

A person is riding an ATV on a hill, silhouetted against a bright sunset. The sky is filled with wispy clouds, and the sun is low on the horizon, creating a warm, golden glow. The overall scene is peaceful and scenic.

TRACTION ON THE TRAILS

**RECOMMENDATIONS TO SUSTAIN MAINE'S
ATV LANDSCAPE IN 2020 AND BEYOND**

A MULTI-STAKEHOLDER REPORT FROM MAINE'S TASK FORCE ON ALL-TERRAIN VEHICLE TRAIL INITIATIVES

*Commissioned by Governor Janet Mills and developed for the mutual benefit of
Maine's landowners and ATV riders*

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EXECUTIVE SUMMARY

All-terrain vehicle (ATV) use in Maine is growing; and with more than 70,000 active registrations, today's ATV users aren't just having fun exploring Maine's thousands of miles of trails — they're also making meaningful contributions to Maine's outdoor recreational economy.

This task force was formed because ATV riders in Maine rely on public access to the private land on which 80 percent of the state-supported ATV trail system resides. Maine enjoys a unique spirit of mutual generosity and respect between landowners and users and a long-standing tradition of open access. But often, the only benefit to private landowners who allow recreation is a feeling of community and being a good neighbor. Meanwhile, ATV riding has grown in popularity and ATV design has evolved to include several different sizes, widths, weights, and horsepower. The potential impact of these larger vehicles on the trails has raised concerns among landowners and ATV riders alike.

By Executive Order on April 26, 2019, Governor Janet Mills established this task force to evaluate and recommend policy changes that would protect private lands and landowners, while also helping to preserve outdoor recreational opportunities including responsible ATV use.

The task force convened representatives from the ATV/snowmobile, landowner, conservation, and law enforcement communities and gathered comments from their constituents. The top-line goal was to recommend how best to address the social, economic, legal and environmental issues involved in ATV operation.

Seven day-long meetings were held at central Maine locations (primarily Bangor), and all were open to public attendance and participation. Public attendees were given time to speak at each one of the meetings and their comments were considered by the task force. Additionally, the task force set up an online questionnaire which elicited a wide variety of public comments on the Executive Order objectives. The questionnaire gathered over 1,000 qualitative responses which, when parsed, helped to inform the task force of public sentiment on specific issues. Individual task force members also fielded volumes of emails and phone calls from members of the public.

Having considered the information and points of view expressed, we are pleased to propose this set of recommendations, along with items for further consideration that came out of our discussions. The following are some of the highlights of our recommendations:

- Limit the size and weight of ATVs that can be registered in Maine to 65 inches wide and 2,000 lbs.
- Adopt Best Management Practices (BMPs) for state-funded ATV trails.
- Create a standardized annual trail inspection process.
- Develop a collaborative communications campaign.
- Maintain a simple user-pay registration system with one sticker type and price.
- Raise fees across all ATVs equally, having a differential for residents and non-residents and directing the entire increase to trail funding.

MAINE'S ATV TASK FORCE: A COLLABORATIVE EFFORT

As representatives of Maine's landowners and ATV riders, we came to this task force to chart a course, together, for a sustainable ATV program that provides unmatched recreational opportunities while also protecting our natural resources and shielding landowners from liability.

The riders among us, and the ATV clubs we belong to, are both the beneficiaries and the stewards of a vast and valuable recreational trail system winding through Maine. We recognize that while we take pride as club members in maintaining and caring for the state-funded trail network, most of its mileage is privately owned. We love being outdoors – in the woods, on the trails, around fields, streams, and wildlife – and we are grateful for the landowners who generously allow us to enjoy it on such a large scale.

As ATV riders and club members, we're here because we pour our time and money into building and maintaining the trail system, and we want it to remain available for us to use. We know there are no guarantees. But with the growth of trail mileage, per-mile reimbursements have not kept pace, shouldering us with more out-of-pocket costs and unrealistic maintenance responsibilities. Our volunteers and our funds are spread too thin, the trails are suffering, and landowners have noticed. We hope that, under a new framework, the ATV program that we fund with our registrations will be able to support and finance a high-quality, well-maintained, safe trail network – one that riders can safely enjoy and that landowners will want to keep open.

Likewise, the landowners on the task force – small and large – recognize that every acre of Maine forest land we own comes with its own unique history of shared neighborly use, and that most ATV trails are voluntarily maintained by club members who care deeply about the land. So while we have rights as property owners to close our land to ATVs, we're here because we want to honor Maine's longstanding tradition and maintain recreational access. We hear every "thank you," and enjoy sharing our land with people who enjoy and appreciate it.

Of course, landowners also need to know that our generosity won't be taken for granted. Land abuse costs real money and exposes us to liabilities and safety risks that we can't justify – financially or ethically. And on a systemic level, lack of funding for trail maintenance and lack of structure, oversight, and inability to control who can use our land are current and pressing concerns.

We all came to the table with different issues, but with a shared goal of landing on mutually agreeable, permanent solutions. Each of us spent over 36 hours in meetings, driving an average of two hours each way. In between meetings, we read hundreds of pages of background materials and public survey responses, and communicated closely with the groups we represent, gathering field research, statistics, and feedback to bring back to the task force. The 15 of us did not agree on everything; but in the end, we found a lot of common ground and made true progress on all six of the mandates in the Governor's Executive Order. We also uncovered some important issues that deserve our shared attention, but that we tabled for the sake of completing the task at hand. With continued open lines of communication, we hope our recommendations will be implemented in law or rule, and become norms and longstanding traditions. And we hope that Maine's ATV trail system becomes something that landowners will be proud to participate in, riders will enjoy, and that Maine's outdoor economy will benefit from for years to come.

See you on the trails,

The 2019 ATV Task Force

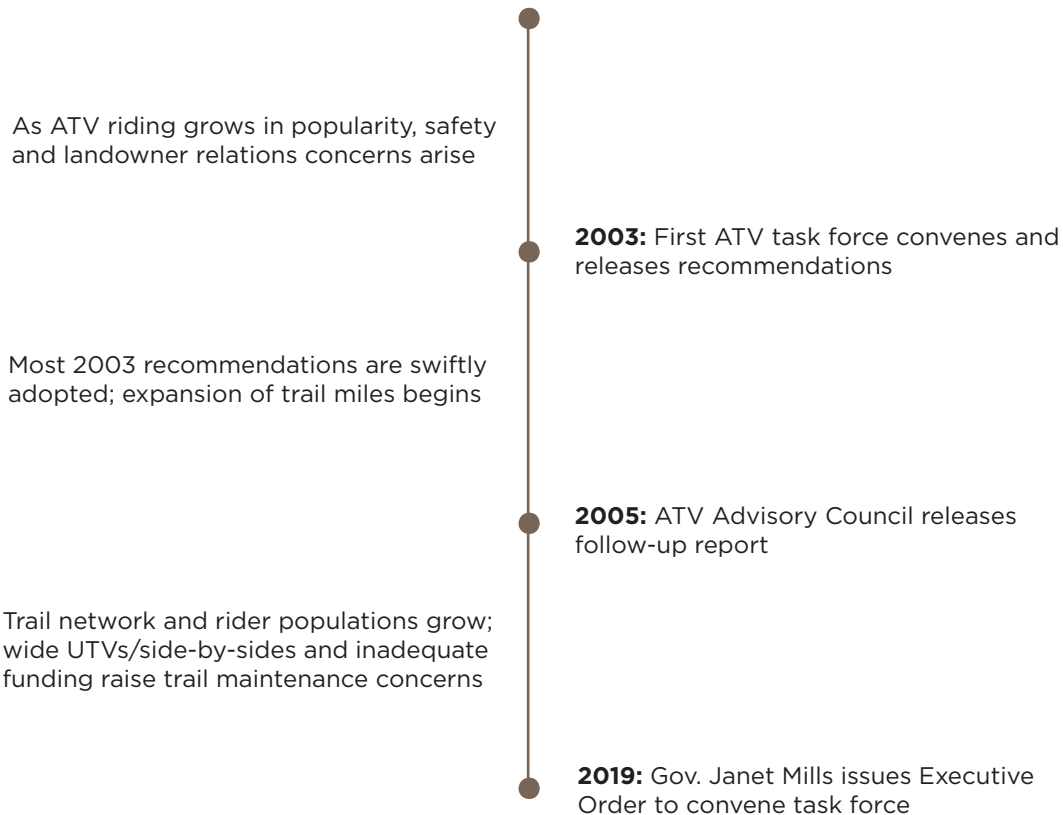
HOW WE GOT HERE

In 2003, Governor John Baldacci ordered a 15-person task force to address issues related to a rapidly growing ATV rider population. At the time, the sport was gaining traction — bringing with it economic growth, but also a host of issues, including a spike in injuries and deaths (including many young riders) and strained landowner relations. The 2003 task force put forth a series of solutions that were largely adopted, including a rise in the minimum age to ride an ATV, a landowner permission requirement, increased fines/damages for trespassing and land abuse, and a suggested increase in the amount of trail mileage from roughly 2,000 miles to 7,000 miles to decrease congestion and connect the trail network to businesses, homes, and camps.

