

MAINE STATE LEGISLATURE

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MAINE

ATV CLUB MANUAL



Department of Conservation
Bureau of Parks and Lands
Off Road Vehicle Division
ATV Program

INTRODUCTION

This manual is intended to aid ATV club officers. The Bureau of Parks and Lands, Maine Department of Conservation will provide additions to this manual annually in order to keep it current. The manual outlines a number of successful club activities and programs and should be passed on to the current ATV club president each year.

Local ATV clubs can be extremely effective in promoting the greater enjoyment of ATV operation, and safety. The ATV clubs should strive to build a credible public image of ATV use as a family sport. Above all, local clubs should work with government land use authorities, private landowners, and law enforcement officers for the development of safe, authorized ATV trails and related facilities.

This manual was compiled by:
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Section I

SAFETY

ATV SAFETY PROGRAM

The Department of Inland Fisheries & Wildlife has an ATV Safety Training Program, which consists of a classroom-training program of at least four hours, conducted by volunteer instructors, at no cost to the students. This course is required for anyone under the age of 16 wishing to ride ATV's off of their own property.

All records and material for these courses are furnished by Inland Fisheries & Wildlife.

For more information on taking a course or becoming an instructor, contact the
Department of Inland Fisheries & Wildlife, Safety Office.

RECREATIONAL SAFETY DIVISION, INLAND FISHERIES & WILDLIFE

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(Effective 03-01-05)

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**THESE SAFETY COORDINATORS DEAL WITH PROGRAMS IN FIREARMS,
ARCHERY, TRAPPING, ATV, BOATING AND SNOWMOBILE SAFETY.**

Section II

HOW TO ORGANIZE AN ATV CLUB

It only takes one person to operate an ATV, but much can be accomplished when ATV owners work together. The accomplishments can be achieved through an organization when all take an active part in making the group a success.

PRELIMINARY STEPS TO ORGANIZATION

When you have secured the interest and support of a nucleus of people who are willing to take an active part in the development of a local club, hold an informal planning meeting. At this meeting, discuss and determine the purposes of the club, and the reasons for its formation. Put specific objectives of the club in writing.

Examples of possible objectives are as follows:

- To encourage a concern for the environment
- To encourage the safe usage of ATV's
- To improve the image of ATV users by educating and encouraging users in the proper, considerate and courteous use of ATVs
- To encourage respect for the rights of others
- To encourage the use of ATV's as a family activity
- To encourage properly organized ATV trips, outings, etc.
- To cooperate with local police, fire and Civil Defense agencies, and with other community organizations, by providing ATV's for emergency duty
- To work with government officials and others toward mutually acceptable and satisfactory rules by which to operate your ATV

At this pre-organizational meeting, it should be determined when and where the first public meeting will be held. Also, decide the method to be used in notifying potential club members (in many cases, the general public would be interested in this information).

PROCEDURE FOR FIRST PUBLIC MEETING

1. Inform the people in attendance of the background activity which led to this meeting.
2. Elect a chairman pro-tem to preside over the meeting.
3. Take a vote of those present to determine if they are in agreement that an ATV club should be formed in the area or town.
4. Ask for suggestions regarding the election of necessary officers. We would recommend the following: President, Vice President, Secretary, and Treasurer. There should also be a Board of Directors consisting of an odd number (usually seven, nine or eleven), which should include the elected officers.
5. After the above steps have been taken, elect the slate of officers decided upon by the group. Take nominations from the floor, and vote separately on each candidate for each office. It is not absolutely necessary to elect the entire Board of Directors at this initial meeting unless you so desire. It might be advisable to wait until the next meeting and secure names in the meantime of people who were unable to attend the first meeting. If your club is to include several areas or communities, we suggest that your Board of Directors include representation from as many of these areas as possible.
6. By-Laws Committee should be either appointed by the President or elected by the group at this meeting. This committee can review and revise the sample constitution included in this booklet, making changes they feel necessary to adapt it to your particular group. It would be advantageous if these revisions were completed before the next meeting, so that copies may be distributed to all members present at that meeting. They should be voted upon by the membership for official approval.
7. At this time, the meeting can be opened for general discussion. Topics for discussion might range from possible club-sponsored activities such as day trips, cookouts, overnight and weekend camping trips, to cooperation with local authorities on community projects, development of a trails system, and development of a safety education program.
8. Some suggestions for committees which your group may want to appoint are as follows:
 - Membership - keeps track of paid memberships, recruit new members
 - Legislative - follows development in the Legislature, attends hearings
 - Entertainment - obtains speakers, plans programs for meetings
 - Special Events - plans special club events such as trips, picnics
 - Public Relations - maintains contact with community officials, local and state organizations and landowners
 - Publicity - keeps members and the public informed on meeting dates, activities, etc.
 - Disciplinary - discusses and acts upon individual member violations of rules and regulations

- Refreshments - obtains refreshments for meetings
- Junior Programs - plans special events for the younger members
- Telephone - to receive and make calls when things develop and require immediate attention

It is also suggested that one or more trail masters be appointed to lead the group on club- sponsored trips.

9. Determine the frequency of your meetings. We suggest that there be at least one meeting each month. During the off-season months you may want to meet only informally to discuss programs for the coming season. Club dinners during these months are a good way to keep the membership interested. It is also suggested that the Directors meet periodically even if the club doesn't.
10. A determination should be made regarding dues for your organization. The amount can vary, usually between \$10.00 a year per club membership and \$45.00 a year per family membership, depending on the size of the group, the extent of intended activities, etc. It is also advisable to determine what affiliation, if any, the club will have before voting on the amount of dues.
11. When naming the club, be original and imaginative. The name can reflect the spirit of your organization, the geographical area, or many other factors. It is not wise, however, to use the name of a machine in the club name, even if all members drive the same brand, as this could prohibit prospective members who own a different brand.

One approach to finding a name for the club is to ask those present at the first meeting to submit some suggestions at the next meeting, and to make a selection at that time.

Section III

STEPS IN DEVELOPING A MEETING

To The President

The President should take the following steps BEFORE the meeting if he/she wants it to run smoothly:

- Define the purpose as specifically as possible in relation to the goals of the club.
- Determine the type of meeting that will carry out this purpose, (formal, informal).
- Study the problems coming before the meeting in detail.
- Plan the arrangements -- date, time, place, equipment, materials, and program.
- Assign details in individuals or subcommittees.
- Be sure to CHECK and evaluate progress on details.
- Evaluate each meeting for meaningfulness to participants and the degree to which it moved the club to its goals.

Order of Business Meeting

Meeting Called to Order

The president calls the meeting to order and makes the opening remarks. "The meeting will come to order." (Opening remarks)

Reading and Approval of the Minutes

Secretary seated by the president, stands to read the minutes. "The secretary will read the minutes of the last meeting (Name)". Corrections to minutes are requested. "Are there any corrections to the minutes?" No motion is needed for the approval of minutes. "If there are no (further) corrections the minutes stand approved as read (as corrected)".

Report of Officers

"We will have the treasurer's report (name)". No motion is needed for adoption of treasurer's report unless report is audited. "Are there any questions or observations? If not, the treasurer's report will be filed".

Report of Committees

Committee chairmen who are to report should be seated up front. "We will have the report of the (name of) Committee. Chairman (name)". No motion is needed for adoption of committee reports unless recommendation for association action is made. "Are there any questions or discussion in regard to this committee report? If not, the report will be filed". (Appreciation may be expressed to committee.)

Committee Recommendations for Action

Motion to adopt is usually made by the chairman and seconded by a committee member. "(Name of) Committee recommends that the association...." Is there any discussion?" Each motion is discussed and disposed of before another main motion can be proposed.

Unfinished Business

Unfinished business from last meeting is brought to the floor for action. "Is there any unfinished business?"

New Business

"Is there any new business?"

Announcements

Persons making announcements should be seated up front. "Are there any announcements?"

Adjournment

The president automatically adjourns a meeting, except when there is unfinished business. Then a motion for adjournment must be made and voted. "If there is no further business, the meeting stands adjourned". (With one tap of gavel)

Essential Steps in the Progress of Motions

<u>Action from the Floor</u>	<u>Action by the President</u>
Member stands to present a motion "Mr. President".	Recognizes speaker: "Mr. Smith".
Motion is proposed: "I move that....."	
Secunder need not to stand. "I second the motion."	Presents the motion for discussion
	"The motion has been made by Mr. Smith and seconded that(state the motion) Is there any discussion?"
<i>Floor discussion must be addressed to the president. Motions may be amended or disposed of in various ways.</i>	
	Put the motion to vote: "If there is no further discussion (no comment signifies consent) the motion is . . . (repeat the motion):"
Members cast their votes.	"All in favor please say; 'Aye' (yes)". "All opposed please say; 'No'."
	States the results, if the majority can be determined: "The Ayes (or Nos) have it. The motion is carried (or defeated)".
"DIVISION" may be called for if "voice	Must call for a show of hands or a

vote" is questioned.	standing vote: "All in favor raise right hand (or stand)" "All opposed."
<i>Members repeat vote by new procedure.</i>	
	Announces result.

