

**TESTIMONY OF THE
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE
BEFORE THE JOINT STANDING COMMITTEE ON INLAND
FISHERIES AND WILDLIFE
IN SUPPORT OF L.D. 1109**

An Act Regarding the Size and Weight of All-terrain Vehicles, the Operation of Motor Vehicles on Designated All-terrain Vehicle Trails and the Operation of All-terrain Vehicles on Trails Posted with Size or Weight Limits

SPONSORED BY: Representative Danny Martin of Sinclair

CO-SPONSORED BY: Cosponsored by President JACKSON of Aroostook.

DATE OF HEARING: March 18, 2019

Good morning Senator Dill, Representative Nadeau and members of the Inland Fisheries and Wildlife Committee. I am Colonel Joel Wilkinson, Chief of the Maine Warden Service at the Department of Inland Fisheries and Wildlife, speaking on behalf of the Department, in support of **L.D. 1109**.

This bill limits, by definition, the size of an all-terrain vehicle to 65 inches in width and 2,000 pounds in weight, prohibits operation of motor vehicles on a designated all-terrain vehicle trail that is not on a gravel road system and prohibits operation of all-terrain vehicles on trails posted with size or weight limitations unless that use has been authorized by the landowner or the landowner's agent.

The Maine Department of Inland Fisheries and Wildlife (IFW) and the Maine Department of Agriculture, Conservation and Forestry(DACF) work closely and in concert regarding the recreational use of all-terrain vehicles in Maine. Our Department manages registration, safety classes and enforcement. DACF oversees the ATV Trail Grant and coordination of ATV clubs. We work together on ATV landowner issues. This industry is responsible for bringing an estimated \$750 million dollars into the state annually based on a 2017 study.

The proposal before you, to modify the definition of an ATV has developed because the current definition is antiquated and hasn't kept up with newly designed ATVs.

In 2018 the Landowner Relation Advisory Board (LRSAB) asked for such a change because private landowners were concerned about damage to their property and felt there needed to be parameters placed on the size of ATVs operated on private land. Landowners who have allowed access to ATV use never intended to accommodate vehicles as large as Jeeps and trucks on trail systems that ran across their property. The LRSAB asked IFW, DACF and ATV Maine collaborate to come up with a proposed solution. During the collaboration several points of interest were discussed including:

- Due to the current ATV definition, IFW, in the past allowed some motor vehicles to be dual registered as ATVs, which resulted in a change of department policy that stopped registration of motor vehicles and consequently caused confusion by the consumer.
- Before the department implemented the new policy in 2015, motor vehicles were being registered and utilized as ATVs on trail systems that were intended for use by what most people would consider a conventional ATV or smaller vehicles. A clear definition change would stop any confusion about dual registrations.
- The lack of a clear definition for ATVs has strained the relationship between our landowners who trust the ATV clubs and the State of Maine to protect their property from abuse when permission is granted for trail usage.
- Current manufacturing and design has resulted in ATVs as large as 72 inches wide and weighing as much as 3035 pounds.
- Even if legal parameters were put in place, nothing would stop a consumer from purchasing ATVs that do not meet the width and weight restriction or from operating the ATV on their own land or land that they have permission to operate on.
- Also, landowners who have agreements with the State of Maine to allow trail use for ATV operation, can continue to have specific restrictions, including leaving the commonly used restriction of a 60-inch width intact.
- When considering the allowance of large ATVs on trail systems it is important to note that up to ½ of the current trails allow for multi-use, such as hiking, biking and horseback riding which can increase safety concerns.
- The larger designed ATVs require more horsepower which can lead to unintended damage and erosion on a well-designed and cared for trail system.
- Many landowners are demanding that trail system maintenance be addressed this year or they will close the trails down for all use. The program is severely underfunded which means without tools to address landowner / land user problems we are jeopardizing loss of use and trust between the landowners and the agencies, municipalities and ATV clubs that assist with this recreational activity.
- Several options were considered in how to address the problems including:
 - Trying to classify ATVs, similar to what other states have done but clearly defining an ATV as this bill aims to do, should eliminate the need to have complex classifications.
 - Limitations regarding width and weight as it pertains to the infrastructure of the trail system needed to be considered because the bridges, trail width and fragile aggregates such as roads, trails, dirt and soils were not designed for large ATVs.

The proposals within this bill that clearly exclude motor vehicles from operating on an ATV trail that is not on a gravel road system without landowner permission and the prohibition that won't allow operation of an ATV on a trail posted with a size or weight restriction without landowner permission both have a common goal of empowering the landowners and protecting the integrity of the trail systems. Both proposals help clarify verbiage in Title 12, making it consistent. The proposed changes to Title 12 section 5-A would be needed if the ATV definition was changed and the proposed change to Title 12 section 5-B helps clarify the intended landowner permission law.

This bill gives clear authority to landowners enabling them to restrict or control the types of ATVs on their property and/or the established trails. It also gives law enforcement another tool in the discretionary decision-making process. For those reasons we support this bill.