

MAINE STATE LEGISLATURE

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L.D. 1766

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-608)
110TH LEGISLATURE
SECOND REGULAR SESSION

6 COMMITTEE AMENDMENT "A" to H.P. 1776, L.D. 1766, Bill,
7 "AN ACT to Require Removal of Motor Vehicles from Great
8 Ponds, Rivers and Streams."

9 Amend the Bill by striking out everything after the
10 enacting clause and inserting in its place the following:

11 ' 17 MRSA §2267-A is enacted to read:

12 §2267-A. Submerged motor vehicles in waters of the State

13 The following provisions apply when a motor vehicle is
14 submerged or partially submerged in waters of the State.

15 1. Definition. When used in this section the term
16 "motor vehicle" means any self-propelled vehicle designed to
17 carry persons or property or used to transport persons,
18 except snowmobiles and motor boats.

19 2. Notice of submerged vehicle to be given to depart-
20 ment. The owner of any motor vehicle which becomes sub-
21 merged or partially submerged in the waters of the State,
22 shall immediately, by the fastest means of communication,
23 notify the Commissioner of Inland Fisheries and Wildlife of
24 the event and the location of the vehicle.

25 The commissioner shall, upon receiving notice of a submerged
26 or partially submerged vehicle, notify the Chief of the
27 State Police, the Commissioner of Environmental Protection
28 and any municipality or public utility which regulates the
29 uses of the waters as a source of public water supply pur-
30 suant to Title 22, sections 2641 to 2648.

31 3. Owner legally liable to remove vehicle. The owner
32 of the vehicle shall be legally liable to remove any motor
33 vehicle submerged or partially submerged in the waters of
34 the State and pay any damages resulting from the submersion
35 or removal. The vehicle shall be removed within 30 days of

1 COMMITTEE AMENDMENT "A" to H.P. 1776, L.D. 1766

2 the submersion or partial submersion or within 30 days of
3 "ice out" in the body of water unless the commissioner
4 determines that the vehicle creates a health or safety
5 hazard. If the commissioner determines that the vehicle
6 creates a health or safety hazard he shall order the owner
7 to remove the vehicle immediately. If the owner fails to
8 remove the vehicle upon order of the commissioner, the com-
9 missioner shall, in writing, request the court to direct the
10 owner to remove the vehicle immediately.

11 4. Financial responsibility. A conviction or adjudi-
12 cation of any person for a violation of this section shall
13 constitute a violation of state law relative to motor vehi-
14 cles to which Title 29, chapter 9 applies.

15 5. Penalties. A conviction or adjudication of any
16 person for a violation of this section is a civil violation
17 for which a forfeiture of \$200 may be adjudged. In addition
18 to a forfeiture, or instead of a forfeiture, the judge may
19 direct the person convicted to remove the vehicle.

20 6. Rules. The commissioner may, in accordance with
21 the provisions of the Maine Administrative Procedure Act,
22 Title 5, chapter 375, promulgate any rules necessary to
23 carry out the purposes of this chapter.

24 STATEMENT OF FACT

25 This amendment requires immediate notice to the Commis-
26 sioner of Inland Fisheries and Wildlife when a motor vehicle
27 is submerged in the waters of the State. The owner is re-
28 quired to remove the vehicle and pay damages caused by the
29 event. If convicted, the violator shall file evidence of
30 financial responsibility and be subject to a penalty.

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Reported by the Committee on Fisheries and Wildlife.
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of the House.

2/24/82

(Filing No. H-608)