

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

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

IN SUPPORT OF L.D. 732

**“An Act to prohibit off-trail operation of a snowmobile in an area closed to off-trail
operation”**

SPONSORED BY: Senator BLACK of Franklin

Cosponsored by Representative LANDRY of Farmington and Representatives: MASON of
Lisbon, WOOD of Greene.

DATE OF HEARING: April 24, 2023

Good afternoon, Senator LaFountain, Representative Landry and members of the Inland Fisheries and Wildlife Committee. I am Dan Scott, Colonel for Maine Warden Service at the Department of Inland Fisheries and Wildlife, speaking on behalf of the Department, in support of **L.D. 732**.

This bill prohibits a person from operating a snowmobile off a snowmobile trail in an area that is posted as being closed to off-trail snowmobile operation. It provides a civil violation with a fine not less than \$100 and not more than \$500 for the first violation.

This bill addresses the concerns brought forth by many local snowmobile clubs and of Maine’s private landowners. While most snowmobilers are respectful of landowners and appreciate the opportunity to ride on private snowmobile trails across Maine, there are some who operate off-trail, in conflict with the wishes of the landowner. This bill aims to address this activity and will help assure landowners that if someone does ride off-trail on their property, there are statutes in place to hold the riders accountable for their actions.

DIFW and snowmobile clubs across Maine often receive complaints from landowners who are upset with riders who are operating off-trail. In these situations, the snowmobilers may be causing damage to golf courses, tree plantations, newly seeded fields, or simply operate where they are not wanted. In other situations, the snowmobilers may be operating in a location which is not safe for riding and may be placing themselves in danger.

The increased popularity in off-trail riding and lower tolerance of landowners makes this bill very timely, providing relief to landowners and snowmobile clubs as well. Over the last 5 years,

Warden Service has received **over 400 calls for service** regarding snowmobile trespass and off trail riding (2019-**93**; 2020-**79**; 2021-**128**; 2022-**69**; 2023 as of March 8th: **48**).

This bill is not intended to prevent all off-trail riding, limiting the shed antler enthusiast, hare or coyote hunter, winter trapper or even the responsible back country rider, but rather to provide a means to address the irresponsible snowmobiler operating in areas where they are not wanted.

We'd like to see the bill amended to permit the clubs' trail master to be a representative of the landowner regarding trail use purposes, therefore the landowners are not required to attend court and testify in the case of a trial.

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

Suggested Amended Language

Sec. 1. 12 MRSA §13106-A, sub-§27 – replace lines 3-5 of the bill language and replace with the following highlighted portion, while keeping the penalty sections in lines 6-10.

Note: suggested language is taken from DACF's current statutory language within the snowmobile trail fund.

27. Operating snowmobile in posted area. A person may not operate a snowmobile off of a snowmobile trail, identified by the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands as having been funded by the Snowmobile Trail Fund pursuant to [section 1893, subsection 3,](#) in an area that is posted as being closed to off-trail snowmobile operation, without the permission of the landowner or the landowner's representative.

For the purpose of this section:

1. "Posted" means: containing signage, placed by the landowner, the landowners representative, a local snowmobile club representative, or an employee of DIFW or DACF, which is reasonably likely to come to the attention of a snowmobiler, and indicates that's Off-trail snowmobiling is prohibited.
2. A local snowmobile club trail master may serve as the landowner's representative.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 and not more than \$500 may be adjudged.

B. A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

Informational article from Ontario, Canada: <https://intrepidsnowmobiler.com/stay-on-trail/>