Handling of Amendments

<u>Action From the Floor</u>	<u>Action By the President</u>
After a main motion has been made and seconded, a member may AMEND	Must remember that action has not been completed on the Main Motion. It must be considered again
<i>AFTER DISPOSITION OF THE AMENDMENT</i>	
"I move to AMEND the motion by" (Deletion, insertion or substitution of words, sentences, phrases, or a paragraph, or a combination of the above).	
The motion to AMEND is seconded: "I second the motion to AMEND"	Presents the AMENDMENT for discussion: "It has been proposed to AMEND the motion to read as follows . . . (the motion and AMENDMENT is repeated) Is there any discussion?"
<i>Floor Discussion of the AMENDMENT</i>	
	Put the AMENDMENT to vote: (repeat Amendment)
Vote on the AMENDMENT	"All in favor of the AMENDMENT please say 'Aye'." "All opposed.".
	Announce result on AMENDMENT: "The Amendment is carried (or defeated)".
THE MAIN MOTION IS NOW UP FOR ACTION regardless of disposition of the amendment	Present the MAIN MOTION: "The motion now before the club is (repeat motion as AMENDED, if carried)
 Is there any discussion?
<i>Floor Discussion on MAIN MOTION</i>	
The club proceeds to vote	Put motion, plus the AMENDMENT, IF CARRIED to vote
	Announce final results on MAIN MOTION

TABLE OF PRECEDENCE OF THE MORE COMMON MOTIONS

	VOTE		
	<u>DEBATABLE</u>	<u>AMENDABLE</u>	<u>REQUIRED</u>
1. To adjourn (only when business unfinished)	No	No	Majority
2. To lay on table	No	No	Majority
3. To close debate	No	No	Two-thirds
4. To postpone until definite time	Yes	Yes	Majority
5. To refer to committee	Yes	Yes	Majority
6. To amend	Yes	Yes	Majority
7. To postpone indefinitely	Yes	No	Majority
8. Main motion	Yes	Yes	Majority

MISCELLANEOUS CONSIDERATIONS

1. The president is really a moderator. He is non-partisan in the Chair, seeing that members are treated equally, regardless of which side of the question they debate. He is in many respects like an umpire or referee.
2. The president never makes a motion while in the Chair, nor does he debate a motion without first having called the vice-president or other person to preside in his place. In such an event he does not usually resume the Chair until the vote has been announced. The practice of debate by the presiding officer is not recommended by parliamentarians.
3. The mover may request to withdraw or modify his motion without consent of anyone before the motion has been put to the group for consideration. When the motion is before the assembly and if there is no objection, the chairman announces that the motion is withdrawn or modified. If anyone objects, the request is put to a vote.
4. When making the motion to close debate, the traditional form is "I move the previous question...".
5. The motion to postpone the question until a definite time later, should, of course, mention the specific time proposed.
6. Without securing recognition from the Chair, or even without waiting for a speaker to yield the floor, a member may rise to a point of order, to a point of information, or a question of privilege. No second is necessary.
7. The president should not permit one or two constant talkers to dominate the meeting. Time is limited: everyone should receive equal opportunity to speak. The chairman should not recognize the same person twice until all others who wish to speak have had an opportunity.

SAMPLE BY-LAWS

(NAME OF CLUB)

ARTICLE I

Name and Location

The name of this corporation is _____

Its location and principal office shall be at _____
_____ in the County of _____
and State of Maine.

ARTICLE II

Purposes and Powers

Section 1

The purposes of this corporation shall be social in nature, to-wit: To own, maintain and operate social and recreational facilities, including but not limited to clubhouses and ATV trails, for the use and benefit of its members; to encourage good fellowship among its members; to conduct ATV trail rides, and ATV races in accord with applicable law and regulations; to encourage safety and courtesy in ATV riding; and generally in all ways to advance and improve the great outdoor sport of ATV riding in all its forms.

To these ends the corporation shall be empowered:

To acquire by gift or purchase, whether in trust or otherwise, to hold, sell, convey, assign, mortgage, or lease any property, real or personal, necessary or incidental to the accomplishment of any of its purposes; to solicit funds, subscriptions, pledges, grants and bequests for its said purposes; to borrow money and issue evidence of indebtedness, and to secure loans by mortgage, pledge or other lien, all in furtherance of its said purposes; to apply for, obtain and contract with any governmental agency or private foundation for grants, direct loans or other financial aid and to make any other contract in furtherance of its said purposes; and to take such other and further actions as may be necessary for the accomplishment of its said purposes and not inconsistent with the specific limitations of its powers hereinafter recited.

PROVIDED, HOWEVER, that the corporation shall not be operated for profit and no part of the net earnings of the corporation shall inure to the benefits of, or be distributable to, its members, trustees, officers or other private persons, partnerships, or corporation; except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distribution in furtherance of its purposes hereinbefore set forth.

PROVIDED, FURTHER, that no substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office.

PROVIDED, FURTHER, that notwithstanding any other provision of these articles, the corporation shall not carry on any other activities not permitted to be carried on by a corporation exempt from Federal income tax under Section 501 (c) (7) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law), or by a corporation, contributions to which are deductible under Section 170 (c) (2) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law).

PROVIDED, FURTHER, that upon the dissolution of the corporation, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities of the corporation, dispose of all of the assets of the corporation exclusively for the purposes of the corporation in such manner, or to such organization or organizations organized and operated exclusively for charitable, educational, religious or scientific purposes as shall at the time qualify as an exempt organization or organizations under Section 501 (c) (7) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law), as the Board of Directors shall determine. Any of such assets not so disposed of shall be disposed of by the Superior Court of the County in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

ARTICLE III

Membership; Dues

1. Initial Members. Membership in this corporation shall consist initially of the incorporators whose signatures appear on the certificate of organization.
2. Membership is open to any person of good character and in sympathy with the purposes of the corporation upon application to the secretary and payment of one year's dues.
3. Membership shall consist of two classes:
 - a. Family membership shall include husband and wife and their children less than 18 years of age.
 - b. Associate members.
4. Powers. Members (16 years and older) shall be eligible to vote at all meetings of, and to hold office in, this corporation.
5. The Board of Directors shall establish the qualifications and rights of Associate Members.

6. Resignation, removal. If a member, while operating an ATV, violates any law or regulation, or commits any act which could reflect on the integrity of the corporation, the membership may be terminated by a majority vote of the general membership or if his annual dues remain unpaid sixty (60) days after bills therefore are mailed out by the Treasurer.
7. Dues. The annual dues for members shall be _____ dollars (\$_____) per year, payable on or before the _____ day of _____ in each year.

ARTICLE IV

Meetings of Membership

1. Annual meetings. The annual meeting of this corporation for the purpose of electing directors and officers shall be held on the _____ day of _____ in each year, except that if such day is a Sunday or legal holiday, such meeting shall be held on the business day next following. Such meeting shall be held at some place within the City/Town of _____ designated by the President.
2. Special Meetings. Special meetings of the membership may be called by the President at any time and shall be called by him at the written request of five (5) members stating the object thereof. Upon receipt of such request the President shall forthwith cause the Secretary to issue notice to the membership stating the time, place and object of such meeting, which shall be held not later than twenty-one (21) days after receipt by the President of request therefore. No business not related to the object stated in the request shall be transacted thereat.
3. Quorum. A quorum for voting purposes at any meeting of the membership shall be one-fifth (1/5) of the membership at the time of the call of the meeting; however, a less interest may adjourn the meeting.
4. Proxies. No voting by proxy shall be permitted at any meeting of the corporation.
5. Notice. Written notice of every meeting of the membership shall be mailed by the Clerk to every member at his address last appearing in the corporate records no less than fourteen (14) days before the date fixed for such meeting. Notice shall be deemed given when mailed.

ARTICLE V

Officers

1. Number and designation. The management and administration of the affairs of this corporation shall be entrusted to four (4) officers, President, Vice-President, Secretary and Treasurer.
2. President. The President shall be the chief executive and administrative officer of the corporation. He shall preside at all meetings of the corporation.
3. Vice-President. The Vice-President shall, in the absence of or disability of the President, have and exercise all the powers of the President. He shall have such other and further duties as the President may from time to time prescribe.
4. Secretary. The Secretary shall keep an accurate record of the meetings of this corporation. He shall give the notice required by these by-laws of all such meetings. He shall notify persons of their election to or removal from membership, and shall conduct the formal correspondence of this corporation. He shall have custody of the minute book and other records of this corporation.
5. Treasurer. The Treasurer shall keep the accounts and have charge of the funds of this corporation. He shall render a written report of the financial condition of this corporation to the membership at its annual meeting.
6. Committees; absences. The President may from time to time appoint from the membership such committees as in his judgment shall be necessary to further the purposes of this corporation. In case of the absence or inability to act of either the Secretary of the corporation or the Treasurer, the President may appoint a Secretary or Treasurer pro tem.
7. Election of officers. The officers of this corporation shall be elected by the membership at the annual meeting of this corporation. From the nominees for each office the one receiving the highest number of votes cast shall assume that office. If there is no more than one nominee for each office, the President may waive the requirement of formal balloting and direct the Secretary to cast one ballot for the nominee. The terms of the several officers shall be one year and until their successors are elected. A nominating committee of at least three persons shall be appointed by the President one month prior to the annual meeting with the approval of the Board of Directors.

ARTICLE VI

Directors

1. Number, how elected; term. The governing body of this corporation shall be a Board of Directors composed of seven (7) persons. Of those elected initially to serve as directors, three shall be elected for a term of three years, two shall be elected for a term of two years and two shall be elected for a term of one year. Thereafter all directors shall be elected at the annual meeting of the corporation for a term of three years and until their successors are elected. In the event of a vacancy on the Board, the remaining directors may choose a person from the membership of the corporation to fill the unexpired term.
2. Officers of the Board. Immediately following the annual meeting of the corporation the Board of Directors shall meet and elect from their number a Chairman and a Secretary. The Chairman shall preside at all meetings of the Board and the Secretary shall keep the minutes of such meetings.
3. Meetings. The Directors shall meet at the call of the Chairman of the Board. Special meetings shall be called by the Chairman at the written request of three (3) members stating the object thereof. Upon receipt of such request the Chairman shall cause the Secretary to forthwith issue notice to the Directors stating the time, place and object of such special meeting, which shall be held not later than five (5) days after receipt by the Chairman of request therefore. No business not related to the object stated in the request shall be transacted thereat.
4. Quorum. A quorum for voting purposes at any meeting of the Directors shall be three (3) members; however, a less interest may adjourn the meeting.
5. Proxies. No voting by proxies shall be allowed at any meeting of the Directors.
6. Notice. Written or telephone notice of all meetings of the Directors shall be given by the Secretary to each Director at least five (5) days before the date fixed for such meeting. Notice shall be deemed given when mailed.

