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INLAND FISHERIES AND WILDLIFE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " " to H.P. 175, L.D. 212, Bill, "An Act To Provide a Source of Funding for the ATV Recreational Management Fund"

Amend the bill by striking out the title and substituting the following:

'An Act To Provide a Source of Funding for the ATV Recreational Management Fund and To Establish the ATV Enforcement Fund'

Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the provisions of this Act need to become effective before 90 days after the adjournment of the First Regular Session of the 129th Legislature in order for changes to all-terrain vehicle registration fees to take effect during 2019; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 12 MRSA §10206, sub-§1, ¶A, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9 and amended by PL 2011, c. 657, Pt. W, §5, is further amended to read:

A. After administrative costs and the disbursements required under section 13155, subsection 5, revenues received under the provisions of this Part relating to ATVs, including chapter 939, are credited as undedicated revenue to the General Fund except that 50% of those revenues is credited to the ATV Recreational Management Fund of the Department of Agriculture, Conservation and Forestry. The Legislature shall appropriate to the department in each fiscal year an amount equal to the

COMMITTEE AMENDMENT

1 administrative costs incurred by the department in collecting revenue under this  
2 subsection. Those administrative costs must be verified by the Department of  
3 Agriculture, Conservation and Forestry and the Department of Administrative and  
4 Financial Services.

5 **Sec. 2. 12 MRSA §10267** is enacted to read:

6 **§10267. ATV Enforcement Fund**

7 **1. Fund established.** The ATV Enforcement Fund, referred to in this section as "the  
8 fund," is established in the Bureau of Warden Service to be used by the Game Warden  
9 Colonel for the purposes established in subsection 2. All funds collected by the  
10 department pursuant to this section must be deposited in the fund. Unexpended balances  
11 in the fund at the end of the fiscal year are nonlapsing and must be carried forward to the  
12 next fiscal year to be used for the same purposes.

13 **2. Fund uses.** The Game Warden Colonel may use money in the fund only for:

14 A. Supplementing other funds appropriated to the enforcement operations program;

15 B. Regular or overtime personnel services costs of the warden service related to  
16 enforcement of ATV laws;

17 C. Safety or other education programs conducted by the department or authorized by  
18 the department that are related to the operation of ATVs; or

19 D. The purchase of equipment or machinery determined by the Game Warden  
20 Colonel as necessary for effective ATV safety and enforcement activities.

21 **Sec. 3. 12 MRSA §13155, sub-§5**, as repealed and replaced by PL 2011, c. 116,  
22 §1 and affected by §2, is amended to read:

23 **5. Fees.** The ATV registration fee is:

24 A. For a resident, ~~\$33~~ \$45 annually. The registration for an ATV owned by a  
25 resident is valid for one year, beginning on July 1st of each year; and

26 B. For a nonresident:

27 (1) ~~Fifty-three~~ Seventy-five dollars for a registration valid for 7 consecutive  
28 days. A person may purchase more than one 7-day registration in any season;  
29 and

30 (2) ~~Sixty-eight~~ Ninety dollars for a registration valid for one year.

31 The registration for an ATV owned by a nonresident must specify the dates for which  
32 the registration is valid.

33 Twelve dollars of each fee collected pursuant to this subsection must be deposited in the  
34 ATV Recreational Management Fund established in section 1893, subsection 2.

35 Ten dollars of each fee collected pursuant to paragraph B must be deposited in the ATV  
36 Enforcement Fund established in section 10267.

37 **Sec. 4. Appropriations and allocations.** The following appropriations and  
38 allocations are made.

1       **AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**  
 2       **Off-Road Recreational Vehicles Program Z224**

3       Initiative: Provides allocations to conduct research on issues related to the management of  
 4       ATVs; to assist in the formation of nonprofit ATV groups; to make grants-in-aid to  
 5       political subdivisions, educational institutions, regional planning agencies, ATV groups  
 6       and others to construct and maintain ATV trails; to purchase equipment; to assist in the  
 7       design and development of ATV trails; to purchase, lease or otherwise acquire interests in  
 8       land, including, but not limited to, fee or easement interests for ATV trails or sport-riding  
 9       facilities; to provide protection to landowners against ATV-related suit or liability; and to  
 10       otherwise provide for the wise and orderly management of ATVs.

11	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
12	All Other	\$867,936	\$867,936
13			
14	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$867,936</u>	<u>\$867,936</u>

15	<b>AGRICULTURE, CONSERVATION AND</b>		
16	<b>FORESTRY, DEPARTMENT OF</b>		
17	<b>DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
18			
19	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$867,936</b>	<b>\$867,936</b>
20			
21	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u><b>\$867,936</b></u>	<u><b>\$867,936</b></u>

22       **INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF**  
 23       **ATV Enforcement Fund N308**

24       Initiative: Provides allocations for personnel services costs, safety and education  
 25       programs and the purchase of equipment or machinery related to the enforcement of ATV  
 26       laws.

27	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
28	All Other	\$124,960	\$124,960
29			
30	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$124,960</u>	<u>\$124,960</u>

31	<b>INLAND FISHERIES AND WILDLIFE,</b>		
32	<b>DEPARTMENT OF</b>		
33	<b>DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
34			
35	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$124,960</b>	<b>\$124,960</b>

1			
2	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$124,960</b>	<b>\$124,960</b>
3	<b>SECTION TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
4			
5	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$992,896</b>	<b>\$992,896</b>
6			
7	<b>SECTION TOTAL - ALL FUNDS</b>	<b>\$992,896</b>	<b>\$992,896</b>

8 **Emergency clause.** In view of the emergency cited in the preamble, this  
9 legislation takes effect when approved.'

10 Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
11 section number to read consecutively.

12 **SUMMARY**

13 This amendment replaces the bill and adds an emergency preamble, an emergency  
14 clause and an appropriations and allocations section. It creates the ATV Enforcement  
15 Fund, which is a nonlapsing fund that is funded with \$10 from each nonresident ATV  
16 registration fee collected. Money from the fund is required to be used for the enforcement  
17 of ATV laws, ATV education and the purchase of necessary machinery or equipment  
18 related to ATV safety and enforcement activities.

19 Like the bill, this amendment increases the ATV registration fee from \$33 to \$45 for  
20 annual registrations for residents. It also increases from \$53 to \$75 7-day registrations  
21 for nonresidents and from \$68 to \$90 for one-year registrations for nonresidents. The  
22 amendment requires \$12 of each registration fee to be deposited in the ATV Recreational  
23 Management Fund.

24 **FISCAL NOTE REQUIRED**

25 **(See attached)**