



ATV SOLUTIONS

“The damage caused by these vehicles poses the greatest threat we have ever faced to Maine’s multi-generation tradition of an open landscape.”

Steve Brooke,
Farmingdale

“I’m disabled, but as a result of my ATV, I get out and go to places that I haven’t been able to go for many, many years.”

Bud Nicholson,
Fort Fairfield

“When you buy an ATV, a God-given right to ride it anywhere does not come with it.”

Vernon DeLong,
Presque Isle

“Most of us riders are responsible, respectful people who just want to get outdoors and enjoy our sport.”

Bill Jamison,
Bangor



*Recommendations
of Gov. John Baldacci’s
ATV Task Force*

Dec. 19, 2003

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Cover Photo by Mark Latti

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Executive Summary

Mainers are using all-terrain vehicles (ATVs) for work and for play, on farms and in the woods, to hunt, to fish, to garden and to travel.

In the past 10 years, the number of ATVs registered in Maine has increased 136 percent, to 52,830 in 2002. In the same period, retail sales of ATVs in Maine jumped 574 percent, to nearly 10,000 annually. ATVs now are outselling snowmobiles by a wide margin at many Maine dealerships. They have the potential to equal or even surpass the \$300 million annual economic impact of the snowmobile industry, since ATVs can be used year-round.

Yet with just 2,200 miles of trails (compared to 12,000 for snowmobiles), it's become clear that Maine does not have the infrastructure to absorb such a tremendous increase.

As the number of ATVs in Maine has increased dramatically, so have crashes and injuries. Since 1993, 35 people have died and 2,241 have been hurt in ATV crashes in Maine. In 2002, there were a record 319 ATV crashes, a 14 percent increase over 2001. The number of people injured, 327, also was a record. The six fatalities were the most since 1999, when seven people died in ATV crashes, the most ever. In the first eight months of this year, three more people died and 247 were hurt.

As if those statistics weren't alarming enough, half the operators involved in crashes since 1993 were 20 or younger.

Another serious concern is the toll ATVs are taking on Maine's land and the good will of Maine's landowners. Although there are many responsible ATV riders, irresponsible ones are trespassing, digging up land, polluting streams and angering landowners. Many landowners want to keep ATVs out entirely, but they're not just their land against ATVs, they're banning all recreational uses.

That's a huge problem in a state where 94 percent of the land is in private hands and where the economy as well as the quality of life depend upon recreational access to private land. It's also a serious burden for Maine's landowners, who must use their resources to keep irresponsible ATV riders out or to repair the damage they cause.

That's why Gov. John Baldacci announced, at a statewide ATV conference March 18, 2003, that he would form a task force to study the issues surrounding ATVs in Maine. Fifteen persons were chosen for the task force from state agencies and outdoor organizations. Other stakeholders volunteered to serve on subcommittees for law enforcement, trails and education/safety.

In his executive order May 29, the governor asked the task force to:

“It will take all of us, working together, to control the problems yet still preserve the personal and economic benefits that ATVs can bring to our state.”

— Gov. John Baldacci

1. Develop guidelines for a grant program(s) to increase support of the efforts of local clubs, municipalities, and landowners in addressing matters of law enforcement, landowner relations, public awareness, safety education, trail development, damage mitigation, and other strategies to solve problems caused by irresponsible ATV operation;
2. Form a subcommittee and work with representatives of local, county, and state law enforcement agencies to determine what training, equipment, funding, changes in law, and other resources or actions are needed by Maine’s law enforcement agencies to more effectively enforce ATV laws; and
3. Recommend solutions to the problems identified by the Task Force, including, but not limited to, strategies to: (a) improve enforcement of laws governing ATV use, (b) increase interagency cooperation and coordination to deal with ATV issues, and (c) ensure the most effective and efficient delivery of programs designed to increase the awareness among ATV operators about safe and responsible ATV use.

The task force held its first meeting July 14, and then broke up into three subcommittees, which were asked to report back to the full task force. On Sept. 18, the reports of each subcommittee were reviewed and the task force approved a series of recommendations to take to the people of Maine for comment.

The task force then held four public forums in Presque Isle, Bangor, Auburn and Sanford. The Task Force also received comments by mail and email. In all, about 170 people took the time to communicate their views about the goals and recommendations. After studying the public’s comments, the task force met on Nov. 14 to revise its recommendations and subsequently completed its final report for the governor.

The Task Force recognizes that the state government is struggling with a funding crisis. But even during such difficult times, it’s important to protect Maine’s most valuable resources. Access to the Maine outdoors is an asset beyond price. If that asset is to be preserved, Maine’s landowners must be convinced that the state’s ATV problems will be resolved.

ATV operators already are paying much of the money — nearly \$2 million annually in registration fees alone — needed to fund these recommendations. Solutions are within reach if ATV revenues can be redirected to safety, law enforcement and trails programs. Yet, as so many people told the ATV Task Force, these solutions already are overdue.

Goals of the Governor's ATV Task Force

1. To protect landowners and their property from disturbances or damage caused by ATVs.
2. To improve law enforcement response to complaints about ATVs.
3. To develop a high-quality trail system that protects the environment and the rights of landowners, while offering ATV riders a chance to enjoy multi-day trips, sport-riding areas and access to popular destinations.
4. To insure ATV riders are aware of ATV laws, ethics and safety issues.



“In the course of a typical weekend, I might have 100 ATVs crossing my property. I’m not about to stand out there and write out permission slips.”

Conan Furber,
Kingsbury

“ATV riders are digging up my flowers, riding outside of marked trails, riding through mud, and leaving their trash.”

Richard Hutchins,
Portland

“For us, ATV operators (and dirt bikers) have long since worn out their welcome.”

Harrison Roper,
Houlton

“The key should be to treat it like it’s MY land. Treating it like it’s your land isn’t the way to do it. It’s up to me to decide what I want to do with my property. I have that right.”

Rommy Haines,
Mapleton

Restoring landowners’ confidence

One of our state’s most precious resources is also one of its most vulnerable.

Maine would not be Maine without the opportunity to enjoy outdoor recreation, from back-country adventures to walks in the woods. The state’s economy as well as its quality of life depends upon access to the outdoors. But since 94 percent of Maine’s land is in private hands, access depends upon the willingness of landowners to open their land to others.

That willingness grows out of a sense of community, a feeling that sharing with neighbors is part of a long cherished tradition. With so much of the state in private hands, it would be a small world indeed if Mainers could only hike, hunt, ride recreational vehicles, take photos or watch wildlife on their own property.

Yet the sense of community is fragile. It can be gradually worn away by small abuses. It can be sharply damaged whenever high-profile events or issues make landowners feel they no longer can control or protect their property.

Maine’s landowners told the ATV Task Force in no uncertain terms that they feel threatened by the tremendous growth in ATVs. Some landowners have seen their land rutted, their streams polluted and their peace of mind destroyed by irresponsible riders. Farmers fear ATVs will bring disease to their fields. Many landowners worry about liability if an ATV rider is hurt on their land. Others wonder if trails, whether authorized or not, could represent a legal threat to their ownership.

Some landowners are very angry. Some feel intimidated. Most recognize that many ATV riders are responsible, but they feel they cannot cope with the ones who refuse to respect their property or their rights. Many are posting their land and not just to ATVs, but to all recreational use. Many more will do the same if they don’t feel safe on their own property.

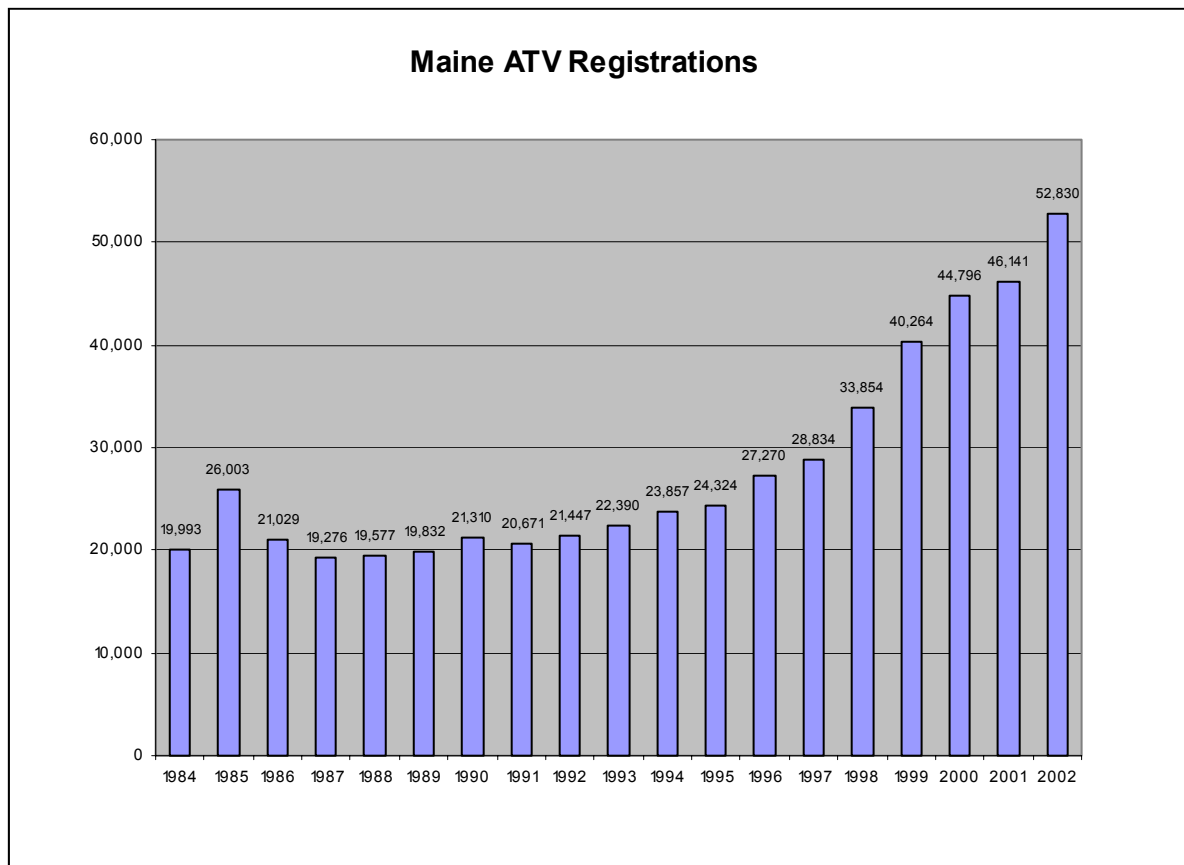
The goal of the ATV Task Force is to restore the confidence of landowners. They need to know that Maine has one of the strongest laws in the nation to protect them from liability. They must be convinced that protecting their rights is a high priority. They need to be sure that when they call for help, help will come. They should be told — and shown — how much their generosity is appreciated.

