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A REPORT AND RECOMMENDATIONS FOR THE MANAGEMENT
OF ALL-TERRAIN VEHICLES IN MAINE

Submitted to
the 112th Maine Legislature,
Second Regular Session

by

The Bureau of Parks and Recreation
Maine Department of Conservation

February 1, 1986

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INTRODUCTION

The first regular session of the 112th Maine Legislature directed the Department of Conservation, Bureau of Parks and Recreation, to lead an effort to develop recommendations for the management of all-terrain vehicles (ATV's). The Department commissioned a Study of the issues surrounding the use of ATV's including the recreational needs of ATV users, conflicts with other recreational activities and with landowners, including damage and trespass, noise, safety, and law enforcement issues and special problems posed by the fact that many ATV users are minors. The full text of the law directing the Study is attached to this report as an appendix.

The Study was undertaken to develop balanced and credible recommendations to address these issues. During the course of the study, extreme views were expressed ranging from leaving the situation alone or even removing some of the restrictions currently placed on the operation of ATV's to a total ban on the vehicles from the State of Maine. These extremes appear unwise on their face and were rejected in favor of the more balanced approach presented here.

The initial question was whether the "ATV problem" was widely perceived. In a series of approximately fifty interviews with landowners, law enforcement officials, environmental and recreational interests and ATV interests, there was near unanimity in the acknowledgment of conflicts and moreover of the frustration experienced in trying to resolve these difficulties.

During the course of the Study, over fifty members of the general public responded, at their own initiative and expense, to invitations to comment. Two public meetings on the subject drew over one hundred participants. These self-selected respondents were likewise overwhelming in their statements that problems exist and are not being dealt with adequately by the existing system.

Perhaps most convincing is that in a survey of 300 randomly selected ATV users, only 27 percent said that there were no "major problems or conflicts...between ATV users and other interests..."

It became apparent early on that ATV's offer an opportunity for wholesome recreational enjoyment of the outdoors and are also useful in farming, forestry and other work applications. It is also evident that these are unique vehicles which warrant special consideration because of their numbers, their versatility and in fact that they can be used in all seasons and their impact on their surroundings.

A review of other programs and activities in other jurisdictions suggests very clearly that a balanced approach to the management of ATV's has the best chance of maximizing their benefits and minimizing their negative effects. It is upon this premise that the recommendations presented here are based.

SUMMARY OF RECOMMENDATIONS

1. Require ATV operators to obtain permission from landowner before operating on that person's land.
2. Allow for costs of successful defense against law suits due to ATV operation to be awarded to landowners; study further how to deal with instances where the claimant cannot pay those costs.
3. Add alpine tundra, freshwater marshes and bogs (when such areas are not frozen and snow covered) to the list of areas where ATV's are prohibited.
4. Increase the age at which ATV operation requires accompaniment by an adult from under 10 to under 15 years of age and define "accompaniment".
5. Require a training and education course for all operators under the age of 18 who operate on land other than that of their parents or guardian.
6. Increase the age for requiring ATV operators to wear a helmet from under 15 to under 18 years.
7. Extend guilt for violations and liability for damage to the ATV owner and the operators parents, when the operator is a minor.
8. Allow for impoundment of ATV's when a summons is issued and the charging law enforcement officer has reason to believe that the ATV would otherwise continue to be operated in violation and be a hazard to the safety of people or property.
9. Require registration plates to be displayed on the front as well as the back of vehicles.
10. Decriminalize a number of ATV violations.
11. Initiate a safety and education program within the Department of Inland Fisheries and wildlife which would:
 - a) develop and manage the system for providing the courses required of young operators, b) maintain and evaluate safety related information and make recommendations for state action based on that analysis, c) develop a booklet which explains the law and other pertinent information in plain English for all ATV

registrants and develop other means for educating operators, d) coordinate a special statewide enforcement campaign of limited duration, and e) assess the need for training or education of law enforcement personnel on ATV related matters and develop a means to provide for, or recommendations for the provision of, the needed training or education.

12. Encourage the development of ATV clubs and reduce conflicts between ATV users, landowners and other recreationists by establishing an ATV program within the Bureau of Parks and Recreation, Department of Conservation which would:

a) assist in the formation of ATV clubs; b) assess the need for and feasibility of a state trail program and on an interim and limited basis give grants-in-aid to ATV clubs or others to build and maintain trails; c) investigate additional means to insure property owners against unsuccessful law suits; d) investigate the issue of liability for environmental violations caused by recreationists on the land of others, and assist in the resolution of this issue if necessary; e) conduct research on ATV management issues; and f) assess the status of ATV management in two years and make recommendations to the Legislature for changes.

13. Pay for both the education and recreation programs (#s 11 and 12 above) with an increase in the annual registration fee from \$7.00 to \$12.00.
14. Change the maximum allowable distances for ATV use along public road rights-of-way back to what they were prior to last year, to allow trails developed under the old law particularly snowmobile trails, to be used so long as the landowner grants permission.

MAJOR ISSUES AND RECOMMENDATIONS

MAJOR ISSUES

A number of often interrelated issues and concerns surrounding the use of ATV's have been identified. Landowners in particular are concerned about trespass or the intrusion of unauthorized use, about liability and the threat of suit, and about the potential for retaliation if they attempt to prevent the use of their land. Additionally, damage to land, crops and sensitive environments such as alpine areas, sand dunes and wetlands is of great concern to both non-users and users.

An issue linked to ATV/landowner relations is the very real concern of many snowmobilers that problems with ATV's will drive landowners to close their land to snowmobiles, as well as to ATV's. This was the recreational conflict which assumed the greatest proportions during the study. Other conflicts identified include the damage which ATV's can do to snowmobile and cross-country ski trails, the safety problems associated with ATV use and infringement on the recreational experience of users of hiking and walking trails.

The age of ATV riders is a universally identified source of concern. Approximately 1/2 of ATV riders are 21 years old or younger. The perception of many is that the average age of riders is even lower. Many people attribute the problems associated with ATV's to the youth of the users.

Young ATV riders are often characterized as being less responsible, less controllable and less accountable than adults. A lack of parental supervision and accountability for their childrens' actions is a related issue. The personal safety of these young and inexperienced riders is also a major concern that was raised by both users and non-users.

Two issues which have assumed a greater significance in urban than in rural areas are use of ATV's on roads and noise. Use on roads poses both a safety hazard and a nuisance. Noise, although mentioned by many, did not seem to be a problem of the same significance as most other issues mentioned here.

The apparent widespread inability to enforce the laws and the perceived unwillingness of some enforcement agencies to try to enforce the ATV law is a serious problem.

