

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

Date: 6-2-21

(Filing No. H-326)

INLAND FISHERIES AND WILDLIFE

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1055, L.D. 1439, "An Act To Clarify All-terrain Vehicle Registration Requirements and Establish Regular Maintenance of Designated State-approved All-terrain Vehicle Trails"

Amend the bill by striking out all of section 4 and inserting the following:

'Sec. 4. 12 MRSA §13001, sub-§4-A is enacted to read:

4-A. Antique all-terrain vehicle or antique ATV. "Antique all-terrain vehicle" or "antique ATV" means an all-terrain vehicle more than 25 years old that is substantially maintained in its original or restored condition.'

Amend the bill by striking out all of section 6 and inserting the following:

'Sec. 6. 12 MRSA §13155, sub-§3, as affected by PL 2003, c. 614, §9 and amended by c. 695, Pt. B, §13 and affected by Pt. C, §1, is further amended to read:

3. Application and issuance. The commissioner, or an agent designated by the commissioner, may register and assign a registration number to an ATV upon application and payment of an annual fee by the owner. The commissioner shall charge a fee of \$1 in addition to the annual fee for each registration issued by an employee of the department. The registration number in the form of stickers issued by the commissioner must be clearly displayed on the front and rear of the vehicle. A registration is valid for one year commencing July 1st of each year, except that any registration issued prior to July 1st but after May 1st is valid from the date of issuance until June 31st 30th of the following year. A registration agent shall provide to the person who requests to register an oversized ATV under subsection 5-B a written form developed and provided by the department explaining the size and weight restrictions for registering that ATV, including whether it qualifies for registration, and explaining the provisions of section 13157-A regarding the operation of oversized ATVs on designated state-approved ATV trails. The department shall develop a form for use by registration agents under this subsection.'

Amend the bill by striking out all of section 8 and inserting the following:

'Sec. 8. 12 MRSA §13155, sub-§5-B is enacted to read:

ROS

1 **5-B. Oversized ATV.** A person may not register an oversized ATV except as provided  
2 in this subsection. A resident who has registered an oversized ATV prior to January 1,  
3 2022 may continue to register that oversized ATV upon payment of the fee specified in  
4 subsection 5, paragraph A, and upon a transfer of ownership of that registered oversized  
5 ATV, the new owner may also register that oversized ATV upon payment of the fee  
6 specified in subsection 5, paragraph A. For purposes of this subsection, "oversized ATV"  
7 means an ATV that is wider than 65 inches or weighs more than 2,000 pounds according  
8 to the manufacturer's specifications.'

9 Amend the bill by striking out all of section 9 and inserting the following:

10 **'Sec. 9. 12 MRSA §13155, sub-§5-C** is enacted to read:

11 **5-C. Antique ATV.** A person who owns an antique ATV may register that ATV  
12 under this subsection as an antique ATV. Notwithstanding subsection 5, the fee for an  
13 antique ATV registration is \$45. An antique ATV registration is valid until the ownership  
14 of the ATV is transferred to another person. Upon the transfer of ownership, the new owner  
15 may reregister that ATV as an antique ATV by paying the \$45 antique ATV registration  
16 fee. Notwithstanding section 10206, all registration fees for antique ATVs must be  
17 deposited in the General Fund.'

18 Amend the bill in section 11 in subsection 1-A in the 6th line (page 3, line 30 in L.D.)  
19 by inserting after the following: "the" the following: 'type.'

20 Amend the bill by striking out all of section 12.

21 Amend the bill by striking out all of section 13 and inserting the following:

22 **'Sec. 13. 12 MRSA §13161, sub-§1-A** is enacted to read:

23 **1-A. Dealer to provide registration information.** A dealer may not sell a new or  
24 used oversized ATV without providing to the purchaser a written form developed and  
25 provided by the department explaining the size and weight restrictions for registering that  
26 ATV under section 13155, subsection 5-B and the provisions of section 13157-A regarding  
27 the use of oversized ATVs on designated state-approved ATV trails. The department shall  
28 develop a form for use by dealers under this section, which must include a place for a  
29 purchaser to sign acknowledging receipt of the form. For purposes of this subsection,  
30 "oversized ATV" has the same meaning as defined in section 13155, subsection 5-B.'

