

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 2057

H.P. 1453

House of Representatives, March 9, 2006

An Act To Implement the Recommendations of the ATV Trail Advisory Council

Reported by Representative WATSON of Bath for the Joint Standing Committee on Inland Fisheries and Wildlife pursuant to Joint Order 2005, H.P. 1441.

Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed under Joint Rule 218.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

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

Sec. 1. 12 MRSA §10902, sub-§9, as amended by PL 2005, c. 397, Pt. E, §3, is further amended to read:

9. Suspension for certain ATV violations; training. The commissioner shall ~~may~~ suspend for at least one year all licenses and permits 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;

B. Abuse of another person's property as prohibited under section 13157-A, 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-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; 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 pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

2 **Sec. 2. 12 MRSA §13152, sub-§2**, as repealed and replaced by PL
2005, c. 397, Pt. E, §17, is amended to read:

4
6 **2. Training.** A person over 9 years of age and under ~~16~~ 19
years of age must successfully complete a training program
approved by the department prior to operating an ATV except on:

8 A. Land on which that person is domiciled;

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

14 C. A safety training site approved by the department.

16 A person under 16 years of age must attend the training program
with that person's parent or guardian. The training program must
18 include instruction on the safe operation of ATVs, the laws
pertaining to ATVs, the effect of ATVs on the environment and
20 ways to minimize that effect, courtesy to landowners and other
recreationists and landowners and other materials as determined
22 by the department.

24 **Sec. 3. 12 MRSA §13154-A, sub-§2-A** is enacted to read:

26 **2-A. Unlawfully operating ATV by person 10 to under 14**
years of age. Except as provided in subsection 6, a person 10
28 **years of age or older but under 14 years of age may not operate**
an ATV unless that person has successfully completed a training
30 **course approved by the department pursuant to section 13152 and**
is accompanied by an adult.

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

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

42 **Sec. 4. 12 MRSA §13154-A, sub-§§3, 4 and 5**, as enacted by PL
2003, c. 655, Pt. B, §404 and affected by §422 and enacted by c.
44 695, Pt. B, §12 and affected by Pt. C, §1, are amended to read:

46 **3. Unlawfully operating ATV by person 14 to under 19 years**
of age. Except as provided in subsection 6, a person ~~10~~ 14 years
48 of age or older but under ~~16~~ 19 years of age may not operate an
ATV unless that person has successfully completed a training

2 course approved by the department pursuant to section 13152 and
3 ~~is accompanied by an adult.~~

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

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

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

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

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

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

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

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

42 **Sec. 5. 12 MRSA §13155, sub-§5,** as amended by PL 2005, c. 12,
43 Pt. III, §43, is further amended to read:

44 **5. Fees.** The annual registration fee for an ATV is ~~\$33-
45 a-resident-and-\$68-for-a-nonresident~~ \$60. If a person can show
46 proof at the time of registration that that person is a member in
47 good standing of a Maine nonprofit organization that is
48 recognized by the Department of Conservation as an organization
49 that maintains ATV trails, the registration fee is \$30.

5. It provides that an ATV may be operated on a public way
for up to 500 yards if it can be done safely and without
interfering with traffic approaching from either direction.
Current law allows the operation of an ATV for up to 300 yards
under certain conditions.