Enforcement of ATV laws is made more difficult by the maneuverability of ATV's, the difficulty in identifying the operator and the fact that trespass and damage often occur long before they are discovered. The nature of ATV's and law enforcement generally is such that these problems cannot be solved completely.

The most pressing need of the ATV users is to come to terms with the concerns other people have with ATV's and which have been identified here. Widespread public discontent with ATV's can only be diffused by addressing these issues and ATVers will find it difficult to improve the quality of their recreation as long as this discontent exists.

A related need is to establish areas or facilities where ATV's can be used without conflict with landowners and other recreationists. Although inconclusive, the evidence strongly suggests that a trail system is the greatest facility need for ATV recreationists.

It's impossible to abolish all conflict, but significant progress needs to be made, and can be made towards resolving the major issues associated with recreational use of ATV's. Recommendations for addressing these major issues and a discussion of each of the recommendations follows.

RECOMMENDATIONS AND DISCUSSION

1. **Require ATV operators to obtain permission from landowner before operating on that person's land.**

The law currently requires an ATV user to obtain permission to ride on a snowmobile trail financed in whole or in part by the State Snowmobile Trail fund; to ride on crop land, pasture land or beaches located on the property of another; and to obtain written permission to use land within a railroad right-of-way. In other cases, the general trespass law prevails and the landowner must put ATV users on notice that they are not permitted, either by telling them directly or by posting the land. The recommended change switches the burden of action from the landowner to the user. It also effectively switches the burden of proof from the landowner to the ATV user in cases which are litigated.

Under this recommendation, the landowner would have the option of refusing permission, granting permission or granting permission with conditions. Permission could be given verbally, in writing, or by designation on the land e.g. with signs; to selected individuals; to everyone equally; only to clubs and their members, until further notice, only one day at a time, or in any other fashion at the option of the landowner. Any number of conditions might be imposed, including operating only at certain times of the year or only on designated areas or trails, repairing any damage done by the vehicles, keeping gates shut, etc.

Obviously, requiring permission will not solve all ATV/landowner problems. Some evidence obtained from both the telephone survey of users and the public meetings suggest that a majority of ATVers already believed that permission was required from landowners. Discovering and identifying ATV trespassers, educating people about

the requirements of the law, and ATVers, law enforcement officers and landowners knowing where property boundaries are will all remain to be problems. The advantages of requiring permission, however, are significant and there is overwhelming support from landowners and many others for this recommendation. A surprising degree of support for this recommendation has also been expressed by sportsmen and ATVers.

Other suggestions considered and rejected include:

- a. Leave the law as it is. Current law reflects tradition in Maine, some sportsmen and others may object to the proposed requirement to obtain permission, fearing an unwanted precedent. However, the serious and long-term nature of potential damage caused by ATV's sets them apart from activities such as hunting and cross-country skiing, which are less threatening because these activities do not generally involve equipment which will cause damage like that done by ATV's, or snowmobiling which occurs on frozen ground which is less vulnerable to damage. Additionally, there is a very clear distinction between recreational use of ATV's and hunting and fishing. The object of hunting and fishing is to harvest a public resource, and because of this, the additional control which this recommendation would give to landowners over ATV use of their land has little if any relevance to hunting and fishing. Further, without affirmative permission, more posting of land to all uses is anticipated.
- b. Require permission annually. This may be good advice for ATVers and ATV clubs, because it may help in keeping track of who current owners are, in providing owners better opportunity to rescind or modify permission and in maintaining contact and therefore good relations with landowners. As a legal requirement, however, it adds a great deal of potential for creating confusion by the necessity to keep track of anniversary dates and who asked whom for what, when. This requirement would appear to impose an unwarranted burden on both landowners and ATVers and would infringe on the freedom of the landowner to decide the manner and timing of permission. The landowner could make annual permission a condition under the recommendations made by this report.
- c. Require written permission. This would have the advantage of allowing the development of a complementary law creating a violation for failure to produce written permission while on the land of another. However, because of ownership patterns in

many parts of the state, this provision might involve securing written permission from dozens of landowners, many of whom do not live on or near the land. These landowners could give verbal permission over the telephone. The burden on users and landowners of committing the permission to writing does not appear to be justified. In addition, experience with other programs indicates that many landowners who are willing to allow use of their land are unwilling to put the permission in writing. Furthermore, the problem of a law enforcement officer knowing who owns a specific piece of property is not diminished.

2. **Allow for cost of successful defense of law suits due to ATV operation to be awarded to landowners; study further how to handle instances where the claimant cannot pay those costs.**

Current law relieves landowners of their usual duty of care with respect to recreational users of their property. However, landowners indicate that they remain concerned about bearing the cost of defense in a lawsuit, even if no judgment is awarded. Amending the law to allow landowners to recover all legal costs if they are unsuccessfully sued will solve a good portion, but not all, of this problem. There will remain some cases where the person who brought the lawsuit will not have enough money to pay the landowner's defense costs.

To protect against the instance where defense costs are awarded against a person who cannot pay them, an insurance policy or pool should be provided, if it is feasible. The State may be able to purchase insurance for this purpose through the Division of Risk Management, although the Division cannot determine either availability or costs without knowing what the entire law with regard to ATV's will be. If such coverage is unavailable or prohibitively expensive, establishing a self-insuring pool should be considered. An actuarial determination will need to be made as to the amount necessary to capitalize such a fund.

If either purchasing insurance or establishing a pool is feasible, then, depending on the cost, it may be funded through the annual registration fee increase now being recommended, assessed to users through an addition to or surcharge on registration, or it could be imposed as a fee on distribution or sale of ATV's within the State.

Further, investigating these issues would be the responsibility of the ATV program recommended in recommendation 12. If some form of insurance is found practical then, depending on the costs, that program would either procure it or submit further recommendations to the Legislature.

Solving the problem of costs for defense of unsuccessful lawsuits should answer a major concern of landowners and significantly reduce the possibility that landowners will close their lands to use by ATV's.

This study was limited to ATV's, however, the draft legislation which accompanies this report would provide for recovery of costs of legal defense for unsuccessful lawsuits brought by any recreationist who was not charged a fee to use someone's land. It seemed reasonable to include all recreationists, especially since the section of law amended provides for limited liability of landowners from all recreationists. This provision could easily be limited to ATV's if the Legislature would prefer to do so.

Other suggestions considered and rejected:

Change the law to provide immunity from suit to landowners on whose land injuries occur to ATV users where the injury is not caused by the malice of the landowner.