In 2006, the Maine ATV Trail Advisory Council presented a follow-up report to the Joint Standing Committee on Inland Fisheries and Wildlife. This report reflected on progress made on action items from the 2003 task force — many of which had been completed by the end of 2005 — and evaluated the feasibility of the remaining items, making further recommendations on how to proceed. The impact of the combined initiatives from both reports has been extremely positive.

Nearly 15 years later, with new ATV technologies and a booming population of riders, it was time to reconvene. Governor Mills' 2019 executive order was prompted by the urgent need to update the legal definition of an ATV, but it also tasked Maine's landowners and riders with finding common ground and developing sustainable, permanent solutions to other related issues, including some stemming from unresolved 2003 and 2005 recommendations.

For a comprehensive review of the major 2003/2006 recommendations and their status, see pg. 31 (appendix B).



WHAT WE SET OUT TO ACCOMPLISH

in the words of volunteer task force members

”

I'd like to redefine what success looks like for the ATV trail system, addressing the tough issues today to avoid coming back to discuss this again.

-**Tom Doak**, *Executive Director, Maine Woodland Owners*

”

We need to keep our landowners happy, to find a new way to define ATVs that we can all be comfortable with, to secure more trail maintenance funding for the ATV program, and to increase membership in ATV clubs.

-**Richard Howlett**, *representing ATV Maine*

”

I'm looking to have a collaborative, informative and productive conversation to move forward with the objectives set forth for this task force. We need to avoid deferring conversations and tackle any of the issues up front.

-**Brian Berube**, *Central Maine Power, representing utility corridor owners*

”

My hope is to participate in constructive dialog that enhances or develops meaningful solutions that protect landowners' rights while providing and maintaining a thriving trail system for riders.

-**Jim Sinclair**, *R.T. Allen & Sons, representing large farmland owners*

”

In past years, there's been a lot of emphasis on putting band aids in place. My goal is finding process, which will bring some order to the ATV trail riding and come up with a long-range plan to allow ATV use to continue.

-**Bob Meyers**, *Executive Director, Maine Snowmobile Association*

”

I would like to see prudent regulations regarding unit dimensions for off-road use, be it side-by-side, ATV, or dirt bikes. I want to foster growth in the sport and avoid loss of trail system access for everybody.

-**Ian Bourgoin**, *Fort Kent Power Sports, representing ATV dealers*

”

Our harvest operations interact with all types of groups like ATVers, snowmobilers, leaseholders, and hunters. I hope to get a clear understanding of how we can all work together. We need to avoid unclear recommendations and/or regulations.

-**Matt Stedman**, *Irving Woodlands, representing large forest landowners*

”

We need a set of rules and regulations that will fit ATV trail riding for years to come, and we need to avoid trail closures and other landowner/rider conflicts.

-**Dave Jones**, *Jackman Border Riders trail master, representing combined ATV/snowmobile clubs*

”

As a representative of an array of different landowners and land managers through the Maine Forest Products Council, I'm seeking to influence ATV policy in such a way that keeps trails and trail use as compatible as possible across the Maine Landscape. While I will always support a landowner's rights to keep ATV users off their land, I'm here to help those that do allow them or those that may in the future.

-**Kyle Burdick**, *representing the Maine Forest Products Council, and Baskethegan Lumber*

”

As a forestry consultant and manager of private land, I am a strong believer in landowner rights. Landowners are very wary about any possible obligations that go with ATV trails, so it's a tricky balance we're trying to find here. Taking that into account, I believe this group will find the right recommendations.

-*Co-chair John Bryant*, *American Forest Management, representing large forest landowners*

”

I would like to see us come up with clear recommendations that work for the clubs, the users, and the landowners, and I'd like landowners to see ATV use and ATV trails as assets rather than liabilities. I hope that we create actionable recommendations that get the job done.

-**David Montague**, *Executive Director, Downeast Lakes Land Trust, representing land trusts*

”

We provide lots of opportunities for ATV trails on our farmland, and we're hoping to make sure ATV users continue to respect the trails and not go off-roading in our fields. We obviously want to ensure that trail width doesn't lead to vehicles that are going to be harmful to the land.

-**Julie Ann Smith**, *Executive Director, Maine Farm Bureau, representing statewide farming organizations*

MAINE'S STATE ATV PROGRAM AND THE ROLE OF ATV CLUBS

Maine's state ATV program is critical to the economics of many rural Maine communities. It provides a funding mechanism for ATV clubs to work with landowners and provide a trail network that is attractive to both resident and non-resident ATV enthusiasts.

When an individual registers their ATV in Maine, the registration fee is currently split between two state agencies: the **Maine Department of Inland Fisheries and Wildlife** for safety education, law enforcement, the state's landowner relations program, and administrative processing; and the **Off-road Recreational Vehicle Office of the Maine Department of Agriculture, Conservation and Forestry (ACF)'s Bureau of Parks and Lands**, which is charged with establishing a statewide trail network, providing development and maintenance grants to clubs and municipalities, conducting landowner relations, and coordinating and supporting ATV clubs.

What are ATV trail grants?

ATV Trail grants are funded through a portion of registration revenues for the creation, improvement, and maintenance of local trails. Grants can be issued either directly to an ATV club or through a municipality or county, with conditions attached to either option. Once the work is completed, the club or municipality is reimbursed (100% for club grants and 70% for municipal grants). A reimbursement of \$500 per year for landowner relations initiatives or events is also available with either grant type.

How do ATV clubs contribute?

Clubs are critical to Maine's ATV program, and at the heart of its success. They apply directly for club grants and are also often appointed to carry out municipal grant work. When constructing or maintaining trails, clubs pay for the entire expense upfront and then are reimbursed with grant funds. In addition to their direct monetary investment, Maine's ATV clubs donate tens of thousands of hours every year (26,743 in 2018) performing trail maintenance and construction, including more than 5,000 miles of new trails since the launch of the grant program. Clubs also provide a valuable link between ATV riders, businesses, landowners, law enforcement, search and rescue, and firefighting agencies. Many clubs also belong to ATV Maine, a promotion and advocacy organization. Not all clubs are equal, but the future of ATV riding depends upon more people joining them, to grow on a wider and more consistent scale the professionalism and service-minded values that well-trained volunteer club members demonstrate in all of the following ways:

TRAIL STEWARDSHIP

Club members work with landowners (public and private) to locate, design, construct, map, and maintain trails. This includes weekly monitoring (checking general condition and ensuring there is no environmental damage from off-trail riding, etc.) and routine maintenance (clearing brush, filling small holes, small culverts, etc.).

LANDOWNER RELATIONS

Clubs are the initial contact with local landowners and the main contact to establish, close, and relocate trails. They also help find and provide solutions that address landowners' needs.

GOVERNMENT RELATIONS

Club members, with the help of ATV Maine, act as liaisons between ATV riders, landowners, and the State — monitoring and initiating legislation, participating in public hearings, working with local and state legislators, and building grassroots support.

EMERGENCY ASSISTANCE

ATV club members know their trails inside and out, and often step in to provide equipment, personnel, and guidance for search & rescue and firefighting efforts. They also help to identify and locate problem users.

RIDER EDUCATION AND OUTREACH

ATV club members promote safe, ethical, environmentally sound riding and positive landowner relations, leading by example and through education/outreach. Their communication methods include publishing newsletters, newspapers, and social media communications; conducting safety and maintenance clinics; and sponsoring ATV outings and year-round social activities.

GPS RECORDING AND MAPPING

ATV club trail masters and other officers help collect GPS data on their trail system so it can be accurately mapped for insurance protection and to provide guidance to users as well as landowners, law enforcement, and other government officials.