31 Amend the bill by inserting after section 14 the following:

32 **'Sec. 15. Appropriations and allocations.** The following appropriations and  
33 allocations are made.

34 **AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**

35 **Off-Road Recreational Vehicles Program Z224**

36 Initiative: Provides an ongoing allocation for expenditure of funds to maintain state-  
37 approved all-terrain vehicle trails.

38	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2021-22</b>	<b>2022-23</b>
39	All Other	\$0	\$1,791,817
40			
41	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$1,791,817</b>

ROS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

**SUMMARY**

This amendment makes the following changes to the bill.

1. It clarifies the definition of "antique ATV" by including the limitation that it must be substantially maintained in its original or restored condition.

2. It provides that the new antique ATV registration fee is \$45 and is deposited in the General Fund.

3. It provides that an oversized ATV that is allowed under the bill to be registered by its current owner may be transferred to a new owner who may also register that ATV.

4. It removes a provision relating to the operation of oversized ATVs on frozen bodies of water. Oversized ATVs that are registered may be operated on frozen bodies of water; unregistered ATVs, whether oversized or not, are allowed to be operated only on land the operator owns or leases.

5. It clarifies that landowners or lessees across whose land state-approved ATV trails run may limit not only the size and weight of ATVs allowed on the land but also the type of ATVs.

6. It modifies the requirement that a registration agent provide information about oversized ATVs to a person requesting to register one. It requires the agent to provide a form developed by the Department of Inland Fisheries and Wildlife providing the necessary information.

7. It modifies the requirement that a dealer provide information about oversized ATVs to a person purchasing one. It requires the dealer to provide a form developed by the Department of Inland Fisheries and Wildlife providing the necessary information. It requires the department to include on the form a place for the purchaser to acknowledge receipt of the form so that the dealer has a record of compliance. It also moves the provision to a different section of law that provides for civil penalties for failure of a dealer to provide this information.

8. It adds an appropriations and allocations section.

**FISCAL NOTE REQUIRED**  
(See attached)



# 130th MAINE LEGISLATURE

LD 1439

LR 95(02)

An Act To Clarify All-terrain Vehicle Registration Requirements and Establish Regular Maintenance of Designated State-approved All-terrain Vehicle Trails

Fiscal Note for Bill as Amended by Committee Amendment *A (H-326)*

Committee: Inland Fisheries and Wildlife

Fiscal Note Required: Yes

## Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
<b>Net Cost (Savings)</b>				
General Fund	\$0	(\$36,000)	(\$36,000)	(\$36,000)
<b>Appropriations/Allocations</b>				
Other Special Revenue Funds	\$0	\$1,791,817	\$1,791,817	\$1,791,817
<b>Revenue</b>				
General Fund	\$0	\$36,000	\$36,000	\$36,000
Other Special Revenue Funds	\$0	\$1,791,817	\$1,791,817	\$1,791,817

### Fiscal Detail and Notes

This bill increases ATV registration fees for residents from \$45 to \$70, nonresident 7-day registration fees from \$75 to \$100 and nonresident annual registration fees from \$90 to \$115 starting May 1, 2022. The additional \$25 from each registration will be deposited in the ATV Recreational Management Fund (ARMF) within the Department of Agriculture, Conservation and Forestry (ACF). Based on an estimated 78,000 ATV registrations, it is anticipated that the fee increases will generate an additional \$1,791,817 in Other Special Revenue Funds revenue to the ARMF beginning in fiscal year 2022-23. This bill also includes an accompanying allocation to ACF for the expenditure of the additional revenue.

The bill also creates an antique ATV registration fee for an ATV more than 25 years old. The Department of Inland Fisheries and Wildlife estimates that approximately 3,000 current registrations might be switched to the new antique ATV registration. All of the revenue from antique registrations will be credited to the General Fund. The net impact of 3,000 current registrations, which are split between Other Special Revenue Funds revenue and General Fund revenue, switching to an antique registration would be an increase of \$36,000 in General Fund revenue.