ARTICLE VII

Finances; Execution of Documents

1. Finances. All corporate funds shall be deposited in such bank as may from time to time be designated by the Board of Directors. Corporate checks shall be signed by the Treasurer.
2. Execution of Documents. When authorized by the Board of Directors, the President shall execute all documents on behalf of this corporation, except corporate checks.

ARTICLE VIII

Affiliation

1. This corporation shall be affiliated with the ATVMAINE (Association of Trail Vehicles in Maine), optional, but suggested.

ARTICLE IX

Seal

1. The seal of this corporation shall be a flat circular metal die with the name of the corporation, the year of its incorporation, and the word "MAINE" incised thereon.

ARTICLE X

Amendments

The certificate of organization of this corporation and these by-laws may be amended by a two-thirds vote of the membership, provided the substance of such amendment has been included in the notice of the meeting.

Section IV

Incorporation of ATV Clubs

Clubs must be incorporated. An incorporated club has LIMITED LIABILITY, which protects its members from being personally responsible for the debts or activities of the club. It also has a separate legal existence and as a result can exercise most of the powers that are available to individual persons. The club can own property, contract mortgages, and remains in existence irrespective of what happens to individual members. A club cannot receive grant money from the State unless they are a non-profit corporation in good standing with the Secretary of State, Bureau of Corporation, Elections and Commissions.

The nonprofit corporation is available in most states for the "not-for-profit" organizations. This type of incorporation avoids much of the financial burden of other types of incorporation and is the most favored by clubs operated not for profit. You may want to consult an attorney in this regard. All clubs must be incorporation for the protection of its officers and members. To become Incorporated you must contact:

Secretary of State's Office
Bureau of Corporations and Elections Commissions
State House Station #29
Augusta, Maine 04333
Telephone: 624-7736

Section V

How To File For a Federal I.D. Number

Following are procedures and suggestions for applying for a Federal I.D. Number:

File for an Employer Identification Number if you do not have one. The state requires one for all clubs and will not disperse club grant monies without the number on file. If you aren't sure if you have a Federal I.D. Number call 1-800-829-1040 and give them your club name and they will tell you.

If you don't have an ID #, call 1-800-829-3676 and ask for forms SS-4. After you receive and complete the form you can mail it in and your ID number will be returned to you in the mail. If you prefer, you can call 1-800-829-4933 and they will assign a number by phone. Please be sure to have the form filled in before calling, so you'll be sure to have all the necessary information. They will then assign you a number, which you can write on the upper right hand corner of the SS-4 form and mail to them. As soon as a number assigned to you enter it on the Officer Update Form...mail the completed form to us as soon as possible.

Section VI

Land Owner Liability

ATV operation may require the use of land owned by another. As a result, the ATV user must respect the rights of others. The following laws apply to landowner's liability in Maine. The law as printed below is as it appears in Maine Revised Statutes. If further information is needed, contact your attorney or local law enforcement agency. Each ATV operator should keep these laws in mind when operating in Maine.

Title 14 M.R.S.A. Chapter 7

159-A LIMITED LIABILITY FOR RECREATIONAL OR HARVESTING ACTIVITIES

1. **Definitions.** As used in this section, unless the context indicates otherwise, the following terms have the following meanings.
 - A. "Premises" shall mean improved and unimproved lands, private ways, any buildings or structures on those lands and waters standing on, flowing through or adjacent to those lands.
 - B. "Recreational or harvesting activities" means recreational activities conducted out-of-doors, including hunting, fishing, trapping, camping, environmental education and research, hiking, sightseeing, operation of snow-traveling and all-terrain vehicles, skiing, hang-gliding, dog sledding, boating, equine activities, boating, sailing, canoeing, rafting biking, picnicking, swimming or activities that involve harvesting or gathering forest, field, or marine products. It shall include entry of, volunteer maintenance and improvement of, use of and passage over premises in order to pursue these activities. "Recreational or harvesting activities" does not include commercial agriculture or timber harvesting.
 - C. "Occupant " includes, but is not limited to, an individual, corporation, partnership, association or other legal entity that constructs or maintains trails or other improvements for public recreational use.
2. **Limited Duty.** An owner, lessee, manager, holder of an easement or occupant of premises shall owe no duty of care to keep the premises safe for entry or use by others for recreational or harvesting activities or to give warning of any hazardous condition, use, structure or activity on these premises to persons entering for those purposes. This section applies regardless of whether the owner, lessee, manager, holder of an easement or occupant has given permission to another to pursue recreational or harvesting activities on the premises.

3. **Permissive Use.** An owner, lessee manager, holder of an easement or occupant who gives permission to another to pursue recreational or harvesting activities on the premises shall not thereby:
 - A. Extend any assurance that the premises are safe for those purposes;
 - B. Make the person to whom permission is granted an invitee or licensee to whom a duty or care is owed; or
 - C. Assume responsibility for or incur liability for any injury to person or property caused by an act of persons to whom the permission is granted.
4. **Limitations on section.** This section shall not limit the liability that would otherwise exist:
 - A. For a willful or malicious failure to guard or to warn against a dangerous condition, use, structure or activity;
 - B. For an injury suffered in any case where permission to pursue any recreational or harvesting activities was granted for consideration other than the consideration, if any, paid to the following:
 - (1) The landowner or the landowners agent by the State; or
 - (2) The landowner or the landowner's agent for use of the premises on which the injury was suffered, as long as the premises are not used primarily for commercial recreational purposes and as long as the user has not been granted exclusive right to make use of the premises for recreational activities; or
 - C. For an injury caused, by acts of persons to whom permission to pursue any recreational or harvesting activities was granted, to other persons to whom the person granting permission, or the owner, lessee, manager, holder of an easement or occupant of the premises, owed a duty to keep the premises safe or to warn of danger.
5. **No duty created.** Nothing in this section shall create a duty of care or ground of liability for injury to a person or property.
6. **Costs and Fees.** The court shall award any direct legal costs, including reasonable attorney's fees, to an owner, lessee, manager, holder of an easement or occupant who is found not to be liable for injury to a person or property pursuant to this section.

Section VII

Programs and Activities for All Ages

The success of an ATV Club can usually be measured by the enthusiasm of its membership. This means lots of activities and maximum participation by the individual members. Members usually will keep coming back to the club meetings and activities if they feel the club wants and needs them. So keep members involved at all times. The following are activities which clubs in Maine have been successful in planning and carrying through:

1. CLUB ASSOCIATION. To be most effective, your club should have contacts and liaisons with other similar clubs and associations. This type of unification will give your club the means to work for and to encourage reasonable and responsible ATV legislation; to promote the development of ATV recreation areas in the state; and to encourage the safe, courteous and responsible use of ATV's.
2. ATV'S. Group ATV trips are rapidly becoming the number one ATV sport. Whether it is an afternoon outing or a weekend adventure, you will find it is fun for all. Moonlight trips have a magic quality.
3. PICNICS AND COOKOUTS. How about a picnic for your group with an outdoor cooking contest staged by the men?
4. DUAL CLUB EVENTS. Arrange a rendezvous with another ATV club from some nearby town. Meet new people and make new friends. Swap ideas and experiences.
5. COMMUNITY ACTIVITIES. Many communities already have activities. Your club can lend a hand - stage a demonstration of driving skill and safety.
6. JUNIOR PROGRAMS. ATV operation is essentially a family sport, so plan special activities for the youngsters. Teach them early to become capable, responsible and courteous ATV drivers.
7. SAFETY CAMPAIGN. This should be a basic responsibility of any club - to educate users in the safest ways to use ATV's and thus reduce accidents. Remember Courtesy and Safety go hand in hand.
8. COMMUNITY SERVICE. Cooperate with Service Clubs, Civil Defense, Police and Fire Departments, Red Cross, Boy Scouts and other community organizations in making ATV's and drivers available for emergency duty.
9. OFF-SEASON EVENTS. Events should be planned to keep Club enthusiasm high-social events, dances, and regular monthly meetings with interesting guest speakers. A special service clinic can be scheduled or local dealers could be invited to show what's new for the coming year.

10. MONTHLY CLUB BULLETIN - can be used to keep members up-to-date on what's happening and interested during summer months. This can be simple... just photocopied pages stapled together.
11. MEMBERSHIP DRIVE. Remember, the lifeblood of any club or organization is membership. A continual flow of new members is essential to the growth of your organization, and its effectiveness. So invite prospective members to your meetings and plan special events to interest new members.
12. FAMILY FUN DAY.Day's Event
 - a. Obstacle Course. The obstacle course should be laid out in such a manner that there are no crossings or intersections either with the course or with existing highways and trails. The obstacles should be easy to moderate in difficulty with primary concern being the contestant's safety. Several short turns will help to keep the contestant's speed within safe operating limits. Some gates may be lightly planted in the ground so that they will fall over easily; others may be placed more securely. Jumps should not be used because inexperienced operators and children may be using the course, and safety is always the primary concern.
 - b. Scavenger Hunt. This activity is for the younger children. Objects can be placed around the immediate area. The child is given a list of objects to be found. The first child to complete the list wins.
 - c. Outdoor Cookouts. This can be done in family units, with each family responsible for their own cooking. This would be a great time for Dad and the kids to do the cooking and cleaning up.

IDEAS FOR CLUB FUNCTIONS

We offer the following as suggestions from which you develop your own ideas. It is hoped that these might stimulate the imagination of your membership and contribute to the development of an original idea.

OBSTACLE RACES

SUPPERS (Landowner, monthly, special occasion, membership, fund raising and progressive)

CROSS COUNTRY RACES

EVENING TRAIL RIDERS

COOKOUTS

DANCES

AUCTIONS

TALENT SHOWS

CHILDREN'S DAY

RIDE-A-THON FOR CHARITABLE ORGANIZATIONS

SAFETY COURSES

CAR WASHES

WEEKEND TRAIL RIDES

SPECIAL MEETING FOR INSTALLATION OF OFFICERS

(Make this more than an election) Get the views and ideas on what they would like to see the club doing during their term.

