

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 18, 2021

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

Augusta, Maine
2021

CHAPTER 215
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

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

Sec. 1. 12 MRSA §1893, sub-§1, ¶B, as amended by PL 2003, c. 414, Pt. B, §22 and affected by c. 614, §9, is further amended to read:

B. The bureau shall administer the ATV Recreational Management Fund established under subsection 2 for the purposes given in that subsection and for the acquisition of land to be used for designated state-approved ATV trails. The bureau may adopt rules in accordance with Title 5, chapter 375, subchapter ~~2~~ 2-A for the issuance of grants-in-aid from the fund and to further define alpine tundra areas pursuant to section 13001, subsection 4. Additional funding for the ATV Recreational Management Fund is as provided in Title 36, section 2903-D, subsection 3.

Sec. 2. 12 MRSA §1893, sub-§1, ¶C is enacted to read:

C. The bureau shall use funds in the ATV Recreational Management Fund established under subsection 2 to ensure that maintenance of designated state-approved ATV trails occurs annually and to adopt and use best practices of motorized trail construction during construction and maintenance of designated state-approved ATV trails. The bureau shall adopt rules that establish a procedure to prioritize the bureau's maintenance of designated state-approved ATV trails. Rules adopted pursuant to this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. 3. 12 MRSA §1893, sub-§2, ¶A, as amended by PL 2003, c. 695, Pt. B, §2 and affected by Pt. C, §1, is repealed and the following enacted in its place:

A. The fund may be used for the following purposes:

- (1) Conducting research on issues related to the management of ATVs;
- (2) Assisting in the formation of nonprofit ATV groups;
- (3) Making grants-in-aid to others, including political subdivisions, educational institutions, regional planning agencies and ATV groups,

to construct and maintain designated state-approved ATV trails, to purchase equipment or to otherwise carry out the purposes of the fund;

(4) Assisting in the design and development of designated state-approved ATV trails;

(5) Ensuring that designated state-approved ATV trails are inspected annually;

(6) Purchasing, leasing or otherwise acquiring interests in land, including, but not limited to, fee or easement interests for designated state-approved ATV trails or sport-riding facilities;

(7) Providing protection to landowners against ATV-related suit or liability; and

(8) Otherwise providing for the wise and orderly management of ATVs.

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.

Sec. 5. 12 MRSA §13155, sub-§1-A, ¶A, as amended by PL 2017, c. 97, §3, is further amended by amending subparagraph (1) to read:

(1) Registration is not required for an ATV operated on land ~~on which the owner lives or on land on which the owner~~ 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.

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.

Sec. 7. 12 MRSA §13155, sub-§5, as amended by PL 2019, c. 75, §3, is further amended to read:

5. Fees. The ATV registration fee is:

A. For a resident, ~~\$45~~ \$70 annually. The registration for an ATV owned by a resident is valid for one year, beginning on July 1st of each year; and

B. For a nonresident:

(1) ~~Seventy-five~~ One hundred dollars for a registration valid for 7 consecutive days. A person may purchase more than one 7-day registration in any season; and

(2) ~~Ninety~~ One hundred fifteen dollars for a registration valid for one year.

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

~~Twelve~~ Thirty-seven dollars of each fee collected pursuant to this subsection must be deposited in the ATV Recreational Management Fund established in section 1893, subsection 2 and must be used to maintain designated state-approved ATV trails.

Ten dollars of each fee collected pursuant to paragraph B must be deposited in the ATV Enforcement Fund established in section 10267.

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

5-B. Oversized ATV. 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. 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.

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

5-C. Antique ATV. A person who owns an antique ATV may register that ATV under this subsection as an antique ATV. Notwithstanding subsection 5, the fee for an antique ATV registration is \$45. An antique ATV registration is valid until the ownership of the

ATV is transferred to another person. Upon the transfer of ownership, the new owner may reregister that ATV as an antique ATV by paying the \$45 antique ATV registration fee. Notwithstanding section 10206, all registration fees for antique ATVs must be deposited in the General Fund.

