Maine Forest Products Council

The voice of Maine's forest economy

Testimony in Opposition to LD 557

An Act to Allow All-terrain Vehicles to be Used on a Public Way

Thursday, March 27

Patrick Strauch, Executive Director

Good afternoon, Senator Nangle, Representative Crafts and distinguished members of the Select Committee on Transportation. My name is Patrick Strauch, I reside in Exeter, Maine and I am the Executive Director of the Maine Forest Products Council. We represent the broad spectrum of the forest industry from loggers, manufacturers and over 8 million acres of commercial forestland in Maine.

LD 557 allows the operation of an all-terrain vehicle (ATV) on a **public way** as long as the ATV is registered and meets specified safety equipment requirements, and the operator is licensed and has insurance. The Council opposes this legislation because the difference between a public way and a private way is not easily understood by the public.

Current Title 29-A §101 Definitions:

> ***59. Public way.*** *"Public way" means a way, owned and maintained by the State, a county or a municipality, over which the general public has a right to pass.*
>
> ***58. Private way.*** *"Private way" means a way privately owned and maintained over which the owner may restrict use or passage and includes a discontinued way even if a public recreation easement has been reserved.*

MFPC large landowners have thousands of miles of private roads throughout western, northern and eastern Maine. It will be difficult for the recreational ATV users to differentiate between private and public roads without extensive management efforts by the landowners.
In general, some landowners are tolerant of ATV use if they stay on designated State maintained trails and are registered through IF&W to ensure size and weight restrictions. State agencies and local ATV clubs manage these trails and the riders who use them, reducing the need for private landowner management. Some landowners do not allow ATV access for environmental, road maintenance and safety reasons (e.g., the North Maine Woods region).
We think the average ATV user that receives a DOT registration will assume they can travel on any private road currently accessible to DOT registered automobiles. The result will be

uncontrolled access by ATVs into regions where enforcement will be limited and working forest logging traffic will be in conflict with scattered ATV drivers. Landowners who are adamant about ATV restrictions would then close all access to ATVs.

By allowing ATVs to be registered by DOT, there will be a significant increase in traffic on private roads. Policing this uncontrolled activity will fall to landowners because the capacity of IFW, DCAF and well-intentioned volunteer ATV clubs will be exceeded. Commercial landowners do not want to be in the ATV management business and riding opportunities for ATVs who are dependent on private landowner access will be diminished.

We urge the committee to vote ‘ought not to pass’ on LD 557.