

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2016

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Legislative Document

No. 1567

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H.P. 1063

House of Representatives, January 21, 2016

**An Act To Amend the Laws Regarding the Operation of an All-terrain Vehicle or Snowmobile on a Controlled Access Highway**

(AFTER DEADLINE)

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Transportation suggested and ordered printed.

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT  
Clerk

Presented by Representative SAUCIER of Presque Isle.  
Cosponsored by Senator PATRICK of Oxford and  
Representatives: EDGECOMB of Fort Fairfield, MARTIN of Eagle Lake, MARTIN of  
Sinclair, McCABE of Skowhegan, McELWEE of Caribou, SCHNECK of Bangor, STANLEY  
of Medway, WHITE of Washburn.

1           **Emergency preamble. Whereas,** acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3           **Whereas,** this legislation needs to take effect before expiration of the 90-day period  
4 in order to allow for the construction of multi-use trails within the rights-of-way of  
5 controlled access highways to be built in the summer of 2016; and

6           **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
7 the meaning of the Constitution of Maine and require the following legislation as  
8 immediately necessary for the preservation of the public peace, health and safety; now,  
9 therefore,

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

11           **Sec. 1. 12 MRSA §13106-A, sub-§3, ¶A,** as enacted by PL 2003, c. 655, Pt. B,  
12 §394 and affected by §422, is amended to read:

13           A. A person may operate a snowmobile upon a controlled access highway or within  
14 the right-of-way limits of a controlled access highway in accordance with this  
15 paragraph.

16                   (1) A person on a properly registered snowmobile may cross controlled access  
17 highways by use of bridges over or roads under those highways, or by use of  
18 roads crossing controlled access highways at grade.

19                   (2) The Commissioner of Transportation may issue special permits for  
20 designated crossings of controlled access highways.

21                   At the request of the Commissioner of Agriculture, Conservation and Forestry, the  
22 Commissioner of Transportation may permit construction of a snowmobile trail  
23 within the right-of-way limits of a controlled access highway when there is an ability  
24 to provide for the continuity of a state-owned or state-controlled network of  
25 snowmobile trails in an area of new construction on or after January 1, 2016.

26                   (3) A person on a properly registered snowmobile may operate the snowmobile  
27 within the right-of-way of a controlled access highway on a trail segment  
28 approved by the Commissioner of Transportation.

29           **Sec. 2. 12 MRSA §13157-A, sub-§3, ¶A,** as enacted by PL 2003, c. 655, Pt. B,  
30 §414 and affected by §422, is amended to read:

31           A. A person may not operate an ATV upon a controlled access highway or within the  
32 right-of-way limits of a controlled access highway, except that:

33                   (1) A person on a properly registered ATV may cross controlled access  
34 highways by use of bridges over or roads under those highways or by use of  
35 roads crossing controlled access highways at grade; ~~and~~

36                   (2) The Commissioner of Transportation may issue special permits for  
37 designated crossings of controlled access highways; and

1 At the request of the Commissioner of Agriculture, Conservation and Forestry, the  
2 Commissioner of Transportation may permit construction of an ATV trail within the  
3 right-of-way limits of a controlled access highway when there is an ability to provide  
4 for the continuity of a state-owned or state-controlled network of ATV trails in an  
5 area of new construction on or after January 1, 2016.

6 (3) A person on a properly registered ATV may operate the ATV within the  
7 right-of-way of a controlled access highway on a trail segment approved by the  
8 Commissioner of Transportation.

9 **Emergency clause.** In view of the emergency cited in the preamble, this  
10 legislation takes effect when approved.

## 11 SUMMARY

12 This bill allows the Commissioner of Transportation to permit the construction of all-  
13 terrain vehicle and snowmobile trails within the right-of-way limits of controlled access  
14 highways in areas of new construction. It also permits the operations of all-terrain  
15 vehicles and snowmobiles on those trail segments.