”

We need adequate funding to support the landowners who generously allow trails on their property and the ATV clubs whose volunteers shoulder the burden of maintaining the trails.

-Brian Bronson, Supervisor, ATV Program, ACF

”

For a quality ATV riding experience to continue in Maine, it's critical to get more ATV club members. Currently only 15% of the riders in Maine belong to clubs -- that's unacceptable!

-Dick Howlett, representing ATV Maine

OBJECTIVE #1:

Discuss creating an ATV trail system with consideration to ATV size, weight, environmental impact, and other relevant factors.

BACKGROUND

Most of Maine's state-maintained ATV trails were not originally designed for the oversized ATVs/side-by-sides that have begun to hit the market. These new, wider, heavier models have raised concerns among landowners and those who maintain the trails, particularly around the potential for increased wear and tear, rutting, and damage to bridge railings and other trail edge barriers.

Currently, Maine law does not limit the size or weight of ATVs; so without a change, there is a risk that landowners will choose to prohibit all such vehicles. With this in mind, it's clear that a small minority of oversized ATVs could negatively impact the other 70,000 ATV riders who fuel a significant part of Maine's outdoor recreational economy. For this reason, the task force has been charged with more tightly defining the types of ATVs allowable on state-maintained trails.

ISSUES

- Private landowners are concerned about unlimited growth of side-by-side ATV size and the potential of increased environmental damage.
- The state ATV program is concerned about damage to bridges and other trail infrastructure.
- Landowners are also concerned about the ability of motorcycles/dirt bikes to go off the organized trail system.

POINTS OF DISCUSSION

In its meetings, the task force set out to put legal limits on what can be defined as an ATV, and to decide how different classes (potentially) of ATVs should be allowed to use Maine's ATV trail system. Points of discussion included:

- How ATVs are defined in other U.S. states
- How trail size and construction play a role in what should be allowable
- Which characteristics define an ATV as distinct from a motor vehicle
- Which characteristics should be limiting factors (width, weight, tire pressure, tire size, etc.)
- Whether width should be measured by manufacturer's standard or widest point (overall width)
- Whether it makes sense to grandfather current registrations of oversized ATVs to allow them on trails
- Whether dirt bikes should be considered ATVs for the purpose of riding on state-supported trails, given the ability for motorcycles/dirt bikes to go off the organized trail system
- Whether signage should be used to eliminate trail/dirt bikes on certain trails
- Whether classifications should be included in the ATV definition (such as ATV, UTV, trail bike, antique, etc.)
- How sport riding parks could provide a place for vehicles outside of the ATV definition to ride
- Whether size and type of the ATV/UTV or rider behavior is the real issue at hand

PUBLIC INPUT

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The only thing that seems appropriate is to restrict the widest vehicles on the narrowest trails, nothing else. Environmental impact seems like it is most driven by the individuals riding behavior more than the vehicle type.

”

I think it's a good idea. The size of today's ATVs/side-by-sides are growing.

”

Environmental impact should be a top priority. Routing trails to minimize environmental impact will help keep private landowners happy.

”

Modern ATVs and side-by-sides are becoming far too big dimensionally both in weight, measure, and hp output to sustain environmentally friendly trails. The ONLY form of off-road powersports recreation that has not evolved to such levels as to have detrimental environmental effects are off-road motorcycles/dirt bikes.

”

We need better definition of what is allowed to be out there. Weight and width must be clearly spelled out.

Summary of Public Comments

Environmental impact was a concern among many members of the public, but opinions varied as to what causes adverse environmental conditions (size, use, trail quality) and who bears responsibility (landowner, club, user). Many, but not all, seemed to equate larger vehicles with more environmental impact, trail damage, or disrespectful riding. The majority seem to feel that if a cap is not put on vehicle size, they will continue to grow to the detriment of the trails, other riders, and landowners. But some still feel that a size cap would hurt the ATV industry/economy in the state.

”

Yes, I believe size should be a concern, I don't feel we should make trails larger for ATV that are larger than some road vehicles, this also would affect environmental issues.

”

I think the current trail trend is positive, but needs refinement and consistence statewide in consideration of sizes. Also, consolation for the people that already own ATVs should be taken prior to legislative action.

”

In favor of restricting ATV width and engine size or weight. Some machines are too fast & large for trails, presenting not only safety concern but increased costs due to damage.

”

Size and weight have little or no impact on trail conditions and environmental impact. The biggest problems are from riders using trails that are still closed in the spring because of wet conditions. Another impact comes from those few people who don't respect the trails and property owners and drive in hazardous ways that put the rest of us at risk. Great enforcement of these laws is the only way to reduce impact.

”

A 4-seater ATV is bigger but still an ATV and deserves to have trails just as a single seat ATV to best promote this industry in the state.

RECOMMENDATION:

Limit the size and weight of ATVs that can be registered in Maine for use on state-supported trails to 65 inches wide and 2,000 lbs.

RATIONALE

Originally, the state ATV trail network was designed to accommodate machines 50 inches wide or less. That design was changed to 60 inches based on growing sales of larger machines. In 2019, more than 10% of all ATVs registered in Maine exceeded 60 inches in width. And while the state trail system doesn't have an official size limit, different landowners have established different allowable width standards for their lands (the most common being 60 inches).

This leads to confusion, frustration, and a disjointed trail system. The committee chose the limit of 65 inches wide and 2,000 lbs. (based on manufacturer's standard) as a compromise. Some landowners wanted much smaller limits. Some were not concerned about the size. But it is clear there is a limit to the size and weight that most private landowners find acceptable on their lands. We consistently heard there has to be a limit.

NEXT STEPS

- Add language to the statute indicating that ATV registration should be limited to vehicles of 65" maximum width and 2000 lbs. maximum weight for use anywhere except on owners' land or frozen public waters.
- Grandfather the current registrations of ATVs over 65" wide and 2000 lbs. weight for residents only. Such vehicles will not be allowed on state-funded ATV trails, but will be allowed to operate on private land with landowner permission.
- Provide training to MDIFW staff and town clerks on the new size and weight limits.
- MDIFW and DACF will publicize the new law change using traditional media, social media, and other digital and print materials.

OBJECTIVE #2:

Discuss construction and maintenance standards for Maine's ATV trail system.

BACKGROUND

Over 80 percent of Maine's ATV trail system is on private land; and currently, there is not a law or rule requiring a standard for construction and maintenance of state-funded trails. The Maine Dept. of Agriculture, Conservation and Forestry (DACF), Off-Road Vehicle Division oversees construction and maintenance of state-funded trails and reimburses a portion of the cost of the actual trail work, much of which is completed by volunteer ATV club members (but also some private contractors). In 2008, the DACF Off-Road Division prepared the *Maine Motorized Trail Construction and Maintenance Manual* as a "best practices" guide for trail construction and maintenance. This manual has served as a guide to clubs and contractors, but its standards have not been required and trail work has not been consistently inspected for compliance with them. Largely, a lack of funding has prevented clubs and contractors from maintaining trails to the levels specified in the guide. Over time, landowners have become concerned that the level of deferred maintenance on the trails could cause environmental and/or property damage and subsequent landowner liability.

ISSUES

- Normal, not just extreme, use of existing trails creates property and/or environmental damage.
- Trails are often not appropriately located to avoid property damage.
- Trails are not built or maintained to consistent best management standards, with condition varying widely across the state.
- Landowners are concerned about being liable for environmental law violations that they did not knowingly cause.

POINTS OF DISCUSSION

- How to ensure landowners do not incur environmental liability for ATV trails on their property
- Defining construction (is it upgrading existing path/ trail/ roads in the woods? cutting new trails? Do we focus only on existing woods roads/trails/public roadways? How wide should trails be?)
- How to determine standards for trail construction and maintenance best practices and compliance with environmental laws
- Who determines when maintenance is needed
- The role of the state program staff, clubs, and/or contractors in construction and maintenance
- Defining trail types/classifications and corresponding standards (larger trails connecting communities or destinations could be termed "connector trails" or "MATS trails" and should be located appropriately for high use. More moderate use trails would be classified differently, with trail location less critical).
- How to incorporate "sport riding parks" — areas separate from the state trail system, located in places like gravel pits, where ATVs have more free reign to operate

PUBLIC INPUT

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A uniform and well-maintained trail system is important. It brings economic improvement to areas and it will also allow us as emergency responders to get to people that recreate in the woods.

