

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2004 to March 30, 2005**

**FIRST SPECIAL SESSION**  
**April 4, 2005 to June 18, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 17, 2005**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2005**

room or campground site costs, taxes, all charges by the minor and any damages to the guest room or its furnishings or to the campground site caused by the minor while a guest at the hotel, lodging house or campground; and

B. Provides the innkeeper or campground owner with a valid credit card number or cash deposit to cover the guest room or campground site costs, taxes, charges by the minor and any damages to the guest room or its furnishings or to the campground site caused by the minor. Any cash deposit provided must be refunded to the extent not used to cover any charges or damages as determined by the innkeeper or campground owner following room or campground site inspection at check-out;

See title page for effective date.

## CHAPTER 186

### H.P. 897 - L.D. 1300

#### An Act To Create the ATV Trail Advisory Council

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

**Whereas,** the laws regulating ATVs are in effect; and

**Whereas,** there is no one to assist the ATV operators in establishing trails to be used for ATVs; and

**Whereas,** it is necessary to have this legislation be an emergency so that trails may be established as soon as possible; and

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

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

**Sec. 1. 5 MRSA §12004-I, sub-§3-C is enacted to read:**

<u>3-C.</u>	<u>ATV Trail</u>	<u>Expenses</u>	<u>12 MRSA</u>
<u>Conservation</u>	<u>Advisory</u>	<u>for Non-</u>	<u>§1893-C</u>
	<u>Council</u>	<u>salaried</u>	
		<u>and</u>	
		<u>Nonpaid</u>	
		<u>Public</u>	

#### Members Only

**Sec. 2. 12 MRSA §1893-C is enacted to read:**

#### §1893-C. ATV Trail Advisory Council established

**1. Appointment and composition.** The ATV Trail Advisory Council, referred to in this section as "the advisory council" and established by Title 5, section 12004-I, subsection 3-C, consists of 11 members. The director or the director's designee serves as an ex officio member and may vote only to break a tie. The other 10 members are appointed by the commissioner as follows:

A. Three members who represent local ATV clubs from different regions of the State that are ATV Recreational Management Fund grantees. One of these members must belong to both an ATV club and a snowmobile club;

B. One member who represents municipal ATV Recreational Management Fund grantees;

C. One member who represents a statewide organization with an interest in operating ATVs;

D. One member who represents ATV and snowmobile business interests;

E. One member who represents large landowner interests with land holdings of more than 250,000 acres;

F. One member who represents a statewide environmental group;

G. One member who represents a statewide farming organization; and

H. One member who represents woodlot owners' interests.

**2. Terms.** Members of the advisory council serve for 3 years, except that initially the members appointed under subsection 1, paragraphs A, B, C and D shall draw lots for 2-year or 3-year terms. Members continue serving until a successor is duly appointed and qualified. A member may not serve more than 2 consecutive 3-year terms. When a vacancy occurs, the commissioner shall fill the vacancy by appointing a member from the same category as the member who vacated the advisory council and that member continues to serve for the remainder of the term. An employee of the department may not serve as a member of the advisory council prior to the expiration of one year from the employee's last day of employment with the department. A Legislator may not serve as a member of the advisory council.

**3. Compensation.** Advisory council members are entitled to reasonable expenses as provided in Title 5, chapter 379, as approved by the director.

**4. Duties.** The advisory council shall provide to the director advice and information on the management of the ATV Recreational Management Fund, including, but not limited to:

A. The annual establishment of reimbursement rates for ATV club trail grants, municipal ATV trail grants and capital equipment grants; and

B. Expenditures that are over \$30,000 for ATV activities pursuant to section 1893 and are not part of the regular grant program.

**5. Chair; vice-chair.** The advisory council shall, during its initial meeting, elect one of its appointed members as chair and one of its appointed members as vice-chair for one-year terms.

**6. Meetings.** The advisory council shall hold meetings in April and September. The advisory council may also meet at other times at the call of the chair or the director or the director's designee.

**7. Public meetings; public comment.** All meetings of the advisory council are open to the public and must be held in a location that is convenient for public access. Public comment must be accepted at meetings of the advisory council. Comments may be restricted to subjects before the advisory council at the meeting and consistent with any applicable requirements and limitations of the Maine Administrative Procedure Act.

**8. Public notice.** Public notice of all advisory council meetings must be in accordance with Title 1, section 406.

**Sec. 3. Special duties of ATV Trail Advisory Council.** The ATV Trail Advisory Council shall study the following ATV-related issues and report its findings and recommendations to the Joint Standing Committee on Inland Fisheries and Wildlife by February 1, 2006. The ATV Trail Advisory Council shall:

1. Study the feasibility of establishing an ATV trail pass and provide suggested legislation for a trail pass system;

2. Review property access laws and land use issues regarding the operation of ATVs on private property;

3. Review the State's current age restrictions on the operation of ATVs and determine if those age restrictions must be modified; and

4. Review the recommendations of the Governor's ATV Task Force report that have not already been enacted by the Legislature and determine if it is economically feasible to implement any of those remaining recommendations.

**Sec. 4. Temporary members of ATV Trail Advisory Council.** Until February 1, 2006, the ATV Trail Advisory Council includes 2 additional members who represent the Department of Inland Fisheries and Wildlife appointed by the Commissioner of Inland Fisheries and Wildlife. These members are entitled to compensation as provided in the Maine Revised Statutes, Title 12, section 1893-C, subsection 3.

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

Effective May 20, 2005.

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## CHAPTER 187

H.P. 862 - L.D. 1244

### An Act To Clarify the Municipal Responsibility To Provide Assessing Information to Property Owners

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

**Sec. 1. 36 MRSA §711**, as amended by PL 1977, c. 509, §§14 and 15, is further amended to read:

#### **§711. Assessment record**

The assessors or, in primary assessing areas, the municipal officers shall make a record of their assessment and of the invoice and valuation from which it was made. Before the taxes are committed to the officer for collection, they shall deposit such record, or a copy of it, in the assessor's office, or, in the case of a primary assessing area, with the municipal clerk, there to remain. Any place where the assessors usually meet to transact business and keep their papers or books ~~shall be~~ is considered their office. An assessor, the municipal officers or any other municipal official with custodial authority over the assessing records shall make the entire assessing record related to any taxable property within the municipality available to the owner of that property upon request in a timely manner.

See title page for effective date.

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