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Legislative Document

No. 1121

H.P. 833

House of Representatives, March 15, 2011

An Act To Provide for Incentives and Reparations to Landowners in Connection with All-terrain Vehicle Access

Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

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HEATHER J.R. PRIEST Clerk

Presented by Representative McCABE of Skowhegan. Cosponsored by Senator WHITTEMORE of Somerset and Representatives: BLACK of Wilton, DILL of Old Town, EBERLE of South Portland, O'BRIEN of Lincolnville, SHAW of Standish, Senator: SHERMAN of Aroostook.

1 Be it enacted by the People of the State of Maine as follows: 2 Sec. 1. 12 MRSA §13155, sub-§5, as amended by PL 2005, c. 12, Pt. III, §43, is 3 further amended to read: 4 5. Fees. The annual registration fee for an ATV is \$33 \$35 for a resident and \$68 5 \$70 for a nonresident. The commissioner shall deposit \$1 from each registration fee collected under this subsection into the ATV Trail Fund established in section 13162 and 6 deposit \$1 from each registration fee collected under this subsection into the ATV 7 8 Mitigation Fund established in section 13163. 9 Sec. 2. 12 MRSA §13158-B is enacted to read: 10 §13158-B. Disposition of fines 11 Notwithstanding any other provision of law, a person assessed a fine for a violation 12 of this chapter may elect to have a portion of that fine deposited into the ATV Mitigation 13 Fund established in section 13163. 14 Sec. 3. 12 MRSA §13162 is enacted to read: 15 §13162. ATV Trail Fund 16 1. Fund established. The ATV Trail Fund, referred to in this section as "the fund," is established. 17 18 **2.** Sources of funds. The fund receives money from appropriations, allocations, 19 bond proceeds and donations and funds derived from section 13155, subsection 5 and 20 Title 36, section 1817. 21 3. Purpose. The fund must be used to provide ATV trail planning, clearing and 22 construction assistance to landowners that commit to the creation or improvement of 23 multiuse recreational trails and that allow ATV use on their properties. 24 **4.** Administration. The department shall administer the fund. The department may 25 coordinate with clubs and other organizations that promote cooperation between ATV 26 users and landowners. The expenses of administering the fund must be paid out of 27 proceeds in the fund. 28 5. Nonlapsing. Any funds remaining in the fund at the end of a fiscal year do not 29 lapse but carry forward to the next fiscal year. The department may invest proceeds of 30 the fund in an interest-bearing account. 31 **6. Rules.** The department may adopt rules to carry out the purposes of this section. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5. 32 33 chapter 375, subchapter 2-A. 34 Sec. 4. 12 MRSA §13163 is enacted to read:

1 §13163. ATV Mitigation Fund

- 2 **1. Fund established.** The ATV Mitigation Fund, referred to in this section as "the
 3 <u>fund," is established.</u>
- 2. Sources of funds. The fund may accept funds from appropriations, allocations,
 bond proceeds and donations and funds derived from section 13155, subsection 5, section
 13158-B and Title 36, section 1817.
- 7 3. Purpose. The fund must be used to compensate private and public landowners for
 8 damage resulting from or believed to be a result of ATV use, overuse or abuse on their
 9 properties.
- 4. Administration. The department shall administer the fund. The expenses of
 administering the fund must be paid out of proceeds in the fund.
- **5.** Nonlapsing. Any funds remaining in the fund at the end of a fiscal year do not
 lapse but carry forward to the next fiscal year. The department may invest proceeds of
 the fund in an interest-bearing account.
- 6. Rules. The department may adopt rules to carry out the purposes of this section.
 Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.
- 18 Sec. 5. 36 MRSA §1817 is enacted to read:

19 §1817. All-terrain vehicles

The tax imposed under section 1811 on the value of an all-terrain vehicle must be
 increased by 2% if the purchaser is not a resident of the State. At the end of every tax
 period, the assessor shall deposit the amount of tax collected under this section equally
 into the ATV Trail Fund established in Title 12, section 13162 and the ATV Mitigation
 Fund established in Title 12, section 13163.

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SUMMARY

This bill creates 2 funds concerning all-terrain vehicles, to be administered by the 26 Department of Inland Fisheries and Wildlife: the ATV Trail Fund, which provides all-27 28 terrain vehicle trail planning, clearing and construction assistance to landowners that 29 commit to the creation or improvement of multiuse trails and that allow all-terrain 30 vehicles on their properties, and the ATV Mitigation Fund, which compensates private 31 and public landowners for damage caused by all-terrain vehicle use, overuse or abuse on 32 their properties. The funds will be capitalized with a \$2 charge on each all-terrain vehicle registration fee and a 2% added sales tax on the sale of an all-terrain vehicle to residents 33 34 of other states; additionally, violators of all-terrain vehicle operation law may elect to 35 have a portion of their fines deposited into the ATV Mitigation Fund.