”

Trail maintenance should primarily be done at a club level. Based on some of the trail conditions I've seen, trails are underfunded and there needs to be a better funding mechanism paid for by the users to support the trail system.

”

With clubs relying on volunteers, it may be hard to meet those standards consistently without state money.

”

Let the clubs and land owners decide what they want.

”

It sounds good but unrealistic, clubs and limited volunteers make it impossible to do. If you force clubs to upgrade the entire trail they will fold.

”

[The standards] should be high, particularly at water crossings.

Summary of Public Comments

Consistently, trail conditions seem to be an issue. Whether a result of underfunding, misuse, or lack of maintenance, a lack of quality, interconnected trails seems to be a source of safety concerns, landowner misgivings, and unsatisfactory riding experiences. Many riders want the state to encourage and foster more trail growth and maintenance through the clubs in the form of funding or grants.

”

Consistently maintaining trails is a must to have people return.

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Currently, ATVs often use abandoned or discontinued roads, not considering the fact that those who live on those roads or own property on those roads depend on them for access. ATVs can damage that access, and unless they can be caught in the act, there is little the landowner can do, other than rebuild the road at his own expense so that someone else can tear it up again. If the state is willing to build these roads to a standard that will hold up under use by ATVs, and that will not interfere with use by land owners, great! But don't put in an ATV trail that's too narrow for the land owner to drive in with his vehicle, or that has bridges that are only suitable for ATVs.

”

Needs to happen, but needs more support from local communities and state as far as monies, it is tough for clubs to do it with just club dues, the monies from the state and some that get monies from towns.

”

If you would have asked me a few years ago, I would have no issues; now I would rather not allow this to happen, unless it was well overseen and someone took responsibility of the users' actions other than the land owners.

”

Wherever feasible, new construction should be to best-practice standards. However, it would be a shame to close existing trails just because they don't meet those standards.

RECOMMENDATIONS:

1. Adopt the Best Management Practices (BMPs) found in the *Maine Motorized Trail Construction and Maintenance Manual* (Maine Bureau of Parks and Lands, Off Road Vehicle Division) as the official standards for state-funded ATV trails.

RATIONALE

In 2008, DACF Off-road Vehicle Division developed this set of guidelines specifically for ATV trails with help from other state and federal agencies and non-governmental organizations. In 2011, it was updated and revised to include snowmobiles. Given that so much work, attention to detail, and vetting went into this manual, the task force recommends that the state adopt its instructions as its official best maintenance practice standards (BMPs), with a caveat that the entire content is fully reviewed and the portions on "water crossings, culvert sizing, bridges" are updated to comply with Sustainable Forestry Initiative (SFI) standard and other current LUPC and DEP regulations.

NEXT STEPS

- Review and update the *Maine Motorized Trail Construction and Maintenance Manual* as noted above.
- Following the Maine Administrative Procedures Act, the Department of Agriculture, Conservation, and Forestry should prepare a draft rule establishing this manual as the standard for ATV trail compliance.
- Provide mandatory training to all clubs on the BMP standards.
- Update all DACF Off-road Vehicle Division documents, including trail grant materials, to reflect the new standards.

2. Amend ATV trail land use agreements to alleviate landowner liability related to environmental damage from allowing an ATV trail on their property.

RATIONALE

Under Maine environmental laws (Title 38 § 480-R and § 347-A paragraph 7.), landowners are ultimately liable for all environmental damages that occur on their lands, even if the damage was caused by others. Landowners may be exempted from criminal or civil penalties if they can show they did not cause the problem, but they are still liable for fixing the problem. The logic is only the landowner can legally access the land and authorize repairs or remediation. While the landowner may have a cause of action against the person creating the violation, they would have to take their own legal action (and that's only if the people causing the problem can be found). The task force discussed the merits of the current law and determined it to be effective in protecting landowner liability. However, we also recommend amending land use agreements to further alleviate the concerns of landowners weighing the little-to-no benefit of having an ATV trail on their land against the cost of environmental damages.

NEXT STEPS

- Add a provision in the Use Agreements between landowners and ATV clubs or the state ATV program that states that if the landowner agrees to a trail, the club or program will take responsibility for remediation of any environmental violation caused by trail use, other than that caused by the landowner.

OBJECTIVE #3:

Determine how the state should enforce compliance with trail construction and maintenance standards, and whether there should be third-party inspections.

BACKGROUND

The 2003 ATV Task Force determined that, to meet the growing demand by riders and provide a safe trail riding experience, Maine needed 7,000 miles of trails. The group developed a plan to begin funding and building the trails; and initially, ATV registration fees and a portion of the gas tax provided ample funding to establish the trail system. Over the past 15 years, though, the registration fees and gas tax allotment have not kept pace with inflation (note: registration fees did increase in 2019). As a result, the ability to properly maintain the increased miles of trail faltered.

Meanwhile, ATVs as we knew them began to evolve with larger, more powerful side-by-sides becoming increasingly popular. The impact on the trail system grew, making it harder to properly maintain the trails, while overall registration numbers and demand continued to grow as well.

In 2008, the state ATV program developed best management practices for recreational trail building and held workshops to train clubs, but without proper funding and staff to provide ongoing guidance and proper inspections, trail conditions have steadily deteriorated. Funding and compliance are inextricably linked.

ISSUES

- ATV trail maintenance has been deferred due to lack of funding.
- Consistent trail inspections and club member training is not occurring due to the lack of staff time, club capacity, and a consistent trail inspection process, combined with increased trail mileage.
- The BMPs have not been reviewed since 2008, and they are only guidelines, never adopted as trail standards.

POINTS OF DISCUSSION

- Whether the state ATV program staffing level is adequate to deliver on the expanded program need. The program currently has four intermittent (part-time) employees and one full-time employee to train and guide club members on trail location, design, and layout. The task force recognizes the need for additional staff to oversee program implementation.
- Who would do the inspections? A third-party inspection process wherein inspectors go through the same training and use the same process would allow all the trails to be inspected at least annually to ensure regular and adequate maintenance is occurring.
- What system or technology would be used? The task force discussed an electronic mobile application that would ensure all inspectors follow the same uniform process. This system would provide timely information on trail system status to the landowner, club, and ATV program.

PUBLIC INPUT

”

I have noticed that land owners don't realize club members maintain trails. Most troublesome ATVers are non club members, and I have spoken to people about not obeying signage and the threat that trails may close.

”

On trails where the privilege to use ATVs is abused, those trails should receive no funding for repairs or continuance. If the abuse continues, the trails should be discontinued.

”

Enforcement could be done a number of ways as in limiting funding, or access to the trail until the issues are addressed.

”

ATV clubs are already doing a fantastic job. Keep the government out of it.

”

Thus far the burden is on the landowner and that is not fair considering the generosity already extended to allow access. Enforcement needs to happen with real ramifications to ATV users and clubs if standards are not met. This too can help with de-escalation of problems between ATV users and landowners.

Summary of Public Comments

Landowner relations are at the nexus of this discussion. Landowners fear the burden of repairs, maintenance, or liability will fall to them, and many have chosen to close their land to riders due to misuse. Landowners are more likely to want a limit on sizes, more education, more regulation, and more enforcement. Riders who see themselves as responsible want to see more respect paid to landowners by their fellow riders, and welcome enforcement of trail maintenance standards. Others, however, expressed concerns about over-regulation.

”

The state must enforce the standards, the clubs are unqualified, if the state doesn't do it then it falls to the landowners, I can tell you how I would enforce it- no trail!

”

There should be a state entity that landowners and trail users can contact to pursue maintenance issues or get in contact with the maintainers, for state-sanctioned or built trails.

”

State personnel should be in charge of maintenance standards on a full-time basis addressing specific maintenance needs.

”

Could potentially cause unnecessary stress to local clubs. We are talking about ALL terrain vehicles here.

”

Overkill will be tough to avoid.

”

If this isn't happening already it is shameful.

”

The State should enforce trail-maintenance standards only when it is either (a) funding the trail construction and maintenance or (b) enforcement of such standards is necessary to avoid unreasonable environmental impact. With that said, the State should provide education and guidance to clubs and individuals about best-practice trail-maintenance standards.

”

Somebody needs to check, maybe a combination of clubs, landowners and the state. Everyone needs to know what to look for and be on the same page.