Recommendations: To protect landowners and their property from disturbances and damage caused by ATVs.

1. Recommend this new language be added to Maine law: “The privilege to operate an ATV on the land of another requires the landowner’s permission. Permission is presumed where authorized ATV trails exist or in areas open to ATVs by the landowner’s policy. Written permission of the landowner is required on crop land, pastureland or in an orchard. Anyone riding on land without the landowner’s permission is committing a civil violation subject to a \$100 to \$500 fine.”
2. Raise the liability insurance provided by the state ATV program to at least \$2 million.
3. Pending the results of the state’s review of insurance for recreational vehicles, liability insurance for ATVs is recommended.
4. Establish a damage mitigation fund with clear eligibility guidelines to repair environmental damage or to reimburse landowners for damage to crops, trees or orchards caused by ATV riders, when those riders cannot be identified or prosecuted.
5. Prohibit trucks, cars and commercial vehicles, as defined under Title 29A, from using recreational trails, except with landowner permission or on landowner-approved roadways.
6. Ask the Legislature to:
 - a..Clarify the definition of all-terrain vehicles;
 - b.. Consider how to resolve problems and damage caused by other off-road vehicles,,such as dual sport bikes;
 - c. Decide whether other off-road vehicles should contribute through an off-road sticker to the construction and maintenance of trails.
7. Change Title 14, section 7551 (intentional trespass damage), so landowners can receive triple damages.
8. Authorize a mud season closure for ATV trails similar to the road posting process, so it can be done at the local level. Develop a sign. Insure a substantial fine applies to violations.
9. To Title 12, section 7857, paragraph 22-A, “Operating an ATV in a prohibited area,” add “rivers, brooks, streams, Great Ponds, non-forested wetlands, vernal pools, and source water protection areas of public drinking water supplies, except for needed maintenance and management authorized by the landowner.”
10. Prohibit snorkel kits and similar kits designed to allow ATV use in deep water, except at

sanctioned events and with the landowner's permission.

11. Change the sound decibel level to the 20-inch test at 96 DBA, to reflect national standards.
12. Work with the Maine Attorney General's Office and others to produce a brochure (similar to "Landowner Liability Explained") to explain landowners' rights, protections and opportunities for tax relief under the state's Open Space law. Brochure must include information on prescriptive rights (adverse possession).
13. Ask the Legislature to create a study group to review and, if necessary, modify statutes so that allowing public recreational access doesn't compromise landowners' rights.
14. Provide a handout telling landowners what information is needed to enforce ATV laws and where to call.
15. Ask the Department of Conservation to research, including what's been done in other states, possible incentives for landowners who allow public recreational access to their property, including tax relief, trail fees, clean-up assistance, an insurance pool and other incentives. The report will include recommendations and proposed legislation. The report should be completed by Dec. 1, 2004.





“It is unfortunate that for years the argument about who is responsible for enforcement has precluded any enforcement and created a situation where we have enabled bad behavior by having no deterrents.”

Kathy Mazzuchelli,
Caribou

“Law enforcement doesn’t always take us seriously or even know the ATV laws.”

Pat Burkard,
Bolsters Mills

“When you have a problem in a certain area, it seems sometimes it just falls on deaf ears.”

Bob Holcomb,
Parkman

“Strong enforcement will be necessary to counter the high frustration level existing within the landowner community.”

Douglas Denico,
Plum Creek Timber

Providing resources for law enforcement agencies

No law enforcement agency in Maine can control irresponsible ATV riders. At least not alone.

The answer is to combine the efforts of all the agencies that landowners look to for help: the Maine Warden Service, the Maine Forest Service, the Maine State Police, Maine’s sheriff’s departments and local police.

The first step is training. The state’s law enforcement officers need to know the laws dealing with ATVs and understand the most effective methods in dealing with ATV riders.

Officers need access to equipment. They need laws that can be enforced and penalties that are fair, but tough enough to make irresponsible ATV riders think twice. They also will need time to enforce ATV laws, because Maine’s law enforcement agencies are stretched thin at every level.

That’s why cooperation is so important. If agencies work together, they can focus on serious problem areas. When they do that, the word will get around that Maine will not tolerate irresponsible ATV riders.

But mobilizing all Maine’s law enforcement agencies is only part of the solution. Another important step is a public awareness campaign to tell riders who are uninformed, rather than irresponsible, where they should be riding and how to ride safely. That campaign also must be designed to reach parents, so that they can teach their children.

Giving towns a share of the ATV registration revenues — just as they get from snowmobile registrations— also will help. Local officials and residents can decide how to use those dollars most effectively to resolve ATV problems at the community level.

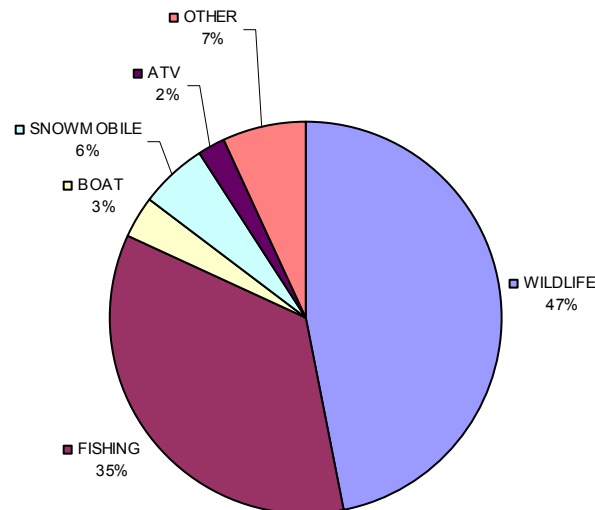
An expanded trail system will give ATV riders more legal places to ride and reduce the burden on law enforcement.

Maine’s law enforcement agencies can meet this challenge, but they must have the tools to do the job, including training, equipment, time, laws and leadership.

Recommendations: To improve law enforcement response to landowners' concerns and complaints.

16. Coordinate law enforcement agencies to increase enforcement of ATV laws.
17. Concentrate law enforcement efforts on high-problem areas.
18. Designate the Maine Warden Service as the lead agency in coordinating the efforts of all law enforcement agencies.
19. Organize an ATV Law Enforcement Task force to develop and authorize Mobile Strike Forces, made up of local, county and state law enforcement officers, to respond in areas where ATVs are being operated illegally. When a problem is identified in a certain area, it will be brought to the attention of the local officer of the Maine Warden Service. The Warden Service will contact the member agencies of the Task Force to organize the Strike Force response and a time, date and location will be established. The organization and use of Strike Forces will remain very flexible. This will allow the member agencies of the Task Force to respond to a wide range of ATV complaints, issues, and violations. Appropriate law enforcement action would be taken against any violators. A Mobile Strike Force would typically consist of at least two marked patrol car units at two trailheads (road crossing) with a section of ATV trail between the trailheads. At least two law enforcement units would be on ATVs, on the trail. This would make it very difficult for any ATV passing through the section of trail not to be checked by a law enforcement officer.
20. Ensure all game wardens with field patrol responsibilities have access to four-wheel ATVs.
21. Ensure municipal and county law enforcement agencies have ATVs when needed for duty with Mobile Strike Forces by having two ATVs available at each regional office of the Maine Warden Service.

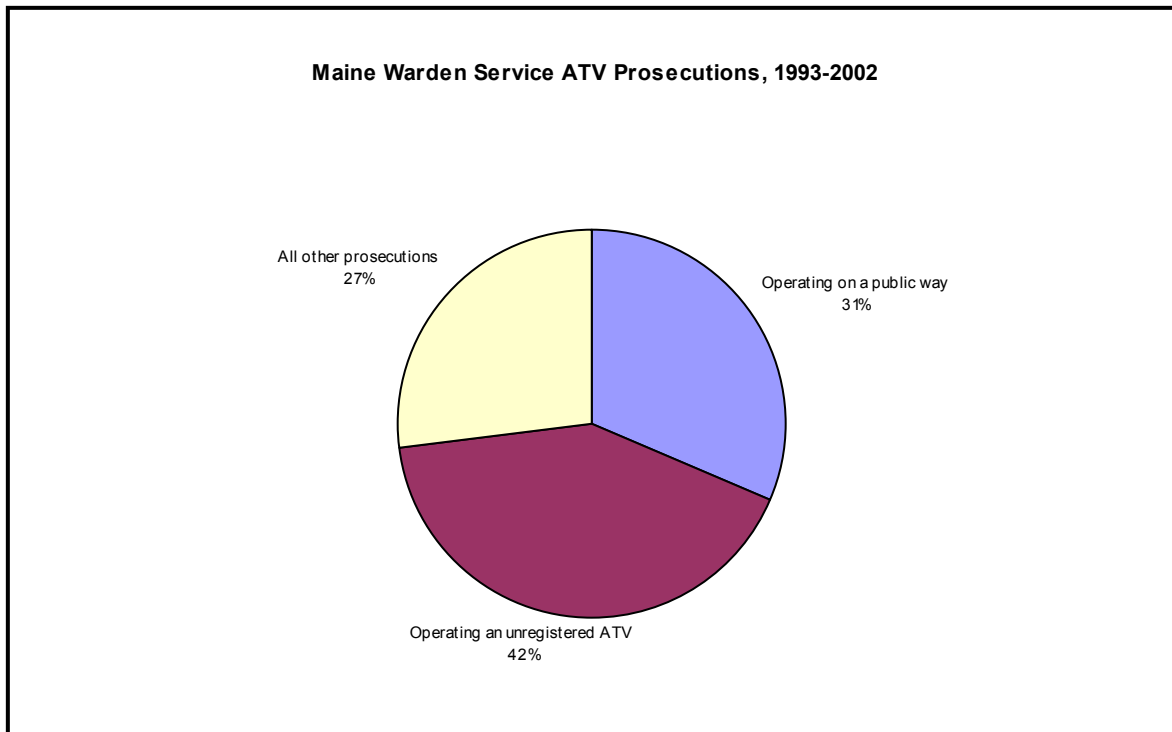
2002 Maine Warden Service Enforcement Hours



"Other" includes accident investigation, court hours, assisting other officers, environment and dog leash law.

