative JACKSON of Fort Kent.
Cosponsored by Senator BRYANT of Oxford and
Representatives: BRYANT of Windham, LUNDEEN of Mars Hill, PATRICK of Rumford,
RICHARDSON of Carmel, SMITH of Van Buren, WATSON of Bath, Senator: PERRY of
Penobscot.

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

2
4 **Sec. 1. 12 MRSA §13152, sub-§2**, as affected by PL 2003, c.
6 614, §9; repealed and replaced by c. 655, Pt. B, §401 and
8 affected by §422; and repealed and replaced by c. 695, Pt. B, §10
10 and affected by Pt. C, §1, is repealed and the following enacted
12 in its place:

14 **2. Training.** A person over 9 years of age and under 14
16 years of age must successfully complete a training program
18 approved by the department prior to operating an ATV except on:

20 A. Land on which that person is domiciled;

22 B. Land owned or leased by that person's parent or guardian;

24 C. A safety training site approved by the department; or

26 D. Land where permission for the use has been granted to the
28 person's parent or guardian.

30 A person under 14 years of age must attend the training program
32 with that person's parent or guardian. The training program must
34 include instruction on the safe operation of ATVs, the laws
36 pertaining to ATVs, the effect of ATVs on the environment and
38 ways to minimize that effect, courtesy to landowners and other
40 recreationists and landowners and other materials as determined
42 by the department.

44 **Sec. 2. 12 MRSA §13154-A, sub-§§3 to 5**, as enacted by PL 2003,
46 c. 655, Pt. B, §404 and affected by §422 and enacted by c. 695,
48 Pt. B, §12 and affected by Pt. C, §1, are amended to read:

50 **3. Unlawfully operating ATV by person 10 to under 14 years**
52 **of age.** Except as provided in subsection 6, a person 10 years of
54 age or older but under ~~16~~ 14 years of age may not operate an ATV
56 unless that person has successfully completed a training course
58 approved by the department pursuant to section 13152 and is
60 accompanied by an adult.

62 A. A person who violates this subsection commits a civil
64 violation for which a fine of not less than \$100 nor more
66 than \$500 may be adjudged.

68 B. A person who violates this subsection after having been
70 adjudicated as having committed 3 or more civil violations
72 under this Part within the previous 5-year period commits a
74 Class E crime.

2 **4. Person under 14 years of age crossing public way.** A
person under ~~16~~ 14 years of age may not cross a public way
4 maintained for travel unless the crossing is in accordance with
section 13157-A, subsection 6, paragraph A and the person
satisfies the requirements of subsection 3.

6
8 A. A person who violates this subsection commits a civil
violation for which a fine of not less than \$100 nor more
than \$500 may be adjudged.

10
12 B. A person who violates this subsection after having been
adjudicated as having committed 3 or more civil violations
14 under this Part within the previous 5-year period commits a
Class E crime.

16 **5. Permitting unaccompanied person under 14 years of age to**
operate ATV. Except as provided in subsection 6, a person may
18 not permit an unaccompanied person 10 years of age or older but
under ~~16~~ 14 years of age to operate an ATV.

20
22 A. A person who violates this subsection commits a civil
violation for which a fine of not less than \$100 nor more
than \$500 may be adjudged.

24
26 B. A person who violates this subsection after having been
adjudicated as having committed 3 or more civil violations
28 under this Part within the previous 5-year period commits a
Class E crime.

30 **Sec. 3. 12 MRSA §13154-A, sub-§6, ¶B,** as enacted by PL 2003,
c. 655, Pt. B, §404 and affected by §422 and enacted by c. 695,
32 Pt. B, §12 and affected by Pt. C, §1, is amended to read:

34 B. Land owned or leased by the operator's parent or
guardian; ~~or~~

36 **Sec. 4. 12 MRSA §13154-A, sub-§6, ¶C,** as enacted by PL 2003,
38 c. 655, Pt. B, §404 and affected by §422 and enacted by c. 695,
Pt. B, §12 and affected by Pt. C, §1, is repealed and the
40 following enacted in its place:

42 C. A safety training site approved by the department; or

44 **Sec. 5. 12 MRSA §13154-A, sub-§6, ¶D** is enacted to read:

46 D. Land where permission for use has been granted to the
operator's parent or guardian.

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SUMMARY

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4 This bill lowers the minimum age for operating an ATV from
6 16 years of age to 14 years of age. It also corrects conflicts
 created by Public Law 2003, chapters 655 and 695, which affected
 the same provisions of law, by incorporating the changes made by
 both laws.