Although this suggestion seems to have universal appeal, the only likely result would be a costly test of the constitutionality of such a law. Such a law would attempt to provide immunity from suit, however, initial access to the court cannot be denied. Once in court, the critical issue would be the same as it would under existing law, which limits landowner liability. That issue would be the determination of malice on the part of the landowner. In short, protection of innocent landowners would be more effectively provided by implementing the recommendation which is made.

3. Prohibit the use of ATV's on alpine tundra and freshwater marshes and bogs except on designated trails or when the ground is frozen and covered with snow.

Throughout the study, concern was repeatedly expressed about damage to environmentally sensitive areas. The law currently prohibits the operation of ATV's on sand dunes, salt marshes and the inter-tidal area (also in cemeteries).

The inadequacy of the current law appears to be twofold. First, and most importantly, the existing prohibitions are apparently largely unknown and therefore ineffective. Educational and enforcement efforts recommended elsewhere in this report should greatly diminish this problem (see recommendations 5,8,9,11 and 12). Second, some significant sensitive areas are not currently included in the law. Alpine tundra and inland wetlands were discussed throughout the study as areas needing protection and it later became apparent that protection of streams also needs to be considered.

During the deliberations of the Advisory Committee it was agreed that definitions of these sensitive areas should be tight enough to address only those areas which are vulnerable and permit the lay person to easily recognize such areas when traveling on the land. Such definitions proved elusive until the final meeting of the committee, after the consultants submitted their report. This recommendation reflects the agreement reached at that meeting.

This recommendation, coupled with other recommendations providing additional education and improved enforcement should help prevent damage to alpine tundra, freshwater marshes and bogs. Protection of streams should be further studied by the recommended ATV management program.

4. Increase the age at which operation requires accompaniment by an adult from under 10 to under 15 years of age and define "accompaniment".
5. Require a training and education course for all operators under the age of 18 who operate on land other than that of their parents or guardian.
6. Increase the age for requiring ATV operators to wear a helmet from under 15 to under 18 years.

These recommendations are all designed to address the widely expressed concern with the youth of ATV riders and the safety of these young people.

There seems to be little or no dissent that a 10 year old should not be allowed to operate an ATV without supervision, as the law currently permits. Suggestions for an age limit were concentrated between 12 and 16 years old. Fourteen years and younger was chosen because it represents a compromise position and because it is consistent with the motor vehicle laws.

Related to the requirement that young ATV operators be accompanied by an adult is the confusion which has arisen because the term "accompanied" is not defined in the law. Unlike other motor vehicles where "accompanied" would likely mean that the adult would ride in or on the same vehicle, most ATV's are designed to be ridden by a single person and are unsafe for passengers. The definition of "visual and voice contact", which is included in the attached draft legislation, is what was agreed upon by the Advisory Committee, primarily on the recommendation of ATV users.

Recommendation #5 would require that young people of 17 years and younger successfully complete a course before they could ride on other people's land. The course could be one conducted under the auspices of the Department of Inland Fisheries and Wildlife or one

approved by them (see recommendation #11). The mechanism for providing such a course would likely be modeled after hunter safety training, but incorporate industry developed courses as well. It is recommended that this course requirement take effect on July 1, 1987 to allow the Department time to develop and/or approve courses and to begin instruction.

The need for safety training and other education, particularly for young ATV riders, was well established during the study. ATV safety instructors indicated that mis-information about safe operation of the vehicles is the rule. Sixty-seven percent of ATV users indicated that they would support mandatory safety training for riders under 18 years of age; 42% of the riders said they would support mandatory safety training for all ATV riders. Although a sizable majority of ATV users recognized the need for safety training, a larger majority (70%) expressed an interest in participating in an ATV program to receive education on the rights of landowners and other recreationists. It appears everyone agrees that both of these elements need to be included in the training program.

Recommendation #6 would increase the age at which ATV operators are required to wear helmets from 14 to 17 years. A majority of ATV accidents involve falling or being thrown off the vehicle with a substantial percentage involving injuries to the head. In addition, most ATVers who are in accidents are not wearing helmets.

This recommendation is being made because of the potential for preventing serious injury to young people, because of the strong support of a number of ATV club leaders and because at one time the Advisory Committee had apparently reached consensus on this recommendation.

The Legislature is undoubtedly aware that there will not be consensus on this issue and it is important to know that some ATV club leaders are opposed to raising the age on the helmet law. Additionally, the consensus of the Advisory Committee was lost at its last meeting when several members agreed that the age requirement for helmets should remain as it is.

The magnitude of the safety problem presented by ATV's was not well defined by this study. Some preliminary information was available from the federal Consumer Products Safety Commission which is studying the safety of ATV's. The primary source of information was the accident statistics kept by the Department of Inland Fisheries and Wildlife which relies on reports from law enforcement officers. While the statistical summary has a wealth of information and the Department gets good cooperation from the law enforcement officials, the number of reports received does not appear to be at all comprehensive.

Anecdotal evidence, particularly from doctors and teachers, suggests that the ATV accident statistics gathered by the state are severely under represented. Some doctors believe that there may be as many ATV accident victims treated by each emergency room of Maine's larger hospitals as there are accidents reported to the Department on a statewide basis.

It may prove beneficial for the safety and education program recommended in this report (recommendation #10) to cooperate with the Maine Medical Association or emergency room directors to conduct a survey of emergency rooms to clarify the nature and extent of ATV accidents and injuries.

Other suggestions considered and rejected include:

- a. Institute an operator's license. Some suggestions were to institute an operator's license or to treat the recommended certification, or a motor vehicle operator's license, as an ATV operator's license, subject to suspension or revocation. No mechanism exists to implement such a system and its projected cost did not appear to be justified by the small benefits to be gained.
 - b. Establish speed limits. The suggestion to establish speed limits was rejected primarily because ATV's do not typically have speedometers.
 - c. Establish a curfew. The suggestion to establish a curfew was drawn from Massachusetts. There the curfew is from 11:00 p.m. to 6:00 a.m. and is apparently imposed for the benefit of sleeping neighbors, rather than safety considerations. In Maine, 58% of accidents occur at night time, but fewer than 13% occur during the Massachusetts curfew hours. This concept may deserve more attention from the ATV Management Program recommended in this report (recommendation #12) and from urban municipalities with unusually severe noise problems.
- 7. Extend guilt for violations and liability for damage to the ATV owner and the operator's parents when the operator is a minor.**

This recommendation addresses the responsibility of parents and other adults for the acts of minor children. It is designed to impose liability on ATV owners and parents, as well as operators, for violations and damage caused by the conduct of an ATV operator over which the operator or parent has or should have some control.

The recommendation calls for extending guilt for permitting an ATV to be operated in violation of the law to the ATV owner or parents of minors, providing that the owner or parent has or should have control over the offensive conduct. It also calls for adding a provision to the law which imposes financial liability on the ATV owner, or operator's parent who permits the operation of the ATV, for damage caused by the operator.

