

MAINE STATE LEGISLATURE

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INLAND FISHERIES AND WILDLIFE

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

123RD LEGISLATURE

SECOND REGULAR SESSION

Majority

COMMITTEE AMENDMENT "A" to S.P. 773, L.D. 1979, Bill, "An Act To Amend the Provisions for All-terrain Vehicles"

Amend the bill by striking out the title and substituting the following:

'An Act Regarding the Use of Designated State-approved ATV Trails'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

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

1-A. Permission required. A person may not operate an ATV on the land of another without the permission of the landowner or lessee. Permission is presumed on designated state-approved ATV trails that are conspicuously posted or in areas open to ATVs by landowner policy. A landowner may limit the use of a designated state-approved ATV trail on that landowner's property through agreements with the State or an ATV club to address environmental, public safety or management concerns. Written permission of the landowner or lessee is required on cropland or pastureland or in an orchard. As used in this subsection, "cropland" means acreage in tillage rotation, land being cropped and land in bush fruits and "pastureland" means acreage devoted to the production of forage plants used for animal production. Nothing in this subsection may be construed to limit or expand a landowner's property rights.

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

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

COMMITTEE AMENDMENT

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SUMMARY

This amendment replaces the concept draft and provides that a landowner may limit the use of a designated state-approved ATV trail on that landowner's property through agreements with the State or an ATV club to address environmental, public safety or management concerns. The amendment also clarifies that this new provision and the permission requirements currently contained in that subsection do not limit or expand a landowner's property rights.