

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 940

H.P. 659

House of Representatives, February 22, 2005

An Act To Amend the Law Pertaining to All-terrain Vehicle Violations

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative JOY of Crystal. (BY REQUEST)
Cosponsored by Representatives: LINDELL of Frankfort, VAUGHAN of Durham.

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

Sec. 1. 12 MRSA §10902, sub-§9, as corrected by RR 2003, c. 2, §19, is amended to read:

9. **Suspension for certain ATV violations; training.** The commissioner shall ~~suspend all licenses and permits~~ may suspend all licenses, permits and registrations issued by the department pursuant to this Part and ~~may suspend any registration issued pursuant to subpart 6 of this Part~~ to any person convicted or adjudicated of:

A. Operating an ATV on a temporarily closed trail as prohibited under section 13157, subsection 5-A;

B. Abuse of another person's property as prohibited under section 13157, subsection 22;

C. Operating an ATV under the influence under 21 years of age, as prohibited under section 10701, subsection 1-A, paragraph D, subparagraph (3);

D. Operating an ATV to endanger, as prohibited under section 13157, subsection 11;

E. Reckless operation of an ATV, as prohibited under section 13157, subsection 10; or

~~F. Operating an ATV on the land of another without permission, as prohibited under section 13157, subsection 1-A, or~~

G. Failure or refusal to stop an ATV or attempting to elude an officer, as prohibited under section 10651, subsection 1, paragraphs D and E.

The commissioner shall reinstate licenses, permits and registrations that have been suspended pursuant to this subsection only if the person satisfactorily completes, in accordance with procedures established by the commissioner by rule, a training program approved by the department relating to safety and ethics in the operation of ATVs. The costs of this training program are borne by the person undertaking the training. The commissioner shall establish by rule the procedures for completion of mandatory training pursuant to this subsection. A person who satisfactorily completes a training program approved by the department pursuant to this subsection is deemed to have satisfied the outdoor ethics training course requirements established under section 10903. Rules adopted

2 pursuant to this subsection are routine technical rules as
3 defined in Title 5, chapter 375, subchapter 2-A.

4 **Sec. 2. 12 MRSA §13157, sub-§1-A**, as repealed by PL 2003, c.
5 655, Pt. B, §413 and affected by §422 and enacted by c. 695, Pt.
6 B, §16 and affected by Pt. C, §1, is repealed.

8 **Sec. 3. 12 MRSA §13157-A, sub-§1**, as enacted by PL 2003, c.
9 655, Pt. B, §414 and affected by §422, is repealed and the
10 following enacted in its place:

12 **1. Permission required.** A person may not operate an ATV on
13 the land of another without the permission of the landowner or
14 lessee. Written permission of the landowner or lessee is
15 required on cropland or pastureland or in an orchard. As used in
16 this subsection, "cropland" means acreage in tillage rotation,
17 land being cropped and land in bush fruits, and "pastureland"
18 means acreage devoted to the production of forage plants used for
19 animal production. Landowner permission is presumed on ATV
20 trails that are conspicuously posted or in areas open to ATVs by
21 landowner policy.

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

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

32 SUMMARY

34 This bill makes the following changes to the laws governing
35 all-terrain vehicle, ATV, violations.

38 1. Under current law, the Commissioner of Inland Fisheries
39 and Wildlife is required to suspend licenses and permits of a
40 person convicted of certain ATV violations. This bill eliminates
41 the requirement of suspension and instead allows the commissioner
42 to suspend the licenses and permits of such a person.

44 2. It eliminates operating an ATV on the land of another
45 without permission as one of the ATV violations warranting
46 suspension of licenses, permits and registrations.

48 3. It restructures language regarding the presumption of
permission for the operation of ATVs on private land.