

**TESTIMONY OF THE
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE

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

IN OPPOSITION TO L.D. 341

**An Act to Amend the Definition of "Oversized ATV" to Increase the
Minimum Weight Requirement**

Presented by Representative GUERRETTE of Caribou.
Cosponsored by Representative JACKSON of Oxford and
Representatives: ALBERT of Madawaska, BABIN of Fort Fairfield, COOPER of Windham,
DAIGLE of Fort Kent, DRINKWATER of Milford, FREDERICKS of Sanford, HENDERSON
of Rumford, THORNE of Carmel.

DATE OF HEARING: March 19, 2025

Good afternoon, Senator Baldacci, Representative Roberts and members of the Inland Fisheries and Wildlife Committee. I am Dan Scott, Colonel for the Maine Warden Service at the Department of Inland Fisheries and Wildlife, speaking on behalf of the Department, in opposition to L.D. 341. This testimony reflects the position of the administration, including conversations IFW has had with the Maine Department of Agriculture, Conservation and Forestry staff, who will be present for the work session.

This bill increases the minimum weight of an oversized ATV from 2,000 to 3,500 pounds. This testimony is similar to the testimony I provided during a public hearing earlier in the session on LD 19 "An Act to Change the Definition of "Oversized ATV" in the Laws Governing the Registration of All-terrain Vehicles". LD 349, if passed would increase the minimum weight of an oversized ATV from 2,000 to 3,500 pounds. Much of this testimony will provide the background on this issue with specific details of 2 ATV Task Force results.

Background Information from both the 2003 and 2019 - Task Force Reports follows:

In 2003, Governor John Baldacci ordered a 15-person task force to address issues related to a rapidly growing ATV rider population. At the time, the sport was gaining traction - bringing with it economic growth, but also a host of issues, including a spike in injuries and deaths (including many young riders) and strained landowner relations. The 2003 task force put forth a series of solutions that were largely adopted, including a rise in the minimum age to ride an ATV, a landowner permission requirement, increased fines/damages for trespassing and land abuse, and a suggested increase in the amount of trail mileage from roughly 2,000 miles to 7,000 miles to decrease congestion and connect the trail network to businesses, homes, and camps. In 2006, the Maine ATV Trail Advisory Council presented a follow-up report to the Joint Standing Committee on Inland Fisheries and Wildlife. This report reflected-on progress made on action items from the 2003 task force - many of which had been completed by the end of 2005 - and evaluated the feasibility of the remaining items, making further recommendations on how to proceed. The impact of the combined initiatives from both reports has been extremely positive. Nearly 15 years

later, with new ATV technologies, a booming population of riders, and a concern of landowners regarding trail condition and maintenance - it was time to reconvene.

By Executive Order on April 26, 2019, Governor Janet Mills established a task force to evaluate and recommend policy changes that would protect private lands and landowners, while also helping to preserve outdoor recreational opportunities including responsible ATV use. The task force convened representatives from the ATV/snowmobile, landowner, conservation, and law enforcement communities and gathered comments from their constituents. The top-line goal was to recommend how best to address the social, economic, legal and environmental issues involved in ATV operation. Seven day-long meetings were held at central Maine locations (primarily Bangor), and all were open to public attendance and participation. Public attendees were given time to speak at each one of the meetings and their comments were considered by the task force. Additionally, the task force set up an online questionnaire which elicited a wide variety of public comments on the Executive Order objectives. The questionnaire gathered over 1,000 qualitative responses which, when parsed, helped to inform the task force of public sentiment on specific issues. Individual task force members also fielded volumes of emails and phone calls from members of the public.

After considering the information and points of view expressed, the task force developed a list of proposed recommendations. The following are some of the highlights of those recommendations:

- Limit the size and weight of ATVs that can be registered in Maine to 65 inches wide and 2,000 lbs.
- Adopt Best Management Practices (BMPs) for state-funded ATV trails;
- Create a standardized annual trail inspection process;
- Develop a collaborative communication campaign;
- Maintain a simple user-pay registration system with one sticker type and price; and
- Raise fees across all ATVs equally, having a differential for residents and non-residents and directing the entire increase to trail funding.

