

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 1922

S.P. 722

In Senate, January 4, 2006

An Act To Amend the Laws Governing All-terrain Vehicles

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GAGNON of Kennebec.
Cosponsored by Representative CRAVEN of Lewiston and
Senator: BRYANT of Oxford.

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

4 **Sec. 1. 12 MRSA §13157-A, sub-§1-A**, as enacted by PL 2005, c.
397, Pt. E, §21, is amended to read:

6 **1-A. Permission required.** A Except as provided in
7 subsection 1-B, a person may not operate an ATV on the land of
8 another without the permission of the landowner or lessee.
9 Permission is presumed on ATV trails that are conspicuously
10 posted or in areas open to ATVs by landowner policy. Written
11 permission of the landowner or lessee is required on cropland or
12 pastureland or in an orchard. As used in this subsection,
13 "cropland" means acreage in tillage rotation, land being cropped
14 and land in bush fruits and "pastureland" means acreage devoted
15 to the production of forage plants used for animal production.

16
17 A. A person who violates this subsection commits a civil
18 violation for which a fine of not less than \$100 or more
19 than \$500 may be adjudged.

20
21 B. A person who violates this subsection after having been
22 adjudicated of having committed 3 or more civil violations
23 under this Part within the previous 5-year period commits a
24 Class E crime.

26 **Sec. 2. 12 MRSA §13157-A, §1-B** is enacted to read:

28 1-B. Permission not required. A person may operate an ATV
29 on the land of another without the permission of the landowner or
30 lessee if the person has a deeded right-of-way to the land and
31 that person is obligated to maintain the right-of-way.

34 **SUMMARY**

36 Under current law, a person may not operate an ATV on the
37 land of another without the express permission of the landowner
38 or lessee. This bill enacts an exception to that requirement for
39 a situation in which the person has a deeded right-of-way to the
40 land and that person is obligated to maintain the right-of-way.