22. Ensure all law enforcement officers — municipal, county and state — have access to training on (Title 12) ATV laws, and patrol procedures and that some are trained in ATV operation. All potential members of the Mobile Strike Forces would attend a certified course for law enforcement officers who operate ATVs and conduct ATV enforcement. (Currently game wardens and forest rangers receive ATV training as part of their respective agency training programs.) In conjunction with the Maine Criminal Justice Academy, an ATV Enforcement Officer Training Program will be established based on existing programs established in the State of New York and the ATV Safety Institute Riders Course. The timeline to prepare a course and establish a group of trainers for the State of Maine is:

- Jan. 1, 2004, establish Enforcement Officer Course for Maine.
- Jan. 30, 2004, present course to the MCJA Board of Trustees for certification.



- April 2004, provide an ATV Enforcement Officers Course to train officers to instruct other officers, with the goal of developing 30 trained instructors, at a total cost of \$7,500 (\$250 each, which includes accommodations and meals at the Maine Criminal Justice Academy.)
 - May 2004, begin providing training for enforcement officers across the State, as part of their required in-service training.
23. Encourage increased ATV enforcement by creating a three-tier grant program, available by application to all law enforcement agencies in the state. The three grant types are as follows:
- 1. Multi-jurisdiction High-Problem Area** — To fund law enforcement, including mobile strike forces, in areas of extensive ATV use where there are documented complaints, such as unauthorized trails or damage to agricultural land. The Multi-jurisdiction grants will provide 100% funding for personal service costs.

2. General ATV Enforcement — The General ATV Enforcement grants will provide 75% funding for personal service costs in two categories.

a. **Level 1 Enforcement** — Handling ATV complaints, responding to accidents both on and off highway, and ATV checks during normal course of patrol duties.

b. **Level 2 Enforcement** — ATV enforcement focused on recognized problems in localized area. Area may be of moderate use by ATVs but does not require the enforcement effort of a high-problem area.

3. Equipment and Training — Includes ATVs, trailers, and protective equipment for operators, and training associated with ATV operation and patrol techniques. A 50% match will be required for Equipment and Training grants.

General ATV Enforcement, and Equipment and Training grants will be awarded on an annual basis. Multi-jurisdiction grants will be awarded on a more frequent basis, yet to be determined. A Grant Review Committee with representatives from the following law enforcement agencies will establish grant guidelines and review ATV enforcement grant requests: Maine Warden Service, Maine Forest Service, Maine State Police, Maine Sheriff's Association, Maine Criminal Justice Academy, and representatives of four municipal police departments, one each from Northern, Down East, Central and Southern Maine.

24. Dedicate the Inland Fisheries and Wildlife Department's ATV gas tax revenues and the fines from ATV violations to the ATV law enforcement grant program and the damage mitigation fund. (There would be approximately \$115,000 available from this source in fiscal years 2004 and 2005.) Additional funding could be derived if ATV registration fees are distributed in a similar manner as snowmobile fees (see recommendation No. 28). The Department of Inland Fisheries and Wildlife will administer the ATV enforcement grant program with oversight from the Grant Review Committee. Administration of the program would require the department to hire additional staff or contract for services to insure financial accountability and reporting of activities.

25. Work with the Chief Judge of the Maine District Court, the Legislature's Judiciary

Committee and Maine prosecutors to establish a more effective system of penalties and fines, including impoundment, for ATV offenses.

26. Institute the following enforcement policies and law changes:

- a. Strongly recommend a “no chase” enforcement policy for officers in vehicles and operating ATVs, due to the risk of injury for both the officer and the person being pursued.
- b. In support of this policy, the penalty for failure to stop for an officer would be increased to a Class D crime with a mandatory \$1,000 fine. Attempting to elude an officer (example passing a road or trail block) would escalate the penalty to a Class C crime.
- c. Make ATV violations count as points against a driver’s license.
- d. Make an ATV OUI part of a driver’s motor vehicle record.
- e. Require visible identification on both the front and rear of all ATVs.
- f. Make the minimum-age requirement consistent for all recreational vehicles.
- g. Establish self-reporting accident forms for minor personal injury accidents.
- h. Encourage LURC, the Maine Warden Service and Maine Forest Service to work together to insure remote ponds are identified, posted and protected by law enforcement.
- i. Add destruction of signage and posting to Title 12, section 22-B, governing “Abuse of Another Person’s Property.”
- j. Prohibit children younger than 10 years of age from operating an ATV, unless it is on land owned by their parents, grandparents or guardian, or at an approved ATV safety-training site.



“Once you get an established trail made, people will stay on it. That’s a given. We’ve proven it.”

Ron McPherson,
Presque Isle

“The ATV clubs need help all over the state. We’ve got to give them a chance. They’re the ones who create the trails...”

David Snyder,
safety instructor

“ATVers would like the ability to get on a trail and be able to go places, similar to that of snowmobilers.”

Jason Johnson,
Unity

“There must be some type of incentive to form ATV clubs ... By forming a club, the group would improve landowner relations, become more educated, become more sensitive to the effects of ATV use and share the trail maintenance burden.”

Stephen Perham,
Southern Maine
Sno-Goers Club

Expanding Maine’s trail system

Maine already has proof that ATVs can not only be controlled, but also become a valued part of a community.

ATVs are following the same developmental path as snowmobiles. When snowmobiles began to appear in the 1970s, the machines were noisy, smelly and roared through unprepared neighborhoods in large groups. Snowmobilers were viewed with much the same appreciation as motorcycle gangs. Then snowmobile clubs were started, trails were expanded, state laws were overhauled and the infrastructure was put in place to support an industry that now pours about \$300 million into Maine’s economy each year.

Many ATV riders are working hard to put a similar system into place. There already are 92 ATV clubs across the state, plus a statewide umbrella organization called ATV Maine. ATV club members are building trails, promoting safe riding and working with landowners. State agencies, including the Department of Conservation and the Inland Fisheries and Wildlife Department, are working with them.

Down East, for example, International Paper, DOC and seven ATV clubs worked together to create nearly 750 miles of authorized trails where ATVs can be ridden safely and in an environmentally sound manner. In Presque Isle, the Star City ATV Club has worked with DOC and the Department of Environmental Protection to build a “mud run,” where ATV riders can have fun, but do no harm. The River Valley Riders in Rumford have built more than 200 miles of trail and recently received approval from selectmen to explore bringing an ATV trail into downtown Mexico.

But the infrastructure to absorb the tremendous growth in ATVs is far from complete. There are only about 2,200 miles of authorized ATV trails, compared to 12,000 miles of snowmobile trails. That’s no excuse for bad behavior, but when legal opportunities to ride are so scarce, it clearly increases the temptation to ride illegally.

Expanding the ATV trail system is an even greater challenge than building the snowmobile system. Since they’re not gliding over snow, ATVs need hardened trails, which are more expensive to develop.

Developing an infrastructure will take an investment — in trails and ATV clubs — but that investment could pay off, just as Maine’s investment in snowmobiles has. Since ATVs can be used year-round, they might someday be even more valuable to the Maine economy, especially in rural areas.

Maine needs a 7,000-mile ATV trail system

In 2001, the Margaret Chase Smith Center for Public Policy conducted a survey of registered ATV users at the request of the Maine Legislature, which was reconsidering the distribution of gas tax revenues.

According to the survey, ATV riders would travel up to 20 miles on average to ride and it took at least a 25-mile trail to attract them.

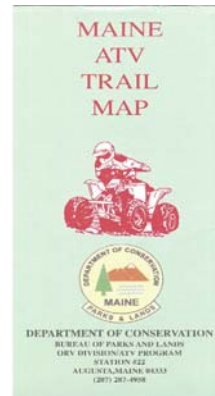
The Off-Road Vehicle Division at the Department of Conservation used those figures to estimate that Maine needs an ATV trail system of about 7,000 miles to “meet the need and solve the problems faced by the users and landowners.”

That’s far more than the 2,200 miles now available, but far less than the 12,000 miles of snowmobile trails.

Currently, the average cost of building a new trail is \$670 a mile. The average cost of maintaining trails is \$262.24 a mile.

The figures on the next page are DOC’s estimate of the cost of developing a 7,000-mile trail system over five years at today’s construction and maintenance costs. It assumes 2,500 miles of existing trails and an additional 1,000 miles of new trails each year. It also assumes 7,000 miles of trail to maintain.

Costs could be higher if it’s necessary to build boardwalks or install gravel across long sections of wet trail. On several trails constructed for joint use by ATVs and snowmobiles, DOC has spent approximately \$10,000 a mile on sections through wet areas that needed a hardened surface for summer use. Some bridges also have cost as much as \$50,000 to construct.



The average cost of building a new trail is \$670 a mile. The average cost of maintaining trails is \$262.24 a mile.

Current authorized ATV trails

- Approximately 2,000 miles of trails maintained by ATV clubs.
- About 200 miles of shared-use roads on state property managed by the Bureau of Public Lands.
- Approximately 175 miles of rail trail the BPL manages for multi-use, including ATVs.
- About 75 miles of additional ATV trails on BPL property.
- Corporate landowners, such as Plum Creek and Meadowwestvaco, as well as smaller ones like Cousineau and Haines have open use policies. These landowners combined have hundreds if not thousands of miles of roads open to ATVs.
- Many small landowners have private trails or roads open to use, but they aren’t working with the DOC program at this time.

<i>Current trail needs</i>	Annual expenditures
Trail development and maintenance	\$1,330,600
Sport-riding areas	\$250,000
Staff, including 5 (proposed) regional coordinators	\$250,000
Trail-related information/education	\$50,000
Subtotal	\$1,880,600
Landowner incentives	\$500,000
Proposed increase in insurance coverage	\$100,000
Total	\$2,480,600
<i>Five years from now</i>	Annual expenditures
Trail development and maintenance	\$1,849,680
Sport-riding areas	\$250,000
Staff, including 5 (proposed) regional coordinators	\$300,000
Trail-related information/education	\$50,000
Subtotal	\$2,449,680
Landowner incentives	\$500,000
Proposed increase in insurance coverage	\$100,000
Total	\$3,049,680

Recommendations: To develop a high-quality trail system that protects the environment and the rights of landowners, while offering ATV riders a chance to enjoy multi-day trips, sport-riding areas and access to popular destinations.