TRAIL DEVELOPMENT AND MAINTENANCE

CLUB CALENDAR OF EVENTS

CLUB ASSOCIATIONS

SPEAKERS ON TOPICS OF INTEREST

OFF-SEASON EVENTS

RESCUE TEAM

CARD FILE FOR FUN AND FUNDS

The card file is one of the best ways to organize and keep track of different games and stunts. Each card should hold directions for one activity and be filed in easy to remember categories such as Group-Starters, Mixers, Active Games, Less Active Games, Songs, Stunts, Equipment Games, Outdoor Games, Folk Games and Square Dances, Quiz Questions, Contest, Water Games and Snow Games.

A small loose-leaf notebook can also be readily used for the above purpose. Songbooks can be mimeographed of clubs' favorite songs. Don't forget one book for the pianist with music and one book for the song leader.

Prepare and present to each family a seasonal calendar of events. Also post one on the clubhouse or at your meeting place if possible. This could substantially reduce the number of mailings required during the year.

ENTERTAINMENT

Each club should have someone responsible for club entertainment. This person should set up an entertainment planning committee of several persons who represent various interests and backgrounds.

Questions the committee should ask itself as it plans for an event:

WHO IS LIKELY TO COME? What ages are included? What kinds of entertainment have they had during the past few months?

WHAT DO THEY LIKE TO DO AND WHAT DON'T THEY LIKE TO DO? A questionnaire (entertainment interests) previously checked by members of the club will help to answer this question.

WHAT IS THE PHYSICAL SITUATION, such as size of room, equipment available, if any? If the affair is to be held outdoors, what are the circumstances? Place for swimming? Place for contests? Any dangers to be guarded against for small children (if they are involved)?

HOW MUCH TIME IS AVAILABLE? This is important, because usually there is time for only about two-thirds as many activities as are planned. The best parties stop as well as begin on time. (Nevertheless, several "spares" available-games and leaders-may come in handy.)

Certain pointers or tips on entertainment planning hold good, no matter what type of social affair is held:

THE USE OF IMAGINATION IS REWARDING. Try to make the event different, unusually interesting-don't just use the same worn-out ideas that have been used again and again.

ATTENTION-CATCHING PUBLICITY HELPS. Use the telephone, postal cards, novel poster, special mailings, personal contacts, mystery angles, such as "Burma Shave" signs. Get the newcomers out to the party by having them called the first time by "old" members.

ONE PERSON WITH FINAL AUTHORITY SHOULD BE IN CHARGE. (Some social affairs are sloppy because no one person is responsible) however there should be, many assistants.

DRAWING ON MEMBERS OF THE CLUB ITSELF FOR LEADERSHIP OF SOME ACTIVITIES IS VALUABLE.

SOMETHING FOR FIRST COMERS TO DO IS DESIRABLE.

PROVIDING SPECIAL FUN FOR THE CLEANER-UPPERS AND RETURNING OF BORROWED PROPERTIES IS GOOD PSYCHOLOGY. (It won't be so difficult at the next party to get volunteers for these jobs!)

PUBLIC RECOGNITION OF THOSE WHO HAVE MADE THE EVENT A SUCCESS IS A COURTEOUS AND GRACIOUS GESTURE.

WORK PARTIES CAN BE FUN! Club members can have fun when they do a job together.

ARTISTS PARTY. When a coming event needs to be publicized, hold a sign or poster painting artists party.

PAINTING PARTY. The clubhouse needs painting. An elderly couple needs help. A sick member needs help.

KP PARTY. This is a special party for the clean-up crew after a supper or big party is over. Lets help draw lots for slips that have letters like "DD" (Dry Dishes), "SF" (Sweep Floor).

RAFFLES

AS A RESULT OF ACTION TAKEN BY LEGISLATURE, RAFFLES CONDUCTED BY ORGANIZATIONS SUCH AS YOURS WILL NO LONGER REQUIRE A LICENSE. HOWEVER, GUIDELINES FOR THE OPERATION OF A RAFFLE CAN BE FOUND IN THE PUBLICATION ENTITLED, GAMES OF CHANCE, WHICH CAN BE OBTAINED BY CONTACTING THE BUREAU LISTED BELOW. SECTION 330, 331, 336, AND 340 SHOULD BE READ OVER CAREFULLY AND MUST BE ADHERED TO IN THEIR ENTIRETY. THERE ARE NO EXCEPTIONS TO THE ABOVE.

IF THE PRIZE TO BE AWARDED AS THE RESULT OF THIS DRAWING IS ALCOHOLIC BEVERAGES (TITLE 28, SECTION 1055) IT WOULD BE A VIOLATION OF MAINE LAWS AND THE VIOLATOR WOULD BE SUBJECT TO PROSECUTION.

FOR FURTHER ASSISTANCE, PLEASE DO NOT HESITATE TO CONTACT:

BUREAU OF MAINE STATE POLICE
36 HOSPITAL STREET
AUGUSTA, MAINE 04333 Telephone: 287-3028

SECTION VIII

PLANNING TRAILS

GENERAL ATV TRAIL GUIDELINES

- 1) All trails must be established in accordance with State Laws, Laws pertaining to All Terrain Vehicles.
- 2) The trail corridor is a strip or parcel of land in which the trail is to be located.
- 3) The trail will consist of a tread way from which hazardous obstacles such as, stumps and large rocks will be removed, severe depressions will be filled in, side brush removed at least one foot outside the established tread way and overhead brush and limbs will be cleared to a minimum of (7') seven feet. All brush, trees, stumps and rocks removed from the corridor should be disposed of in a way not to detract from the aesthetic interest of the trail.

The established tread way should be maintained a minimum of:

Class I - Two feet for two wheel vehicles including dirt bikes, off-road bikes, fat cats, etc.

Class II - Five feet for three and four wheel vehicles 50 inches or less in width, dry registered weight of less than 750 pounds traveling on low pressure tires of 6 pounds or less designed to be straddled by the operator.

Class III - Eight feet for vehicles greater than 50 inches in width, greater than 750 pounds registered dry weight, traveling on Multi-wheels or tracks not limited to but including 4 X 4 trucks, dune buggies, coots and amphibious vehicles.

- 4) Marking the trail will be consistent with established Bureau guidelines. Signs to be used will be provided by the Bureau or will be of equal quality and design. Signs will be attached to trees or posts with aluminum nails at eye level.
- 5) Trails will be established only on land where written landowner permission has been obtained. If written permission is unattainable, oral permission will be accepted with a written affidavit from the club President confirming permission was obtained and the date it was obtained.
- 6) Trails should pass through variable terrain to hold users interest and create a reasonable degree of challenge. Established routes will avoid critical wildlife and ecological areas and areas of anticipated serious user conflict such as, tree plantations, dwellings, agricultural land, or other recreational user areas.
- 7) Highway crossings should be avoided whenever possible. When necessary, crossing should be made as near right angles to the traveled roadway as possible at locations providing clear visibility along the highway in both directions, to assure safe crossing. (There is a process where you can have Department of Transportation to install highway signs notifying traffic of the trail crossing. This may be advisable in areas where visibility is bad.)

8) Trails should not be routed parallel with steep side slopes. Sustained perpendicular slopes should not exceed 30 percent. Bypass trails should be provided around grades exceeding 25%. Approaches or exits to slopes and grades should be straight for a sufficient distance to make a safe entrance and exit.

9) If it is necessary to bulldoze or grade the trail surface, precautions should be taken to eliminate future erosion.

10) Streams and rivers will be bridged or culveted in compliance with all environmental regulations. Bridges will be a minimum of (5') five feet wide for Class I and II trails, and a minimum of (8) eight feet wide for Class III trails designed for dune buggy or off-highway four wheel drives.

11) Trails will not be established in the streambed, parallel with the flow of current, on dry or wet channels. Crossing fords are allowed, if they are located on a hard rock or gravel bottom so as not to cause sedimentation and if approved by the landowner and appropriate environmental agencies.

12) Remember that wetlands are protected and permits may be needed to cross them. Trails across wetlands will only be approved if the trail hardening techniques such as courdroy, turnpike, or puncheon are used to protect the soils.

13) Crossing active railroad tracks will be only at authorized crossings clearly approved by the appropriate Rail Line.

14) Trails should be maintained sufficiently to allow reasonably safe operation of off road motorized vehicles, considering some operators will be less experienced than others. When an approved trail is abandoned or discontinued, the Bureau should be notified immediately in writing.

15) It is of utmost importance that all trails be monitored on a regular basis in order to assure they are kept in reasonably safe usable condition.

16) Trail signs and bridges should be removed completely from trails that have been discontinued or abandoned.

17) Trails should not be routed over frozen bodies of water. (We are aware that use occurs on the ice of many lakes and rivers in the winter; however this cannot be signed as trail.)

PLANNING TRAILS

The first step in planning an ATV trail is identifying specific needs. Is there a close-by popular Federal, State or Municipal park or forest area to which your club members now trailer their machines? Is there a trail system operated by an ATV club in an adjoining town? Is there a need for short, close-in trails linking different places in your club area?

The preceding are but a few examples of the differing purposes ATV trails can serve. As you can see from the nature of these questions, some trails will be designed to bring persons to a desired location, just as a highway leads from your home to a store. Other trails will be designed to incorporate a single experience: ATV riding. Good trail systems feature a blend of both types of trails. Loop trails are desirable also.

When your club has identified the purpose for your trails, you should begin the process of corridor identification during the spring or early summer, establishing a broad path running from your beginning point to your intended destination, or through the general areas you wish to include if your trail is a loop and/or has no planned destination.

Next, your club should obtain large-scale topographical maps of the proposed areas. Such maps are available through the U.S. Geological Survey, Department of the Interior, Reston, VA 22092 and local distributors which are usually sporting goods stores. You can also obtain maps from Delormes or other similar mapping companies.

In addition there are now many computer-mapping programs available as well as Global Positioning Systems (GPS) that are compatible. These combinations allow clubs to have very concise, accurate, customized maps.

