

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 1300

H.P. 897

House of Representatives, March 15, 2005

### An Act To Create the ATV Trail Advisory Council

(EMERGENCY)

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative MOODY of Manchester.  
Cosponsored by Representative: SAVIELLO of Wilton.

2           **Emergency preamble.** Whereas, acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
as emergencies; and

4           Whereas, the laws regulating ATVs are in effect; and

6           Whereas, there is no one to assist the ATV operators in  
8           establishing trails to be used for ATVs; and

10          Whereas, it is necessary to have this legislation be an  
emergency so that trails may be established as soon as possible;  
12          and

14          Whereas, in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
16          Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
18          safety; now, therefore,

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

22                 **Sec. 1. 5 MRSA §12004-I, sub-§3-C** is enacted to read:

24	<u>3-C.</u>	<u>ATV Trail</u>	<u>Expenses</u>	<u>12 MRSA</u>
	<u>Conservation</u>	<u>Advisory</u>	<u>for Non-</u>	<u>§1893-C</u>
26		<u>Council</u>	<u>salaried and</u>	
			<u>Nonpaid Public</u>	
28			<u>Members Only</u>	

30                 **Sec. 2. 12 MRSA §1893-C** is enacted to read:

32                 **§1893-C. ATV Trail Advisory Council established**

34                 **1. Appointment and composition.** The ATV Trail Advisory  
Council, referred to in this section as "the advisory council"  
36                 and established by Title 5, section 12004-I, subsection 3-C,  
consists of 11 members. The director or the director's designee  
38                 serves as an ex officio member and may vote only to break a tie.  
The other 10 members are appointed by the commissioner as follows:

40                 A. Three members who represent ATV clubs that are ATV  
42                 Recreational Management Fund grantees;

44                 B. Three members who represent municipal ATV Recreational  
46                 Management Fund grantees;

48                 C. Two members who represent a statewide organization with  
an interest in operating ATVs;

50                 D. One member who represents ATV business interests; and

2           E. One member who represents landowner interests.

4           2. Terms. Members of the advisory council serve for 3  
6 years, except that initially the members appointed under  
8 subsection 1, paragraphs A, B and C shall draw lots for 2-year or  
10 3-year terms. Members continue serving until a successor is duly  
12 appointed and qualified. A member may not serve more than 2  
14 consecutive 3-year terms. When a vacancy occurs, the  
16 commissioner shall fill the vacancy by appointing a member from  
the same category as the member who vacated the advisory council  
and that member continues to serve for the remainder of the  
term. An employee of the department may not serve as a member of  
the advisory council prior to the expiration of one year from the  
employee's last day of employment with the department. A  
Legislator may not serve as a member of the advisory council.

18           3. Compensation. Advisory council members are entitled to  
20 reasonable expenses as provided in Title 5, chapter 379, as  
approved by the director.

22           4. Duties. The advisory council shall provide to the  
24 director advice and information on the management of the ATV  
Recreational Management Fund, including, but not limited to:

26           A. The annual establishment of reimbursement rates for ATV  
28 club trail grants, municipal ATV trail grants and capital  
equipment grants; and

30           B. Expenditures that are over \$30,000 for ATV activities  
32 pursuant to section 1893 and are not part of the regular  
grant program.

34           5. Chair; vice-chair. The advisory council shall, during  
36 its meeting in August, elect one of its appointed members as  
chair and one of its appointed members as vice-chair for one-year  
terms.

38           6. Meetings. The advisory council shall hold meetings in  
40 August and February. The advisory council may also meet at other  
42 times at the call of the chair or the director or the director's  
designee.

44           7. Public meetings; public comment. All meetings of the  
46 advisory council are open to the public and must be held in a  
48 location that is convenient for public access. Public comment  
must be accepted at meetings of the advisory council. Comments  
may be restricted to subjects before the advisory council at the  
meeting and consistent with any applicable requirements and  
50 limitations of the Maine Administrative Procedure Act.

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8. Public notice. Public notice of all advisory council meetings must be in accordance with Title 1, section 406.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

**SUMMARY**

This bill creates the ATV Trail Advisory Council.