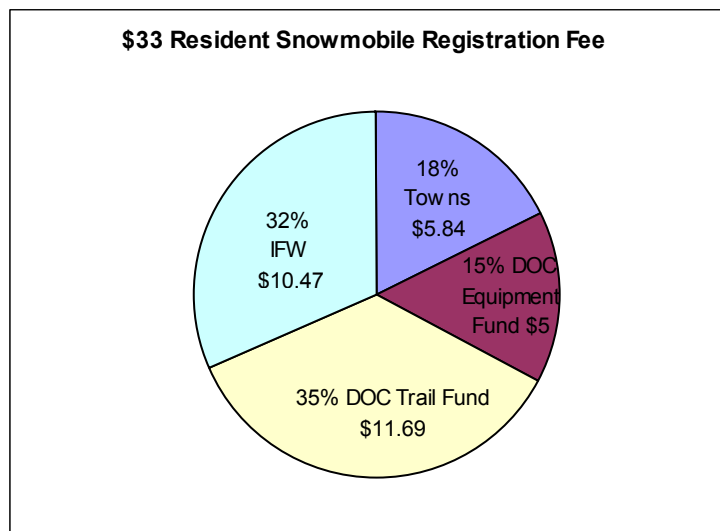
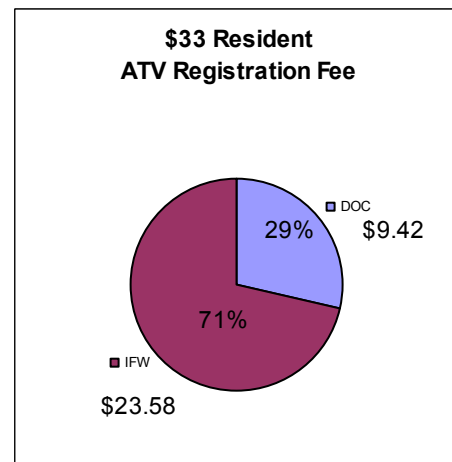
27. Give high priority to connecting trails, creating loop trails and constructing sport-riding areas, especially in high need/problem areas.

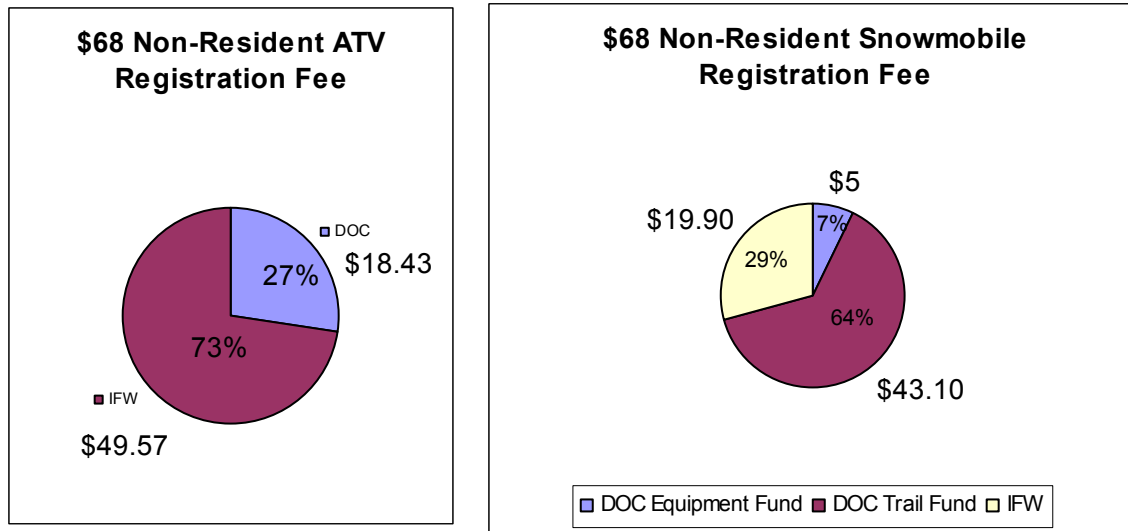
28. Distribute state ATV revenues in the same categories as snowmobile revenues, with percentages dedicated to IFW for law enforcement and safety; to DOC for trail grants and equipment, and to towns in lieu of personal property tax.

29. Encourage membership in ATV clubs by offering a discount registration for ATV club members

(similar to the N.H. discount for snowmobile club members). Recommended registration fees: Maine residents: \$33 (same as currently) for club members; \$50 for non-club members. Non-residents, \$68 for club members (same as currently); \$80 for non-club members.

30. Authorize five regional part-





time employees (similar to IFW's recreational safety coordinators) to work up to 1,000 hours annually assisting DOC's Off-Road Vehicle Division to develop clubs and trails, and work on landowner concerns or problems.

31. To Title 12, Subsection 7854 , 4B, "The ATV Recreational Management Fund is established and administered by the Department of Conservation ... to assist in the design and development of ATV trails" add, "for ATV trail or sport riding facility acquisition, including, but not limited to, the purchase or lease of real estate and the acquisition of easements."
32. Solicit help from conservation organizations, state agencies and the 16 Soil and Water Conservation districts to build and maintain ATV trails.
33. Develop multi-use trails (snowmobile, ATV, biking, horseback riding, hiking etc.) by promoting the benefits of joint trails and providing better funding for joint trails.
34. Work with the Maine congressional delegation to change rules restricting use of federal funds to build multi-use trails. Currently trails built with federal transportation funds cannot include ATV use.
35. Commission an economic impact study from the Margaret Chase Smith Center for Public Policy to be completed as soon as possible. The study should review the current economic impact of ATVs in Maine, the potential economic impact, and the cost of ATV problems for the state's landowners and others.



“There should be mandatory safety training for everybody, not just kids 10 and older.”

Melissa Harvey,
South Portland

“Parents need to take responsibility for where their kids are and what they’re doing. My kid is not going to be out there alone.”

Larry Ouellette,
Lyman

“I implore the Task Force ... to create controls and regulations to reduce preventable life-threatening trauma from ATV crashes and to help the citizens and hospitals of Maine realize health care savings that will benefit all Mainers.”

Marc Perlman, M.D.
Auburn

“I learned to ride at one of the ATV education classes, others can also ... Folks need to know how to use them safely and non-destructively.”

Brian Krampert,
Central Maine
ATV Club

Educating ATV riders

Nearly 15,000 people have now taken the state’s ATV safety training course. So it’s interesting that since 1997, when the question was first included on ATV accident reports, only 169 operators involved in crashes reported they’d had safety training, while 1,107 had no safety training.

As the number of ATVs in Maine has increased dramatically, so have crashes and injuries.

Since 1993, 35 people have died and 2,241 have been hurt in ATV crashes in Maine. In 2002, there were a record 319 ATV crashes, a 14 percent increase over 2001. The number of people injured, 327, also was a record. The six fatalities were the most since 1999, when seven people died in ATV crashes, the most ever. In the first eight months of this year, three died and 247 were hurt.

As if those statistics weren’t alarming enough, half the operators involved in crashes since 1993 were 20 or younger.

That’s why it’s so important to teach more ATV riders — especially young riders — how to ride safely. While they’re learning about safety, they also can be taught why it’s important to ride responsibly.

Currently, only children ages 10 through 15 are required to take an ATV safety class. That does not go far enough. More people, especially Maine’s youngest riders, will do the right thing if they know what to do and where to ride.

Maine already has an excellent ATV safety program, but with more resources — including ATVs for hands-on training — it could be better.

ATV clubs already are promoting safety, but they can do more with encouragement and resources.

A better trail system also would improve safety. From 1998 through 2002, only 27 accidents were reported on marked trails, while 1,176 occurred off designated trails.

Finally, it’s not enough to hope that ATV riders go looking for safety information. Safety information should be brought to them, through a broad public awareness campaign designed to reach ATV riders and the parents of young riders.

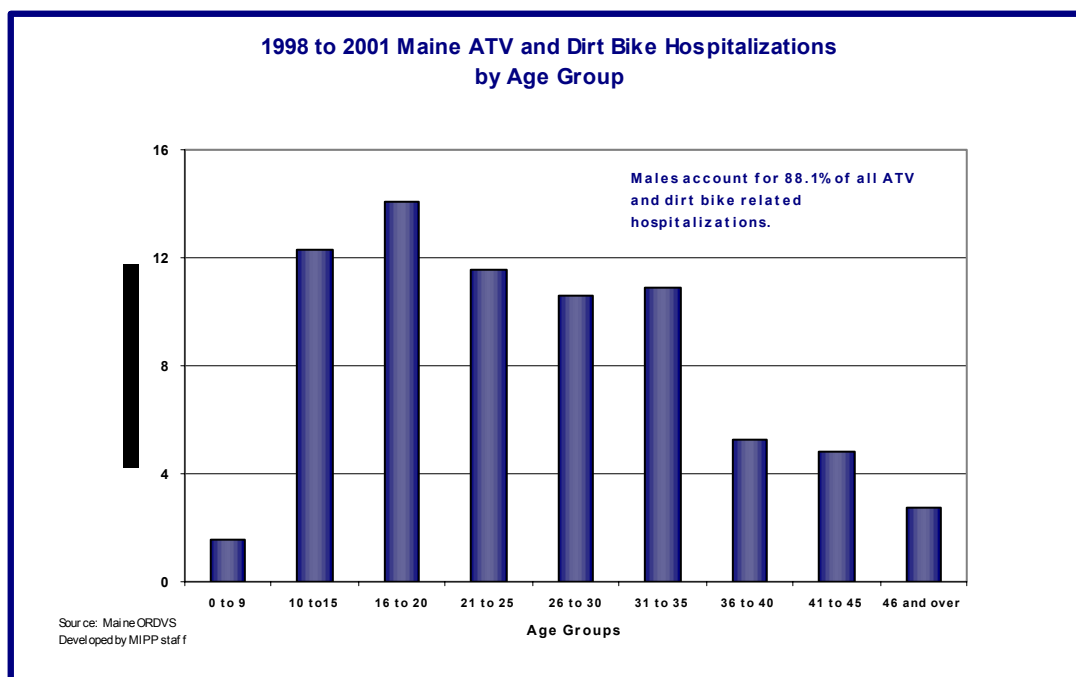
Recommendations: To insure ATV riders are aware of ATV laws, ethics and safety issues.

36. Dedicate a percentage of the total ATV registration fees to safety efforts, including training courses, education, public awareness and a grant program to encourage innovative community safety programs.

37. Develop a program to phase-in mandatory ATV safety training. Begin by raising the ages for mandatory safety training from 10 through 15, to 10 through 18 for 2005. After reviewing the results and costs of the program, consider increasing the age for mandatory training in three-year increments (to 21, then to 24, etc.) Proof of safety training in other states would be accepted from non-resident ATV operators.