RECOMMENDATIONS:

1. Create a standardized annual trail inspection process for the entire ATV trail system.

RATIONALE

This would ensure the adopted BMP trail construction and maintenance manual is being followed. To this point, lack of third party review of the trails has led to inconsistent implementation of the BMPs. A regular standard inspection process will ensure that trails are built and maintained correctly and that landowner resources are not being exploited. It will also ensure that all clubs are overseen and held to the same standards without any favoritism.

NEXT STEPS

- Following the Maine Administrative Procedures Act, the Department of Agriculture, Conservation and Forestry should prepare a draft rule standardizing the ATV trail inspection process.

2. Establish an ATV trail maintenance schedule.

RATIONALE

An ATV trail maintenance schedule would give clubs clear direction on what is required for routine trail maintenance, and would give landowners confidence that adequate maintenance is occurring and by whom. Clubs have an important role in working with landowners and assisting with routine maintenance, but they can't accomplish all of it themselves. Many are not equipped or professionally trained for more involved maintenance, repair, or replacement of structures such as bridges and culverts. Work beyond routine maintenance will require the involvement of DEP-certified and landowner-approved contractors and more coordination efforts from the state ATV program.

NEXT STEPS

- Following the Maine Administrative Procedures Act, the Department of Agriculture Conservation and Forestry should prepare a draft rule standardizing an ATV trail maintenance schedule, including a scope of responsibilities for clubs, contractors, and others.

3. Create a follow-up inspection process and a process for trail closure when conditions warrant.

RATIONALE

It is important to landowners and the state ATV program to be able to enforce the trail BMPs and inspection process. Landowners' concerns about liability from negative environmental impacts and unsafe trails necessitate a standard protocol for trail closure and a process to bring trails into compliance. It is the responsibility of the state ATV program, with the clubs, to ensure trails are maintained and inspected; and that trails that do not meet BMP standards are closed until repairs can be accomplished. This should be the users' responsibility, not the landowners'.

NEXT STEPS

- Following the Maine Administrative Procedures Act, the Department of Agriculture Conservation and Forestry should prepare a draft rule standardizing an ATV trail closure process, and appropriate scope of responsibilities for clubs, contractors, and others.

4. Adequately staff the state ATV program to oversee program enhancements and new trail requirements.

RATIONALE

The state ATV program currently has four intermittent (part-time) employees and one full-time employee to train and guide club members and work with landowners on trail location, design, and layout. The task force believes that additional resources are required to appropriately manage the state ATV program, and a full assessment of current staffing is necessary for a successful program moving forward. The ability to have more one-on-one contact with landowners and respond more quickly with effective solutions is important.

NEXT STEPS

- Request the Department of Agriculture Conservation and Forestry review the current staffing within their Off-road Vehicle Division.

OBJECTIVE #4:

Discuss a communications and outreach plan that would educate the public on responsible ATV operation and landowner considerations.

BACKGROUND

Throughout its meetings, the task force found several areas where public education was lacking or could be improved. These included:

- Landowners' rights
- What open access really means
- How to be respectful
- The wide-ranging consequences of bad behavior
- Whose land am I on? / where to find that information

While the directive of the task force was to discuss a communications plan for riders, it also became clear that landowners could use more information and outreach, particularly in terms of:

- Available landowner resources
- What trail inspections would entail
- How the Maine ATV program benefits landowners

ISSUES

- Better communication and outreach is needed for ATV riders.
- Landowners allowing ATV trails on their property need to be part of the communication plan.

POINTS OF DISCUSSION

Consulting with Emily MacCabe (MDIFW Information & Education), the task force discussed several strategic and tactical communications options. This discussion included:

- Using targeted digital and social media ads to reach specific user groups
- ATV clubs acting as a natural communications link between landowners and land users. Asking for renewed permission to use trails each year would keep the conversation with landowners open.
- Ways ACF and MDIFW could work together to share email lists, funding, administration, etc.

PUBLIC INPUT

”

I think outreach efforts should be maximized. People should understand how to be a good "trail citizen" and understand how misuse of the trails can lead to closures, etc.

”

We need to respect the land owners. Unruly behavior will cause land owners to shutdown trails. Education could be a factor in preserving trails.

”

I believe its time for mandatory atv/utv education at all ages, we are all in this fight together on diminishing access.

”

There's already more than enough.

”

Obviously a good idea, but the few who will always be reckless will be the problem.

”

There is a greater need for education surrounding rules and laws of operation on both public and private trails.

”

More could be done in this area to highlight the economic benefits to the communities who openly accept ATVs.

Summary of Public Comments

There is a prevailing opinion among landowners that they would like to know more about who is on their property, what is happening, and what is allowed. They also would like those messages to be conveyed to ATV riders to eliminate confusion and unintentional property damage/misuse. ATVers concur that non club members are often left out of the communication loop and are less likely to follow rules and courtesies important to land owners. But the most widely held opinion in the public comments was a desire for more widely available (potentially online) ATV safety education/PSAs.

”

If there are statewide regulations pertaining to ATV size, weight, etc., it would be easier to send a consistent message to the public. Social media is the most effective mechanism to get the message out.

”

Respect land owners rights and stay on designated trails are the two top educational requirements.

”

The more the better. Show the public how much fun it can be. How it is family friendly.

”

There should be more safety courses offered throughout the year.

”

The non-riding public has an economic stake in the OHRV

sport, as it has the potential to bring in lots of revenue ... beyond that, the general public has no interest. So don't waste any time or money promoting outside the economic theme.

”

There might even be a mandatory education website (one that cannot be clicked through w/o correct answers applied) prior to the issuance of registrations. It may make a number of riders unhappy but if they have to sign off on it, they cannot say the education was not given.

”

It should start at the dealership level. Dealers have a vested interest in safe, responsible operators.

”

Have websites with information that the general public can understand.

RECOMMENDATION:

Develop a collaborative communications campaign that aligns MDIFW, ACF, and snowmobile/ATV/motorcycle clubs.

RATIONALE

For the purpose of helping riders and landowners understand the rules of the trails, including the changes proposed in this report, MDIFW, ACF, and Maine's snowmobile, ATV, and motorcycle clubs each have unique capabilities and access to key audience groups. By combining their strengths and aligning their messages, these organizations can make an impact larger than the sum of their parts.

MDIFW's Information & Education division has the ability to reach many landowners (through the landowner relations program), new riders (through safety courses), and ATV owners (annually, through registration). The Department is also able to segment its email and social media audiences to target individuals with very specific geographic locations, interests, and demographics. The efficient marketing processes that MDIFW already has in place are a great resource for this program as a whole, and should be leveraged.

ACF's Off-road Vehicle division has an even more extensive database of landowners, and is in touch with them more frequently regarding the ATV trail system. This group also has extensive technical knowledge and is the go-to resource for trail construction, maintenance, and mapping.

Maine's ATV, snowmobile, and motorcycle clubs have the most captive user audiences and they are the closest to the trails. Emails and word-of-mouth communications from the clubs carry a level of authority and credibility among riders that cannot be understated.

The task force recommends a campaign that strikes the same balanced tone found in this report, is organized/designed by the marketing team at MDIFW, includes content developed jointly with ACF, and is distributed broadly by the aforementioned agencies and on a grassroots level (in person at events and via email, social media, text, etc.) by Maine's ATV, snowmobile, and motorcycle clubs. And all of this needs to happen more frequently than it does now, especially the landowner communications. Through such a coordinated effort, we can vastly reduce the confusion riders and landowners experience today.

NEXT STEPS

- Convene stakeholders at MDIFW, ACF, and the Clubs, perhaps via ATV Maine to set campaign strategy (MDIFW staff to draft proposal ahead of time for a productive meeting) and budget.
- Combine MDIFW and ACF landowner contact information to create a comprehensive email database.
- Coordinate MDIFW, ACF, and club email messaging.
- Provide clubs with understandable language and supporting materials that they can use to explain any rule changes, legislation, etc. affecting riders. (via email, social media, in person, etc.).
- Train clubs on social media use, including guidelines/best practices for potentially controversial issues.
- Build an editorial calendar with posts and emails that all groups can send out at the same time (mud season reminder, trail opening day, landowner appreciation day, etc.), and support key messages with targeted Google and Facebook/Instagram ads.
- Establish a single point of contact and central database for the most up-to-date materials.
- At registration, provide ATV riders with information on clubs in their area and why it is important to join.

