

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)

DATE:

4/4/6

(Filing No. H- 947)

INLAND FISHERIES AND WILDLIFE

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1453, L.D. 2057, Bill, "An Act To Implement the Recommendations of the ATV Trail Advisory Council"

Amend the bill by striking out all of sections 1 to 5 and inserting in their place the following:

Sec. 1. 12 MRSA §10902, sub-§9, as amended by PL 2005, c. 477, §3, is further amended to read:

9. Discretionary suspension for certain ATV violations; training. The commissioner shall may suspend all licenses and 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-A, subsection 24; or

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

~~C. Operating an ATV under the influence as prohibited under section 10701, subsection 1-A, paragraph D;~~

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

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

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

~~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.~~

If the commissioner suspends a license, permit or registration
pursuant to this subsection, the suspension must be for at least
90 days. The commissioner shall reinstate licenses, permits and
registrations that have been suspended pursuant to this
subsection only-if after the period of suspension has elapsed and
after 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 pursuant to this
subsection are routine technical rules as defined in Title 5,
chapter 375, subchapter 2-A.

Sec. 2. 12 MRSA §10902, sub-§10 is enacted to read:

10. Mandatory suspension for certain ATV violations. The
commissioner shall suspend for at least one year all licenses,
permits and registrations issued by the department pursuant to
this Part to any person convicted or adjudicated of:

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

B. Operating an ATV under the influence as prohibited under
section 10701, subsection 1-A, paragraph D;

C. Operating an ATV to endanger, as prohibited under section
13157-A, subsection 11;

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

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

The commissioner shall reinstate licenses, permits and registrations that have been suspended pursuant to this subsection after the period of suspension has lapsed and after that person has successfully completed an ATV safety and ethics course as provided in subsection 9.'

Further amend the bill by inserting after section 7 the following:

'Sec. 8. Appropriations and allocations. The following appropriations and allocations are made.

CONSERVATION, DEPARTMENT OF

Off-road Recreational Vehicles Program 0224

Initiative: Allocates funds to establish 4 part-time Recreational Trail Coordinator positions and necessary operating expenses.

OTHER SPECIAL REVENUE FUNDS	2005-06	2006-07
POSITIONS - LEGISLATIVE COUNT	0.000	4.000
Personal Services	\$0	\$104,556
All Other	\$0	\$8,400
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$112,956'

Further amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment does the following:

1. It removes provisions from the bill regarding ATV registration fees;

2. It removes provisions of the bill that amended the law regarding the training and age requirements for operating an ATV;

3. It gives the Commissioner of Inland Fisheries and Wildlife the discretion to suspend all licenses, permits and registrations issued under the Maine Revised Statutes, Title 12, Part 13 for operating an ATV on a temporarily closed trail or on the land of another without permission. If licenses and

COMMITTEE AMENDMENT "A" to H.P. 1453, L.D. 2057

registrations are suspended, it must be for a period of at least 90 days;

4. It requires the Commissioner of Inland Fisheries and Wildlife to suspend for at least one year all licenses, permits and registrations issued pursuant to Title 12, Part 13 for ATV violations involving the abuse of another's property, operating an ATV under the influence under 21 years of age, operating an ATV to endanger, the reckless operation of an ATV or failing to stop for an officer; and

5. It creates 4 part-time positions in the Department of Conservation to help with ATV club and trail development and landowner communications.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT

**122nd MAINE LEGISLATURE****LD 2057****LR 3216(02)****An Act To Implement the Recommendations of the ATV Trail Advisory Council****Fiscal Note for Bill as Amended by Committee Amendment "A"****Committee: Inland Fisheries and Wildlife****Fiscal Note Required: Yes**

Fiscal Note

	2005-06	2006-07	Projections 2007-08	Projections 2008-09
Appropriations/Allocations				
Other Special Revenue Funds	\$0	\$112,956	\$123,260	\$128,774

Fiscal Detail and Notes

The bill includes an Other Special Revenue Funds allocation of \$112,956 in fiscal year 2006-07 for the Off-Road Recreational Vehicles Program within the Department of Conservation to establish 4 Recreational Trail Coordinator positions and to provide necessary operational costs.

The Department of Inland Fisheries and Wildlife can administer certain changes regarding ATV license suspensions within existing budgeted resources.