38. Offer adults (but not minors) the option of completing part of the six-hour safety course by studying at home and/or online and showing their proficiency by taking a test during the classroom component.

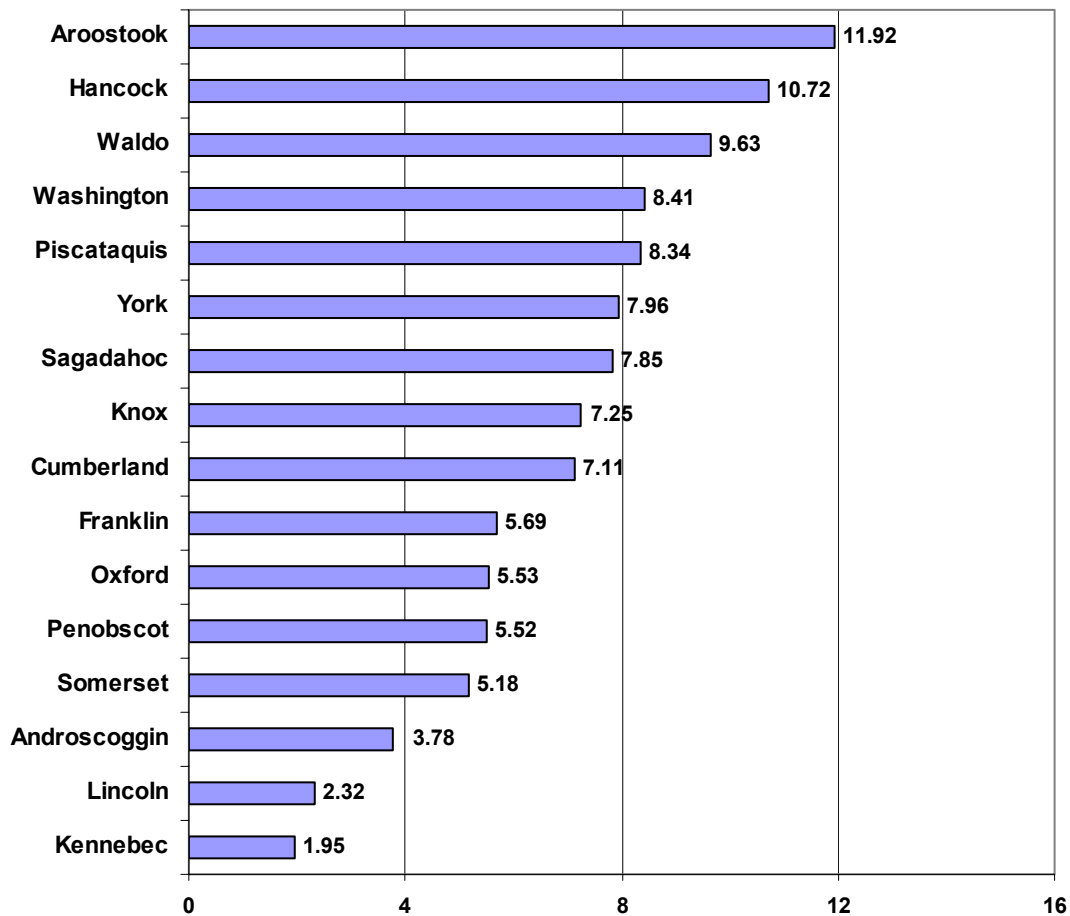
39. Develop a two- to three-hour annual safety refresher course for adult riders and make it available for use by ATV clubs or other organizations, including adult education programs.



40. Add hands-on training to ATV safety courses by providing ATVs (of various sizes) for participants to use. Explore the possibility of sharing these ATVs with the Maine Warden Service.
41. Require a parent or guardian to attend ATV training with children ages 15 and younger.
42. Require brake lights on all ATVs.
43. Strongly recommend helmets for all riders. (They're now required for those younger than 18.)
44. Require mandatory safety training (or repeat training) for all ATV riders who are convicted of the most serious offenses, such as OUI, driving to endanger and criminal trespass.
45. Give the IFW Commissioner the authority to revoke the ATV safety certificate of ATV riders who violate other laws, forcing them to take a remedial ATV ethics course.
46. Work with the ATV Safety Institute and the Maine Warden Service to train ATV club members to conduct safety checkpoints.
47. Sharply increase public awareness of ATV laws and safety issues by:
 - a. Conducting a statewide, multi-media campaign including TV, radio and print advertisements to teach ATV riders about laws, safety and landowners' rights.
 - b. Developing a brochure clearly stating the ATV accident statistics, strongly encouraging the use of helmets and educating riders about the most important laws regarding ATV use and safety.
 - c. Making available informational brochures and maps when ATVs are registered.
 - d. Making available informational brochures and maps when ATVs are purchased.
 - e. Working with the ATV industry to encourage responsible ATV behavior.
 - f. Handing out brochures at the Maine Turnpike's southern entrance to all vehicles bringing ATVs into Maine.
 - g. Dispersing information through ATV clubs.

- h. Establishing an effective educational program to reach youngsters in schools.
- i. Making riders and parents aware that choosing the right size ATV is essential and that special safety courses, taught on ATVs of the recommended size (50 cc) are available for children ages 6 through 11.
- j. Telling ATV buyers about incentives (such as money from manufacturers) to take safety training.
- k. Disseminating ATV information at sporting shows and other events, especially those likely to reach teenagers and young adults, such as the state basketball tournament.

2001 & 2002 Maine ATV Crash Rates by County



Source: InformMe and Maine Inland Fish and Wildlife Records
 Developed by MIPP staff

Rate per 1,000 registered ATVs

Estimated cost of expanding ATV safety

The Department of Inland Fisheries and Wildlife currently spends about \$50,000 annually on its ATV safety education program. The program includes outreach to schools, clubs and organizations, as well as ATV safety and ethics classes. The staff consists of IFW's recreational safety and vehicle coordinator, a secretary and 11 part-time regional Recreational Safety Coordinators, who each work an average of 100 hours annually.

Approximately 150 volunteers are certified to teach the six-hour ATV operator course, although not all are active. In the past three years, from 90-100 courses have been offered with an average of 1,300 students per year. This course is classroom-based.

The ATV Task Force concluded that a much larger percentage of ATV registration fees — around 10 percent, or nearly \$200,000 annually — should be invested in two ways: a public awareness campaign and expanded safety and ethics training.

Since more than half the ATV crashes in the past decade have involved operators 20 or younger, it's recommended that safety training, which is now required for those ages 10 through 15, should be mandatory for those in their late teens and early 20s.

To avoid overburdening the present infrastructure and budget, the Task Force recommends that the age for mandatory education be increased in phases. In the first phase, the age for mandatory safety training should be raised to 18. Phase 2, raising the age to 21, would be implemented only after a review of the costs and results of Phase 1.

Raising the age to 18 would add an estimated 600 students annually, a 46 percent increase. IFW's estimated cost per student is \$25 — \$12.50 for class materials and \$12.50 for regional staff time. At \$25 per student, about \$15,000 annually would be needed for Phase 1, and roughly the same for each subsequent increase in the age requirement.

To add hands-on training, ATVs and trailers for transport would have to be purchased or leased. Ideally each regional safety coordinator would have access to two machines with a trailer. It might be possible to share this equipment with law enforcement agencies.

An expanded public awareness/operator education program would require development of up-to-date, Maine-based brochures, videos and ads for radio, TV and print. The initial goal would be to tell riders (and the parents of young riders) about Maine's ATV laws and about the penalties for violating them. Another facet of the campaign would be to let land-owners and others know where and how to report irresponsible ATV riders and what help is available.

It's hoped that the costs of such a campaign could be reduced, as it was in a similar campaign in New Brunswick, by producing ads that could be sponsored by local businesses or organizations ("This safety message is brought to you by ..."). Assistance could also be sought from the ATV industry.



“Without money, these problems cannot be solved - and ATV owners are already paying much of the needed money - but it is not being used to resolve ATV problems.”

George Smith,
Sportsman's Alliance
of Maine

“Where did the ATV additional fees go?... I just think it would be more fair if we got a better share of the money to enforce all these recommendations.”

Don Libby,
Sanford

“I don't care if we pay \$50 - and I own three ATVs - but the money should go to trails and enforcement.”

Bob Lawrence,
Sanford

“Where is all the money from the \$35 registration fees?”

Darrell Wood,
Carmel

Investing in ATV solutions

In the public comments on the ATV Task Force's recommendations, a very strong theme emerged. ATV users, not Maine taxpayers, should pay for trails, for law enforcement, for education and for damage mitigation.

What many people didn't realize, however, is that some ATV riders have been trying to do just that for several years.

ATV Maine, which represents 61 clubs including nearly 7,000 riders, proposed legislation two years ago that would have more than doubled registration fees and devoted the increased revenues to trail-building and law enforcement. That didn't pass — the registration fee was raised only from \$12 to \$17 — but ATV Maine tried again last year.

This time registration fees were increased, but not as ATV riders had hoped. Beginning July 1, ATV registration fees went up to \$33 for residents and \$68 for non-residents, but the new money has been of little help in solving ATV problems.

Because of the state budget crisis, the Department of Inland Fisheries and Wildlife received no money from the state's general tax fund to pay for the services it provides to all state citizens. Instead, IFW was forced to rely on the revenues it receives from hunting and fishing licenses, and registration fees for recreational vehicles.

So although IFW will receive an estimated \$1.4 million from ATV registration fees in fiscal 2004 and again in '05, only about \$400,000 annually is earmarked for ATV programs, including ATV law enforcement. The other \$1 million will be spent to fund other IFW programs.

Part of the increased revenues will help expand the Department of Conservation's trail-building program, but many more trails will be needed if the ATV trail system is ever to be comparable to the snowmobile trail system.

The ATV Task Force would like to see all the ATV revenues used to resolve ATV problems. Dan Mitchell, ATV Maine president, has even worked out a revenue distribution plan (See Pages 30 and 31).

Another source of funding could be an increased share of the gas taxes that ATV operators already are paying. ATV operators only benefit

from about 37 percent of what they pay in state gas taxes, compared to 74 percent for snowmobilers and 120 percent for boaters.

The Margaret Chase Smith Center for Public Policy conducted a survey of registered ATV users (as well as snowmobilers and boaters) in 2001 at the request of the Maine Legislature, which was reconsidering the distribution of recreational gas tax revenues.

The data showed that the average registered ATV consumed 43.6 gallons (rounded to the nearest tenth) of gasoline during the one-year period ending in April 2001. Approximately 96% of all gasoline used in these ATVs was purchased in Maine.