Sec. 10. 12 MRSA §13155, sub-§12 is enacted to read:

12. Review of ATV registration fees and trail maintenance needs. In consultation with the Department of Agriculture, Conservation and Forestry, the department shall review ATV registration fees and maintenance needs of designated state-approved ATV trails in 2022 and 2023 and every 2 years thereafter. The Commissioner of Inland Fisheries and Wildlife shall report the findings and recommendations from the review to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters by February 1st each year a review is required. The committee may report out legislation related to ATV registration fees and maintenance needs of ATV trails to the session of the Legislature in which the report is received.

Sec. 11. 12 MRSA §13157-A, sub-§1-A, as amended by PL 2007, c. 509, §1, is further amended to read:

1-A. Permission required. A person may not operate an ATV on the land of another without the permission of the landowner or lessee. Permission is presumed on designated state-approved ATV trails or in areas open to ATVs by landowner policy. A landowner or lessee may limit the use of a designated state-approved ATV trail on that landowner's or lessee's property through agreements with the State or an ATV club to address environmental, public safety or management concerns, including by limiting the type, size and weight of ATVs permitted on the landowner's or lessee's property. A person operating an ATV, including an oversized ATV, on designated state-approved ATV trails shall adhere to limitations imposed by a landowner or lessee and the State on that part of the designated state-approved ATV trail on the landowner's or lessee's property in accordance with this subsection. Written permission of the landowner or lessee is required for use of an ATV on cropland or pastureland or in an orchard. As used in this subsection, "cropland" means acreage in tillage rotation, land being cropped and land in bush fruits and "pastureland" means acreage devoted to the production of forage plants used for animal production. For purposes of this subsection, "oversized ATV" has the same meaning as defined in section 13155, subsection 5-B. Nothing in this subsection may be construed to limit or expand a landowner's or lessee's property rights.

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

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

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

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

Sec. 13. Oversized ATV education component. The Department of Inland Fisheries and Wildlife shall develop and make available an education component for ATV dealers and owners and ATV registration agents regarding the operation and registration of oversized ATVs, as defined in the Maine Revised Statutes, Title 12, section 13155, subsection 5-B. The education component must provide guidance regarding which ATVs are considered oversized ATVs, when oversized ATVs may be registered and where oversized ATVs may be operated pursuant to Title 12, section 13155, subsection 3.

Sec. 14. Appropriations and allocations. The following appropriations and allocations are made.

AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF

Off-Road Recreational Vehicles Program Z224

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

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$0	\$1,791,817
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$1,791,817

Sec. 15. Effective date. That section of this Act that amends the Maine Revised Statutes, Title 12, section 13155, subsection 5 takes effect May 1, 2022.

See title page for effective date, unless otherwise indicated.

**CHAPTER 216
H.P. 1049 - L.D. 1433**

An Act To Amend the Motor Vehicle Laws

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

Sec. 1. 29-A MRSA §101, sub-§3, ¶E, as amended by PL 2005, c. 314, §2, is further amended to read:

E. Not a reconstructed vehicle; ~~and~~

Sec. 2. 29-A MRSA §101, sub-§3, ¶F, as enacted by PL 2005, c. 314, §3, is amended to read:

F. Not an altered vehicle; ~~and~~

Sec. 3. 29-A MRSA §101, sub-§3, ¶G is enacted to read:

G. Not an off-road vehicle.

Sec. 4. 29-A MRSA §101, sub-§4, ¶C, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

C. Maintained primarily for use in exhibitions, club activities, parades or other functions of public interest; ~~and~~

Sec. 5. 29-A MRSA §101, sub-§4, ¶D, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

D. Not used as its owner's primary mode of transportation of passengers or goods; ~~and~~

Sec. 6. 29-A MRSA §101, sub-§4, ¶E is enacted to read:

E. Not an off-road vehicle.

Sec. 7. 29-A MRSA §101, sub-§19-A, as repealed and replaced by PL 2011, c. 139, §1, is amended to read:

19-A. Custom vehicle. "Custom vehicle" means a motor vehicle manufactured after model year 1948 that:

A. Is at least 25 years old or was manufactured to resemble a motor vehicle that is at least 25 years old; ~~and~~

B. Has been altered or modified from the manufacturer's original design or has a body constructed from nonoriginal material; ~~and~~

C. Is not an off-road vehicle.

Sec. 8. 29-A MRSA §101, sub-§47-A, as enacted by PL 2005, c. 577, §6, is amended to read:

47-A. Off-road vehicle. "Off-road vehicle" means a motor vehicle that, because of the vehicle's de-