

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

H.P. 175 - L.D. 212

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

**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,

**Be it enacted by the People of the State of Maine as follows:**

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

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

## **§10267. ATV Enforcement Fund**

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

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

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

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

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

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

**Sec. 3. 12 MRSA §13155, sub-§5,** as repealed and replaced by PL 2011, c. 116, §1 and affected by §2, is amended to read:

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

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

B. For a nonresident:

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

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

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

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

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

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

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

Initiative: Provides allocations to conduct research on issues related to the management of ATVs; to assist in the formation of nonprofit ATV groups; to make grants-in-aid to

political subdivisions, educational institutions, regional planning agencies, ATV groups and others to construct and maintain ATV trails; to purchase equipment; to assist in the design and development of ATV trails; to purchase, lease or otherwise acquire interests in land, including, but not limited to, fee or easement interests for ATV trails or sport-riding facilities; to provide protection to landowners against ATV-related suit or liability; and to otherwise provide for the wise and orderly management of ATVs.

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

**AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF DEPARTMENT TOTALS**

	<b>2019-20</b>	<b>2020-21</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$867,936</b>	<b>\$867,936</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u><b>\$867,936</b></u>	<u><b>\$867,936</b></u>

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

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

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

**INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF DEPARTMENT TOTALS**

	<b>2019-20</b>	<b>2020-21</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$124,960</b>	<b>\$124,960</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u><b>\$124,960</b></u>	<u><b>\$124,960</b></u>

SECTION TOTALS	2019-20	2020-21
OTHER SPECIAL REVENUE FUNDS	\$992,896	\$992,896
SECTION TOTAL - ALL FUNDS	<u>\$992,896</u>	<u>\$992,896</u>

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