

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

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

In Opposition to L.D. 442

**An Act To Set Speed Limits for All-terrain Vehicles on Trails within 50 Yards of a Stream
or Pond To Prevent Runoff**

SPONSORED BY: Senator DAVIS of Piscataquis.

Cosponsored by Representative PICKETT of Dixfield and Senators: BLACK of Franklin, CYRWAY of Kennebec, HAMPER of Oxford, Representative: KINNEY of Knox.

DATE OF HEARING: February 27, 2019.

Good morning Senator Dill, Representative Nadeau and members of the Inland Fisheries and Wildlife Committee. I am Joel Wilkinson, Colonel of the Maine Warden Service, speaking on behalf of the Department, in opposition to **L.D. 442**.

This bill prohibits the operation of an ATV at a speed of more than 15 miles per hour within 50 yards of a stream or pond, unless the ground is frozen and sufficiently covered with snow.

The Department recognizes the sensitive ground conditions around water bodies and is concerned about potential damage or environmental impact such as erosion or runoff but opposes a speed limit as a remedy for the problem. This would involve the need for specialized equipment such as radar guns and training on use. We would urge the Committee to carefully consider other means to address specific problem areas before creating a speed limit for ATVs. Education, possible signage by local ATV clubs and assistance from the Landowner Relations Program within DIFW to catch someone who is causing damage to a trail may be alternative ways to address these types of issues.

The State of Maine already has laws which make it illegal for ATVs to operate in streams, rivers, lakes and ponds to prevent siltation and other soil disturbance. We have consulted with the Department of Agriculture, Conservation and Forestry in preparing this testimony. The Bureau of Parks and Lands worked with other State agencies and stakeholders to create a BMP (Best Management Practices) booklet designed to ensure trails are built and maintained in such a way that prevent erosion. When the best practices are followed, the trails will not see different amounts of erosion due to machine speed.

Our experience shows the problem has been caused by illegal use during the times the trail is closed for mud season and in this instance, it has been primarily caused by full-size vehicles because the trails are not gated.

The ruts caused by this illegal use, allow water to travel along the trail length instead of running off the sides into vegetation. Trail funds have been limited to effectively correct and prevent these issues but it is a high priority that can be effectively addressed without a speed limit.

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