From the maps, try to identify a path utilizing existing cleared areas, logging roads, abandoned railroad rights-of-way, abandoned roadways, woods roads and other recreational trails. On the other hand, try to avoid highway crossings, bodies of water, tree plantations, sensitive wildlife areas (including deer yards), heavily populated and/or intensively used areas, and areas with precipitous (steeply inclined) terrain. Be sensitive to the impact of noise and nighttime activities on nearby residences, wildlife, domestic animals etc. Remember we don't want to disturb people and provoke conflicts! Locate trails away from potential problems!

Once you have identified one or more possible paths for your trail, conduct a field examination, walking the path and noting the extent of clearing work, grading, and other construction which would be required. This is also the time to consider the maintenance implications of any particular routing. If one or more paths continue to look feasible, you should begin identifying the landowners over whose property the trail passes. If these trails are not feasible because of landownership, return to the maps and begin examining alternative routes: perhaps a longer, less direct corridor, for example.

Identification of landowners can be accomplished through local governmental tax maps. More specific information on this subject should be available from your town, city or county tax officials and/or at your county courthouse. When you have obtained the names of property owners, plan to visit each personally. Bring your maps and an approved land use permit form. Emphasize that your request is for a single corridor across their lands. In most instances, you will quickly obtain the necessary permission. However, be prepared to revise your trail around landowners unwilling to permit land use. Such refusals may entail returning to both topographical and tax maps for alternate route selections.

Remember that your club may be dealing with these landowners year after year. Thus, be sure you understand each other completely, and put all agreements in writing, whether they concern sign mounting and removal or bridge and facility construction.

Some clubs have found that joint meetings with several of the involved landowners are a productive tool to speed the process of gaining permissions to use land. In all cases, be prepared to compromise, and be considerate of the landowners' property rights. Your trail need not detract from the beauty and value of their property, and you must take steps to insure that it indeed does not. You may want to volunteer time to help landowners in return for permission to use their property.

Throughout this process, utilize the resources of the Bureau of Parks and Lands ATV program. Keep the Bureau posted on your activities. This becomes especially important if your path includes public lands of any type. It is often easier to obtain permission to use public lands if responsible public officials are acting as your advocates.

Use of local planning and recreation commissions can sometimes be used as an aid in developing a trail. Planners from local and regional commissions are often able to extend advice and guidance concerning development of trails and land use. Involvement with these professional planners can provide cooperation from local and/or municipal planners, which will make your trail planning more precise.

SPECIAL LANDS

Certain specialized land corridors present special opportunities to the ATV trail developer. Examples of these special lands include:

- Abandoned railroad rights-of-way;
- Utility rights-of-way; and
- Highway corridors

To maximize opportunities for obtaining the use of these lands, however, special techniques must be developed. In addition, relevant Federal, State and local programs in these areas must be used. For example, railroad rights-of way abandonment proceedings have occurred and are occurring in Maine. Established and graded rights-of-way of this nature should be of great interest to ATV trail developers. Moreover, these corridors can be well suited for all- season recreational use by careful planning for compatible activities.

Obtaining these corridors for ATV trail use is, however, no quick and easy job. The formal abandonment procedure requires an extensive review by the Interstate Commerce Commission of the nature of service and available alternative uses of the corridor. The process entails public hearings as well as environmental impact statements where necessary. Notification of the commencement of these proceedings is given in the U.S. Federal Register, as well as local newspapers.

Utility corridors of interest to trail builders are:

- * gas and oil pipelines;
- * power transmission lines;
- * municipal water supply pipelines, and
- * waste water trunk lines.

In these cases, contact responsible club officials should contact those utility officials charged with land management. Just as with all the land managers and landowners, the trail builders must keep in mind that their chances for successful negotiations are enhanced if they can avoid entangling the potential lesser with additional responsibilities. For this reason, club liability insurance is often critically important.

Lands within the highway corridor, but outside the actual roadway, are still another attractive option. Major highways especially, often have a considerable amount of land adjoining the road for aesthetic purposes, potential expansion, or for use as buffer zones. By incorporating plans for a recreational trail in the early stages of highway design and construction, trail development cost can be held to a bare minimum. Land acquisition costs and initial grading costs are minimized. Successful trail development of this nature requires a great deal of background work by club officials. Responsible Federal, State and County highway officials must be convinced of the desirability of this concept. Only then can the inclusion of recreational trails in initial highway planning be assured.

LAND USE PERMIT

THIS PERMIT, is granted this _____ day of _____
20____, by _____, to the _____
(Permittors) (Permittees)

_____, to establish and maintain on the
hereinafter described land, an All Terrain Vehicle (ATV) trail.

SAID _____, THE (Recorded owner or lessees)
(Permittees)

grants this permit over and upon the following described premises

Situated in the Town of _____
(Township or Municipality)

TO _____, for the period of _____ years, from
_____, to _____
(date) (date)

SUBJECT TO:

1. This permit shall terminate upon sale of the land, or upon notification in writing to the Permittees, which notice shall be given 30 days prior to termination by the Permittors.
2. The said ATV trail shall be open to the general public for ATV use without charge and shall be properly signed to direct ATV traffic and notify motor vehicle traffic on road crossings.
3. The Permittor or his authorized representatives shall at all times, have the right to enter upon said ATV route for any purpose necessary to carry out his powers and duties.
4. The permit is for a _____ foot wide route and/or open area over the lands to be used as described in Exhibit "A".
5. All rubbish, debris, and garbage of any nature or kind arising out of the use of the trail shall be promptly picked up and disposed of properly.
6. The Permittors shall have the right to close said ATV route with the advance written notice to the Permittee.

7. The Permittee agrees that no trees will be cut that are greater than _____ inches in diameter, unless an additional permit is granted by the Permittor. Permittee may remove debris or down trees that may obstruct the trail without additional permission of Permittor.

8. The Permittors liability for injuries and damage that may be suffered on the authorized trail is controlled by Title 14, MRSA, Chapter 7, Section 159-A of the Revised Maine Statutes "Limited Liability for Recreational or Harvesting Activities."

9. The State of Maine, Department of Conservation, acting through the Bureau of Parks and Lands ATV Program will purchase and keep in full force and effect, an insurance policy providing \$400,000.00 per occurrence, liability protection to the Permittors, its directors, officers and employees.

10. This permit prohibits future claims of adverse possession and/or prescriptive use by Permittee(s) for the permitted ATV route.

(Dated)

(Signature Permittor)

(Dated)

(Signature Permittee)

Section IX

CLUB INSURANCE APPLICATION

STATE OF MAINE ATV CLUB TRAIL APPLICATION/AGREEMENT ATV TRAIL PROGRAM INSURANCE

This application is made for the purpose of providing liability insurance coverage for landowners, ATV clubs maintaining trails, and municipalities, as defined under the terms of this application.

1) The ATV club must have been organized and recorded with the All Terrain Vehicle Program, of the Bureau of Parks & Lands. An ATV club, or organization for the purpose of this application shall be defined as an organization formed to encourage safe ATV operation, development of organized trails, and promotion of the sport of ATV operation.

2) If the organization does not have a Trail Committee Chairman or Trailmaster, one must be appointed who is responsible for maintenance of the trail. This person will be the one to whom we will direct inquiries concerning trail activities.

3) By applying for this agreement, the ATV club, and person executing this application on the club's behalf, are agreeing to the following terms and conditions:

(a) The ATV club trails must be established only on land where the club has received permission from the landowners (and tenant, where applicable) to use. Upon signing this application, the club president is certifying that such permission has been obtained for all trails included in the application. Permission must be in writing. The Bureau will provide sample use permits. If a landowner refuses to sign a permit, an affidavit must be signed by the club president stating who gave the permission, to whom it was given, the date it was given, and how long the permission is gained for. Copies of the permits are to be submitted with the trail map to the Bureau.

(b) All reasonable efforts have been and will be taken by the club and its members, to ensure that the trails and related facilities are safe and in good condition and in conformity with all applicable laws and regulations. These efforts must include the erection of adequate trail signs as per the guidelines established by the Bureau of Parks & Lands, so that the trail is readily recognizable and hazards are noticed.

(c) The trails are and shall be open to anyone wishing to use them for ATV or other compatible purposes. All landowners and tenants, from whom permission is required to be obtained, must have been notified of the fact that the trails are to be open to the general public. If trails are designed for certain types of all terrain vehicle use, it should be so stated on the application as per the Bureaus trail classification system

(d) A map of the trail location must accompany the application and is incorporated into this Agreement upon approval of the application. Parking areas, clubhouses and other support facilities information must be noted on the map. The map should be a USGS topographical map or a map of similar scale and quality, with the trails drawn on accurately.

(e) Upon approval or denial of the application, the organization will be notified in writing by the Bureau.

(f) The club shall not assign, transfer, lease or encumber its rights or obligations hereunder, or in or to the trail without the State's and the landowner's and tenant's prior written consent. The club shall indemnify, defend, and save the State and its employees harmless from and against any claims, losses, liabilities, costs, expenses, damages or other obligations of any nature in any way arising out of the use, occupation, maintenance, repair or development of any trails or related facilities or equipment used in connection with the trails. If the trails are abandoned seasonally or permanently, in part or in whole, the club will notify the Bureau in writing immediately in order to amend or discontinue insurance coverage.

(g) The State may at any time inspect any facilities or equipment used in connection with this agreement.

4) Provided that the trail club complies with all the terms of this Agreement, the Bureau shall, upon accepting their application, make its best efforts to provide liability insurance policy, which provides coverage protecting the landowner, the tenant, the club and the State. The Bureau shall not be required to provide such a policy if there is not available funding earmarked therefore.

We, the undersigned, have reviewed the contents of this application and agreement and agree to comply with the terms hereof. We further understand that failure to comply with the terms hereof will void this agreement in addition to any other remedy the state may have. Upon approval by the Bureau of Parks & Lands, this application shall be deemed an agreement between the undersigned and the Bureau of Parks & Lands.