It's noteworthy that the number one objective and recommendation of the task force was in reference to the size and weight of ATVs.

Below is the discussion from the 2019 task force on this issue:

Most of Maine's state-maintained ATV trails were not originally designed for the oversized ATVs/side-by-sides that have begun to hit the market. These new, wider, heavier models have raised concerns among landowners and those who maintain the trails, particularly around the potential for increased wear and tear, rutting, and damage to bridge railings and other trail edge barriers. Prior to the task force - Maine law did not limit the size or weight of ATVs; so without a change, there was risk that landowners would choose to prohibit all such vehicles. The task force was concerned that a small minority of oversized ATVs (that existed in 2019) could negatively impact the other 70,000 ATV riders who fuel a significant part of Maine's outdoor recreational economy. For this reason, the task force was charged with more tightly defining the types of ATVs allowable on state-maintained trails.

Task Force Considerations were:

- Private landowners are concerned about unlimited growth of side-by-side ATV size and the potential of increased environmental damage.
- The state ATV program is concerned about damage to bridges and other trail infrastructure.

2019 summary of public comments to the task force:

Environmental impact was a concern among many members of the public, but opinions varied as to what causes adverse environmental conditions (size, use, trail quality) and who bears responsibility (landowner, club, user). Many, but not all, seemed to equate larger vehicles with more environmental impact, trail damage, or disrespectful riding. The majority seem to feel that if a cap is not put on vehicle size, they will continue to grow to the detriment of the trails, other riders, and landowners.

Some of the public comments indicated a feeling that a size cap would hurt the ATV industry/economy in the state.

Ultimately the task force's #1 objective and recommendation was to: Limit the size and weight of ATVs that can be registered in Maine for use on state-supported trails to 65 inches wide and 2,000 lbs.

2019 Task Force's rationale:

Originally, the state ATV trail network was designed to accommodate machines 50 inches wide or less. That design was changed to 60 inches based on growing sales of larger machines. In 2019, more than 10% of all ATVs registered in Maine exceeded 60 inches in width. And while the state trail system doesn't have an official size limit, different landowners have established different allowable width standards for their lands (the most common being 60 inches). This leads to confusion, frustration, and a disjointed trail system. The committee chose the limit of 65 inches wide and 2,000 lbs. (based on manufacturer's standard) as a compromise. Some landowners wanted much smaller limits. Some were not concerned about the size. But it is clear there is a limit to the size and weight that most private landowners find acceptable on their lands. We consistently heard there has to be a limit

LD 1813 - Title An Act Related to Oversized All-terrain Vehicles went before the legislature in 2022 with a number of the above recommendations. Ultimately this bill passed as [Public Law Chapter 526](#) which included:

- ATVs over 65" and / or over 2000 lbs (according to the manufacturer specs) are not permitted to be registered in the state unless they had been registered prior to January 1, 2022 (grandfathering clause).
- Registration is not required for an oversized ATV operated by a person on the land of another if written permission is received from the landowner or lessee of the land and the person is engaged solely in a business activity, other than a business activity involving recreational use of the oversized ATV.
- The Department will provide training and educational forms and materials to registration agents so they can better inform owners of oversized ATVs who are trying to register them.
- The Department has developed a form which dealers are required to have a purchaser sign when they are selling an oversized ATV.

The previous comments illustrate, a lot of work by many interested parties went into developing the current laws around oversized ATVs.

MDIFW's current position on this bill:

MDIFW opposes this bill because the landowners who support the state's ATV trails system oppose the bill. Additionally, MDIFW believes the purpose of the 15-person task force which convened for many months and provided recommendations to the legislature was the proper avenue to address these questions. Changing the weight limit so recently after the law was established negates the work of all the interested parties who were included in the task force.

The Maine Bureau of Parks and Lands shares our concerns regarding the impact of a weight change on landowner permission. Their ATV program works with landowners across the state to maintain and manage hundreds of miles of off-road trails, most of which are on private lands. The proposed change could potentially mean closure to hundreds or even thousands of acres of land that the ATV trail system relies on.

