

10/24/19 ATV Task Force Meeting Summary

Discussion of Public Comment Results

- Kathryn Yates from IFW presented a summary of public comments related to landowners who do not allow ATVs/UTV's or dirt bikes on their property. From that group, misuse of property was the biggest complaint. These landowners also indicated they do not see any activity (education, outreach, enforcement) concerning the use of ATVs on private land.

Comment: Many Task Force members agreed that the public's "lack of knowledge" on how ATV funds are distributed, education/outreach, and enforcement is an issue that needs to be addressed. (Executive Order Objective # 4) requires an outreach plan.

- This landowner group was also concerned about their responsibility for environmental damage. Follow-up is needed regarding landowner liability for environmental damage caused by ATVs on their property.
- Task Force requested a further look into the public comment focusing on ATV/UTV/Dirt bike riders who ride a lot but who do not own land. How do they feel about their use of private land?
- Task Force also requested an analysis of the public comment data focusing on the top overall themes that come from all the public comment responses.

ATV Registration Discussion

- Bill Swan, IFW Licensing Director briefed the Task Force on issues associated with registering ATV's. He encouraged the Task Force to keep the process simple for the public and the overall administration of the process, his analysis of public comments results related to registration, indicated that many people liked it the way that it is now, (one fee, all vehicles, one sticker)
- Bill Swan stated if you want to have a tiered registration system, continue to use one sticker and have the fee difference at the point of sale. He gave the example of (3) fees; ATV (quad) UTV (side by side), and dirt bike. This will continue as part of the funding discussion.

Comment: If everyone wants to see better trails, more trails, better maintenance, we will need more funding, perhaps a higher registration for UTVs/side by sides.

- As part of the registration discussion, the definition of any ATV was debated, should we have an overall definition of Off Highway Recreational Vehicle (OHRV) like a number of other states do? It was brought up that snowmobiles are included in the definition of OHRV in New Hampshire. It was agreed that we could look into this further and we should proceed cautiously as a lot of the current law is based on the separation of the types of recreational vehicles in Maine.
- There was some discussion on track systems on ATVs that are currently dual registered as an ATV and snowmobile, more discussion is needed.

Comment: Concern about membership within ATV clubs, could the registration be tied to a person's membership within an ATV club? We need to find a way to boost club membership.

- Discussed a registration standard based on value of the machine; it was determined that using value of machine as a consideration for registration, would make it complicated. Point was made that Maine is not a title state for ATVs, again making it more complicated.
- Task Force support for having potentially (3) broad categories for registrations.

Comment (2) members: Categories would allow landowners to have a preference on type of machines they allow on their land; needs to be easily explainable to the general public (riders).

Comment: Question raised: is it a “use” definition or a registration definition, (referring to the potential for (3) classes of ATVs).

Comment: Concern over registration and allowing a maximum width of 65 inches on trails. This needs to be clarified.

Comment: We need to further consider the OHRV discussion, keeping snowmobiles out of the definition of OHRV.

- Task Force needs to further define whether ATVs over 65 inches wide will require registration.

ATV Trails on Roadways

- Continued discussion from 10/3/19 meeting related to ATV use on public roadways; Dave Chabot gave an overview of current laws related to ATV use on roadway, including the ATV Access Route law in 12 MRS § 13157-A (H).

Comment: If it’s a public easement you would need landowner permission for ATV use.

Comment: The Office of Policy and Legal Analysis (OPLA) has a guidance document on public easements and public ways that would be helpful to the Task Force.

Compliance of ATV Trail Construction and Maintenance Standards

- Brian Bronson mentioned the potential for state forest rangers to inspect ATV trails for compliance related to construction and maintenance standards; Brian will follow-up with administrative staff from the Maine Forest Service for the next meeting.

Comment: Concern over conflict of interest with foresters who enforce other compliance standards with landowners.

Comment: Question on difference between law enforcement rangers and non-enforcement foresters? This will be clarified with administrative staff at Maine Forest Service.

- Discussed possibility of ATV clubs providing the inspections, concern about consistency across the state using club volunteers, not a lot of support to further this discussion.

- Task Force in overall support but need to further discuss the use of a third-party inspector, factoring in the use of technology (go-pro cameras etc).

Comment: There should be a timely trail audit, potentially a set of rules that an independent third party could inspect.

- Discussed drafting a process for trail inspection for the next meeting. John Bryant agreed to draft a process for discussion.
- Frequency for inspection was debated, once a year? Every two years? Some consensus on more frequent inspections in the beginning, then work with landowners to establish frequency of follow-up inspections, especially in problem areas.

Comment: Land trusts often inspect easements on an annual basis.

Comment: This fits the previous comments on landowners seeing things related to ATV use happening on their land.

- Discussed club members role in trail construction and maintenance; some landowners only allow volunteers to do certain tasks, usually outlined in a land use agreement. Guidelines for qualifications to do trail work will have to be developed.

Comment: Some ATV club members have been through DEP training and certification for erosion control and carry liability insurance; some ATV club members are excavation contractors and it would be appropriate for them to do construction and maintenance on trails.

Comment: DEP could provide a list of certified contractors.

Comment: CMP has a high safety bar for working on their property and would be concerned about minimum standards.

- Task Force will need follow-up discussion on how many miles of quality ATV trails are needed in the state. The 2003 ATV Task Force Report suggests 7,000 miles.

Public Comment:

- John Raymond, Vice President ATV Maine, advocated for mandatory ATV education; mandatory membership to ATV clubs; suggested looking at grant funding for trails from the Federal Recreational Trail Grant Program; some ATV clubs struggle with the match portion of trail grants.
- David Glick (Sp) public attendee, recommended a risk-based approach to inspecting trails, higher risk terrain for environmental damage would have more frequent inspections. Suggested having a registration discount if you belong to an ATV club and work on trails or fundraisers to encourage membership; Suggested community service (working on trails) for violators of ATV law; also suggested mandatory education and it could be through an online course.

- Chris Fife, Weyerhaeuser Corporation; Communication is important between landowners, the ATV community and the state; Weyerhaeuser has an open access policy in Maine and ATV use has caused challenges to open access. Weyerhaeuser closes trails for safety issues and environmental concerns. Would like to see more positive messages coming from the ATV riders when a landowner has to close a trail for safety or other concerns. Would also like to revisit landowner liability laws on environmental damage done on private land.
- Dave Stohl (Sp), public attendee, advocate for dirt/trail bikes, he and others ride responsibly “do not tear things up” causing minimal damage, appreciate the opportunity provided by private landowners.
- Steve Salisbury, representing the American Motorcyclist Association (AMA) provided background on the focus of the AMA and wanted to speak in support of “off highway motorcycle riders”. He was more familiar with communicating with riders appropriately using public lands, but fully understood the concerns of private landowners in Maine. He offered information on the “Tread Lightly Program” to encourage riding appropriately to minimize damage to land; mentioned national issue of off highway vehicles operating on the highway; he felt that motorcycles did not have enough or any representation on the Task Force and was concerned about that; keeping motorcycles off the ATV trails would increase the problem of “off trail riding”; he and the AMA are willing to work and educate the Task Force and riders; will provide follow-up information to the Task Force.

Next Meeting: November 7, 2019, Inland Fisheries and Wildlife Office, 650 State Street, Bangor, Maine