

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 160

H.P. 142

House of Representatives, January 12, 2007

### An Act To Provide Safe All-terrain Vehicle Access on Public Ways

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Submitted by the Department of Transportation pursuant to Joint Rule 204.  
Reference to the Committee on Transportation suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative MARLEY of Portland.  
Cosponsored by Senator BRYANT of Oxford and  
Representative: PIEH of Bremen.

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

2 **Sec. 1. 12 MRSA §13157-A, sub-§6, ¶H,** as enacted by PL 2003, c. 655, Pt. B,  
3 §414 and as affected by §422, is amended to read:

4 H. Notwithstanding paragraphs A to G, an ATV may be operated ~~on the extreme~~  
5 ~~right of a~~ within the public way of a municipality or an unorganized or  
6 unincorporated township if the appropriate governmental unit has designated the  
7 public way as an ATV-access route. A public way designated by an appropriate  
8 governmental unit as an ATV-access route must be posted conspicuously at regular  
9 intervals by that governmental unit with highly visible signs designating the ATV-  
10 access route. Before designating a public way as an ATV-access route, the  
11 appropriate governmental unit shall make appropriate determinations that ATV travel  
12 ~~on the extreme right of~~ within the public way may be conducted safely and will not  
13 interfere with vehicular traffic on the public way. Location of travel within the public  
14 way is determined on a case-by-case basis. For purposes of this paragraph,  
15 "appropriate governmental unit" means the Department of Transportation, county  
16 commissioners or municipal officers within their respective jurisdictions. The  
17 jurisdiction of each appropriate governmental unit over public ways pursuant to this  
18 paragraph is the same as its jurisdiction over the passage of vehicles on public ways  
19 pursuant to Title 29-A, section 2395. Municipal or county law enforcement officials  
20 having jurisdiction have primary enforcement authority over any route established  
21 under this paragraph.

22 **SUMMARY**

23 This bill will allow the Department of Transportation more flexibility in providing  
24 safe access for ATV users within the public way by determining how and where ATV  
25 access occurs on a case-by-case basis.