OBJECTIVE #5:

Discuss how size, width, weight, and/or value should factor in to ATV registrations.

BACKGROUND

When redefining the types of ATVs allowable on Maine's state-supported trails, it also becomes necessary to decide how these changes will factor in to the registration/stickering process.

Currently, state trail maintenance is a user-pay system, funded by ATV registrations. All ATVs cost the same amount to register and are issued the same registration sticker. Registration revenues fund the Department of Agriculture, Conservation, and Forestry's ATV program (which includes state trail maintenance and local ATV clubs' maintenance stipends), the Department of Inland Fisheries & Wildlife's safety program, and administration.

The simplicity of the current system makes it easy for agents to administer and issue stickers, and also makes it easy for law enforcement officers to confirm proper registration.

But by disallowing certain ATVs on state-maintained trails, the fairness of a user-pay registration is called into question (should oversized ATV owners be required to pay a fee that funds trails they are not allowed to use?).

ISSUES

- Private landowner concern of growing size of ATVs (side by sides)
- Some feeling that current single fee registration is not adequate to support the ATV state trail system and be fair to all riders
- More funding is needed to support state ATV trail network

POINTS OF DISCUSSION

- Should ATV registrations be divided into sub-categories (as an administrative function, not a new sticker type) to help MDIFW understand which types of ATVs are going to be out on trails in any given year, and to give landowners a heads up?
- Should ATVs wider or heavier than the state trail limit be required to get a different sticker? Or no sticker at all?

PUBLIC INPUT

”

Already overtaxed/overpriced.
One standard flat fee.

”

I think registration is good just as it is. The state has a habit of increasing fees for anything the people can actually afford and enjoy... No need for more fees, thank you.

”

Current ATV registration methods are currently simple and should remain this way.

”

Like on our highways the larger and heavier vehicles [should] pay more.

”

All ATVs should be registered the same way. Operators of more expensive machines shouldn't be penalized because they chose to buy a quality piece of equipment. Little junkers can do as much damage to the trails if operated inappropriately.

”

It should be a flat fee like it is now. Everyone who uses the trails should pay the same amount.

Summary of Public Comments

Most people were strongly in favor of maintaining a simple, flat registration fee across the board, though some felt that heavier vehicles should pay more.

”

Registration should not be different based on size or value - it should be based on trail upkeep cost.

”

Keep it simple.

”

The fees are too high for the service provided. The trail system in southern ME is nearly nonexistent, I live in a rural area, and still have to trailer a good distance to get to any legal riding areas. I do not get much value from my registration fee.

”

If equal riding and trail accessibility is provided to all ATVs and bikes then everyone should pay the same.

”

Registration is high enough as it is. Stop with the new fees!

”

Size, width, and weight should be limited. Most large UTVs with aftermarket parts are almost the size of a Jeep now. Valuation for registration is best done as a base fee for all ATVs, paying the same and spreading out the cost.

”

The current system appears to work well. I am concerned about possible exclusion of dirt bikes from the system, as that is one of my primary forms of access.

”

Keep it simple and don't discriminate. One trail, one cost.

”

Larger machines do not necessarily do more damage to the trail than a quad. A blanket increase in registrations would be more effective.

RECOMMENDATIONS:

1. Maintain a simple user-pay registration system with one sticker type and price.

RATIONALE

The task force understands and supports keeping the ATV registration system simple and fair for the benefit of riders and administrators. Maine currently has one sticker type for all ATVs for both resident and non-resident registrations, with different fees for non-residents. The task force debated a tiered system based on size and/or value and could not accept the administrative complexity it would create. Plus, there was clear public support to keep the current system of one fee for all machine types. The task force did accept the recommendation of establishing an “Antique ATV” registration similar to the current antique snowmobile. The task force also debated the issue of dirt bikes continuing to be included in the current definition of an ATV, and determined that a change in the current ATV landowner permission law would satisfy landowners’ concerns around allowing motorcycles on state-funded trails on their property.

NEXT STEPS

- Keep the ATV registration system fair and simple for riders and administrators.
- Maintain a user-pay system to fund ATV programs/trail maintenance.

2. Amend the current ATV landowner permission law to give landowners the ability to restrict the types of ATVs allowed on trails on their property.

RATIONALE

The task force deliberated over numerous emails, questionnaire comments, and in-person comments from the public regarding the use of dirt bikes/motorcycles on state-funded ATV trails and private property in general. By not excluding dirt bikes from the definition of an ATV, landowners were concerned that they would lose the ability to determine what types of ATVs were on their property. Landowners were specifically concerned about the ability for dirt bikes to go off the state trail system on to areas of their property where they were not welcomed. The current landowner permission law has a presumption of permission for a rider if the trail is a designated a “state approved” ATV trail. The task force agreed that amending the current landowner permission law would allow landowners to determine the types of ATVs allowed on their property.

NEXT STEPS

- Draft amended language to 12 MRS § 13157-A (1-A) Permission Required.

3. Create an antique ATV definition and registration fee structure.

RATIONALE

During task force deliberations on the tiered registration for ATVs, it was determined that establishing an antique ATV registration would be a positive recommendation to allow older ATVs that may not get a lot of use a one-time registration fee. The group agreed to use the same age standard as a snowmobile (25 years) and would accept the use of an antique ATV on state-funded ATV trails, which is different than the operating standard for antique snowmobiles.

NEXT STEPS

- Draft new language to create an antique ATV registration fee.

OBJECTIVE #6:

Determine whether there is adequate funding for oversight, construction, and maintenance of the Maine ATV trail network.

BACKGROUND

The 2003 ATV task force set a goal to expand Maine's 2,000 miles of trails to 7,000 to accommodate a growing number of riders in the state. We're now 86% there at 6,015 miles of trails. But as trail mileage has grown, the funding to maintain trails has not kept up with inflation, not factoring in the cost of keeping trails at a higher standard. As a result, many of Maine's ATV trails have deferred maintenance, and landowners are concerned with disrespect, abuse of their property, and liability from environmental damage.

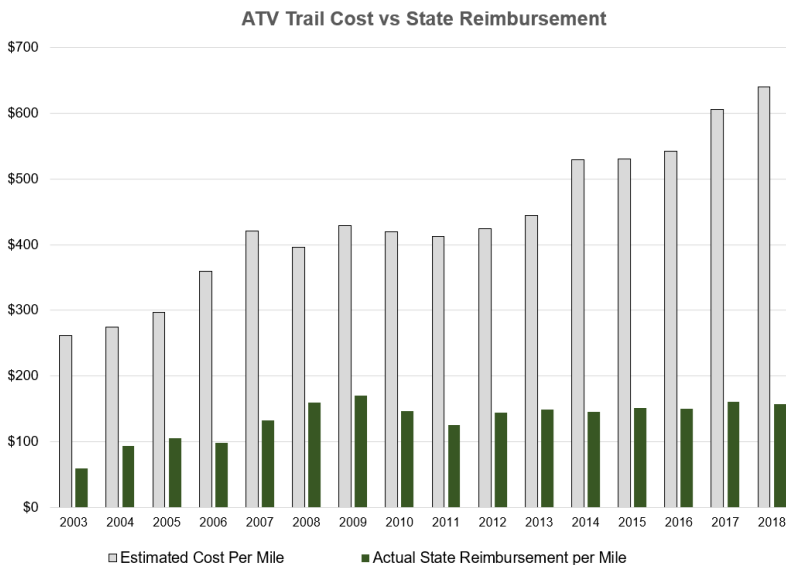
The task force heard numerous public comments related to Maine being an ATV riding destination. ATV riding in Maine by non-residents has grown significantly over the past 15 years, and many towns in rural Maine receive a considerable economic boost to their local businesses by catering to both resident and non-resident ATV riders. To keep this economic engine going, we will need to support the current number of trails in keeping with the BMPs set forth earlier in this report. And to do that, there will need to be an increase in funding.

ISSUES

- Funding sources are limited (current portion of registration and portion of state gas tax).
- Without more maintenance funding, trail mileage will likely have to be reduced.
- An increase in the registration fee would need widespread ATV rider support.

