

MAINE STATE LEGISLATURE

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L.D. 1058

Date: 6/3/11

Minority

(Filing No. H-523)

INLAND FISHERIES AND WILDLIFE

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 793, L.D. 1058, "Resolve, To Create a Mitigation Fund for Damage Caused by Unauthorized All-terrain Vehicle Use on Private Land"

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

'An Act To Create a Mitigation Fund for Damage Caused by Unauthorized All-terrain Vehicle Use on Private Land'

Amend the resolve by striking out everything after the title and before the summary and inserting the following:

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

Sec. 1. 12 MRSA §10263 is enacted to read:

§10263. All-terrain Vehicle Mitigation Fund

The All-terrain Vehicle Mitigation Fund, referred to in this section as "the fund," is established within the department as a nonlapsing fund to be used by the commissioner to fund or assist in funding the mitigation of damage caused by all-terrain vehicles operated on private property. Revenue from the mitigation surcharge imposed under section 10609 must be deposited in the fund. The commissioner may accept and deposit into the fund monetary gifts, donations or other contributions from public or private sources for the purposes specified in this section. The fund must be held separate and apart from all other money, funds and accounts.

The commissioner shall establish, by rule, the procedure for making a claim for payment from the fund. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 12 MRSA §10609 is enacted to read:

COMMITTEE AMENDMENT

R. of S.

1 **§10609. All-terrain vehicle mitigation surcharge**

2 A person who is convicted of a violation under chapter 939 must be assessed a
3 surcharge of 10% of the fine assessed pursuant to that violation in addition to the fine.

4 **Sec. 3. Appropriations and allocations.** The following appropriations and
5 allocations are made.

6 **INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF**

7 **ATV Safety and Educational Program 0559**

8 Initiative: Establishes the All-terrain Vehicle Mitigation Fund.

9	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
10	All Other	\$2,000	\$3,000
11			
12	OTHER SPECIAL REVENUE FUNDS TOTAL	\$2,000	\$3,000
13			

14 **SUMMARY**

15 This amendment is the minority report. It replaces the resolve and provides that a
16 person convicted of a violation of an ATV-related prohibition must be assessed a
17 surcharge that is 10% of the fine assessed as a result of that violation in addition to the
18 fine. It also creates the All-terrain Vehicle Mitigation Fund to help private landowners
19 mitigate damage caused to their property by ATV use. Revenue generated by the 10%
20 surcharge for violations of an ATV-related law must be deposited into the fund. The
21 amendment also adds an appropriations and allocations section.

22 **FISCAL NOTE REQUIRED**

23 **(See attached)**



125th MAINE LEGISLATURE

LD 1058

LR 1498(02)

Resolve, To Create a Mitigation Fund for Damage Caused by Unauthorized All-terrain Vehicle Use on Private Land

Fiscal Note for Bill as Amended by Committee Amendment "A"
Committee: Inland Fisheries and Wildlife
Fiscal Note Required: Yes

Fiscal Note

	FY 2011-12	FY 2012-13	Projections FY 2013-14	Projections FY 2014-15
Net Cost (Savings)				
General Fund	\$0	\$0	\$0	\$0
Appropriations/Allocations				
Other Special Revenue Funds	\$2,000	\$3,000	\$3,000	\$3,000
Revenue				
General Fund	\$2,000	\$3,000	\$3,000	\$3,000
Transfers				
General Fund	(\$2,000)	(\$3,000)	(\$3,000)	(\$3,000)
Other Special Revenue Funds	\$2,000	\$3,000	\$3,000	\$3,000

Fiscal Detail and Notes

This legislation establishes the All-terrain Vehicle Mitigation Fund within the Department of Inland Fisheries and Wildlife to fund the mitigation of damage caused by all-terrain vehicles operated on private property. The legislation also imposes a 10% surcharge on fines associated with all-terrain vehicles and specifies the surcharge is deposited in the Fund. The bill includes a \$2,000 Other Special Revenue Funds allocation in fiscal year 2011-12 and \$3,000 in fiscal year 2012-13, which represents the estimated amount of new revenue.