Current law provides that a person is guilty of unlawfully permitting operation of an ATV if he owns an ATV and knowingly permits it to be operated in violation of the ATV laws. The suggested change imposes similar liability on parents who are in a position to control the acts of their children. The financial responsibility suggestion is similar to provisions which apply to negligent operation of a motor vehicle on the highways by a minor.

Virtually everyone is in agreement with this recommendation. Ninety three percent of ATVers surveyed indicated that parents should be responsible to pay for damage caused by their dependent children operating an ATV. This was one of the highest percentage responses in the entire survey.

Other suggestion considered and rejected:

Establish a minimum age at which a person may register an ATV. Other motor vehicles can be registered by people 18 years of age or older. Under 18, the registrant must generally have parental consent. This suggestion is not recommended only because the changes which are recommended should be sufficient to involve parents in the activities of their children.

8. Allow for impoundment of ATV's when a summons is issued and the charging law enforcement officer has reason to believe that the ATV would otherwise continue to be operated in violation and be a hazard to the safety of people or property.
9. Require registration plates to be displayed on the front as well as the back of ATV's.
10. Decriminalize a number of ATV violations.

Each of these recommendations is designed to enhance effective law enforcement, which is generally acknowledged as essential to the resolution of many ATV related issues.

Under current law, ATV's operated in violation of Title 12 are subject to seizure. The seizure provision requires a labeling procedure in addition to the complaint for the offense and results in

forfeiture of the seized property unless there is no conviction. It is recommended that an impoundment procedure be developed which would be incidental to filing a complaint and which would allow return of the ATV.

This recommendation is seen by a number of law enforcement personnel as the single most important enforcement tool which could be provided. There was apparent consensus by others to provide this tool, although ATVers had some concern that it not be used for harassment. Particular attention was paid to drafting the recommendation and the companion legislation to prevent the possibility of harassment.

The additional registration plate will make identification of an ATV easier. This will aid law enforcement officers and will also help landowners concerned with trespass.

Two other suggestions concerning registration plates should receive further consideration. ATV users suggest that the new color scheme for plates (red on white) may be difficult to read because so many ATV's are red. If this is the case in practice, another color scheme should be selected. ATV users also suggested that the registration expire on the anniversary date of initial registration, instead of June 30. This would avoid the congestion of 20,000 registrants all being processed at once. However, the Department of Inland Fisheries and Wildlife reports that it does not have the capability to do this. As they develop new computer capability, this suggestion can be considered. It will require statutory change.

The decriminalization of many of the Title 12 ATV violations would treat these violations in the same manner as most motor vehicle violations. Exceptions are made for reckless conduct, operating under the influence and other violations because of the potential injury to others inherent in the violations or due to enforcement problems created. In addition, criminal trespass and criminal mischief remain criminal offenses under Title 17-A. the effect of decriminalization would be to keep most of the ATV cases in the District Court where fines and fees would be the only available sanctions. Under criminal law, people accused are entitled to a jury trial which seems a waste of court time for most ATV infractions.

NOTE: This recommendation was made at an Advisory Committee meeting and received approval in that forum. The specifics of this recommendation are not included in this report or the accompanying draft legislation. A member of the committee volunteered to submit draft legislation for this purpose. The submission of draft legislation as an addendum to this report is dependent upon the timeliness of completion of that document.

Another law enforcement issue is the responsibility of all officers to enforce the ATV laws. The law is quite clear as to the jurisdiction of all law enforcement officers in ATV cases. However,

there appears to be confusion or reluctance on the part of some to exercise their authority. This situation should be remedied, preferably by communication rather than additional statutory language. As a starting point, the ATV booklet published by the Department of Inland Fisheries and Wildlife should recite those sections of Title 12 (§ 7055 and § 7057) which spell out enforcement authority (see recommendation #11).

A final recommendation relative to law enforcement is that the Court system record and make available data concerning offenses involving ATV's and the penalties imposed. This would help in assessing the status of enforcement of the ATV laws and ensure that the judicial system is aware of the extent of the problem. The Court system is currently updating its information management system so that such a suggestion is timely. This suggestion is being made through a representative of the judicial system who served on the advisory committee and by copy of the report to the Court Administrator.

Suggestions considered by not recommended are:

- a. Increase the number of law enforcement personnel, specifically game wardens. It was suggested that by raising the registration fee to \$15.00 - \$20.00, money could be raised to support additional law enforcement efforts. This increase would raise approximately \$200,000 ($\$17.00 - \$7.00 \text{ current fee} \times 20,000$) to fund the entire recommended program. This would yield approximately \$100,000 for game wardens, a total of 2 or 3 positions. The Department of Inland Fisheries and Wildlife currently receives fines imposed for violation of Title 12. The need for additional wardens, the source of their funding, and the allocation of their time are the subject of a great deal of discussion in the Legislature and within the Executive Branch. Until these issues are resolved with regard to the Warden Service in general and an accounting of current revenues and expenditures provided, no additional allocation to Warden Service can be justified.

In addition, increased support to the Warden Service will not accomplish the goal of increasing participation of other agencies in the enforcement of ATV laws.

- b. Reinstate the word "duty" in the section of the law concerning the authority of all law enforcement personnel to enforce ATV laws. The obligation to enforce ATV laws should not be given statutory priority over other law enforcement activities. Unless law enforcement officials take the position that the authority to enforce does not create a duty within the resources available, no change need be made.

- c. The suggestion that ATV operators be required to wear a registration number on a vest is not recommended because law enforcement officials believe there would be widespread resistance based on experience with the existing requirement that hunters wear blaze orange garments in the woods. Additionally, there appears to be a general repugnance to the idea of requiring people to wear registration numbers.
 - d. A suggestion that 3 inch reflective registration numbers be displayed on the sides of an ATV is not recommended because the construction of ATV's does not provide a large enough exposed vertical space.
 - e. Encourage judges to impose stiffer fines. This was rejected because it is not now know what the size of current fines is and because it would seem unrealistic to expect judges to modify the size of fines based on this report.
11. Initiate a safety and education program within the Department of Inland Fisheries and Wildlife which would: a) develop and manage the system for providing the courses required of young operators; b) maintain and evaluate safety related information and make recommendations for state action based on that analysis; c) develop a booklet which explains the law and other pertinent information in plain English for all ATV registrants and develop means for educating operators; d) coordinate a special statewide enforcement campaign of limited duration; and e) assess the need for training or education of law enforcement personnel on ATV related matters and develop a means to provide, or recommendations for the provision of, the needed training and education.