One of the most important pieces to the success of any trail system is connectivity from one community or region to another. Freedom to navigate throughout the state, much like the ITS snowmobile trail system, is extremely important for a successful ATV trail system. It not only supports the sport, but also the essential outdoor recreation economy that rural communities throughout Maine depend on.

ATVing is becoming a larger part of Maine's outdoor recreation economy, and will only continue to grow, helping locals and visitors alike to access the outdoors and support the economic growth. Utilizing private land in Maine for recreational use is a wonderful privilege that should be carefully nurtured by working closely with landowners to come up with solutions that will support continued access. The 2019 ATV Task Force did just that when the current rules were drafted, with mutual compromise from all parties. I am afraid that law changes like the ones proposed within LD 349 send the wrong message to the people who hold the key to Maine's tradition of recreational access.

Summary of recent efforts to understand the depth of the oversized ATV issues:

Our I&E Division has made significant outreach efforts to educate people around oversized ATV laws. We began messaging the oversized restrictions in October 2021 by emailing people with registered ATVs, updating our law book and providing messaging on social media sites. In spring 2024 we began front and center messaging of oversized ATVs and began sending monthly social media messages (reaching over 60k viewers), emailing ATV registration holders (reaching over 38k owners), sending fliers to all registration agents and updated our website.

When the new law went into effect our Licensing Division provided training to all of our MOSES agents and sent informational notifications specific to oversized ATV law. They printed flyers which were to be posted in town offices and license agent locations to provide ATV owners messaging around the new law. Licensing agents were reliant on the person registering the ATV to choose not to register if they were familiar with the oversized ATV law.

Maine Warden Service has initiated contact with dealers to inquire about compliance on notifications to purchasers of oversized ATVs. Dealers have all indicated that they have been making the purchaser aware of the new law by utilizing the department provided form. One purchaser provided Maine Warden Service a bill of sale when they placed a deposit on an ATV in November of 2021 (prior to the grandfathering date) for the purchase of a 2024 model oversized ATV which had not even been developed yet.

Maine Warden Service has initiated contact with owners who have purchased (and generally registered) oversized ATVs. We sent letters to 65 owners of Polaris Xpeditions which have been registered in our system. The letter notified them that their ATV was illegally registered, it would be voided and asked them to contact us. We know all trim packages of these models are over 2000 pounds. Most indicated they were never told by the dealer that they could not register it. Some indicated that the dealer gave them 24 hours to get it registered and if they were not able to, they could return it. One town clerk purchased one because she knew she could register it herself. Some non-residents sounded completely legitimate when they said they didn't know any better and our current online system allows them to register the ATV. They would just need to have researched the law on their own.

Another challenging scenario is when wardens encounter an oversized ATV on the ice – there is no clear violation with which to summons them. The charge would be operating unregistered, but law does not allow them to register it. Encountering oversized ATVs on land where the landowner is “OK” with it, makes it difficult to summons someone for abuse of property when the landowner is not complaining.

Several wardens have encountered oversized ATVs on the trail, notified the users of the law and peeled and voided the registration at that time. Some summonses have been issued for oversized ATVs (likely less than 5).

Moving forward:

Beginning with 2026 ATV registrations our Licensing Department is creating a drop-down box for all online registrations that requires the registrant to answer “yes” or “no” to the question “Is this an oversized ATV?” It will also define oversized ATV and provide information on the registration prohibition during the registration process. If the customer proceeds with the registration, the printed registration will include language regarding the prohibitions around oversized ATVs.

We recommend the statute be changed to require the dealer to provide the department with the signed form where the purchaser acknowledges the fact that the oversized ATV cannot be registered.

We also recommend an additional prohibited act: “Unlawful use of an oversized ATV” which would make it illegal to own, operate, or possess an oversized ATV which has been registered or operated in violation of Title 12 MRSA 13155-5B.

We feel the above recommendations provide a holistic approach to gaining compliance with the oversized ATV law but also places the overall responsibility on the operator / owner during the registration process.

I would be glad to answer any questions at this time or during the work session.