

MAINE STATE LEGISLATURE

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Date: 3/31/2011

**CORRECTED COPY
DESTROY ORIGINAL
REPORT B**

L.D. 19

(Filing No. S- 651)

3

INLAND FISHERIES AND WILDLIFE

4

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

5

STATE OF MAINE

6

SENATE

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132ND LEGISLATURE

8

SECOND REGULAR SESSION

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COMMITTEE AMENDMENT "B" to S.P. 32, L.D. 19, "An Act to Change the Definition of "Oversized ATV" in the Laws Governing the Registration of All-terrain Vehicles"

12

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

13

'An Act Related to Oversized All-terrain Vehicles'

14

Amend the bill by striking out all of the emergency preamble.

15

16

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

17

18

'Sec. 1. 4 MRSA §164, sub-§15, ¶E, as amended by PL 1993, c. 680, Pt. A, §4, is further amended to read:

19

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E. The Chief Judge, following notification to the Chief Justice of the Supreme Judicial Court or the Chief Justice's delegate, may authorize forms and procedures the Chief Judge considers appropriate to carry out this subsection;

22

23

24

Sec. 2. 4 MRSA §164, sub-§15, as amended by PL 2003, c. 414, Pt. B, §1 and affected by c. 614, §9, is further amended by enacting at the end a new blocked paragraph to read:

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26

The Chief Judge may establish a violations bureau to address any civil violations of any provisions of Title 12, Part 13;

27

28

Sec. 3. 12 MRSA §10269 is enacted to read:

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31

§10269. Infrastructure Upkeep Fund
The Infrastructure Upkeep Fund is established within the department for the purposes of infrastructure upkeep on public and private lands and to support infrastructure such as campsites, trails and access points on public and private property.

32

33

Sec. 4. 12 MRSA §10270 is enacted to read:

§10270. Reimbursement to Landowners Fund

ROS

1 The Reimbursement to Landowners Fund is established within the department for the
2 purposes of reimbursing landowners for environmental damage caused by recreational
3 users on the landowners' trails.

4 **Sec. 5. 12 MRSA §10902, sub-§9, ¶A**, as amended by PL 2005, c. 626, §1, is
5 further amended to read:

6 A. Operating an ATV on a temporarily closed trail as prohibited under section
7 13157-A, subsection 24; or

8 **Sec. 6. 12 MRSA §10902, sub-§9, ¶F**, as amended by PL 2011, c. 691, Pt. A, §8,
9 is further amended to read:

10 F. Operating an ATV on the land of another without permission, as prohibited under
11 section 13157-A, subsection 1-A; or

12 **Sec. 7. 12 MRSA §10902, sub-§9, ¶H** is enacted to read:

13 H. Illegally operating an oversized ATV as prohibited under section 13157-A,
14 subsection 28.

15 **Sec. 8. 12 MRSA §13155, sub-§5-B**, as amended by PL 2025, c. 267, §4, is further
16 amended to read:

17 **5-B. Oversized ATV; exception.** A person may not register an oversized ATV except
18 as provided in this subsection. A resident who has registered an oversized ATV prior to
19 January 1, 2022 may continue to register that oversized ATV upon payment of the fee
20 specified in subsection 5, paragraph A, and upon a transfer of ownership of that registered
21 oversized ATV, the new owner may also register that oversized ATV upon payment of the
22 fee specified in subsection 5, paragraph A. Registration is not required for an oversized
23 ATV operated by a person on the land of another if written permission is received from the
24 landowner, lessee of the land or landowner's representative and the person is engaged solely
25 in a business activity, other than a business activity involving recreational use of the
26 oversized ATV. A person with a disability who has been issued a disability registration
27 plate for a motor vehicle pursuant to Title 29-A, section 521, subsection 2, paragraph A
28 may register an oversized ATV upon payment of the fee specified in subsection 5,
29 paragraph A. For purposes of this subsection, "oversized ATV" means an ATV that is
30 wider than 65 inches or weighs more than 2,000 pounds according to the manufacturer's
31 specifications.

32 **Sec. 9. 12 MRSA §13157-A, sub-§28** is enacted to read:

33 **28. Illegal operation of oversized ATV.** A person may not operate an oversized ATV
34 in violation of any provision of this chapter. For the purposes of this subsection, "oversized
35 ATV" has the same meaning as in section 13155, subsection 5-B.

36 A. A person who violates this subsection commits a civil violation for which a fine of
37 not less than \$100 or more than \$500 may be adjudged.

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

41 **Sec. 10. 12 MRSA §13161, sub-§1-A**, as enacted by PL 2021, c. 215, §12, is
42 amended to read:

ROS

1 **1-A. Dealer to provide registration information.** A dealer may not sell a new or
 2 used oversized ATV without providing to the purchaser a written form developed and
 3 provided by the department explaining the size and weight restrictions for registering that
 4 ATV under section 13155, subsection 5-B and the provisions of section 13157-A regarding
 5 the use of oversized ATVs on designated state-approved ATV trails. The department shall
 6 develop a form for use by dealers under this section, which must include a place for a
 7 purchaser to sign acknowledging receipt of the form. The dealer shall provide a copy of
 8 the signed form to the purchaser and to the department within one month of the date of sale.
 9 The dealer shall retain a copy of the signed form for a period of 3 years from the date of
 10 sale. The department shall develop and distribute educational materials related to oversized
 11 ATV rules and regulations for distribution to ATV dealers and town clerks. If an ATV
 12 does not qualify for registration in the State, a dealer shall disclose this information on the
 13 ATV and in any advertisement, solicitation or other promotional marketing materials
 14 related to the ATV. For purposes of this subsection, "oversized ATV" has the same
 15 meaning as defined in section 13155, subsection 5-B.