The need for safety and education courses for young riders was discussed at some length under recommendation #5. This recommendation would provide the mechanism to institute the safety and education program.

The other components of this recommendation are also geared towards addressing an apparent lack of knowledge or understanding of laws and practices concerning ATV's among law enforcement officials, landowners, ATV users and the general public. Many of the goals of the individual components are related to safety, education and law enforcement, which have been outlined in other recommendations. This program will help to ensure the success of all the previous recommendations.

Suggestion considered and rejected:

Given the importance and need to educate all ATV users, it was suggested that ATV dealers be required to inform ATV purchaser about safe and responsible operation of their vehicles through the distribution of State approved material. However, the Department of Inland Fisheries and Wildlife has provided all registrants with a copy of the law. It is the intention of the Department to revise the materials to be more easily understood by users and to continue to distribute that material to all registrants; therefore, the suggestion of an additional distribution required by law appears unwarranted. Many dealers do distribute educational materials prepared by manufacturers voluntarily. It is expected that this will continue as well.

12. Encourage the development of ATV clubs and reduce conflicts between ATV users, landowners and other recreationists by establishing an ATV program within the Bureau of Parks and Recreation, Department of Conservation, which would: a) assist in the formation of ATV clubs; b) assess the need for and feasibility of a State trail program, and on an interim and limited basis give grants-in-aid to ATV clubs or others to build and maintain trails; c) investigate additional means to insure property owners against unsuccessful lawsuits, d) investigate the issue of liability for environmental violations caused by recreationists on the land of others and assist in the resolution of this issue if necessary; e) conduct research on ATV management issues; and f) assess the status of ATV management in two years and make recommendations for changes.

The formation of ATV clubs is probably viewed by most people as the single most important action which can occur to change the public perception of ATV's as being a "problem". Clubs can have a significant beneficial impact on nearly every major issue; developing good relations with landowners and other recreationists; educating and placing controls on young riders to easing law enforcement problems; providing facilities for the users and so on.

Although not everyone sees clubs as a panacea, the ATV users themselves were probably representative of others when 90% of them responded in the survey that ATV clubs can be effective in promoting safe and responsible use of ATV's.

Assisting and accelerating the formation of clubs providing technical assistance and generally helping to ensure their success is one of the most important actions which the State can take in trying to bring order and respectability to this form of recreation.

This would be the primary focus of this recommendation which would create an "ATV Recreation Management Program" within the Department of Conservation.

Another key element of this program would be to assess the need for a State ATV trail program. Preliminary indications are that this is a major need of ATV recreationists. Ninety-two percent of the ATVers responded that a State ATV program should include trail development and a State-wide system of interconnecting trails was by far the leading choice of the type of trail system which should be developed. Many questions remain, however, which must be answered before a full scale program should be undertaken. The basic hypothesis of the need for and the type of trail system needs to be re-tested. The feasibility of such a system needs to be explored. Questions of design and standards need to be answered and a determination of costs and possible sources of funding have to be made.

While a lot of investigation is required before initiating a State-wide interconnecting or any other State trail system, this recommendation would allow for a very limited grants-in-aid program. This authority would permit any obvious needs which would have significant benefit to be funded during the interim period while the future of the program is being assessed.

The investigation of additional means to insure property owners against unsuccessful lawsuits was discussed at some length under recommendation #2 and need not be repeated here. This ATV program would enable completion of that recommendation.

The question of landowner liability for environmental violations caused by recreationist on the land of others was brought up at the final meeting of the advisory committee. The environmental regulatory agencies, landowners and Attorney General's office are working to resolve this issue. This issue may have some potentially significant impact on recreationists if it is not resolved quickly and ATVers may be at greatest risk for having access to lands denied as a result. This program could help to address this issue if necessary.

This program would also enable the investigation and resolution of a number of other ATV recreation issues such as conflicts with other recreationists; minimizing environmental impact; industry involvement; etc.

Finally, this program would be responsible for evaluating the success or failure of changes resulting from this report and the ongoing status of ATV management and issues and making recommendations for any future changes which may be warranted.

13. Pay for both the education and recreation programs (recommendations #11 and #12 above) with an increase in the annual registration fee from \$7.00 to \$12.00.

The allocation of each registration fee would be \$5.00 to the Department of Inland Fisheries and Wildlife for general administration of the ATV laws as is currently the case, \$.50 to cover the cost of new front registration plates, \$2.50 for the training and education program, and \$4.00 to the ATV Recreation Management Program within the Department of Conservation.

No serious consideration was given to any other means of funding this program. Although the benefits of the program will be felt by everyone, the ATVers are seen as the primary beneficiaries and the funding is therefore recommended to come from the ATV registration fees. This has widespread support.

Seventy-six percent of ATVers surveyed said that they would not oppose an increase in fees of this magnitude if the increase were to go to a State ATV program(s). Ninety-six percent said that a State program should include safety training, 97% said it should include education on the rights of landowners and other recreationists, and 92% said it should include trail development. All of these uses are contemplated with the proposed increase.

Suggestions considered, but not recommended include:

- a. An increase in fees to between \$15.00 and \$20.00 in large part to fund increased law enforcement. This suggestion is discussed in more detail under recommendations #8, #9, and #10.
 - b. Revenue sharing with municipalities provided that no local excise tax is imposed on ATV's. This is the situation with regard to snowmobiles. It seems to cause more problems than it solves. It was apparently designed to create a uniform "tax" for snowmobiles regardless of the city or town in which they are kept. The money that is returned to the municipality is to replace the lost excise tax and is applied to its general fund. It is not earmarked for snowmobile related programs. This creates frustration among some snowmobilers. There appears to be no real benefit to anyone and therefore it is not recommended.
14. Change the maximum allowable distances for ATV use along public road rights-of-way back to what they were prior to last year to allow trails developed under the old law, particularly snowmobile trails, to be used so long as the landowner grants permission.

Prior to the First Regular Session of the 112th Legislature, ATV's were governed by the same distance restrictions along public road rights-of-way as snowmobiles. Apparently, due to concern about excessive use of road rights-of-way by ATV's, a law was passed which reduced the distance which ATV's could travel.

One result of this change in the laws was that ATV's can no longer use some snowmobile trails, even if they have the permission of the landowner, because the snowmobile trail follows the roadway for too great a distance. The decrease in allowable distance has also made it impossible to cross some bridges.

This recommendation is to restore the previous allowable distances along road rights-of-way. Other recommendations of this study should reduce the problem of road use by ATV's and the previous change in distance seems to be an unnecessary burden on ATVers.