POINTS OF DISCUSSION

- Whether the current funding distribution between MDIFW and ACF is appropriate
- Whether the current ATV grant program for clubs and municipalities is appropriate
- How to factor in the value of club contributions: volunteer hours, fundraising, etc.
- How many miles of trail can be properly maintained to the BMP standards using current funding against variable funding increase models
- Whether ATV riders would support a big increase if it meant trails would be maintained and they wouldn't lose mileage



This chart compares the estimated per-mile construction and maintenance cost to the actual per-mile state reimbursement of the state-funded ATV trail system. The annual maintenance gap has grown since 2003, creating a degraded quality of trails and raising concerns among landowners and riders. The estimated cost per mile and state reimbursement per mile are from state data and supported by the task force members.

PUBLIC INPUT

”

I think ATV riders should bear the costs, in the form of registration fees. Businesses and communities that reap ATV-related income should give some back to the clubs as an investment in future growth.

”

The better you make the trail system, the more it will get used, and the more people it will bring to the state.

”

As the State implemented this past year, I think funding through registration is a great idea and I'm sure further study and costs need to be assessed. Creating a trail system with specific construction and maintenance standards similar to the ITS system would improve the overall rider experience I believe and increase tourism. It is very helpful having state representation, support, and co-ordination especially with large landowners. Being in northwestern Maine, we have seen a great increase in ATV tourism which has provided a significant economic boost in a time that was once considered off-season.

Summary of Public Comments

While some people spoke out against any increase in fees, most felt that trails needed to be better-funded, and primarily by ATV riders, with revenue from registration, gas tax, a trail pass system, and/or in-kind contributions in the form of volunteer maintenance work.

”

People that wish to use should fund, not those that simply own an ATV. I own an ATV and UTV, use them on my own property, and never have been on an ATV trail available to the public.

”

Based on some of the trail conditions I've seen, trails are underfunded and there needs to be a better funding mechanism paid for by the users to support the trail system.

”

I think funding for oversight and construction materials should be paid by Registration. Maintenance and building should be completed by area clubs.

”

Build it and they will come. The trails could be self supported by registration fees.

”

I think the way it works now is fine.

”

Stuff needs to be paid for. I think users are willing to pay reasonable fees to have both access and good quality trails and facilities. If you can buy a bike or an ATV, you can afford to contribute to quality facilities.

”

I think much is done now with private clubs assisting in fund raising and trail maintenance as well as the state through registrations. Use permits beyond registrations could be sold as well (1 day, etc.).

”

Funding for the trail system is very important, without continued funded the trail system and clubs would suffer and the whole industry would also suffer including the business that provide services.

”

Increase registration cost, don't build a system that is unsustainable on its own.

RECOMMENDATIONS:

1. Raise fees across all ATVs equally having a differential for residents and non-residents, directing entire increase to trail funding.

RATIONALE

The task force accepts the current “user-pay” system as the most appropriate method to support state-funded ATV trails in Maine. Since increases in the registration fee have not kept pace with inflation, the task force recognizes that a substantial increase is necessary to maintain the current trail infrastructure to BMP standards. The task force heard from landowners that deferred and substandard trail maintenance is not going to be tolerated; and ATV riders do not want to have existing trails closed and prefer a registration fee that is the same for all riders. The task force finds that to support both landowners and ATV riders, an increase in fees is needed.

NEXT STEPS

- Maintain a user-pay system to fund ATV programs/trail maintenance.
- Present models of registration increase related to existing state-funded trail miles.

Registration Fee Increase Options

	MAINE RESIDENT REGISTRATION		NON-RESIDENT REGISTRATION		IMPACT ON MILEAGE
	FEE	\$ TO TRAIL FUND	FEE	\$ TO TRAIL FUND	
OPTION 1	\$45 (+\$0)	\$26.42	\$90 (+\$0)	\$43.92	Closure of ~3,000 miles of existing ATV trail. Loss of trail connectivity and potentially negative rural economic impacts.
OPTION 2	\$60 (+\$15)	\$41.42	\$120 (+\$30)	\$73.92	Closure of ~1,300 miles of existing ATV trail, maintaining connectivity and minimizing rural impact.
OPTION 3	\$74 (+\$29)	\$55.42	\$134 (+\$44)	\$87.92	Full funding to keep all current ATV trail mileage (6,015 miles), but would not fund additional trail expansion.

2. Determine mileage of state-funded trails by having adequate funding to maintain them.

RATIONALE

It is imperative to have adequate funding to properly maintain all state-funded ATV trails. It will be important to determine if the current state trail system is appropriate, given that funding at the highest level is a challenge.

NEXT STEPS

- Assess current state-funded ATV trail system to determine whether current trail locations and destinations are appropriate for state funding.

3. Secure Federal matching funding for ATV trails on state-owned land.

RATIONALE

Federal matching funds are available from the Land and Water Grant process, but only for state-owned property. This funding could cut the cost of maintaining the current 727 miles of trails on state-owned land in half, with the savings passed on to trails on privately-owned land.

NEXT STEPS

- ATV program staff will continue to work with the Federal Land and Water Grant process.

4. Systematically review registration fees to ensure that trail funds can always cover trail mileage.

RATIONALE

The task force feels that a systematic review of ATV registration fees is necessary to avoid the deferred maintenance and private landowner concerns currently facing the state ATV program.

NEXT STEPS

- Establish in law a mandatory review schedule for ATV registration fees.

ITEMS FOR FURTHER CONSIDERATION

The current registration of 70,000+ ATVs and projected growth of the industry has led to many discussions amongst the ATV task force members. The following topics are of importance to the task force and were recognized as needing further discussion as part of this final report.

1. Use of ATVs on discontinued/abandoned town roads (a public easement debate)

The ongoing issues regarding rights-of-way or public easements on discontinued and/or abandoned town roads have been discussed at all levels of government. Historically, these roads have been used as trail systems for both snowmobiles and ATVs under a presumed provision of public access, when the actual legality of public access is unclear. Without clear definitions or determination of who has such rights over these roadways, and no direction from a governmental body as to whether it has been properly discontinued or abandoned, conflicts ensue between the underlying landowner and those who wish to use the roadway. This is a statewide problem that needs to be addressed. The task force recognized this issue as being important to resolve, but the complexity and timing did not allow that to happen within our meetings. In the meantime, in a spirit of cooperation, the task force does not recommend exercising a perceived right of way by ATVs when this issue is still up for debate.

2. Operating an ATV on a public way (towns opening all roads, and rights of way on state-funded roads)

Maine Revised Statute Title 12 section 13157-A subsection 6-H gives authority to local governing bodies to open their roads to ATV use (ATV Access Routes). The initial law was enacted in 1999 based on a need for ATV riders to access services. It allows for easy passage to and from town with people contributing to local businesses, and many local communities have since come to rely on the economic benefits of such ATV activity. On state roads, however, MDOT has raised concerns that we can expect some towns to eventually raise as well. These include the speed differential of motor vehicle traffic vs. ATV (particularly on roadways with posted speeds of 45+ mph), damage to non-paved shoulders, and trail planning/location (MDOT prefers trails off the roadway but within the right of way, such as on the back slope of a road ditch). We must weigh the pros and cons of such use on state and local roads, because without clear guidelines, expectations, and enforcement, we may be putting the public in harm's way and placing unintentional burden upon law enforcement and community members who do not agree with such open unregulated use.

3. Use of ATV trails by other persons (permissive use)

The task force discussed whether ATV or snowmobile trails should be considered multi-use and open to the public because of state funding, even though most of the trails are on private lands. There has been conflict with other user groups, such as mountain bike riders and horseback riders, that were under the impression that these trails were open to the public. It was the position of landowners that these trails are granted permission for specific users, not for the general public. This topic was set aside for further discussion.

4. ATV parks (sport riding areas – gravel pits)

Maine has a unique opportunity to market a quality ATV riding experience. There are many who want the destination trail riding experience, but many others who just want a place to ride legally and locally. The ATV park concept fits a certain niche for the individual that just wants to play on his/her ATV. A notable example and success story is Summerhaven in Augusta, a local gravel pit with jumps and pit walls where the thrill-seeking ATV enthusiast can ride. Such areas can play a key role and are usually open year-round. The task force did not have adequate time to discuss state funding of such riding areas, but recognized the potential opportunity.

2019 TASK FORCE ROSTER

This task force consisted of a chair and 14 volunteer members, each appointed by the Governor. The group was carefully chosen, per the executive order, to include two representatives of large forest landowners and one representative each of: a statewide forest products organization, statewide small family woodlot organization, large farmland owner, statewide farming organization, utility corridor right-of-way owner, land trust organization, statewide ATV organization, combination ATV/snowmobile club, Maine ATV dealer, and a statewide snowmobile organization, as well as representatives from the Department of Agriculture, Conservation and Forestry (ACF) ATV program, and the MDIFW landowner relations program.













