

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Provide for Incentives and Reparations to Landowners in Connection with All-terrain Vehicle Access

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

Sec. 1. 12 MRSA §13155, sub-§5, as amended by PL 2005, c. 12, Pt. III, §43, is further amended to read:

5. Fees. The annual registration fee for an ATV is \$33\$35 for a resident and \$68\$70 for a nonresident. The commissioner shall deposit \$1 from each registration fee collected under this subsection into the ATV Trail Fund established in section 13162 and deposit \$1 from each registration fee collected under this subsection into the ATV Mitigation Fund established in section 13163.

Sec. 2. 12 MRSA §13158-B is enacted to read:

§ 13158-B. Disposition of fines

Notwithstanding any other provision of law, a person assessed a fine for a violation of this chapter may elect to have a portion of that fine deposited into the ATV Mitigation Fund established in section 13163.

Sec. 3. 12 MRSA §13162 is enacted to read:

§ 13162. ATV Trail Fund

1. Fund established. The ATV Trail Fund, referred to in this section as "the fund," is established.

2. Sources of funds. The fund receives money from appropriations, allocations, bond proceeds and donations and funds derived from section 13155, subsection 5 and Title 36, section 1817.

3. Purpose. The fund must be used to provide ATV trail planning, clearing and construction assistance to landowners that commit to the creation or improvement of multiuse recreational trails and that allow ATV use on their properties.

4. Administration. The department shall administer the fund. The department may coordinate with clubs and other organizations that promote cooperation between ATV users and landowners. The expenses of administering the fund must be paid out of proceeds in the fund.

5. Nonlapsing. Any funds remaining in the fund at the end of a fiscal year do not lapse but carry forward to the next fiscal year. The department may invest proceeds of the fund in an interest-bearing account.

6. Rules. The department may adopt rules to carry out the purposes of this section. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2A.

Sec. 4. 12 MRSA §13163 is enacted to read:

§ 13163. ATV Mitigation Fund

1. Fund established. The ATV Mitigation Fund, referred to in this section as "the fund," is established.

2. Sources of funds. The fund may accept funds from appropriations, allocations, bond proceeds and donations and funds derived from section 13155, subsection 5, section 13158B and Title 36, section 1817.

3. Purpose. The fund must be used to compensate private and public landowners for damage resulting from or believed to be a result of ATV use, overuse or abuse on their properties.

4. Administration. The department shall administer the fund. The expenses of administering the fund must be paid out of proceeds in the fund.

5. Nonlapsing. Any funds remaining in the fund at the end of a fiscal year do not lapse but carry forward to the next fiscal year. The department may invest proceeds of the fund in an interest-bearing account.

6. Rules. The department may adopt rules to carry out the purposes of this section. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2A.

Sec. 5. 36 MRSA §1817 is enacted to read:

§ 1817. All-terrain vehicles

The tax imposed under section 1811 on the value of an allterrain vehicle must be increased by 2% if the purchaser is not a resident of the State. At the end of every tax period, the assessor shall deposit the amount of tax collected under this section equally into the ATV Trail Fund established in Title 12, section 13162 and the ATV Mitigation Fund established in Title 12, section 13163.

SUMMARY

This bill creates 2 funds concerning all-terrain vehicles, to be administered by the Department of Inland Fisheries and Wildlife: the ATV Trail Fund, which provides all-terrain vehicle trail planning, clearing and construction assistance to landowners that commit to the creation or improvement of multiuse trails and that allow all-terrain vehicles on their properties, and the ATV Mitigation Fund, which compensates private and public landowners for damage caused by all-terrain vehicle use, overuse or abuse on their properties. The funds will be capitalized with a \$2 charge on each all-terrain vehicle registration fee and a 2% added sales tax on the sale of an all-terrain vehicle to residents of other states; additionally,

violators of all-terrain vehicle operation law may elect to have a portion of their fines deposited into the ATV Mitigation Fund.