

# MAINE STATE LEGISLATURE

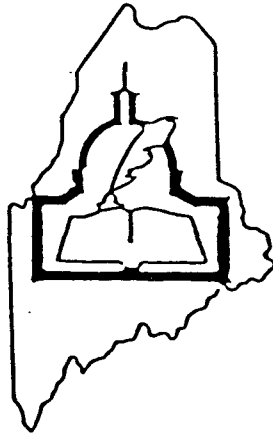
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STATE OF MAINE  
ONE HUNDRED AND TWELFTH LEGISLATURE  
SECOND REGULAR SESSION

JOINT STANDING COMMITTEE ON  
FISHERIES AND WILDLIFE  
BILL SUMMARY



MAY 1986

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ONE HUNDRED AND TWELFTH LEGISLATURE  
SECOND REGULAR SESSION

JOINT STANDING COMMITTEE  
BILL SUMMARIES  
MAY 1986

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature, covering the Second Regular Session of the 112th Legislature. The summaries are arranged by LD number under each committee.

All Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor if it is a floor amendment or the designation "CA" if it is a committee amendment. If the amendment was adopted in the House, the letter H appears after the sponsor. If it was adopted in the Senate, the letter S appears.

Final action for each bill is listed to the right of the title. If final House action and Senate action differ, both are listed.

Key to Committee Reports and Floor Action:

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-AM	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

The new draft was submitted by the Department as a result of the public hearing. The original bill did not split the bait dealers licensing into retail and wholesale categories and did not include the provision making it illegal to take baitfish from a trap without the owner's permission.

House Amendment A made a technical change.

LD AN ACT TO PLACE A SUNSET PROVISION IN THE  
2203 ANTLERLESS DEER PERMIT LAW

LVWD

Sponsor: MATTHEWS Z, Greenlaw, Usher, Duffy  
Committee Report: ONTP

SUMMARY: This bill sought to put a sunset provision on the doe permit. The Department indicated that they would monitor the permit system results and modify the program if necessary. More detail on this subject may be found under LD 2073.

LD AN ACT TO AMEND THE ATV LAWS  
2229

PL 1985  
c. 762

Sponsor: STUDY REPORT  
Committee Report: OTP-A

H-662	CA	H	S
H-696	HA	H	S
H-715	JACQUES	H	S

SUMMARY: This bill was an outgrowth of a study by the Department of Conservation which was mandated by LD 1032. It made the following changes in the ATV laws:

1. established the requirement that all ATV operators under 18 years of age must 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;
2. required that ATVs have a license plate attached to the front of the vehicle as well as the rear;
3. increased the annual registration fee from \$7 to \$12;

4. allocated 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 plates;
5. required that permission be obtained from a landowner before an ATV can be operated on that person's land;
6. created equal responsibility for ATV owners, operators and parents of minors for violations and liability for damage caused by operation of ATVs and increased the age under which a child must be accompanied by an adult from 10 to 15 years of age;
7. increased the age under which a helmet is required to be worn by ATV operators from 15 to 18 years of age;
8. consolidated sections of the law which prohibit ATV use in certain areas and added alpine tundra and freshwater marshes and bogs, other than in winter or on designated trails, to the prohibited use areas;
9. returned the allowable use distance along road rights-of-way 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;
10. allowed 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;
11. decriminalized the following ATV violations:  
Operation while under age, without a training certificate, without protective headgear, without a muffler, with insufficient lights and too close to certain buildings: permitting an unaccompanied child to operate, failure to use lights, unlawfully permitting operation and liability for damage caused by others;
12. awarded legal costs to landowners who are found not liable for injuries suffered by an ATV operator on the owner's property; and
13. required ongoing monitoring of this bill by the Department of Conservation and the Department of Inland Fisheries and Wildlife and a report to the Legislature by January 31, 1987.

Committee Amendment A accomplished the following:

1. affirmed the fact that all state law enforcement officials have the authority and responsibility to enforce the various ATV laws;

2. allowed ATVs to be registered in local municipalities at a fee of \$1. This is consistent with recently instigated programs for snowmobilers and watercraft;
3. affirmed the fact that the Secretary of State may issue special permits allowing the use of ATVs on highways but specified that this must only be in conjunction with traveling to or between farm lots in the conduct of farm work. That registration had previously been provided by the Secretary of State but a concern as to its legality arose with the placement of the ATV laws in the Maine Revised Statutes, Title 12;
4. Eliminated the "affirmative permission" provision of the bill. This provision would have required permission of the landowner before the ATV could be ridden on the owner's land. With the elimination of this provision, the amendment puts back 2 more limited provisions of the current law. One prohibits a person from operating his ATV on a private road which is posted against ATVs or on which the owner has forbidden the person to do so. The 2nd prohibits operation of an ATV on crop or pasture land without owner's permission;
5. added ATVs to the prohibition on the operation of motor vehicles on snowmobile trails financed by the Snowmobile Trail Fund without the authorization of the person through whose land the trail runs and prohibits this use year round;
6. made an exception to the provision that persons under 15 years of age may not operate an ATV across a public way by allowing such operation if the person has passed an approved training course;
7. held the owner responsible for the acts of another person while operating the owner's ATV regardless of his knowledge that the ATV was being operated by this person. In the original bill, knowledge of the operation was required; and
8. eliminated the requirement that the impounding agency pay the costs of ATV impoundment if the owner is found not guilty of the charged offense.

House Amendment A changed the minimum contribution per registration to the Recreation Management Fund from \$4.00 to \$3.85.

House Amendment A to Committee Amendment A made several technical changes.