At the time of the study, there were 39,643 registered ATV users. So it was calculated that the total quantity of fuel consumed in Maine (adjusted for out-of-state purchases) by Maine-registered ATVs was 1,664,497 gallons. The excise tax on gasoline imposed by the State of Maine was then \$0.22 per gallon.

Therefore, the study concluded that an operator of a Maine-registered ATV paid on average \$9.24 per year per ATV, and operators of all Maine-registered ATVs together paid \$366,189 per year in Maine gasoline fuel excise taxes.

The current gas tax is 24.6 cents per gallon. Multiply that by 43.6 gallons and the average amount paid per ATV is \$10.73. IFW has estimated ATV registrations will hit 54,000 in 2003.

So ATVers will pay about \$580,000 per year in gas taxes in 2003, yet the amount that's split between the Department of Conservation and the Department of Inland Fisheries and Wildlife for ATV programs is capped at about \$230,000. If Maine law were changed so that the two departments split 100 percent of the gas tax that ATV operators pay, an additional \$350,000 a year would be available for ATV programs.

The Task Force recognizes that the state funding crisis is likely to continue. But even during such difficult times, it's important to protect Maine's most valuable resources. Access to the Maine outdoors is an asset beyond price. To protect that asset Maine's landowners must be convinced that the ATV problems they find so disturbing will be solved.

ATV operators already are paying much of the money needed to fund these recommendations. The solutions are within reach if ATV revenues can be redirected to ATV programs and—as so many people told the ATV Task Force—they are long overdue.

Projected ATV Registration Revenues*

	Residents	Non-residents
Projected registrants	50,000	4,500
	Breakdown per registration	
IFW	\$23.58	\$49.58
DOC	\$9.42	\$18.42
Total registration fee	\$33	\$68.00
	Projected revenues (FY '04)**	
IFW	\$1,179,000	\$223,110
DOC	\$471,000	\$82,890
Total	\$1,650,000	\$306,000
IFW Total	\$1,402,110	
DOC	\$553,890	
Total ATV Registration Revenues	\$1,956,000	
*Projections by Inland Fisheries and Wildlife Department		
**Same for FY '05		

ATV Maine president's recommendations for distributing state ATV revenues

ATV Maine President Dan Mitchell's plan to fund the recommendations of the Task Force assumes that registration fees of \$50 for residents and \$80 fees for non-residents are implemented with 50,000 residents and 4,500 non-residents registrations.

It also assumes that half of those who register will be club members and receive the discount — paying the current fees of \$33 for residents and \$68 for non-residents — while the other half pay the full \$50 for residents and \$80 for non-residents.

That would mean ATV registration revenues would bring in \$2,408,000 annually. Add in the \$240,000 in gas tax revenues and the total ATV revenues would be \$2,648,000.

Dan's plan distributes this money to establish the new programs the Task Force is recommending, such as money to towns, a damage mitigation fund for landowners, an equipment grant to ATV clubs, and a law enforcement grant program.

When compared to 2002 funding levels, it would increase funding to all existing programs, including doubling the money going to clubs and trails compared to what is anticipated this year (\$1,127,500 compared to \$553,890).

It also would more than triple safety/education funding and establish a search and rescue fund. Since the search and rescue fund would go to the Maine Warden Service, it will almost double the money going to the warden service from ATV registrations.

With this distribution, IFW would get \$737,250, which is \$664,860 less than the \$1,402,110 that they anticipated receiving in FY 2004. So the bottom line is less than \$700,000 a year from other sources, such as the state's general fund, would balance their budget with this plan. This is approximately half the amount that was used from ATV Funds to balance IFW's budget.

Mitchell's ATV Revenue Distribution Plan

	2002	Mitchell's plan	% Increase
IFW Administration	\$38,832	\$39,500	1.7%
Safety/Education	\$49,223	\$206,500	319%
Registration	\$135,318	\$148,500	9.7%
Warden Service	\$203,780	\$342,750*	68%
Law enforcement grants	\$0	\$401,750**	
Damage mitigation	\$0	\$131,500	
Towns	\$0	\$250,000	
Club equipment grants	\$0	\$197,500	
Sport-riding areas	\$0	\$152,500	
Trail fund	\$282,291	\$777,500***	175%
Total Expenditures	\$709,444	\$2,648,000	273%
<i>*Includes \$90,750 for</i>			
<i>**Includes \$100,000 in ATV gas tax revenues</i>			
<i>***Includes \$140,000 in gas tax revenues</i>			

Appendix A:

How Mainers use and ride ATVs

The Margaret Chase Smith Center for Public Policy conducted a survey of registered ATV users in 2001 at the request of the Maine Legislature, which was reconsidering the distribution of gas tax revenues. Telephone interviews were completed with 671 randomly selected Maine ATV owners. The study had a cooperation rate of 78% among persons who were successfully contacted. Here are some highlights from the survey about ATV ownership, ridership and use in Maine.

Characteristics of ATV-owning households

- The average age of ATV riders in ATV-owning households was 36 years, ranging from infants to age 90.
- 87% of the survey respondents (the person who registered the ATV or was most knowledgeable about it) were male.
- The ATV or ATVs were used by an average of 2.2 persons per household, and also by persons outside the household in 19% of cases.
- About one in ten (11.7%) belonged to an ATV club.
- They had ridden ATVs for an average of 10 years, ranging from new riders with less than one year of experience to veterans of forty-five years.
- 50% of the ATV-owning households owned one or more gasoline-powered boats, and 53% owned one or more snowmobiles.

How ATVs are used

- Forty percent of the households in the study had more than one ATV.

- Only 13% of the vehicles were ever used for commercial purposes in a job or business. Two-thirds of owners say they often ride the vehicles for fun, and another 7% used them for that purpose exclusively, while 7% of the vehicles were never used for recreation.
- Almost three-quarters (73%) were used at least sometimes for hunting, fishing, or trapping (not as part of a job), and 39% were used often or only for that purpose.
- Relatively few were used in farming or land management: 63% were never used for that purpose, and only 11% were often (or only) used for that work.
- Home and yard maintenance use is somewhat more frequent: slightly more than one-quarter (27%) were used often (or only) for that purpose, almost half (47%) were used “sometimes,” and slightly more than one-quarter (26%) were used often or only for yard and home work.

Riding patterns

- ATV riders travel an average of 21 miles at an outing, with trips ranging from less than a mile to 330 miles. Half the trips are fifteen miles long or less. Trips average 3.0 hours at a time, with a range from less than an hour to 20 hours riding time from start to finish.
- More than one quarter (29%) of ATV riders take weekend or longer trips primarily for the purpose of riding their ATVs.
- The ATVs were ridden an average of 67 days in the past year (from 2000 to 2001). Use varied from none to a full 365 days.
- Although ATVs are ridden in all seasons of the year, summer and fall are the most popular seasons. About two-thirds of the ATV riders ride “a lot” in the summer, and almost as many (58%) ride a lot in the fall. In the spring, ATV riding declines somewhat: only one in five (21%) rides a lot. Another 37% ride “some” in the spring. In the winter, half still ride at least a little and 10% ride a lot.

Riding habits: safety

- More than half (58%) of riders more often ride in a group than alone. Less than half (42%) never ride with a passenger, 47% sometimes do, and 11% usually or always have another person with them on their ATV.
- Less than half (45%) never ride at night. Only a few make a habit of it, however: less than two percent usually or always ride at night.
- ATV riders either make a habit of always wearing a helmet (31%) or of never doing so (43%). Relatively few wear a helmet part of the time.

Riding preferences: trail riding and preferred facilities

When asked to indicate their one ideal kind of trail or riding facility, the respondents:

- Clearly prefer woods and trails (63%), with old and gravel roads a distant second (28%).
- Less than five percent prefer mud and water; less than two percent, gravel pits and play areas; and less than one percent, motocross, track and racing. Less than two percent volunteered that they do not like any kind of trail or facility.
- Less than half (41%) of ATV riders use trails made specifically for ATVs. However, six in 10 (61%) use “designated ATV trails,” which includes old roads, fire roads, and other corridors that are permitted for ATV use but which are not necessarily designed specifically for ATVs.
- Of those who do not currently use trails specifically made for ATVs, over three-quarters (77%) would like to do so.
- Those who ride on trails made specifically for ATVs say that the closest such trail to

their home is 20 miles or less (74%); 21 to 50 miles (14%); or more than 50 miles (11%).

- Those who ride the trails made specifically for ATVs rate the closest trail they ride (which may not be their favorite or the one they frequent the most) as excellent (23%), good (42%), fair (29%), or poor (6%).
- Among ATV riders who either already use trails made specifically for ATVs or who would like to use such trails, 59% would travel at least fifty miles to use a good trail, while the remainder say that fifty miles is too far to travel.
- Opinions about the length of an adequate trail vary widely, from a mile or two to two thousand miles. The average (mean) length suggested is 51 miles (the mean is affected by the few respondents who want trails hundreds or thousands of miles long), and half the riders say that 25 miles or fewer (the median) would be adequate. The most frequently mentioned length is 20 miles (the mode).

Respondents were asked to describe one characteristic that a good ATV trail or facility should have. Many had difficulty selecting only one...The most frequently mentioned characteristics are:

- Signs, markers, and directions (19%).
- Rest and picnic areas (11%).
- Well-maintained trails (e.g., branches trimmed), (9%).
- Smooth trails (8%).
- Other desired trail characteristics include restrooms, gasoline pumps, similarity to snowmobile trails, scenery, easy access and parking, wide trails (often mentioned in a safety context), snack bars, speed limits, varied terrain (including rough terrain), and bridges and bridge maintenance.