16 **Sec. 11. Appropriations and allocations.** The following appropriations and
 17 allocations are made.

18 **INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF**

19 **Enforcement Operations - Inland Fisheries and Wildlife 0537**

20 Initiative: Provides one-time funding for the purchase of 10 sets of scales, with 4 units per
 21 set, for trailside weighing of oversized all-terrain vehicles.

22	GENERAL FUND	2025-26	2026-27
23	All Other	\$0	\$30,000
24			
25	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$30,000</u>

26 **Enforcement Operations - Inland Fisheries and Wildlife 0537**

27 Initiative: Provides funding for 10 part-time seasonal Game Warden positions for increased
 28 recreational patrols related to oversized all-terrain vehicle enforcement activities. Positions
 29 are to be distributed as 2 per each of the warden divisions across the State.

30	GENERAL FUND	2025-26	2026-27
31	POSITIONS - FTE COUNT	0.000	2.307
32	Personal Services	\$0	\$499,977
33	All Other	\$0	\$130,000
34			
35	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$629,977</u>

36 **Infrastructure Upkeep Fund N577**

37 Initiative: Provides one-time funding for the purposes of infrastructure upkeep on public
 38 and private lands to support infrastructure such as campsites, trails and access points on
 39 both public and private property.

40	GENERAL FUND	2025-26	2026-27
41	All Other	\$0	\$5,000,000
42			
43	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$5,000,000</u>

COMMITTEE AMENDMENT

ROS

1 Reimbursement to Landowners Fund N578
2 Initiative: Provides one-time funding to reimburse landowners for environmental damage
3 caused by recreational users on their trails.

4	GENERAL FUND	2025-26	2026-27
5	All Other	\$0	\$5,000,000
6			
7	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$5,000,000</u>

9	INLAND FISHERIES AND WILDLIFE,		
10	DEPARTMENT OF		
11	DEPARTMENT TOTALS	2025-26	2026-27
12			
13	GENERAL FUND	\$0	\$10,659,977
14			
15	DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$10,659,977</u>

16
17 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
18 number to read consecutively.

19 **SUMMARY**

20 This amendment replaces the bill, changes the title and removes the emergency
21 preamble and emergency clause. The amendment does the following.

22 1. It authorizes the Chief Judge to establish a violations bureau to address civil
23 violations of inland fisheries and wildlife statutes, as needed.

24 2. It requires the seller of an all-terrain vehicle that cannot be registered in this State to
25 clearly disclose that the all-terrain vehicle cannot be registered.

26 3. It directs the Department of Inland Fisheries and Wildlife to develop and distribute
27 targeted educational materials related to oversized all-terrain vehicle rules and regulations
28 for distribution to all-terrain vehicle dealers and town clerks.

29 4. It creates a new prohibition for the violation of illegal operation of an oversized all-
30 terrain vehicle as a civil violation or as a Class E crime if 3 or more violations occur within
31 a 5-year period.

32 5. It gives the Commissioner of Inland Fisheries and Wildlife the authority to suspend
33 all licenses, permits and registrations issued by the department to any person convicted or
34 adjudicated of illegally operating an oversized all-terrain vehicle.

35 6. It establishes that an all-terrain vehicle dealer must provide to the purchaser and to
36 the department within one month of the date of sale a copy of the signed form required by
37 current law that explains the size and weight restrictions for registering the all-terrain
38 vehicle purchased. The dealer must retain a copy of the signed form for a period of 3 years
39 from the date of sale.

40 7. It creates 10 part-time intermittent Game Warden positions for increased recreational
41 patrols, 2 positions for each of the 5 warden divisions across the state.

COMMITTEE AMENDMENT

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8. It creates 10 sets of scales, with 4 units per set, for trailside weighing of oversized all-terrain vehicles.

9. It establishes the Reimbursement to Landowners Fund to reimburse landowners for environmental damage caused by recreational users on the landowners' trails, with \$5 million in initial funding.

10. It establishes the Infrastructure Upkeep Fund to support infrastructure upkeep on public and private lands and to support infrastructure such as campsites, trails and access points on both public and private property, with \$5 million in initial funding.

11. It establishes an exemption from the prohibition on the registration of oversized all-terrain vehicles for an individual who has been issued a disability registration plate for a motor vehicle.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



132nd MAINE LEGISLATURE

LD 19

LR 381(04)

An Act to Change the Definition of "Oversized ATV" in the Laws Governing the Registration of All-terrain Vehicles

Fiscal Note for Bill as Amended by Committee Amendment **B'(S-607)**

Committee: Inland Fisheries and Wildlife

Fiscal Note Required: Yes

Fiscal Note

	FY 2025-26	FY 2026-27	Projections FY 2027-28	Projections FY 2028-29
Net Cost (Savings)				
General Fund	\$0	\$10,659,977	\$649,476	\$669,736
Appropriations/Allocations				
General Fund	\$0	\$10,659,977	\$649,476	\$669,736

Fiscal Detail and Notes

This bill includes ongoing General Fund appropriations of \$629,977 to the Department of Inland Fisheries and Wildlife beginning in fiscal year 2026-27 for 10 part-time seasonal Game Warden positions and related position costs. The bill also includes a one-time General Fund appropriation of \$30,000 in fiscal year 2026-27 for the purchase of 10 sets of scales for trailside weighing of all-terrain vehicles.

The bill also establishes the Reimbursement to Landowners Fund and the Infrastructure Upkeep Fund and provides one-time General Fund appropriations of \$5,000,000 to each in fiscal year 2026-27.