It is further understood that the Bureau of Parks & Lands reserves the right to accept or reject any or all applications, and has no obligation for expenses incurred except in accordance with the terms of this agreement, if approved. The Bureau of Parks & Lands also reserves the right to inspect at any time the trails referred to in this application.

Trail Design & Maintenance Classification

- Established Tread way -

Class I - Two feet for two wheel vehicles including dirt bikes, off-road bikes, fat cats, etc.

Class II - Five feet for three and four wheel vehicles 50 inches or less in width, dry registered weight of less than 750 pounds traveling on low pressure tires of 6 pounds or less designed to be straddled by the operator.

Class III - Eight feet for vehicles greater than 50 inches in width, greater than 750 pounds registered dry weight, traveling on Multi-wheels or tracks not limited to but including 4 X 4 trucks, dune buggies, and amphibious vehicles.

NAME OF ATV CLUB _____

ADDRESS _____

COUNTY _____ **ZIP CODE** _____

NAME OF TRAILMASTER _____

ADDRESS _____

TELEPHONE _____

These Trails are designed and maintained to accommodate -

Class I // Class II // Class III // vehicles.

TRAIL MILEAGE _____ **MILES**
(one way only)

TOWN _____ **COUNTY** _____

DATE _____
PRESIDENT (SIGNATURE) _____

WITNESS (SIGNATURE) _____
CHAIRMAN OF TRAIL COMMITTEE
OR TRAILMASTER (SIGNATURE) _____

For Official Use Only	
Approved By: _____	Date _____
Bureau of Parks & Lands	

SECTION X

TRAIL MAINTENANCE GRANT APPLICATION CHECKLIST

The following items **MUST** have been accomplished or must accompany this application when submitted to the ATV Program for consideration:

_____ The Club was registered with the Bureau of Parks Lands prior to June 1 of this year.

_____ The Officer update form is included or has been filled out and returned to the Bureau of Parks and lands ATV Program.

_____ The club is a non-profit corporation in good standing with the Secretary of State, Bureau of Corporations, Elections and Commissions.

_____ The application has been properly filled out including all required **ORIGINAL SIGNATURES**.

_____ This checklist form and the entire Grant-in-Aid Application are being submitted to the Bureau.

_____ A MAP of the trails covered by this grant has to be included with this application. Parking areas, clubhouses and other support facilities information must be noted on this map.

_____ This checklist and the entire Grant-in Aid Application are being submitted to the Bureau.

_____ The application is being submitted prior to July 1 deadline. (Earlier is better!)

If you have any questions contact the ATV Program at (1-888-386-3288) prior to submitting the application.

Mail applications to the Department of Conservation
ATV Program
22 State House Station
Augusta, Maine 04330

NOTE: WE RECOMMEND YOU USE CERTIFIED MAIL

If your club wishes to send the application by certified mail, we will consider this as justified cost, which is eligible for reimbursement. Retain your receipts and file them with your maintenance expenses.

REFERENCE NUMBER: _____

BATCH NUMBER: _____

**ATV CLUB TRAIL MAINTENANCE GRANT-IN-AID APPLICATION/AGREEMENT
ATV TRAIL PROGRAM**

STATE OF MAINE
Department of Conservation
Bureau of Parks and Lands
ATV Program

ATV CLUB NAME _____

ADDRESS _____

COUNTY _____

The amount of money for which the organization may be eligible under any grant pursuant hereto will be based upon reimbursement of actual out-of-pocket expenses incurred by such organization in accordance with the provisions of this application, but will not exceed \$3,500.00. All grant funds must be used to construct and maintain the ATV trails identified in this application, and construction must be done according to the Bureau's ATV Trail Guidelines

**APPLICATION AND REIMBURSEMENT PROCESS AND
REQUIREMENTS**

1. Eligibility Requirements.

To be eligible for the grant program, the ATV organization ("applicant" or "grantee") must meet the following criteria:

- A Be a non-profit corporation in good standing. For purposes of this rule, a qualified applicant must be a group formed to encourage safe ATV operations, develop organized trails for the public, and promote appropriate ATV use. The applicant must have a President, Vice President, and Trail master, all of whom must be at least 18 years old.
- B Register with the Bureau's ATV Program by June 1st. Registration is done by providing a completed Officer update form (provided by the Bureau) which must include the organizations taxpayer ID number

2. Grant Program

APPLICATION PROCESS

1. All correspondence and application forms must be submitted to the following address:
Maine Department of Conservation,
Bureau of Parks and Lands
Off Road Vehicle Division
ATV Grant Program
22 SHS
Augusta, Maine 04333
2. Grant applications may be submitted beginning May 1 but must be postmarked no later than July 1.
3. The applicant must complete and submit the following documents:
 - (a) ATV Trail Grant-in-Aid Application/Agreement (Supplied by the Bureau)
 - (b) An accurate, commercially produced map that shows the trail(s) at a scale of at least one-half inch to one mile. The map must show the location of the trails, water bodies, streams, roads, the topography of the land, parking areas, clubhouses, and support facilities.
4. After reviewing the application, the Bureau will issue a written notification to the applicant approving or denying the application, subject to the availability of funds. Specific terms and conditions of the grant are stated in Section 3, although the Bureau may require additional terms and conditions to effectively carry out its program.

REIMBURSEMENT PROCESS

1. An approved applicant must submit a "Request for Reimbursement" form (Supplied by the Bureau) and required documentation including worksheets and receipts in order to be reimbursed. Requests must be postmarked no later than January 31 of the year following the approved grant application. Clubs should keep copies of worksheets and receipts in their files for at least 3 years in case of audit.
2. Only expenses actually incurred from the preceding January 1 through the date of the request for reimbursement will be considered for payment. Only expenses incurred during the calendar year from January 1st through December 31st are eligible for reimbursement. By example, for a grant approved in July 2005, with expenses incurred from January through December 2005, the request must be postmarked by January 31, 2006. In no case will the state reimbursement exceed the maximum approved Grant Amount.

TERMS AND CONDITIONS OF APPLICATION/AGREEMENT

By applying for this grant, the applicant (the ATV Club) agrees to the following terms and conditions together with any other terms that are stated in the grant application or approval:

- A. All grant money received under the program must be used only for construction and maintenance of the ATV trails specified in the grant application. For purposes of this grant, trail construction and maintenance includes removing rocks, stumps, and debris, trail brushing, constructing or repairing bridges, and developing erosion control features such as ditches and water bars. It also includes the cost of gas, oil, and reasonable rates for heavy equipment use, backing material for signs and bridges, and reasonable labor expenses if actually paid to a person who is hired to work on the trails. All expenses to be reimbursed are subject to the approval of the Bureau.
- B. The applicant's trails must be established only on land where it has received permission from the landowners (and tenants, where applicable) to use for ATV trail purposes. By signing the application, the applicant's president must certify that landowner permission has been obtained for all trails included in the application.
- C. The applicant and its members must ensure, and will continue to ensure, that the trails and related facilities are safe, in good condition, and conform with all applicable laws and regulations, including obtaining all necessary local, DEP and/or LURC permits, and maintaining adequate trail signs, as provided by Bureau guidelines.
- D. The trail(s) must aggregate at least 5 miles in length and must be open to the general public for ATV use. Landowners and tenants giving permission to use the land must have been notified the trails are open to the general public for ATV use. The trails must not be part of a system that another grantee has applied for or received a grant under this program.
- E. A map of the trail location must be submitted with the application and will be incorporated into the agreement.
- F. Approved applicants must submit a request for reimbursement form (supplied by the Bureau) to the ATV Program in order to have expenses considered for full reimbursement. The completed request must be received by the Bureau, or postmarked, no later than January 31st. Request forms postmarked after January 31st, forfeit 10% of the total approved amount for each day the request is late, and may be subject to further reductions if the Bureau determines it no longer has the funds on hand to meet the request.
- G. An explanation of expenditures including worksheets must accompany the reimbursement request. All supporting materials (bills & invoices) must be submitted to the ATV Program on request and be available for up to three years for audit by the Bureau. If the grantee does not comply with this requirement, the grantee forfeits the reimbursement.
- H. The Bureau has sole discretion to determine if expenditures are permitted and reasonable and the club has complied with the terms of the agreement and all applicable laws, rules and regulations. After making this determination, the Bureau will pay the approved expenditures up to the amount stated in the application, provided funds are available in the appropriate Bureau account as determined by the Bureau.
- I. Title 5 M.R.S.A.; §784(2) provisions on nondiscrimination in employment apply to the agreement.
- J. The applicant agrees not to assign, transfer, lease or encumber its rights or obligations under the agreement or to the trails, without the Bureau's prior written consent. Except for proceeds received by the Bureau under any liability insurance policy, the applicant shall indemnify, defend, and save the State and its employees harmless from and against any claims, losses, liabilities, costs, expenses, damages or other obligations of any nature in any way arising out of the use, occupation, maintenance, repair or development of any trails or related facilities or equipment used in connection with the grant. The Bureau shall have no responsibility or liability for the maintenance or use of the trails. The Bureau may, in its discretion, provide an insurance policy that, subject to its terms, provides liability coverage to itself, the landowner, and/or the approved applicant covering the use of the property by the applicant and members of the public pursuant to the terms of the grant and this rule.
- K. The State may at any time inspect any facilities or equipment in connection with the agreement.
- L. The applicant must be a non-profit corporation in good standing with the Secretary of State, Bureau of Corporations, Elections and Commissions.

TRAIL CLASSIFICATION: (Check applicable ones)

CLASS I _____ CLASS II _____ CLASS III _____

Class I ---Two feet for two-wheel vehicle including dirt bikes, off-road bikes, fat cats, etc.

Class II -- Five feet for three and four wheel vehicles 50 inches or less in width, dry registered weight of less than 750 pounds traveling on low pressure tires of 6 pounds or less designed to be straddled by the operator.

Class III - Eight feet for vehicles greater than 50 inches in width, greater than 750 pounds registered dry weight, traveling on Multi-wheels or tracks not limited to but including 4 X 4 trucks, dune buggies, coots and amphibious vehicles.