POSITION	NAME	ORGANIZATION	EMAIL
Chair	Timothy Peabody	Maine Dept. of Inland Fisheries and Wildlife	Timothy.E.Peabody@maine.gov
Large Forest Landowner / Co-Chair	John Bryant	American Forest Management	johnbryant901@gmail.com
Large Forest Landowner	Matt Stedman	Irving Woodlands	stedman.matt@jdirving.com
Statewide Forest Products Organization	Kyle Burdick	Maine Forest Products Council - Baskehegan Company	kyle@baskahegan.com
Statewide Small Woodlot Organization	Tom Doak	Maine Woodlands Owners	tom@mainewoodlandowners.org
Large Farmland Owner	Jim Sinclair	R.T. Allen & Sons	jsatvtf@gmail.com
Statewide Farming Organization	Julie Ann Smith	Maine Farm Bureau	julie@mainefarmbureau.com
Utility Corridor Owner	Brian Berube	Central Maine Power	brian.berube@avangrid.com
Land Trust Organization	David Montague	Downeast Lakes Land Trust	dmontague@downeastlakes.org
Statewide ATV Organization	Dick Howlett	ATV Maine	northernvp@atvmaine.org
Combination ATV/ Snowmobile Club	David Jones	Jackman Border Riders Club	jackpowr@myfairpoint.net
Maine ATV Dealer	Ian Bourgoin	Fort Kent Powersports	ianbourgoin@gmail.com
Statewide Snowmobile Organization	Bob Meyers	Maine Snowmobile Association	snowjob@mesnow.com
Supervisor, Off-Road Recreational Vehicle Program	Brian Bronson	Maine Dept. of Agriculture, Conservation and Forestry	Brian.N.Bronson@maine.gov
Corporal - Landowner Relations	David Chabot	MDIFW	dave.chabot@maine.gov

STATUS OF PRIOR RECOMMENDATIONS

A comprehensive review of the major 2003-2006 recommendations and their status as of 2019 appears below:

2003/2006 RECOMMENDATION	STATUS AS OF DECEMBER 2019
Amend law to require written landowner permission to use ATVs on private land, unless riders are using the state trail system.	✓ Landowner permission is required
Prohibit cars, trucks, and commercial vehicles from using recreational trails except with permission	✓ Trucks, cars, etc are prohibited on ATV and snow trails
Change intentional trespass damage language so that landowners can receive triple damages	✓ Landowners can receive triple damages for land abuse
Authorize a mud season closure for ATV trails, develop a sign, and apply a substantial fine for violations	✓ The saturated soils closure law (Mud Season law) applies
Add language to prohibit ATV operation in various types of inland wetlands	✓ Laws restrict use in rivers, streams, brooks, and wetlands
Prohibit snorkel kits and other deep-water kits except at sanctioned events and with landowner's permission	✓ Snorkel kits are illegal except at sanctioned events or on your own land.
Change the sound decibal level to the 20-inch test at 96 DBA	✓ Sound levels above 96 DBA at 20-inch test are illegal
Create a brochure explaining landowners' rights, protections, and opportunities for tax relief under the state's Open Space law.	✓ MDIFW created, and has updated, a landowner brochure
Ask the legislature to create a study group to review statutes and make sure recreational access doesn't compromise landowners' rights	✓ Per study group results, landowner protections are now tighter
Create a handout for landowners with information on how to enforce ATV laws/who to call	✓ MDIFW Landowner Relations program has an ATV handout
Ask DOC to research and report back on how other states handle similar issues (by 2004)	✓ Landowner cleanups now happen as a result of this report
Coordinate law enforcement agencies, designating Maine Warden Service as the lead agency	✓ Done
Concentrate enforcement in high-traffic areas	✓ Done
Establish an ATV Enforcement Officer course as part of the Maine Criminal Justice Academy	✓ Done
Create a three-tier grant program available to all Maine law enforcement agencies	✓ Done
Require visible identification on front and rear of ATVs	✓ Done
Ensure remote ponds are identified, posted, and prosecuted by law enforcement (joint responsibility of LURC, Warden Service, and Forest Service)	✓ Done
Make destruction of signage an abuse of another person's property as defined in Title 12, section 22-B	✓ Done

2003/2006 RECOMMENDATION	STATUS AS OF DECEMBER 2019
Prohibit children under 10 years old from operating an ATV except under certain circumstances	✔ Done
Give high priority to connecting trails	✔ Done
Authorize 5 regional part-time employees for DOC's off-road vehicle division to develop clubs, trails, and landowner relationships	✔ Done
Add language to the recreational management fund enabling the purchase or lease of real estate or acquisition of easements	✔ The fund may now be used to acquire land for sport riding facilities
Commission an ATV economic impact study from the Margaret Chase Smith Center for Public Policy	✔ Yes, it showed an annual impact of \$200 million. And a 2012 study put the impact at \$754 million.
Dedicate part of the ATV registration fee to safety	✔ Done
Require ATV safety training for riders up to age 18, and possibly up to age 24 over time, and require parents to attend with children under age 15	✔ Done
Require brake lights on all ATVs	✔ Done
Strongly recommend helmets for all riders	✔ Done
Make safety training mandatory for all major offenders	✔ Done
Give the MDIFW Commissioner the authority to revoke the ATV safety certificate of riders who violate other laws, forcing them to take an ethics course	✔ Done
Increase public awareness of ATV laws and safety through a statewide campaign that includes brochures and messaging distributed directly to likely ATVers through clubs, dealers, schools, and other strategic partners as well as a series of statewide radio, TV, and print ads	✔ The ATV program has put out several brochures, PSAs, and an annual map
Raise the liability insurance required by the state ATV program to \$2 million	✘ State ATV insurance requirement is capped at \$500,000
Require liability insurance for ATVs	✘ Did not pass in the legislature
Establish a damage mitigation fund for instances where riders who have caused damage cannot be located or prosecuted	✘ This was not funded, but volunteer efforts exist
Develop and authorize Mobile Strike Forces	✘ No
Give all game wardens access to 4-wheel ATVs, and keep two at each regional Warden Service office for use by county and local law enforcement as needed	✘ No
Recommend a no-chase policy for law enforcement officers on ATVs and set failure to stop fine at \$1,000/a Class C crime	✘ No
Make ATV violations count as points on a driver's license and make an ATV OUI part of the driver's motor vehicle record	✘ No

2003/2006 RECOMMENDATION	STATUS AS OF DECEMBER 2019
Make the minimum age consistent for all recreational vehicles	 No
Establish self-reporting accident forms for minor personal injuries	 No
Distribute ATV revenues in the same way snowmobile revenues are distributed	 No, lesser percentages of ATV registration and gas tax revenue goes to trails than snowmobile
Encourage ATV club membership by offering a registration discount for club members	 No, this was attempted but rejected by the legislature and AG.
Promote the benefits and drum up funding for multi-use trails	 ..but we now have hundreds of miles of multi-use trails including 310 miles of rail trails
Work with Maine's congressional delegation to change federal laws prohibiting federal transportation funds from being used on multi-use trails with ATVs	 Some federal funds still restrict trails with ATV use, but RTP and Land & Water Funds allow them.
Train ATV club members to conduct safety checkpoints (Warden Service and ATV Safety Institute responsibility)	 No
Increase trail mileage from 2,000 to 7,000	 86% there
Ask the legislature to clarify the definition of all-terrain vehicles, consider how to resolve damage from other off-road vehicles such as sport bikes, and decide whether other off-road vehicles should contribute to trail construction and maintenance through an off-road sticker	 Unresolved. Brought to the legislature (2019) and referred to this task force.
Dedicate MDIFW ATV gas tax funds and violation fines to the enforcement grant program and the damage mitigation fund	 Partially
Get soil & water conservation districts, organizations, and state agencies to help with trail construction and maintenance	 Partially. They helped develop the ATV Trail BMP book and have helped with contractor training.
Offer adults the option of taking an at-home or online safety course	 Partially
Make an annual 2 or 3-hour refresher safety course available through ATV clubs	 Partially
Use actual ATVs in ATV training courses	 Partially