

**TESTIMONY OF THE
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE**

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

NEITHER FOR NOR AGAINST L.D. 1813

“An Act To Amend the Definition of "Oversized ATV" To Increase the Minimum Weight Requirement”

DATE OF HEARING: February 9, 2022

Good morning Senator Dill, Representative Landry and members of the Inland Fisheries and Wildlife Committee. I am Tim Peabody, Deputy Commissioner at the Department of Inland Fisheries and Wildlife, speaking on behalf of the Department, neither for nor against **L.D. 1813**.

LD 1813 proposes to increase the maximum weight of an oversized ATV to 2400 lbs. Public Law Chapter 215 was passed last session which set size and weight restrictions for an “oversized ATV”. The law states, “an oversized ATV” means an ATV that is wider than 65 inches or weighs more than 2,000 pounds according to the manufacturer's specifications.” This width and weight limit was a recommendation of the ATV Task Force that Governor Mills established by executive order in 2019. Oversized ATV's under the new law have restrictions in terms of registration and where they are allowed to operate in the state of Maine.

The final report from that Task Force (included below) had a number of recommendations covering a wide range of ATV issues. Many of the recommendations were codified within Public Law Chapter 215 in 2021. The Department and DACF Recreational Vehicle Program have worked to educate ATV owners, ATV clubs, landowners, dealers, and registration agents on the law changes that occurred on October 18, 2021 and January 1, 2022.

The following is an excerpt from the ATV Task Force Final Report:

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 Task Force 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.

The Task Force deliberated over the weight and width extensively, reviewing (2019) registration and manufacturer data. The width speaks for itself; wider machines equal a larger trail cut onto the landscape. The weight is more subjective, we recognize that heavier machines when operated in an aggressive manner (having fun) causes more costly damage to the trail system. The recommended 65-inch width and 2000 lb. weight was a compromise by landowners and land users based on the information we had at the time. Landowners still retained the ability to limit any type of vehicles on their land base.

This Task Force recommendation was not made in secret, the (14) members represented a wide spectrum of forestry and agricultural landowners large and small, and ATV enthusiasts. Each member was tasked with communicating with others who had similar land holdings (farms or woodlands) or ATV riding interests (clubs and dealers). The Department set up a special web page to provide the public with meeting agendas and minutes as well as a platform to solicit public comment through a survey. We had over 1000 persons provide feedback and suggestions to the Task Force.

Since the law's inception we have realized that each manufacturer provides weight specifications differently. For example they may list either the shipping weight that includes the box and all the shipping materials, or the dry weight of the machine with no liquids in it or the wet weight which includes a full gas tank, oil, transmission fluid, windshield wiper fluid etc. If the Committee supports any change through this bill, we would still like to abide by the manufacturer's specifications without choosing what kind of weight is being provided. It will provide some flexibility on the weight as long as it doesn't exceed the maximum.

In preparing the "Neither for" portion of this testimony Commissioner Camuso received feedback from the Landowner Sportsmen Relations Advisory Board. This (11) member board representing landowners and the sporting public advises the Commissioner on landowner-related laws, rules, department policies and other significant landowner and land user issues. This board has reviewed this legislation, opposes LD 1813 and made a recommendation that the Department oppose this bill for the following reasons:

- 1) The limit of 2,000 pounds for ATVs has only just come into effect and is the result of carefully considered negotiations among stakeholders as part of the ATV Task Force. It is too soon to suggest changes to this relatively untested limit and doing so risks alienating the parties who negotiated this issue in good faith.
- 2) The board acknowledges that there may be legitimate concerns related to specific uses of oversized ATVs requiring further consideration and action, but this bill is too broadly focused to accomplish these goals. Issues such as having to cross someone's land to get to the next field with an unregistered oversized machine or shifting oversized ATV use to other landowners' properties can be addressed by more specific measures, if necessary.

In closing this is a landowner relations issue and the Department relies on private landowners to support all of our programs. We have a very responsive landowner relations program thanks to the work of this Committee and the support of everyone in the state. We are not interested in disrupting the balance we have with our private landowners and our ATV trail system and hope that a resolution can be reached.

As a supplement to this testimony, the information below does provide a brief historical perspective on the progression of this topic and may be helpful to refresh everyone's memory.

In May 2019 Governor Mills put forth an executive order to create an ATV Task Force. For more information the following links are provided:

- [Office of Governor Mills Announces Creation of ATV Task Force May 1, 2019](#)
- [Executive Order](#).

The final [2020 ATV Task Force Report](#) was presented to the IFW Committee during the 2nd Regular Session of 129th Legislature (early 2020).