Governor's ATV Task Force

Action Plan, January through December 2004

Category	Leader	Legislation/ program/ publication	Cost/ revenue	Target date
Legislation	Gov. Baldacci	Distribute state ATV revenues in the same categories as snowmobile revenues, with percentages dedicated to IFW for law enforcement and safety; to DOC for trail grants and equipment, and to towns in lieu of personal property tax.	No new costs, but requires fiscal notes from IFW and DOC.	2004 session
Legislation	Gov. Baldacci	Encourage membership in ATV clubs by offering a discount registration for ATV club members (similar to the N.H. discount for snowmobile club members). Recommended registration fees: Maine residents: \$33 (same as currently) for club members; \$50 for non-club members. Non-residents, \$68 for club members (same as currently); \$80 for non-club members.	Additional revenues estimated at \$452,000.	2004 session
Legislation	Gov. Baldacci	Establish a damage mitigation fund with clear eligibility guidelines to repair environmental damage or to reimburse landowners for damage to crops, trees or orchards caused by ATV riders, when those riders cannot be identified or prosecuted.	Could be funded by ATV fines, gas tax or registration fees.	2004 session
Legislation	Gov. Baldacci	Authorize five regional part-time employees (similar to IFW's recreational safety coordinators) to work up to a total of 1,000 hours annually, assisting DOC to develop clubs and trails, and work on landowner concerns.	Cost \$20,000 per employee; Total: \$100,000 .	2004 session
Legislation	Gov. Baldacci	Dedicate a percentage of the total ATV registration fees to IFW safety efforts, including training courses, education, public awareness and a grant program to encourage innovative community programs. This money would be available to fund the recommendations for safety and public awareness.	10 percent of the ATV registration fees (FY '04) would total \$195,600.	2004 session
Legislation	Gov. Baldacci	Raise the age for mandatory ATV safety training from 10 through 15, to 10 through 18.	Cost \$15,000 annually.	2004 session
Legislation	Gov. Baldacci	Delete the second paragraph of Title 12, 7854, 4 (A). Add a subsection 4 (C) that contains the language previously set out in the second paragraph of subsection 4 (A), except that the language should be modified to allow grants-in-aid to be awarded to the Warden Service, as well as other law enforcement agencies. Add details of law enforcement grant program as outlined in Appendix C.	Could be funded by ATV fines, gas tax or registration fees.	2004 session

Governor's ATV Task Force

Action Plan, January through December 2004

Category	Leader	Legislation/ program/ publication	Cost/ revenue	Target date
Legislation	Gov. Baldacci	Recommend this new language be added to Maine law: <u>"The privilege to operate an ATV on the land of another requires the landowner's permission. Permission is presumed where authorized ATV trails exist or in areas open to ATVs by the landowner's policy. Written permission of the landowner is required on cropland, pastureland or in an orchard. Anyone riding on land without the landowner's permission is committing a civil violation subject to a \$100 to \$500 fine."</u>	0	2004 session
Legislation	Gov. Baldacci	Dedicate all fines from violations of MRSA Title 12 ATV laws to ATV programs.	Additional revenue, but amount is not known.	2004 session
Legislation	Gov. Baldacci	Authorize a mud season closure for ATV trails similar to the road posting process, so it can be done at the local level. Insure a substantial fine applies to violations.	0	2004 session
Legislation	Gov. Baldacci	To Title 12, Subsection 7854, 4B "The ATV Recreational Management Fund is established and administered by the Department of Conservation ... to assist in the design and development of ATV trails" add, <u>"for ATV trail or sport riding facility acquisition, including, but not limited to, the purchase or lease of real estate and the acquisition of easements."</u>	0	2004 session
Legislation	Gov. Baldacci	To Title 12, section 7857, paragraph 22-A, "Operating an ATV in a prohibited area," add <u>"rivers, brooks, streams, Great Ponds, non-forested wetlands, vernal pools, and source water protection areas of public drinking water supplies, except for needed maintenance and management authorized by the landowner."</u>	0	2004 session
Legislation	Gov. Baldacci	Prohibit snorkel kits and similar kits designed to allow ATV use in deep water, except at sanctioned events and with the landowner's permission.	0	2004 session
Legislation	Gov. Baldacci	Change the sound decibel level to the 20-inch test at 96 DBA, to reflect national standards.	0	2004 session

Governor's ATV Task Force Action Plan, January through December 2004

Category	Leader	Legislation/ program/ publication	Cost/ revenue	Target Date
Legislation	Gov. Baldacci	Create a legislative study group to review and, if necessary, modify statutes so that allowing public recreational access doesn't compromise landowners' rights.	Legislative fiscal note	2004 session
Legislation	Gov. Baldacci	Increase the penalty for failure to stop for an officer would be increased to a Class D crime with a mandatory \$1,000 fine. Attempting to elude an officer (example passing a road or trail block) would escalate the penalty to a Class C crime.	0	2004 session
Legislation	Gov. Baldacci	Require brake lights on all ATVs.	0	2004 session
Legislation	Gov. Baldacci	Make ATV violations count as points against a driver's license.	May be costs to Secretary of State	2004 session
Legislation	Gov. Baldacci	Make an ATV OUI part of a driver's motor vehicle record.	May be costs to Secretary of State	2004 session
Legislation	Gov. Baldacci	Require visible identification on both the front and rear of all ATVs.	Cost to IFW depends on whether plates or stickers are used.	2004 session
Legislation	Gov. Baldacci	Make the minimum-age requirement consistent for all recreational vehicles.	0	2004 session
Legislation	Gov. Baldacci	Establish self-reporting accident forms for minor personal injury accidents.	0	2004 session
Legislation	Gov. Baldacci	Add destruction of signage and posting to Title 12, section 22-B, governing "Abuse of Another Person's Property."	0	2004 session

Governor's ATV Task Force

Action Plan, January through December 2004

Category	Leader	Legislation/ program/ publication	Cost/ revenue	Target Date
Legislation	Gov Baldacci	Prohibit children younger than 10 from operating an ATV, unless on land owned by parents, grandparents or guardian, or at an ATV training site.	0	2004 session
Legislation	Gov. Baldacci	Require a parent or guardian to attend ATV training with children ages 15 and younger.	0	2004 session
Legislation	Gov. Baldacci	Require mandatory safety and ethics training (or repeat training) for all ATV riders who are convicted of the most serious offenses, such as OUI, driving to endanger and criminal trespass, and ethics training for less serious ATV offenses. Authorize the IFW commissioner the authority to revoke any department license, registration or safety certificate for non-compliance.	Costs to be paid by the violator.	2004 session
State government	Gov. Baldacci	Authorize an extension of the ATV Task Force or create an ATV Advisory Committee, including representatives of state agencies, legislators and outdoor organizations, to continue efforts to resolve ATV problems.	Volunteer members.	January 2004
Law enforcement	IFW	Dedicate the Inland Fisheries and Wildlife Department's ATV gas tax revenues to the ATV law enforcement grant program.	Currently \$114,000 annually.	January 2004
Law enforcement	Law enforcement subcommittee	Work with the Chief Judge of the Maine District Court, the Legislature's Judiciary Committee and Maine prosecutors to establish a more effective system of penalties and fines for ATV offenses.	0	July 2004
Law enforcement	Maine Warden Service	Ensure all game wardens with field patrol responsibilities have access to four-wheel ATVs. The Warden Service currently has 42 4-wheelers. An additional 68 are needed at \$6,000 each.	Total cost: \$408,000	December 2004
Law enforcement	Law enforcement subcommittee	Ensure municipal and county law enforcement agencies have ATVs when needed for duty with Mobile Strike Forces by having two ATVs available at each regional office of the Maine Warden Service; 10 machines at \$6,000 each.	Total cost: \$60,000.	December 2004
Law enforcement	Law enforcement subcommittee	Offer law enforcement officers — municipal, county and state — training on (Title 12) ATV laws.	0	May 2004

Governor's ATV Task Force Action Plan, January through December 2004

Category	Leader	Legislation/ program/ publication	Cost/ revenue	Target date
Law enforcement	Law enforcement subcommittee	Send officers from state, county and local police agencies to weeklong ATV enforcement course in New York, where they will learn to train other officers.	Cost \$45 per officer per day, plus travel.	June 2004
Law enforcement	Law enforcement subcommittee	Offer an in-state ATV operation training course for officers.	Cost \$250 per officer.	August 2004
Trails	DOC ATV Program	Research possible landowner incentives to open more land to ATV trails.	\$5,000 one-time cost.	December 2004
Trails	DOC ATV Program	Develop mud season closure sign to prevent damage.	\$1,000 annual cost.	March 2004
Trails	DOC	Commission an economic impact study by Margaret Chase Smith Center for Public Policy on current and potential impact of ATVs and the cost of ATV problems. (Seeking \$20,000 federal funding; \$8,000 in donations pledged from ATV Maine, ATV dealers, and The Nature Conservancy).	\$40,000 one-time cost.	December 2004
Trails	LURC, DOC, Warden Service	Coordinate Remote Pond signing, enforcement efforts in LURC jurisdiction.	\$1,000 one-time cost.	May 2004
Trails	DOC ATV Program	Develop loop and connecting trails and also sport-riding areas starting in high-need areas. (see Page 18 for details) to expand trails system to 7,000 miles.	Cost \$1.5 million Annually.	Begin 5-year program in 2004
Trails	DOC ATV Program	Develop additional ATV Clubs, concentrating on areas of greatest need.	Cost \$10,000 per year.	Ongoing program
Trails	DOC ATV Program, Agriculture	Coordinate communication between Soil & Water Conservation Districts, state agencies and ATV clubs. Develop condensed trail construction handbook.	\$10,000 one-time cost.	Start May 2004
Trails	DOC	Develop a program to encourage multiple use trails.	Cost \$2,500.	December 2004

Governor's ATV Task Force Action Plan, January through December 2004

Category	Leader	Legislation/ program/ publication	Cost/ revenue	Target date
Trails	IFW, DOC	Ask Joint Standing Committees on Agriculture, Conservation and Forestry, and Inland Fisheries and Wildlife to write a letter requesting the Maine congressional delegation to change rules restricting use of federal funds to build multi-use trails. (Trails built with federal transportation funds cannot include ATV use.)	0	May 2004
Trails	DOC ATV Program	Pending state insurance review, provide at least \$2 million of insurance protection for landowners. (Current level is \$500,000).	Cost \$100,000 per year	December 2004
Trails	DOC ATV Program	Develop trail maps to be distributed to ATV users through clubs, dealers and at time of registration.	Cost \$25,000 per year	April 2004
Safety	IFW Recreation/ Safety	Offer adults (but not minors) the option of completing part of the six-hour safety course by studying at home and/or online and showing their proficiency by taking a test during the classroom component.	\$40,000 for online course; \$5,000 for CD course.	December 2004
Safety	IFW Recreation/ Safety	Develop a two- to three-hour annual safety refresher course, including making an ATV video, for adult riders and make it available to ATV clubs and other organizations, including adult education programs.	Cost \$25,000	December 2004
Safety	IFW Recreation/ Safety	Add hands-on training to ATV safety courses by providing ATVs (of various sizes) for participants to use, including 22 ATVs, 11 trailers.	Cost \$121,000	December 2004
Safety	ATV Safety Institute; Maine Warden Service, ATV Maine	Conduct ATV safety checkpoints.	Cost of one warden per checkpoint: \$200.	June 2004
Public Awareness	ATV Task Force	Seek public and private funding to conduct a state-wide, multi-media public awareness campaign to teach ATV riders about laws, safety and landowners' rights.	Cost \$5,000 (grant writing)	May 2004
Public Awareness	ATV Task Force	Create TV, radio and print advertisements. Seek sponsors. It's hoped that the costs of such a campaign could be reduced, as it was in a similar campaign in New Brunswick, by producing ads that could be sponsored to help expand campaign. ("This safety message is brought to you by ...")	Cost \$50,000.	June 2004