MILES (ONE WAY) _____

REQUESTED GRANT AMOUNT \$ _____

We, the undersigned, have reviewed the contents of this application and agree to comply with its terms. We further understand that failure to comply with its terms will void any agreement entered into between the ATV Club and the Bureau of Parks and Lands, consequently resulting in loss of payments under this grant to the Club. We agree to refund to the Bureau any amount paid by the Bureau to the ATV Club which the Bureau subsequently determines to be improper. Upon approval by the Bureau, this application shall be deemed an Agreement between the undersigned and the Department of Conservation, Bureau of Parks and Lands.

It is further understood that the Bureau reserves the right to accept or reject any or all applications, and has no obligation for expenses incurred except in accordance with the terms of this grant, if awarded. The Bureau also reserves the right to inspect at any time the trails referred to in this application and any books or records kept by the recipient Club.

TRAILMASTER (SIGNATURE) ()
Telephone

PRESIDENT (SIGNATURE) ()
Telephone

WITNESS (SIGNATURE)

DATE _____

FOR STATE OF MAINE USE ONLY

Certification by Department of Conservation, Bureau of Parks and Lands.

We the undersigned, hereby certify that this application meets the guidelines as established by the Bureau of Parks and Lands, and otherwise meets the provisions of the Maine Statutes

We, therefore, recommend a grant not to exceed \$ _____

DATED ____ / ____ / ____

SUPERVISOR/ATV PROGRAM

Pre-approved as to form by the Office of the Attorney General.

Section XI

MAINE ATV TRAIL SIGNING GUIDELINES

ATV trails must be adequately marked so that people who aren't familiar with the area can easily follow them. Getting lost is no fun and could be quite hazardous even on a major trail if you should run out of fuel, have a breakdown, or needed medical help and not know where you are.

Our challenge to all of you is to make sure that no one gets lost or injured on your trails.

Specific land marks, highway crossings, town lines, mileage to certain points, location of support facilities, etc. should be identified. This will inform riders where they are and how to get to the services they need.



Installing Kiosks or smaller information boards with maps at parking areas and intersections showing people where they are in relation to the trail system is a great way to help keep people oriented.

Mapping and marking rescue locations is also a great idea that has been done in some areas. If people need help they can give the location to rescue personnel making it quicker and easier for them to be found. If you decide to do this you need to coordinate it with the local Search and Rescue Agencies so the correct locations are chosen and to make sure everyone has the same information so you have a workable plan.

The Bureau has developed these guidelines for marking trails and we urge everyone involved in ATV trail maintenance to follow these guidelines so all trails are adequately and uniformly marked throughout the State.

Generally, trails in Maine are two-way, which requires marking for travel in both directions. Generally signs should be installed on the right side of the trail. Signs need to be installed facing the direction people are coming from so they can be seen in a timely manner. When two or more signs are used in conjunction, the more important message to be conveyed should be in the higher position.

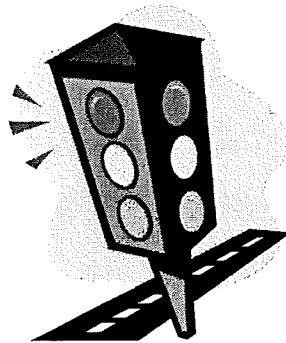
We recommend signs be installed on sign posts instead of trees because usually sign posts can allow signs to be posted closer to the trail so they are more visible. If signs are installed on trees they should be installed with staples or aluminum nails so they don't cause a sawing hazard. ATV signs should be placed only where the landowner or manager has authorized a trail. Remove all signs if the trail is discontinued rerouted or abandoned.

The ATV Program provides plastic signs that will last for a long time if properly installed. Signs should be mounted on a stiff backing to make them more resistant to wind and adverse weather. Backings can be made from plywood, tempered hardboard, rough lumber, or similar materials.

Many times those of us familiar with a trail know it so well that we fail to install enough signs or give enough information for people who may not be familiar with the trail system. We recommend that you have people who aren't familiar with the trail ride it and tell you if they think there needs to be more signs. This is a great way to get new club members involved! Most of us at some time or another have gotten lost on some trail system because it wasn't marked well enough, the message had faded, or tree limbs etc. blocking the signs hadn't been trimmed recently. Regular sign maintenance is important! You can't put signs up in the spring and then never check them again. Paint markers are ideal for written information since they resist fading.

It's very important that signs be regularly checked and maintained. This shouldn't be just the job of the trail master. All of us need to play a part in helping keep the trails open and safe.

Trail crews should carry extra signs with them to replace ones that have been destroyed or to install new ones in areas where a potential hazard has developed.



Streetlights

These are necessary on our roads and streets due to the heavy volume of traffic combined with discourteous and uneducated drivers. Hopefully we will never get to the point where we need them installed on trails!

So you ask why do you have a street light in the sign guidelines? Well I'm glad you asked. The good thing about streetlights is they have created an easily recognized and accepted color standard.

Green is Go, Yellow is Caution, and Red is Stop.

Because people generally understand this color standard we have adopted this color scheme for ATV trail signing. The green signs are all positive affirmation that you are on the trail. The yellow signs contain some kind of cautionary or warning message. The red and white signs tell you to stop, don't go, or don't do something.

You should keep this color scheme in mind when installing signs.

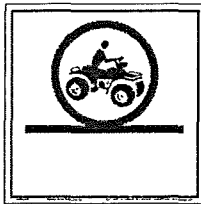
Trail Signs

The following are standard issue ATV Signs in Maine. Most of these signs are available to ATV clubs or landowners from the ATV Program of the Bureau of Parks and Lands. These should be installed using the guidelines that follow:



TRAIL BLAZE

This sign should be used at regular intervals along the trail to reassure the rider they are still on the trail. A blaze immediately beyond an intersection or road crossing informs a rider where the trail continues on the other side. This is especially important when the crossing is not direct. If the trail is further away and hard to see you may need to use a Trail Identification sign since it's larger and easier to see.



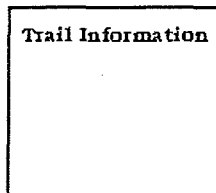
TRAIL ID

This sign should be used at the beginning of a trail, such as at a Clubhouse, parking lot, or place of business etc. It should be used to show the trail name, number, destination, and/or direction of travel (NSEW), etc. as well as the name of the club maintaining the trail. In some instances this sign can be used instead of the Trail Blazer, as it may be easier to see at the entrance from a field or other large clearing



RESPECT LANDOWNERS STAY ON MARKED TRAIL...

This sign should be used when the trail travels through croplands, tree plantations, or anywhere a landowner has given permission to cross their lands only at a specific location. This is also a good sign to use anywhere riders may be tempted to access an unauthorized side trail. It may also be appropriate to install these at picnic areas or at Kiosks as a reminder to users.



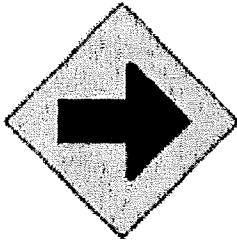
TRAIL INFORMATION

This sign should be used together with other signs to provide additional information that would be helpful to the user. It can be used to mark town lines and geographic names as well as distance and direction to businesses or destinations etc., to help orient the rider. If a club has the trail mapped they may want to note reference points on the map. We recommend you use a paint marker when writing on these signs. Regular markers tend to fade quickly in the sun and may soon be unreadable.



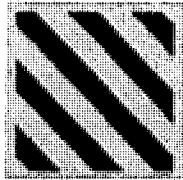
CAUTION

This sign should be placed on the trail to notify the operator to proceed with caution due to a variation in the trail condition. The sign should be placed far enough in advance so that the operator has enough time to react accordingly. A blank space is provided on the sign for specific information to be written such as narrow bridge, steep grade, blind curve, intersection, ditch, and gate etc. If more information is necessary then a Trail Information sign should be used in conjunction with the Caution sign



DIRECTIONAL ARROW

This sign is used to show right or left-hand turns. It is generally not used to mark the trail straight ahead; a trail blaze is used for that. The arrow should be placed far enough in advance of the corner to allow the ATV operator ample time to slowdown. The actual distance necessary will vary depending on the normal travel speed of the trail it's located on and how sharp the corner is.



OBJECT MARKER

This sign should only be used to mark bridge abutments, fence posts, gate openings or other similar hazards that the operator has to drive between or avoid. The diagonal stripes should point down and toward the trail opening. The sign should not be used to replace arrow, caution, blaze or any other sign



SENSITIVE HABITAT

This sign should be used at water crossings and anywhere else that erosion or misuse could negatively impact fish habitat. This is meant to be a reminder to be extra careful especially in very sensitive areas like salmon spawning areas.



STOP AHEAD

This sign is to supplement the Stop sign. It should be placed in advance of the Stop Sign to give riders ample opportunity to slow down in order to safely stop. Terrain and visibility will determine the location but the sign should be placed at least 100 feet in advance of the Stop Sign. See chart on last page for ranges based on estimated speed of travel.



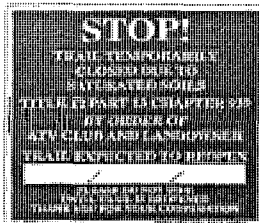
STOP

This Sign should be placed at each public and private road, or authorized railroad crossing. As an additional aid write on the bottom of every stop sign, in the space provided, the route number or name of the road that the trail is crossing. This will help people orientate themselves especially if they have a map. Don't write the trail name or direction on the Stop sign.



NO SPIN

This sign should be placed at the approach to steep hills, bridges, road crossings, or anywhere else where tire spin could break down the trail and lead to erosion causing sedimentation or a hazard.



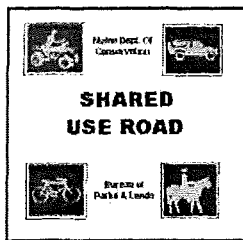
MUD SEASON CLOSURE

This sign should be used to temporally close approved ATV trails when the ground is wet especially in the spring of the year when the frost is coming out of the ground.



