

MAINE STATE LEGISLATURE

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L.D. 1813

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Date: 3/21/22

(Filing No. S-452)

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INLAND FISHERIES AND WILDLIFE

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Reproduced and distributed under the direction of the Secretary of the Senate.

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STATE OF MAINE

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SENATE

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130TH LEGISLATURE

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SECOND REGULAR SESSION

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COMMITTEE AMENDMENT "A" to S.P. 640, L.D. 1813, "An Act To Amend the Definition of "Oversized ATV" To Increase the Minimum Weight Requirement"

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

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'An Act Related to Oversized All-terrain Vehicles'

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Amend the bill by striking out everything after the enacting clause and inserting the following:

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'Sec. 1. 12 MRSA §13155, sub-§1-A, as amended by PL 2021, c. 215, §5, is further amended to read:

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1-A. Operating unregistered ATV. Except as provided in paragraph A and subsection 5-B, a person may not operate an ATV that is not registered in accordance with subsection 3.

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A. The following exceptions apply.

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(1) Registration is not required for an ATV operated on land that the ATV operator owns or leases, regardless of where that ATV operator is domiciled, as long as the ATV is not operated elsewhere within the jurisdiction of the State.

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(2) Registration is not required for an ATV operated by a commercial ski area for the purpose of packing snow or for rescue operations on the commercial ski area, unless the ATV is required to cross a public way during that operation.

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(3) An ATV owned and operated in the State by the Federal Government, the State or a political subdivision of the State is exempt from registration fees but must be registered and is required to display registration numbers.

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(4) An ATV registration for the farm use specified in Title 29-A, section 501, subsection 8, paragraph E is not required for a vehicle registered with the Secretary of State under Title 29-A, section 501, subsection 8.

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(5) An ATV registered in another state or in a Canadian province may be operated without being registered pursuant to this section at a special event organized to

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COMMITTEE AMENDMENT

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occur in this State if the special event organizer submits a request in writing to the commissioner 60 days prior to the special event and provides the commissioner with a map of the trails to be used during the special event and the commissioner approves the request.

(6) An ATV owned or under the control of an ATV manufacturer may be operated without a Maine registration at a demonstration event organized to occur in this State if such operation is approved by the commissioner. An ATV manufacturer or a representative of an ATV manufacturer must submit a request in writing to the commissioner at least 60 days prior to the demonstration event and shall include a description and the location of the event.

(7) The commissioner may annually establish one 3-consecutive-day period, 2 days of which are weekend days, during which a nonresident may operate in the State an ATV that is not registered in this State if the nonresident's ATV has a valid registration from another state or a Canadian province.

B. The following penalties apply to violations of this subsection.

(1) A person who violates this subsection commits a civil violation for which a fine of not less than \$200 nor more than \$500 may be adjudged.

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

Sec. 2. 12 MRSA §13155, sub-§5-B, as enacted by PL 2021, c. 215, §8, is amended to read:

5-B. Oversized ATV; exception. A person may not register an oversized ATV except as provided in this subsection. A resident who has registered an oversized ATV prior to January 1, 2022 may continue to register that oversized ATV upon payment of the fee specified in subsection 5, paragraph A, and upon a transfer of ownership of that registered oversized ATV, the new owner may also register that oversized ATV upon payment of the fee specified in subsection 5, paragraph A. Registration is not required for an oversized ATV operated by a person on the land of another if written permission is received from the landowner or lessee of the land and the person is engaged solely in a business activity, other than a business activity involving recreational use of the oversized ATV. For purposes of this subsection, "oversized ATV" means an ATV that is wider than 65 inches or weighs more than 2,000 pounds according to the manufacturer's specifications.'

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

SUMMARY

This amendment replaces the bill. It allows oversized all-terrain vehicles to be operated without registration by business owners on private land for commercial purposes with written permission of the landowner.

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT



Approved: 03/17/22 *MAC*

130th MAINE LEGISLATURE

LD 1813

LR 2528(02)

An Act To Amend the Definition of "Oversized ATV" To Increase the Minimum Weight Requirement

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-452)
Committee: Inland Fisheries and Wildlife
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs the Department of Inland Fisheries and Wildlife as a result of allowing oversized ATV's to be operated without registration by business owners on private land for commercial purposes with written permission of the landowner are anticipated to be minor and can be absorbed within existing budgeted resources.