Governor's ATV Task Force
Action Plan January through December 2004

Category	Leader	Legislation/program/publication	Cost/ revenue	Target date
Public Awareness	ATV Task Force	Work with the Maine Attorney General's Office and others to produce a brochure (similar to "Landowner Liability Explained") to explain landowners' rights, protections and opportunities for tax relief under the state's Open Space law. Brochure must include information on prescriptive rights (adverse possession). Tell landowners what information is needed to enforce ATV laws and where to call.	Cost \$5,000.	October 2004
Public Awareness	ATV Task Force, Maine Injury Prevention Program	Develop a program to help reduce ATV injuries, including a brochure clearly stating the ATV accident statistics, strongly encouraging the use of helmets and educating riders about the most important laws regarding ATV use and safety.	Cost \$3,000	October 2004
Public Awareness	ATV Task Force, Recreational Motorsports Association	Work with the ATV industry to encourage responsible ATV behavior.	0	December 2004
Public Awareness	IFW, DOC	Make available informational brochures and maps when ATVs are registered and purchased.	Cost \$8,000.	December 2004
Public Awareness	ATV Task Force, Maine Office of Tourism	Make ATV brochures and maps available at all state visitor's centers and hand them out at the southern entrance of the Maine Turnpike to all vehicles bringing ATVs into Maine.	Cost \$5,000.	December 2004
Public Awareness	ATV Maine	Disperse information through ATV clubs.	0	December 2004
Public Awareness	IFW, ATV Safety Institute	Establish an effective educational program to reach youngsters in schools. Make young riders and parents aware that choosing the right size ATV is essential.	Cost \$10,000.	December 2004
Public Awareness	ATV Safety Institute, Recreational Motorsports Association	Tell ATV buyers about incentives (such as money from manufacturers) to take safety training.	0	December 2004
Public Awareness	IFW	Disseminate ATV information at sporting shows, fairs, festivals and other events, especially those likely to reach teenagers and young adults, by expanding IFW's Outdoor Partners Program with a second trailer.	Cost \$25,000.	December 2004

Appendix C

Draft ATV Enforcement Grant Program

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

§XXXX Definitions

1. **ATV Enforcement Grant Program.** “The grant” means the ATV Enforcement Grant Program established pursuant to Title 12, Section 7854, subsection 4, paragraph C.
2. **ATV Enforcement Grant Review Committee.** “Grant Committee” means the ATV Enforcement Grant Review Committee.
3. **ATV Grant Coordinator.** “ATV Grant Coordinator” means the person retained by the Commissioner to be responsible for providing administration and staff support for the ATV Enforcement Grant Program.
4. **General ATV Enforcement.** Includes both Level 1 and Level 2 ATV enforcement.
5. **Law enforcement agencies.** "Law enforcement agencies" means state, county, municipal agencies and bureaus, employing full-time and part-time enforcement officers certified by the Maine Criminal Justice Academy.
6. **Level 1 Enforcement.** Handling ATV complaints from public/landowners. Responding to accidents both on and off highway; ATV checks during normal course of patrol duties.
7. **Level 2 Enforcement.** ATV enforcement focused on recognized problems in localized area. Area may be of moderate use by ATVs but does not require the enforcement effort of a high-problem area.
8. **Matching funds.** “Matching funds” means any combination of public and private funds used in conjunction with the ATV Enforcement Grant. For the purpose of this chapter, including, but not limited to, private contributions of cash or securities, money from municipal or other public agencies, money from a federal matching program, in-kind contributions or any combination thereof.
9. **Multi-Jurisdiction, High-Problem Area.** Area of extensive use by ATVs, combined with documented complaints from the public/landowners. Examples being unauthorized trails, damaged agricultural lands, wetlands and other environmentally sensitive areas.

§XXXX. Grant established

This establishes the ATV Enforcement Grant Program. The grant consists of revenues received pursuant ----- and any funds received as contributions from private and public sources. The grant revenues, to be accounted within the Department of Inland Fisheries and Wildlife, must be held separate and apart from all other money, funds and accounts. Eligible investment earnings credited to the assets of the grant become part of the assets of the grant. Any balance remaining in the fund at the end of any fiscal year must be carried forward to the next fiscal year.

§XXXX. Purpose of Grant

The grant is for the sole purpose of maintaining, improving and expanding ATV enforcement and training, for State, County and Municipal enforcement officers in accordance with the criteria provided for by section XXXX, subsection X, paragraph X.

§XXXX. Relation to other funding

The grant supplements sources and levels of funding appropriated and allocated by the Legislature. It is the intent of this legislation that a grant received from this ATV grant program is not considered a substitute for revenue previously appropriated or allocated.

§XXXX. Grant Availability

The grant must be available to law enforcement agencies in accordance with section XXXX. Law enforcement agencies may contract with nongovernmental organizations and individuals for the purpose of carrying out projects funded by the grant.

§XXXX. Grant Administration

The ATV Enforcement Grant Review Committee shall administer the fund.

§XXXX. Grant Expenditures; distribution

The Grant Committee shall make grants, applications for which must be reviewed in accordance with section XXXX, to law enforcement agencies for projects found consistent with the criteria pursuant to section XXXX. Except as provided in this chapter, the Grant Committee shall distribute annually available grant money as follows:

1. **General ATV, Enforcement.** XX percent of the money in the fund for Level 1 and Level 2 Enforcement activities.
2. **Multi-Jurisdiction High-Problem Areas.** XX percent of the money in the fund for Multi-Jurisdiction, High-Problem Area enforcement.

3. Enforcement Officer Training and Equipment. ?? percent of the money in the fund for law enforcement officer training and equipment.
4. Money to be carried forward. The Grant Committee is authorized to carry forward money in any of the percentage categories of this section into a successive year in the same category if this carry-over better serves the strategic plan or if no grant applications in a particular year adhere to the strategic plan for a particular percentage category.

§XXXX. ATV Enforcement Grant Review Committee

The Grant Committee must be organized within the Department of Inland Fisheries and Wildlife and shall carry out its duties in accordance with this section.

1. **Members.** The Grant Committee consists of nine members as follows:

- a. Three ex officio members or designee:

The Colonel of the Maine Warden Service

The Colonel of the Maine State Police

Director, Forest Protection Division, Maine Forest Service

- b. Six members appointed by the Commissioner representing the following:

One member of the Maine Sheriffs' Association

Four members of the Maine Chief's of Police Association; representing Northern Maine, Southern Maine, Eastern Maine, and Central Maine

One member representing the Maine Criminal Justice Academy

2. **Terms.** The Commissioner shall appoint members to staggered 4-year terms. The initial appointments must be made by ----- 2004. The initial appointments are as follows: two 4-year terms; one 3-year term; and one 2-year term. Appointed members may not serve more than two consecutive 4-year terms.

3. **Chair;** election of board officers. The members of the Grant Committee shall annually elect one of its members as chair and one of its members as vice chair.

4. **Grant Committee meetings, rules and administration.** The Grant Committee shall conduct its meetings as follows:

a. The Grant Committee shall meet at least two times a year at the call of the chair or when needed to address urgent ATV problems. The Grant Committee, acting in accordance with the Maine Administrative Procedure Act, may adopt any rules necessary for the conduct of its business. The board shall adopt by rule, no later than ---- 2004, a schedule for submission and action on grant proposals submitted pursuant to subsection 5, paragraph B.

b. A quorum of the Grant Committee for the transaction of business is 5 members.

c. Grant Committee members are governed by the conflict of interest provisions in Title 5, section 18.

5. **Grant Committee Duties.** The board has the following duties:

a. No later than ----- 2004, the Grant Committee, in accordance with the rulemaking provisions of the Maine Administrative Procedure Act, shall adopt rules for distribution and reporting for each of the funding categories listed in section XXXX.

b. The Grant Committee shall review and award annually funding requests for specific projects from law enforcement agencies. The Grant Committee may award grants only to proposals that conform to the rules adopted pursuant to paragraph A. Grant proposals must include a stated purpose, timeline, potential outcomes, a budget and an explanation of need.

c. The Grant Committee shall submit an annual report to the Commissioner and the Joint Standing Committee of the Legislature having jurisdiction over inland fisheries and wildlife matters. In the annual report, the Grant Committee shall detail expenditures made from grant revenues, and a detailed summary of ATV enforcement supported by the grant. The first report shall be submitted in January 2005.

d. Responsibility for administration and staff support of the Grant Committee lies within the Department of Inland Fisheries and Wildlife. The services of an ATV Grant Coordinator shall be retained no later than ----2004. The ATV Grant Coordinator shall implement and account for the operations of the Grant Committee. This coordination position may be part-time. The Grant Committee may spend money to cover administrative costs. The board shall endeavor to keep the level of administrative expenses as low as practicable and include, in its annual report, discussion of efforts to minimize administrative expenses.

§XXXX. Distribution Criteria for Grants

When reviewing and awarding grant proposals submitted pursuant to section XXXX, subsection 5, paragraph B, the board shall consider:

1. **General ATV Enforcement.** For the category of General ATV Enforcement:

Historical documentation of ATV complaints from public/landowners.

Historical ATV accident data

Documented ATV enforcement problems

25% matching funds required.

2. **Multi-Jurisdiction, High-Problem Area.** For the category of Multi-Jurisdiction, High-Problem Area:

Documentation of extensive use of an area by ATVs; example, large number of ATVs in an area and/or a large number of transient ATV users.

Documentation of unauthorized trails, extensive damage to private and public property.

Documentation of ATV use in prohibited areas as defined in Maine law.

Documentation of multiple law enforcement agency involvement.

No matching money required.

3. **Equipment and Training.** For the category of equipment and training:

Documentation of ATV use on trails and private property.

Documentation of enforcement staff to support the use of ATV equipment and training.

Documentation of inability to obtain equipment from other sources.

Specific scheduled training events, training sponsorship.

50% matching money required.

The criteria in this section are not listed in order of priority. A grant applicant must indicate in the proposal the subsection under which the Grant Committee should evaluate the proposal.