

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

STATE OF MAINE
130TH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS



Disposition of bills and summaries of all laws enacted or finally passed

**JOINT STANDING COMMITTEE ON INLAND
FISHERIES AND WILDLIFE**

December 2021

STAFF:

JON CLARK, DEPUTY DIRECTOR
RACHEL OLSON, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/opla/>

MEMBERS:

SEN. JAMES F. DILL, CHAIR
SEN. GLENN "CHIP" CURRY
SEN. RUSSELL BLACK

REP. H. SCOTT LANDRY, JR., CHAIR
REP. JOHN L. MARTIN
REP. ROLAND DANNY MARTIN
REP. ROBERT W. ALLEY, SR.
REP. ALLISON HEPLER
REP. TIMOTHY S. THERIAULT
REP. PETER A. LYFORD
REP. LESTER S. ORDWAY
REP. RICHARD G. MASON
REP. CATHY R. NADEAU

JOINT STANDING COMMITTEE ON INLAND FISHERIES AND WILDLIFE

LD 1439 An Act To Clarify All-terrain Vehicle Registration Requirements and Establish Regular Maintenance of Designated State-approved All-terrain Vehicle Trails

ENACTED LAW SUMMARY

Public Law 2021, chapter 215 does the following.

1. Increases all-terrain vehicle, or ATV, registration fees. Beginning May 1, 2022, it increases the registration fees for ATVs by \$25 for each type of registration. It provides that all of the increase of each fee collected must be deposited in the ATV Recreational Management Fund and must be used to maintain designated state-approved ATV trails. It requires the Department of Agriculture Conservation and Forestry and the Department of Inland Fisheries and Wildlife to review ATV registration fees and the maintenance needs for ATV trails in 2022 and 2023 and every two years thereafter and to report their findings to the Inland Fisheries and Wildlife Committee. The committee is authorized to report out legislation on the subject matter after receiving a report. It provides that the Bureau of Parks and Lands must use the registration fees deposited into the ATV Recreational Management Fund to oversee construction and maintenance of designated state-approved all-terrain vehicle trails. It requires the Bureau of Parks and Lands to use the ATV Recreational Management Fund to ensure that maintenance of designated state-approved ATV trails occurs annually and requires the bureau to adopt and use best practices of motorized trail construction during construction and maintenance of designated state-approved ATV trails. The bureau is directed to adopt rules that establish a procedure to prioritize the bureau's maintenance of designated state-approved ATV trails. It adds to the purposes for which the ATV Recreational Management Fund may be used, ensuring that designated state-approved ATV trails are inspected annually.
2. It establishes an antique ATV registration. An “antique ATV” is an ATV over 25 years old substantially maintained in its original or restored condition. The registration fee for an antique ATV is \$45, which is deposited in the General Fund.
3. It allows unregistered ATVs to be used on land the operator owns or leases, regardless of where the operator is domiciled.
4. It creates a new category called an “oversized ATV” and provides for limited registration of these ATVs. An “oversized ATV” is an ATV wider than 65 inches or that weighs more than 2,000 pounds according to the manufacturer’s specifications. Registration of an oversized ATV is allowed only for residents who registered that oversized ATV prior to January 1, 2022. An oversized ATV that is registered by its current owner may be transferred to a new owner who may also register that ATV. Unregistered oversized ATVs are allowed to be operated only on land the operator owns or leases, which is the same as any other unregistered ATV. Registration agents are required to provide information about oversized ATVs to a person requesting to register one: the agent must provide a form developed by the Department of Inland Fisheries and Wildlife providing the necessary information. Dealers are also required

ENACTED LAW SUMMARIES

130TH FIRST REGULAR AND FIRST SPECIAL SESSIONS – 2021

Page 13 of 14

JOINT STANDING COMMITTEE ON INLAND FISHERIES AND WILDLIFE

to provide information about oversized ATVs to any person purchasing one. Dealers must provide a form developed by the Department of Inland Fisheries and Wildlife providing the necessary information and the form must include a place for the purchaser to acknowledge receipt of the form so that the dealer has a record of compliance.

5. It requires the Department of Inland Fisheries and Wildlife to develop and make available an education component for ATV owners and ATV registration agents regarding the operation and registration of oversized ATVs, including guidance regarding which ATVs are considered oversized ATVs, under which conditions oversized ATVs may be registered and where oversized ATVs may be operated.
6. It clarifies landowner and lessee rights to limit use of ATVs on designated state-approved ATV trails on their land, including limiting the type, size and weight of ATVs permitted. It also provides that operators of ATVs, including oversized ATVs, on designated state-approved all-terrain vehicle trails must adhere to limitations imposed by landowners, lessees and the State.

LD 1474 An Act To Promote Outdoor Recreational Opportunities for Maine Students

ENACTED LAW SUMMARY

Public Law 2021, chapter 162 creates an outdoor educational trip leader permit program. A person who obtains an outdoor educational trip leader permit may lead an educational or recreational outdoor trip conducted by an educational institution that includes nonmotorized boating or camping at a primitive camping area but does not include fishing, hunting, trapping or the use of snowmobiles, motorboats or all-terrain vehicles.

Public Law 2021, chapter 162 directs the Commissioner of Inland Fisheries and Wildlife to adopt rules to implement the new program, including establishing an advisory committee to advise the commissioner on the program. A person who is not a licensed guide who conducts an outdoor educational trip without an educational trip leader permit is subject to a civil penalty. However, schools currently conducting such trips as part of their programming have until October 1, 2022 to comply with the new permit process.

Public Law 2021, chapter 162 was enacted as an emergency measure effective June 11, 2021.