Suggestion considered, but not recommended:

ATV's are allowed to travel along a road right-of-way for a certain distance for the express purpose of crossing to the other side of the road. There exist situations where the only possible way for two trails on the same side of the road to connect is by using the road rights-of-way for a short distance. Although not anticipated by the law, the two trails on the same side of the road can be used without violating the law by going along the road right-of-way to the other trail, crossing the road, going a short distance into the woods, then returning, re-crossing the road and continuing on the trail which is on the same side of the road as the point of origin.

The suggestion was to permit the same distance allowed for crossing the road to be allowed for traveling between trails on the same side of the road.

Although a certain folly in the existing law is evident, the need to travel along the road could as easily be for 500 or 1,000 yards as the 300 yards which would be permitted under the suggestion and it seems unwise to give statutory approval to the use of road rights-of-way as ATV trails.

APPROVED

JUNE 11 1987

BY GOVERNOR

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-FIVE

H.P. 723 - L.D. 1032

AN ACT Relating to the Regulations and
Distribution of Funds for All-terrain
Vehicles.

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

Whereas, there are immediate needs to address the safety and recreational conflict regarding the use of all-terrain vehicles; and

Whereas, all-terrain vehicle registration is for the 12-month period commencing on July 1st of each year; and

Whereas, because of the July 1st registration date and the length of time required for the proposed study, these immediate needs could not otherwise begin to be addressed until July 1987; and

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

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

Sec. 1. 12 MRSA §7854, sub-§§3 and 4, as enacted by PL 1983, c. 297, §§1 and 3, are amended to read:

3. Fee. The annual registration fee for an ATV is ~~\$5~~ \$7.

4. Allocation of fees. All ~~moneys~~ money received under this subchapter shall be credited to the department for the cost of administration and enforcement of this subchapter, for the provision of education on the safe operation of all-terrain vehicles and a study on the safety and recreational management of all-terrain vehicles.

Sec. 2. 12 MRSA §7854, sub-§7, ¶A, as enacted by PL 1983, c. 297, §§1 and 3, is amended to read:

A. Whoever transfers the ownership or permanently discontinues the use of a registered ATV and applies for registration of another ATV in the same registration year shall be entitled to a certificate of registration upon payment of a transfer of \$2 and shall not be required to pay the regular registration fee of ~~\$5~~ \$7.

Sec. 3. Study. The Bureau of Parks and Recreation shall serve as lead agency to implement and coordinate a study the purpose of which shall be to make recommendations for management of all-terrain vehicles. This study shall include the recreational needs of all-terrain vehicle use, conflicts with other recreational activities and with landowners, safety matters, noise, damage and trespass issues, special apprehension problems posed by the maneuverability of all-terrain vehicles and special problems caused by the fact that many drivers are minors. The latter problems include problems of prosecution, parental financial responsibility and attitudes by parents, the community and law enforcement and judicial authorities.

The following shall participate in this study:

1. The Department of Inland Fisheries and Wildlife;
2. The Attorney General and district attorneys;
3. Representatives of the judicial system; and

4. Representatives of state, county and municipal law enforcement agencies.

Recommendations and proposed legislation from this study shall be reported by the Bureau of Parks and Recreation to the Legislature by February 1, 1986.

Sec. 4. Allocation. The following funds are allocated from revenues dedicated to the Department of Inland Fisheries and Wildlife as follows.

1985-86

CONSERVATION, DEPARTMENT OF

Bureau of Parks and Recreation	
Personal Services	\$12,000
All Other	<u>8,000</u>
TOTAL	\$20,000

This allocation provides funds to set up a special dedicated revenue account within the Bureau of Parks and Recreation to conduct a study on the safety and recreational management of all-terrain vehicles.

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

APPENDIX B

ATV Management Study Advisory Committee

The Department of Conservation formed an Advisory Committee to review the work of the consultants and advise the Department and the consultants. The Committee included people representing the Maine Legislature, the Court System, the Department of Inland Fisheries and Wildlife, and representing the interests of law enforcement, district attorney's, ATV users, ATV dealers, farmers, small and large woodland owners, private landowners generally, snowmobilers, environmentalists, sportsmen, hikers and municipal recreation.

The Committee met three times. The first meeting was held after the consultant had done some preliminary research, but prior to the formulation of any recommendations. The purpose of that meeting was to provide the consultants with some direction on what issues needed to be pursued further and what general policy directions should be followed. The second meeting was to review and comment on preliminary recommendations of the consultant. The third meeting was held after the consultants submitted their report, to review that document and advise the Department on recommendations which should be made in its report to the Legislature.

Members of the Committee are as follows:

Representative Maynard Connors, Franklin
Representative Vinton Ridley, Shapleigh
Representative James Mitchell, Freeport
Gary Anderson, South Harpswell
Lt. Col. John Clark, Gardiner
John McElwee, Caribou
Edward McSweeney, III, Ellsworth
Robert Miller, Bangor
Ray McCutcheon, Sidney
John Schott, Lewiston
Adrian Wadsworth, Turner
Parker Johnson, New Vineyard
Dan Corcoran, Millinocket
Eugene Swan, Athens
Neal Fox, East Corinth
Sue Van Hook, Belgrade
Dave Allen, Washington
Kathy Mazzuchelli, Caribou

DOC-ATV
February 1, 1986
KES/pw

SECOND REGULAR SESSION
ONE HUNDRED AND TWELFTH LEGISLATURE

Legislative Document

DOC-ATV

STATE OF MAINE

In the Year of Our Lord
Nineteen Hundred and Eighty-Six

An Act to Amend the ATV Laws

Sec. 1. 12 MRSA §602 sub-§19 is enacted to read:

19. Management of ATV's. To administer the ATV Recreational Management Fund, established under Title 12, section 7854, sub-section 4, for the purposes given in that sub-section. The bureau is authorized to promulgate rules, in accordance with Title 5, chapter 375, sub-chapter II, for the issuance of grants-in-aid from the Fund and to further define alpine tundra areas pursuant to Title 12, section 7851, sub-section 5.

Sec. 2. 12 MRSA §7851 is amended by adding the following to the end of the section:

5. Alpine Tundra. "Alpine Tundra" means high elevation treeless areas beyond timberline which are dominated by low herbaceous or shrubby vegetation, and specifically, areas which are designated as alpine tundra by the Department of Conservation by rule pursuant to Title 5, chapter 375, subchapter II.

6. Freshwater Marshes and Bogs. "Freshwater Marshes and Bogs" means naturally occurring open areas with saturated soils or peat, often associated with standing water, and dominated by low herbaceous vegetation, grasses and weeds, and shrubs and including inland wetlands as shown on the Freshwater Wetlands Map Series, Maine Geological Survey or zoned as a Wetland Protection Subdistrict (P-WL) by the Land Use Regulation Commission.

