

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1147

H.P. 836

House of Representatives, March 7, 2019

An Act To Amend the Laws Regarding the Size and Weight of All-terrain Vehicles, the Operation of Motor Vehicles on Designated All-terrain Vehicle Trails and the Operation of All-terrain Vehicles on Trails Posted with Size or Weight Limits and To Update and Improve Funding Mechanisms for All-terrain Vehicle Trail Development and Maintenance

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative STEARNS of Guilford.
Cosponsored by Senator KEIM of Oxford, Senator DAVIS of Piscataquis and
Representatives: HUTCHINS of Penobscot, LYFORD of Eddington, STANLEY of Medway.

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

2 **Sec. 1. 12 MRSA §13001, sub-§3**, as enacted by PL 2003, c. 414, Pt. A, §2 and
3 affected by c. 614, §9, is amended to read:

4 **3. All-terrain vehicle or ATV.** "All-terrain vehicle" or "ATV" means a motor-
5 driven, off-road, recreational vehicle capable of cross-country travel ~~on land, snow, ice,~~
6 ~~marsh, swampland or other natural terrain,~~ the width of which does not exceed 65 inches
7 and the weight of which does not exceed 2,000 pounds. "All-terrain vehicle" or "ATV"
8 includes, but is not limited to, a multitrack, multiwheel or low-pressure tire vehicle; a
9 motorcycle or related 2-wheel, 3-wheel or belt-driven vehicle; an amphibious machine; or
10 other means of transportation deriving motive power from a source other than muscle or
11 wind. For purposes of this subpart, "all-terrain vehicle" or "ATV" does not include ~~an~~
12 ~~automobile~~ a motor vehicle as defined in Title 29-A, section 101, subsection 7; ~~an electric~~
13 ~~personal assistive mobility device as defined in Title 29-A, section 101, subsection 22-A;~~
14 ~~a truck as defined in Title 29-A, section 101, subsection 88; a snowmobile; an airmobile;~~
15 ~~a construction or logging vehicle used in performance of its common functions; a farm~~
16 ~~vehicle used for farming purposes; or a vehicle used exclusively for emergency, military,~~
17 ~~law enforcement or fire control purposes~~ 42.

18 **Sec. 2. 12 MRSA §13155, sub-§5**, as repealed and replaced by PL 2011, c. 116,
19 §1 and affected by §2, is amended to read:

20 **5. Fees.** The ATV registration fee is:

21 A. For a resident, ~~§33~~ §45 annually. The registration for an ATV owned by a
22 resident is valid for one year, beginning on July 1st of each year; and

23 B. For a nonresident:

24 (1) ~~Fifty-three~~ Sixty-five dollars for a registration valid for 7 consecutive days.

25 A person may purchase more than one 7-day registration in any season; and

26 (2) ~~Sixty-eight~~ Eighty dollars for a registration valid for one year.

27 The registration for an ATV owned by a nonresident must specify the dates for which
28 the registration is valid.

29 Twelve dollars of each registration fee collected under this subsection must be transferred
30 to the ATV Recreational Management Fund as established in section 1893, subsection 2.

31 **Sec. 3. 12 MRSA §13157-A, sub-§5-A**, as enacted by PL 2007, c. 202, §1, is
32 amended to read:

33 **5-A. Operating a motor vehicle on an ATV trail.** A person may not operate a
34 ~~truck, pickup truck or passenger motor vehicle~~ as defined in Title 29-A, section 101,
35 subsection 42 on a designated ATV trail that is not on a gravel road system unless that
36 use has been authorized by the landowner or the landowner's agent or it is necessitated by
37 an emergency involving the safety of a person or property. ~~For purposes of this~~
38 ~~subsection, "pickup truck" and "truck" have the same meanings as in Title 29-A, section~~

1 101, subsections 55 and 88, respectively, and "passenger vehicle" means a self-propelled
2 4-wheel motor vehicle designed primarily to carry passengers on public roads.

3 A. A person who violates this subsection commits a civil violation for which a fine
4 of not less than \$100 nor more than \$500 may be adjudged.

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

8 **Sec. 4. 12 MRSA §13157-A, sub-§5-B** is enacted to read:

9 **5-B. Operating ATV on ATV trail posted with size or weight restrictions.** A
10 person may not operate an ATV on a trail posted with size or weight restrictions unless
11 that use has been authorized by the landowner or the landowner's agent. The following
12 penalties apply to violations of this subsection.

13 A. A person who violates this subsection commits a civil violation for which a fine
14 of not less than \$100 nor more than \$500 may be adjudged.

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

18 SUMMARY

19 This bill limits, by definition, the size of an all-terrain vehicle to 65 inches in width
20 and 2,000 pounds in weight, prohibits operation of motor vehicles on a designated all-
21 terrain vehicle trail that is not on a gravel road system and prohibits operation of all-
22 terrain vehicles on trails posted with size or weight limitations unless that use has been
23 authorized by the landowner or the landowner's agent. It also increases all-terrain vehicle
24 registration fees by \$12, which must be transferred to the ATV Recreational Management
25 Fund.