NO ATVS

This sign should be placed at locations along the trail where landowners have requested that ATV's NOT travel. It might also be beneficial to use a blank information sign to state why ATV's are not allowed. Example: An apple orchard, a tree farm, drinking water source protection area etc. The sign should also be used to post trails or roads where ATV use is prohibited even if it's not next to an approved trail. We recommend that the local club install these signs for landowners as a gesture of good will.



SHARED USE ROADS

This sign is generally not available to clubs. It is used to designate shared use roads on the Bureau of Parks and Lands that are open to ATVs as well as bicycles, horses, cars and trucks.



RECREATIONAL TRAILS

This sign is generally not available to clubs. It is only used on state owned multiple use trails like converted railroad beds. It is to be placed at all road crossings to prevent automobiles from traveling on the trails.



RECREATIONAL TRAIL CROSSING

This is a Department of Transportation Sign that can be installed on state roads to warn motorists that there is a trail crossing ahead. It is generally not used everywhere, but should be considered in locations with high-speed travel. It is installed by D.O.T. and has to be paid for by the Club or Municipality who requested its installation. An alternative might be to try and locate the trail crossing in a better location if possible.

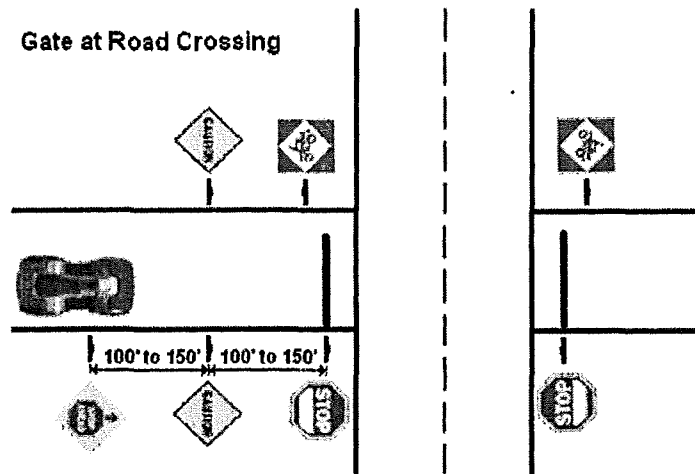


ATV ACCESS ROUTE

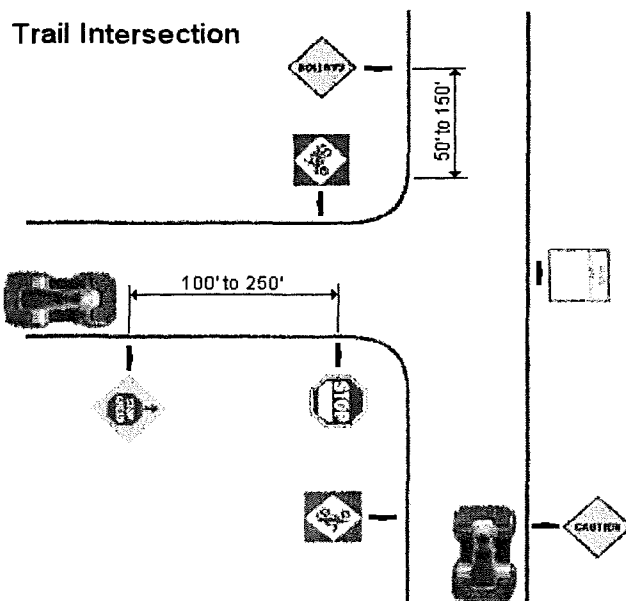
This is a Department of Transportation style sign that is available through a private sign company. This is the sign that is to be used if a public road is officially designated for use by ATVs. This has to be purchased by the club or Municipality and must be installed on authorized roads instead of the regular ATV trail signs. You may want to also post a speed limit sign under it to further regulate the use.

The following are examples of how signs should be placed in relation to the distance and direction from the hazard.

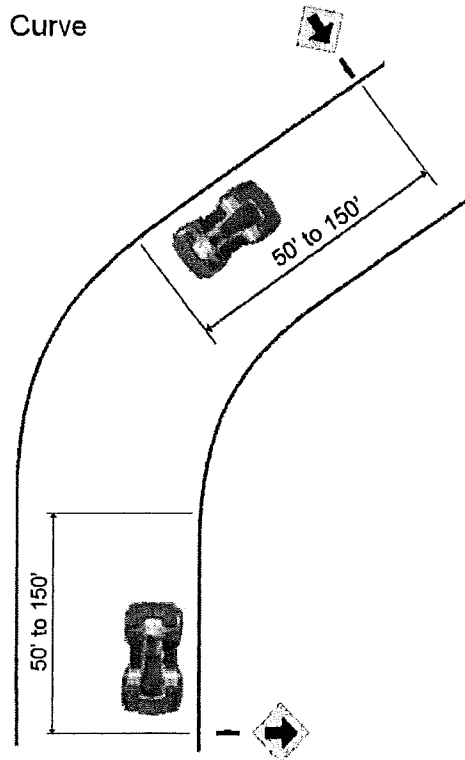
Because of the unique hazard with gates at road crossings it is very important that we have extra warning. For that reason we recommend a Caution sign in addition to the Stop Ahead sign. Each of these signs should be located a minimum of 100 feet in advance of the previous one. In the case of gates or other similar man made hazards we recommend caution signs be installed on both sides of the trail.



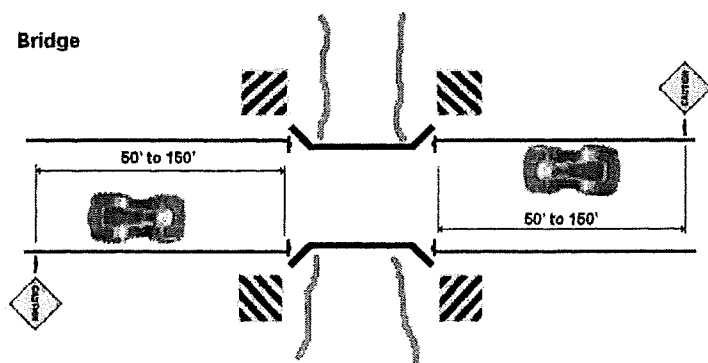
Trail intersections should be marked so that people have ample time to slow down and depending on their direction of travel stop before the intersection. It should also be well marked with directions so they know which way to go to their destination. Again the anticipated speed of travel will dictate how far in advance of the intersection the signs need to be installed. Generally the Stop Ahead will need to be further from the intersection than Caution because the operators have to stop instead of just slowing down.



Curves and Corners need to be marked so operators have warning in time to slow down enough to safely negotiate it. The anticipated speed on the section of trail and the sharpness of the corner will dictate how far in advance the signs have to be installed. In any case the signs must be before the corner not at or after it. If it's a real sharp or blind corner you should add a caution sign with or before the arrow to give extra warning to the operators.



Bridges have to be marked with Object Markers and Caution signs. Generally operators don't have to stop at bridges but they might have to if it's only one lane wide. Considerations like width, visibility, approach, height of railing, and anticipated speed are all factors to be considered when placing signs. Object markers should be mounted on both sides of the bridge and on both ends of the bridge with the black lines pointing down and to the center.



We have included the information below to give you an idea of how different trail speeds impact the distance signs need to be installed in advance.

Speed equals distance traveled in time

At 20 mph you are traveling 30 feet per second
At 30 mph you are traveling 45 feet per second
At 40 mph you are traveling 60 feet per second
At 50 mph you are traveling 75 feet per second

Distance needed to slow down to 20 mph

At 20 mph it takes 0 feet to slow down to 20 mph
At 30 mph it takes 50 feet to slow down to 20 mph
At 40 mph it takes 100 feet to slow down to 20 mph
At 50 mph it takes 150 feet to slow down to 20 mph

Distance needed to stop

At 20 mph it takes approximately 100 feet to stop
At 30 mph it takes approximately 150 feet to stop
At 40 mph it takes approximately 200 feet to stop
At 50 mph it takes approximately 250 feet to stop

Department of Conservation
Bureau of Parks & Lands
ATV Program /ORV Division

22 State House Station
Tel. (207)287-4957 Augusta, ME 04330-0022 Fax (207)287-8111

TRAIL SIGN ORDER SHEET

Club Name: _____

Miles of Trails: _____

Mail To: (Street Address only- Signs are delivered UPS) _____



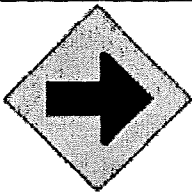
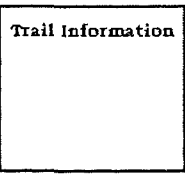


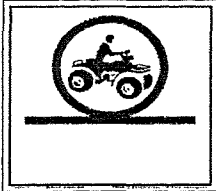



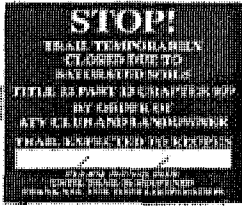

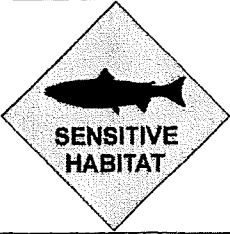

Name: _____

Tel: _____

Address: _____

City/St: _____

Zip: _____

 NO ATV	 CAUTION	 	 Trail Information
10x10 No ATV's	12x12 Caution	10x10 Arrow	10x10 Trail Information
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 	 	 	
7x7 Blaze	10x10 Respect Landowners	10 x10 Trail ID	12x12 Stop Ahead
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 	 	 	 NO SPIN
12x12 Stop	7x7 Object Marker	12x12 Mud season sign	10 x 10 No Spin
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 SENSITIVE HABITAT	 		
12 x 12 Sensitive Habitat	12 x 12 Recreational Trail		
<input type="checkbox"/>	<input type="checkbox"/>		

Use and maintenance of these signs should be in accordance with the Bureau's ATV Trail signing guidelines.