7. Protective Headgear. "Protective Headgear" means helmets which conform with minimum standards of construction and

performance as prescribed by the American National Standards Institute specification Z90.1 or by the Federal Motor Vehicle Safety Standard No. 218.

8. Accompanied by an adult. "Accompanied by an adult" means within visual and voice contact and under the effective control of a child's parent or guardian or another person 21 years of age or older.

Sec. 3. 12 MRSA §7853 is repealed and replaced to read:

§7853 License and Training

1. License. No operator's license is required for the operation of an ATV, except as required by Title 29.

2. Training. A person under the age of 18 is required to successfully complete a training program approved by the department prior to operating an ATV on any land other than the land on which that person is domiciled or land owned or leased by that person's parent or guardian. The training program shall include instruction on the safe operation of ATVs, the laws pertaining to ATV's, the effect of ATV's on the environment and ways to minimize that effect, courtesy to landowners and other recreationists and other materials as determined by the department.

Sec. 4. 12 MRSA §7854 sub-§1 is amended to read:

1. Application and Issuance. The commissioner or an agent designated by him, may register and assign registration number plates to any ATV upon application and payment of an annual fee by the owner. The plates shall be attached securely to the front and rear of the vehicle and shall be clearly visible. After the first year of registration of the vehicle, the commissioner may issue a validation devices which shall be placed on the number plates. A registration shall be valid for one year commencing July 1st of each year.

Sec. 5. 12 MRSA §7854 sub-§3 is amended to read:

3. Fee. The annual registration fee for an ATV is ~~\$7~~
\$12.

Sec. 6. 12 MRSA §7854 sub-§4 is amended to read:

4. Allocation and use of Fees.

A. All money received under this subchapter shall be credited to the department for the cost of administration ~~and enforcement of this subchapter, for the provision of education on the safe operation of all-terrain vehicles and a study on the safety and recreational management of all-terrain vehicles~~ except that at least \$2.50 of each annual registration fee shall be allocated by the department to provide training and education relative to ATV's and at least \$4.00 of each annual registration shall be credited to the ATV Recreational Management Fund.

B. The ATV Recreational Management Fund is hereby established and shall be administered by the Department of Conservation.

- 1) The ATV Recreational Management Fund may be used to: conduct research on issues related to the management of ATV's; assist in the formation of non-profit ATV groups; make grants-in-aid to political subdivisions, educational institutions, regional planning agencies, ATV groups and others to construct and maintain ATV trails or to otherwise carry out the purposes of the Fund; assist in the design and development of ATV trails; provide protection to landowners against ATV related suit or liability; or otherwise provide for the wise and orderly management of ATVs.
- 2) If any moneys in the ATV Recreational Management Fund are not expended during the year in which they are collected, the unexpended balance shall not lapse, but shall be carried as a continuing account available for the purposes specified until expended.

Sec. 7. 12 MRSA §7854 sub-§7 is amended to read:

7. Transfer of ownership or discontinuance of use. A transfer of ownership or discontinuance of use of an all-terrain vehicle shall be subject to the following:

A. Whoever transfers the ownership or discontinues the use of a registered all-terrain vehicle shall, within 10 days, properly sign the registration certificate, indicating the disposition of the all-terrain vehicle, and return the certificate to the commissioner. Except as provided in paragraph B, the registration number plate shall be returned with the certificate.

B. An all-terrain vehicle owner who transfers ownership or discontinues its use may, within 10 days from the date of transfer or discontinuance, apply to the commissioner for registration of another all-terrain vehicle, in which case he may

retain the registration number plates and, upon receipt of the new certificate, attach the plates to the new all-terrain vehicle. The fee for such a transfer shall be \$2 and the registration certificate shall be valid for the remainder of the registration year for which the previous all-terrain vehicle had been registered.

C. Whenever there is a change of ownership of all-terrain vehicle for which a registration has previously been issued, the new owner shall apply for a new registration certificate and plates and shall pay the regular ~~\$7~~ \$12 fee.

Sec. 8. 12 MRSA §7856 sub-§1 is repealed and replaced as follows:

1. **Permission required.** No ATV may be operated on any land without the permission of the landowner or the lessee of the land.

Sec. 9. 12 MRSA §7857 sub-§4 is repealed.

Sec. 10. 12 MRSA §7857 sub-§4-A is enacted to read:

4-A. Operating on land of another without permission. A person is guilty of operating on land of another without permission, if he operates an ATV on any land other than the land on which he is domiciled or which he or his parents or guardian own or lease, without having first obtained permission from the owner or lessee of the land to operate an ATV on that land.

Sec. 11. 12 MRSA §7857 sub-§13 is amended to read:

13. **Unlawfully operating an ATV while under age.** A person is guilty of unlawfully operating an ATV while under age, if he is under the age of 15 years and operates an ATV across any public way maintained for travel or if he operates an ATV while unaccompanied by an adult, except as provided in sub-section 24, paragraph E.

Sec. 12. 12 MRSA §7857 sub-§13-A is enacted to read:

13-A. Operating an ATV without a certificate of training. A person is guilty except as provided in sub-section 24, paragraph E, of operating an ATV without a certificate of training, if he is under the age of 18 years and operates an ATV without having successfully completed a training course approved by the department pursuant to §7853.

Sec. 13. 12 MRSA §7857 sub-§13-B is enacted to read:

13-B. Operating an ATV without protective headgear.
Notwithstanding Title 29, section 1376, a person is guilty of operating an ATV without protective headgear, if he is under the age of 18 years and operates an ATV without protective headgear.

Sec. 14. 12 MRSA §7857 sub-§14 is amended to read:

14. Permitting an unaccompanied child to operate an ATV. A person is guilty, except as provided in subsection 24, paragraph E, of permitting an unaccompanied child to operate an ATV, if he permits a child under ~~40~~ 15 years of age to operate an ATV, unless he is accompanied by an adult.

Sec. 15. 12 MRSA §7857 sub- 18 is repealed.

Sec. 16. 12 MRSA §7857 sub-§19 is repealed.

Sec. 17. 12 MRSA §7857 sub-§21 is amended to read:

21. Unlawfully permitting operation. A person is guilty of unlawfully permitting operation of an ATV, if he owns an ATV and knowingly permits it to be operated in violation of any section of this subchapter. A person is guilty of unlawfully permitting operation of an ATV, if he is the parent or guardian responsible for the care of a minor under the age of 18 years who operates an ATV in violation of any section of this subchapter.

Sec. 18. 12 MRSA §7857 sub-§22-A is repealed and the following is enacted in its place.

22-A. Operating an ATV in a prohibited area. A person is guilty of operating an ATV in a prohibited area if he operates an ATV on a salt marsh, interidal zone, sand dune or any cemetery, burial place or burying ground or if he operates an ATV on alpine tundra or on a freshwater marsh or bog, other than on a trail designated for ATV use by the Department of Conservation, when the ground is not frozen and sufficiently covered with snow to prevent direct damage to the vegetation.

Sec. 19. 12 MRSA §7857 sub-§23 is repealed.

Sec. 20. 12 MRSA §7857, sub-§24, paragraph D, sub-paragraph 1 and 2 are amended to read:

1. Properly registered ATV's may operate on a public way only the distance necessary, but in no case to exceed ~~400~~ 300 yards, on the extreme right of the traveled way for the purpose of crossing, as directly as possible, a public way, sidewalk or culvert;

2. Properly registered ATV's may operate on a public way only the distance necessary, but in no case to exceed ~~400~~ 500 yards, on the extreme right of the traveled way for the sole purpose of crossing, as directly as possible, a bridge, overpass or underpass, provided that that operation can be made in safety and that it does not interfere with traffic approaching from either direction on the public way.

Sec. 21. 12 MRSA §7857 sub-§24, paragraph E is amended to read:

E. Notwithstanding sub-sections 13, 13-A, and 14, ~~that those subsections do does~~ not apply on land which is owned by the parent or guardian of the operator, ~~or on land where permission for use has been granted to the parent or guardian.~~

Sec. 22. 12 MRSA §7858 is enacted to read:

§ 7858 Liability for damage by minor under 18.

Every owner of an ATV causing or knowingly permitting a minor under the age of 18 years to operate such vehicle, any person who gives or furnishes an ATV to such minor, and any parent or guardian responsible for the care of such minor, shall be jointly and severally liable with such minor for any damages caused by the negligence of such minor in operating such vehicle.

Sec. 23. 12 MRSA §7859 is enacted to read:

§ 7859 Impoundment of ATVs

When a law enforcement officer issues a summons for a violation under this subchapter the officer may impound the ATV operated by the person who received the summons if, in the judgement of the officer, based on actual previous offenses by the operator or other considerations, the operator will continue to operate the vehicle in violation and such operation may be a hazard to the safety of persons or property.

The operator may reclaim his vehicle at any time subsequent to 24 hours after the issuance of the summons upon payment of the costs of impoundment to the enforcement agency impounding the vehicle. If the operator is subsequently found to be not guilty of the violation charged in the summons, the enforcement agency shall reimburse the payment made for the costs of impoundment, plus pay 5% of those costs, to the person who made the payment.

Sec. 24. 14 MRSA §159-A is amended by adding sub-§6 to read:

6. Costs and Fees. The court shall award any direct legal costs including reasonable attorneys' fees to an owner, lessee or occupant who is found not to be liable for injury to a person or property pursuant to this section.

Sec. 25. Allocation. The following funds are allocated from revenues derived from Title 12, chapter 715, subchapter IV as follows:

<u>CONSERVATION, DEPARTMENT OF</u>	<u>1986-87</u>
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Bureau of Parks and Recreation	
ATV Recreational Management Fund	
Positions	1
Personal Services	28,000
All Other	47,000
Capital	5,000

<u>INLAND FISHERIES AND WILDLIFE,</u>	
<u>Department of</u>	

Bureau of Warden Service	
All-terrain vehicle safety and	
Education Program	
Positions	1
Personal Services	25,000
All Other	17,000
Capital	8,000

Sec. 26. Effective Dates. Sections 3 and 12 shall become effective July 1, 1987.

Statement of Fact

The First Regular Session of the 112th Legislature directed the Bureau of Parks and Recreation, Department of Conservation to conduct a study on the management of all-terrain vehicles (ATVs) and to make recommendations to the Second Regular Session of the 112th Legislature. This bill implements the recommendations of that study.

Section 1 authorizes the Bureau of Parks and Recreation, Department of Conservation to administer an ATV Recreational Management Fund.

Section 2 adds several definitions to the ATV law.

Sections 3, 12, and 26 establish the requirement that all ATV operators under the age of 18 years successfully complete a training course approved by the Department of Inland Fisheries and Wildlife before they can operate on land which belongs to someone other than their parents or guardian.

Section 4 requires that ATVs have a license plate attached to the front of the vehicle as well as the rear.

Sections 5 and 7 increase the annual registration fee from \$7 to \$12.

Sections 6 and 25 allocate the increase in fees to a training and education program run by the Department of Inland Fisheries and Wildlife and an ATV Recreation Management Fund administered by the Department of Conservation which will assist the formation of ATV clubs and will research and provide for other needs such as ATV trails and landowner liability protection. A portion of the increase will also pay for the cost of the additional license plate required under section 4.

Sections 8, 10 and 21 require that permission be obtained from a landowner before an ATV can be operated on that person's land.

Sections 9, 18, 19, and 23 repeal sections of the ATV law which become redundant to amendments and additions made by this bill.

Sections 11, 14, 17 and 22 create equal responsibility for ATV owners, operators and parents of minors for violations and liability for damage caused by negligent operation of ATVs and increase the age under which a child must be accompanied by an adult from 10 to 15 years.

Section 13 increases the age under which a helmet is required to be worn by ATV operators from 15 to 18 years.

Section 18 consolidates sections of the law which prohibit ATV use in certain areas and adds alpine tundra and freshwater marshes and bogs (other than in winter or on designated trails) to the prohibited use areas.

Section 20 returns the allowable use distance along road right of ways to what they were prior to last year and to what they are for snowmobiles so that snowmobile trails designed for these legally determined distances can be used by ATVs when permission is obtained from the landowners.

Section 23 allows a law enforcement officer who issues a summons for an ATV violation to impound the ATV if he has reason to believe that the ATV would otherwise continue to be used to commit a violation which would be a hazard to the safety of people or property.

MANAGEMENT OF ALL-TERRAIN VEHICLES

**RECOMMENDATIONS
PREPARED FOR THE
MAINE DEPARTMENT
OF CONSERVATION**

**Maine Tomorrow
January 1986**

Management of All-Terrain Vehicles

Recommendations Proposed for the
Maine Department of Conservation

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NOTE: The full text of the consultants report is not appended. The document can be reviewed by special arrangement with the Bureau of Parks and Recreation, Department of Conservation or can be purchased from Maine Tomorrow, 77 Water Street, P.O. Box 327, Hallowell, Maine 04347, Telephone: 623-4883 (\$3.00 plus \$1.00 postage).